

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **Certified Cargo Screening Program 1652-0053**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. (Annotate the CFR parts/sections affected).**

Section 1602 of The Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub.L. 110-53) (August 2007) (9/11 Act) requires the development of a system to screen 50 percent of cargo transported on passenger aircraft not later than February 2009, and 100 percent of such cargo no later than August 2010. TSA issued an interim final rule (IFR) on September 16, 2009, 74 FR 47672, amending part 49 of the Code of Federal Regulations (CFR) to implement this statutory requirement. The IFR amended Parts 1515, 1520, 1540, 1544, 1546, and 1548 and added Part 1549. Under the IFR, TSA certified qualified facilities as Certified Cargo Screening Facilities (CCSF) to screen cargo as part of the Certified Cargo Screening Program (CCSP). CCSFs may screen cargo off-airport and must implement measures to ensure a secure chain of custody from the point of screening to the point at which the cargo is tendered to the aircraft operator. CCSFs are required to engage TSA to assess whether a person or entity meets the standards of their security program.

In order to comply with the statutory mandate and to begin building the CCSP, TSA developed the CCSP Pilot. The CCSP Pilot allowed shippers, indirect air carriers (IACs), and other entities to participate voluntarily in a program in which TSA certified qualified entities to screen air cargo off-airport before it is tendered to air carriers for transport on passenger aircraft. TSA submitted a separate ICR and received approval for the collections of information under the pilot (see OMB number 1652-0052). The CCSP Pilot ICR has since expired and portions of its components are incorporated into this ICR, which covers the following collections from entities seeking to participate in a voluntary program to become CCSFs:

- (1) CCSF Applications.** Applications to become a CCSF.
- (2) STA Applications.** Applications from individuals that include personal information so that individuals with access to cargo may undergo Security Threat Assessments (STAs).
- (3) Recordkeeping.** Recordkeeping requirements including maintaining cargo and other security-related records.
- (4) Cargo Reporting.** Cargo reporting requirements.

These collections are continuing now that the final rule is in effect, and are identified as part of this ICR.

In this ICR, TSA is including the following information collections:

(1) **CCSF Applications.** Require initial applications, changes to information in the application, and re-application every 36 months, for any CCSF.

(2) **STA Applications.** Require the appropriate personnel at each CCSF—those authorized to perform screening functions, their supervisors, and other personnel that support these functions—to submit information so that TSA may perform STAs. This is a previously approved collection under OMB control number 1652-0040, but this ICR expands the population from which the information is collected.

(3) **Security Programs.** Require CCSFs to accept a standard security program provided by TSA or submit a proposed modified security program to the designated TSA official for approval initially and periodically thereafter as required.

(4) **Recordkeeping.** Require CCSFs to maintain records of compliance with the FR and make them available for TSA inspection (49 CFR 1549.105).

(5) **Cargo Reporting.** Require CCSFs to submit monthly cargo screening metrics.

TSA currently has two separate OMB control numbers covering various aspects of air cargo security, this collection, 1652-0053, and 1652-0040. Both collections contain unique requirements for the regulated entities they address:

- OMB number 1652-0040 governs Aircraft Operators, Foreign Air Carriers, Airport Operators, and IACs. It contains a requirement that aircraft operators, foreign air carriers, and IACs submit known shippers into the Known Shipper Management System (KSMS).
- OMB number 1652-0053 governs CCSFs. As explained herein, it contains the additional requirement that CCSFs submit a Facility Profile Application, a Security Profile and a Principal Attestation when applying to join the Certified Cargo Screening Program (CCSP).

**2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.***

**Requirements Included in This Information Collection Request (ICR):**

(1) **CCSF Applications.** Require applications for any CCSF. Under TSA final regulations, a CCSF is required to submit an application at least 90 days before the intended date of operation, the contents of which are contained in 49 CFR 1549.7. In addition, once submitted, a CCSF is required to submit any changes to the application as they occur. CCSFs must renew their certification every 36 months by submitting a new complete application. CCSF applicants are required to provide TSA access to their records, equipment, and facilities necessary for TSA to conduct an eligibility assessment. See TSA forms 419 B, D, and E (49 CFR 1549.7).

(2) **STA Applications.** TSA requires that CCSF applicants ensure that individuals performing screening and related functions, their supervisors, and people supporting these functions under the amended and new TSA regulations successfully have completed an STA conducted by TSA. In addition, the amended and new TSA regulations require CCSF Security Coordinators and their alternates to successfully have completed an STA. TSA regulations require these individuals to submit information to TSA so that TSA can perform the STAs. See TSA Form 419F, previously approved under OMB control number 1652-0040 (49 CFR 1549.11, and 1549.103).

(4) **Security Programs.** Require TSA-approved CCSFs to accept and implement a standard security program provided by TSA or submit a proposed modified security program to the designated TSA official for approval.

(5) **Recordkeeping.** Require CCSP participants to maintain records of compliance with the new and amended TSA regulations and make them available for TSA inspection (49 CFR 1549.105).

(6) **Cargo Reporting.** Require CCSFs to provide information on the amount of cargo screened and other cargo screening metrics at an approved facility. TSA requires this information in order to evaluate the performance of the CCSFs and to provide information needed for congressional reporting and future rulemaking relating to air cargo security (49 CFR 1549.105 provides that CCSFs must maintain security programs, which require them to report screening metrics). NOTE: No TSA form. TSA provides a Cargo Reporting Tool (CRT) for CCSFs to submit cargo screening data to TSA via CRT, which is available on [www.tsa.gov](http://www.tsa.gov).

3. ***Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.***

CCSF applicants have the latitude and flexibility to maintain the required information in a manner that best meets their particular needs, including maintaining the information electronically. CCSF applicants submit applications and related information required under the TSA regulations electronically either through email or through the Air Cargo Data Management System (ACDMS). TSA also accepts paper applications by mail. TSA has systems in place to serve as repositories of information on the facilities participating in the CCSP to support the application process, including the STA application and review processes. Individuals submit information required for TSA to conduct STAs via a web-based tool available on [www.tsa.gov](http://www.tsa.gov). For those respondents without the resources to submit information electronically, TSA will continue to work with entities to ensure methods are in place to submit and/or maintain the required information in a manner that best meets their needs.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.**

In lieu of an STA application, TSA may accept the following: a current Hazardous Materials Endorsement (HME) indentified in 49 CFR Part 1572 evidenced by a State-issued commercial driver's license (CDL) with hazardous materials endorsement; a current Transportation Worker Identification Credential in accordance with a final rule on Transportation Worker Identification Credential Implementation in the Maritime Sector; a current FAST card issued by the U.S. Customs and Border Protection under the Free and Secure Trade Program; a criminal history records check that included a name-based check; or, another STA determined by TSA to be comparable to the STA specified in the regulations.

- 5. If the collection of information has a significant impact on a substantial number of small businesses or other small entities (Item 5 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.**

This collection does not have a significant impact on a substantial number of small businesses or other small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The CCSP provides a process through specified orders and programs for the air cargo industry to meet the congressionally mandated requirement to screen 100% of all air cargo. TSA must create programs to ensure methods of screening 100% of air cargo remain in place. If this information collection is not conducted, the air cargo industry may not be able to screen 100% of cargo transported on aircraft without significant delays, which may have a negative effect on commerce.

- 7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).**

CCSFs are required to submit any changes to their applications as they occur, which may be more frequently than quarterly.

Under TSA regulations, for individuals required to undergo an STA (for example, an individual authorized to perform screening functions), TSA notifies the individual's employer in writing that it has served a Determination of No Security Threat, a Final Determination of Threat Assessment, or a Withdrawal of Final Determination of Threat Assessment, as applicable, to the individual. In the interest of transportation security, the employers are required to retain this notification for 180 days after the employee has separated from the company.

The following records must also be retained for 180 days after the individual is no longer employed by the CCSF or is no longer acting as the facility's agent:

(1) Records of all training and instruction given to each individual under the requirements of this subpart.

(2) Records demonstrating that each individual has complied with the STA provisions of 49 CFR 1549.111.

The following records must be retained until the next re-certification or until instructed by TSA to retain the records for a longer period, which may be longer than three years:

(1) Copies of all applications for approval, or renewal of approval, by TSA to operate as a CCSF under 49 CFR Part 1549.

(2) Copies of TSA's approval and renewals of approval as required by 49 CFR Part 1549.

Otherwise, the collection is conducted in accordance with 5 CFR 1320.5(d)(2).

- 8. Describe efforts to consult persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d) soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

TSA promulgated the regulation associated with these collections after extensive consultation with industry through its Aviation Security Advisory Committee, and with other Federal agencies, including the U.S. Department of Transportation and the U.S. Customs and Border Protection. Frequent outreach and consultation with industry trade groups and representatives continues. TSA published a 60-day notice in the Federal Register on February 24, 2012 (77 FR 11146), and published a 30-day notice on April 27, 2012 (77 FR 25187); no comments were received from either notice.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

TSA will not provide any payment or gift to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

While there are no assurances of confidentiality, information provided by individuals will be protected from disclosure to the extent appropriate under the applicable provisions of the

Freedom of Information Act and the Privacy Act of 1974. Personal data will be collected and maintained in accordance with the Privacy Act, as well as DHS's Privacy Impact Assessment Update for the Air Cargo Security Requirements, November 12, 2008

**11. Provide additional justification for any questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

TSA will not ask any questions of a sensitive or private nature.

**12. Provide estimates of hour burden of the collection of information.**

In this justification, TSA describes the expanded respondent population and then presents a summary of each of the information collections covered by this ICR.

**Table 1: 49 CFR Part 1544 Respondent and Hour Burden Summary (3 Years)**

Respondent Category	Total Unique Respondents
CCSFs	2,309
Applicants not entering CCSP	592
<b>Total Respondents</b>	<b>2,901</b>

Information Collections

TSA has identified five separate information collections under this ICR. These five collections affect an estimated total of 2,309 unique respondents, including the CCSP Pilot respondents, over the three years of the PRA analysis. Collectively, these five information collections represent an estimated average of 127,050 responses annually, for an average annual hour burden of 143,768 hours. Table 2 provides a summary of TSA's estimates for these collections. The ensuing paragraphs provide a general description of each collection and the basis for TSA's estimate.

**Table 2: 49 CFR Part 1544 Information Collection and Hour Burden Summary**

Function	Average Annual Respondents	Average Annual Responses	Time Per Response	Annual Hours	TSA Form Number	CFR Cite
<b>CCSF Applications</b>	Collected every 36 months after initial application					
One Year	967	967	2 hours	1,934	419E	49 CFR 1549.7
Three Years	2901	2901	2 hours	5802		
<b>STA Applications</b>	Collected every five years after initial application					
One Year	51,172	51,172	.25 hours	12,793	419F	49 CFR 1549.103 and 1549.111
Three Years	153,516	153,516	.25 hours	38,379		
<b>Security Programs</b>						

<u>Creations</u>	One time collection					
One Year	593	593	42 hours	24,906	N/A	49 CFR 1549.5
Three Years	1779	1779	42 hours	74,718		
<u>Updates</u>	Once annually					
One Year	1,234	1,234	4 hours	4,936	N/A	49 CFR 1549.5 and 49 CFR 1549.7
Three Years	3702	3702	4 hours	14,808		
<b>Recordkeeping</b>	Continuous as needed					
One Year	51,172	51,172	.083 hours	4,247	N/A	49 CFR 1549.105
Three Years	153,516	153,516	.083 hours	12,742		
<b>Cargo Reporting</b>	Monthly collection					
One Year	1,826	21,912	4.333 hours	94,952	N/A	49 CFR 1549.105
Three Years	5,478	65,736	4.333 hours	284,856		
<b>TOTAL for One Year</b>	<b>106,964</b>	<b>127,050</b>		<b>143,768</b>		
<b>TOTAL for Three Years</b>	<b>320,892</b>	<b>381,162</b>		<b>431,305</b>		

### CCSF Applications

Facilities seeking certification to screen cargo send TSA an application for consideration. The application requires basic profile information and supporting documentation demonstrating that the firm satisfies the specified credentials. In addition, after initial certification by TSA, certified facilities (CCSFs) are required to resubmit an application every 36 months. TSA estimated that it will receive 2,901 applications in the three-year period of analysis for an average of 967 applications annually, and that these applications will require an average of two hours each to complete, resulting in an average annual burden of 1,934 hours ( $967 \times 2$ ). TSA estimates that 75% of initial applicants will become certified CCSFs.

### STA Applications

All CCSP participants subject to 49 CFR Parts 1544, 1546, 1548, and 1549 are required to have certain employees undergo STAs. Each individual is required to complete an STA application via a web-based tool available at [www.tsa.gov](http://www.tsa.gov). The time to complete an STA application is estimated at 15 minutes per individual.

TSA estimated it will receive a total of 153,516 STA applications in three years, for an average of 51,172 applications annually. STA application requirements result in an average annual burden of approximately 12,793 hours ( $51,172 \times 0.25$ ).

### Security Programs

CCSFs incur collection burdens to create and maintain security programs. CCSFs subject to the different security programs (such as Indirect Air Carriers (IACs)) also need to submit security programs to TSA.

TSA estimated that a total of 1,779 CCSFs will create security programs over the three years of this collection period for an average of 593 security programs created annually. Each firm

devotes approximately 42 hours to create their initial security program, resulting in an annual burden of 24,906 hours (593 × 42).

CCSFs are required to maintain and update their security programs. Each firm will devote approximately four hours each annually, beginning in the second year, updating their security programs. TSA estimates 3,702 security program updates in the three years of the collection period for an average of 1,234 updates per year. The annual hour burden is 4,936 (1,234 × 4).

#### Recordkeeping

All CCSFs enrolled during the period of this PRA are required to maintain records of compliance with the new and amended TSA regulations. TSA estimated a time burden of approximately five minutes (0.083 hours) annually per employee required to have an STA for each CCSF to file the training records and other records of compliance. TSA estimated an annual burden of approximately 4,247 hours (51,172 × 0.083).

#### Cargo Reporting

TSA estimated that all enrolled CCSFs complete monthly cargo volume reports for an estimated time of 52 hours per year (4.333 hours per response). The average annual responses, based on one response per firm per month, is 21,912 (1,826 × 12). The estimated annual burden is 94,952 hours (1,826 × 52).

### ***13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.***

Currently, TSA is covering the cost for employees required to complete STAs at CCSFs. Once TSA publishes a final fee notice and that notice goes into effect 30 days later, industry will be required to bear the cost. However, until then, industry will not incur a cost burden resulting from the STA information collection.

### ***14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, and other expenses that will not have been incurred without this collection of information.***

TSA estimated the total cost to the Federal Government associated with the information collections identified in this request amount to be approximately \$1.4 million annually. Table 3 shows TSA estimated costs for information collections associated with each of these respondents. More detailed information about how TSA estimated these costs is provided below.

**Table 3: 49 CFR Part 1544 TSA Costs by Respondent to Process Information Collections**

<b>Respondent Category</b>	<b>Average Annual Responses</b>	<b>Average Annual Cost</b>	<b>Previous Annual Cost</b>	<b>Net Annual Cost</b>
Security Program Reviews	1,827	\$270,396	\$2,508,498	(\$2,238,102)
CCSF Application Review	967	\$126,986	\$0	\$126,986
STA Fees	51,172	\$699,351	\$5,323,788	(\$4,624,437)



ACDMS	N/A	\$1,736,667	\$170,186	\$1,566,481
<b>Total</b>	<b>53,966</b>	<b>\$2,833,400</b>	<b>\$8,002,472</b>	<b>(\$5,169,072)</b>

#### Security Program Reviews

49 CFR Part 1544 currently requires TSA to verify the initial security program information produced by the respondents, as well as each facility's annual update. TSA estimated an annual average of 1,827 (1,234 updated programs + 593 new programs) security programs for review in the first three years. Security program review is estimated to take an average 2.25 hours per entity requesting certification at a cost of \$65.66 per hour for a TSA employee, for a total of approximately \$148 per review. The wage is based on the average loaded hourly wage rate for an SV I/J band TSA employee. The estimated cost to TSA to verify the security programs and updates required of CCSFs is \$270,396 (1,827 × \$148) annually.

#### CCSF Application Review

Facilities seeking certification to screen cargo are required to submit an initial application to TSA and reapply every 36 months. TSA estimated an average of 967 CCSF applications annually over the three years covered by this ICR. Each application review is estimated to take 2 hours at a wage rate of \$65.66/hr. For the estimated 967 CCSF application reviews per year, the average annual cost burden to TSA is \$126,986 (967 × 2 × \$65.66).

#### STA Fees

TSA is currently bearing the cost of conducting STAs for the population of employees required to complete STAs under the Air Cargo Screening Final Rule. TSA estimates the cost to perform an STA will be between \$31 and \$51. For the purposes of this analysis, TSA has used the midpoint, \$41, to approximate the cost of STAs. TSA will issue a notice in the Federal Register announcing the final fee amount. Until the effective date of the final fee notice, TSA will bear the costs of conducting STAs. Therefore, until the fee notice goes into effect, TSA estimates an annual average of 51,172 STAs, which will result in an average annual cost burden to TSA of \$699,351 (51,172 × \$41 × (1/3)).

#### Air Cargo Data Management System (ACDMS)

TSA will continue to develop, maintain, and expand the computerized management system to govern CCSP. The development of this system began in the CCSP Pilot. This system will require the labor of two full-time equivalents (FTEs) at a loaded cost of \$85,093 per year for each FTE, assumed to be an SV G-band employee. Other personnel costs include an Independent Verification and Validation (IV&V) team estimated to cost \$400,000 per year. For the first two years of this PRA analysis, development costs would be incurred at \$1.5 million each year. In the third year, operation and maintenance costs of \$500,000 would be incurred. The average annual costs of ACDMS relevant to this ICR are estimated to be \$1,736,667 per year.

### ***15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.***

TSA revised the number of CCSFs to account for current enrollment and the types of facilities that may enroll in the future. As a result of the drop in the projected CCSF

population, there will be fewer applicants from which fixed costs of STAs can be recovered, which will thereby increase the per applicant fee. TSA will publish a notice announcing the final fee but is bearing the cost of conducting STAs until the effective date of the final fee notice. This decreased agency estimate resulted in an anticipated reduction of 590,608 responses via applications, security programs, recordkeeping and cargo reporting and 548,530 less burden hours. TSA also has eliminated the TSA-approved validation firms (TAVFs) from the CCSP in favor of continued TSA assessments. This change was made in light of a reduction in expected CCSP enrollment. This decision resulted in 7115 fewer responses and 26,184 burden hours. The combined result of these changes is a reduction of 574,714 responses and 548,530 burden hours.

***16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.***

TSA will not publish the results of this collection.

***17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display will be inappropriate.***

TSA is not seeking such approval.

***18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.***

TSA is not seeking any exceptions.