

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **AIR CARGO SECURITY REQUIREMENTS OMB 1652-0040**

- 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).***

The Aviation and Transportation Security Act of 2001 (ATSA), Public Law 107-71, 115 Stat. 597 (Nov. 19, 2001), transferred the responsibility for civil aviation security to the Transportation Security Administration (TSA). Congress set forth in ATSA two specific requirements for TSA in the area of air cargo security: (1) to provide for screening of all property, including U.S. mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft; and (2) to establish a system to screen, inspect, report, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft as soon as practicable. TSA issued a final rule that implements the ATSA requirements on May 26, 2006 (71 FR 30478). The collections established in this final rule are a central component of air cargo security. The final rule also updates the requirements of airports, aircraft operators, foreign air carriers, and indirect air carriers (IACs) currently operating under a TSA-approved security program and instituting security requirements for all-cargo carriers and the IACs servicing them as set forth in 49 CFR parts 1540, 1542, 1544, 1546, and 1548.

To satisfy the air cargo screening mandates of the The Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub.L. 110-53) (August 2007) (9/11 Act), TSA implemented screening requirements to enable cargo screening to be conducted throughout the air cargo supply chain by TSA-regulated entities including: Aircraft Operators, Foreign Air Carriers, Indirect Air Carriers (IACs), and Certified Cargo Screening Facilities (CCSFs). In doing so, TSA submitted a new Information Collection Request (ICR) for the collections associated with these requirements, which became OMB control number 1652-0053. TSA has distinguished the two control numbers below, both of which contain collections related to recordkeeping, cargo reporting, applying for a Security Threat Assessment (STA), and the development and updating of security programs. Both collections also contain unique requirements for the regulated entities they address:

- OMB control 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 control number 1652-0053 governs CCSFs. 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.**

The regulations associated with this information collection require the respondents, who are certain regulated entities, to: (1) create, implement, and update as necessary security programs, provide cargo screening data, and provide data with which to vet known shippers, that must remain on file and ready for inspection by TSA personnel; (2) accomplish security training for employees and agents who have access to secure areas and keep records of such training on file and ready for inspection; and (3) conduct background checks, which may include a criminal history records check (CHRC) and/or a security threat assessment (STA) on employees and agents who have access to secure cargo areas, who have unescorted access to cargo, and who screen cargo for certain aircraft operators, in order to ensure fitness for security responsibilities, and on sole proprietors, general partners, officers, directors, and certain owners of IACs or applicants to be TSA-certified as an IAC because these operations are a critical link to a secure cargo supply chain.

More specifically, TSA collects and retains the following information for a security threat assessment for an individual with unescorted access to cargo; each individual who is a general partner, officer or director of an IAC or an applicant to be TSA-certified as an IAC, and certain owners of an IAC or an applicant to be TSA-certified as an IAC; and an individual who has responsibility for screening cargo that will be carried on an aircraft of an aircraft operator required to screen cargo under 49 CFR parts 1544 and 1546:

1. Legal name, including first, middle, and last; any applicable suffix; and any other names used.
2. Current mailing address, including residential address if different than current mailing address, and all other residential addresses for the previous five years and email address, if applicable.
3. Date and place of birth.
4. Social Security number (although provision of one's social security number is voluntary, failure to provide a Social Security number may result in delays in processing the security threat assessment).
5. Gender.
6. Country of citizenship.
7. If the applicant is a U.S. citizen born abroad or a naturalized U.S. citizen, their U.S. passport number; or the 10-digit number from the applicant's Certificate of Birth Abroad, Form DS-1350.
8. Alien registration number, if applicable.
9. The applicant's daytime telephone number.
10. The applicant's current employer(s) and the address and telephone number of the employers.

Further, TSA will collect identifying information for a database for both companies and individuals whom IACs and aircraft operators have confirmed are qualified to ship cargo on

passenger aircraft, referred to as “known shippers.” This information is primarily collected electronically via the Known Shipper Management System (KSMS); however, in the event that a shipper cannot be entered into the KSMS a manual method to capture the shipper’s information is allowed under infrequent circumstances. The manual method is comprised of completion and retention of TSA Form 419H. IACs and aircraft operators enter information into the database. The information consists of:

- (1) Legal name, including first, middle, and last; any applicable suffix; and any other names used.
- (2) Current physical address.
- (3) Phone number.

In addition to information specified above, individuals who work for aircraft operators and who have the responsibility to screen cargo must undergo a CHRC. Collections of information needed for TSA to conduct a CHRC for individuals who work for aircraft operators and who have responsibility to screen cargo are covered under the Aircraft Operator Security Program and the Model Security Program, OMB number 1652-0003. The rule requires that the airport operator collect, control and process electronically, or recorded on fingerprint cards approved by the FBI and distributed by TSA for that purpose. The fingerprint information must be forwarded to TSA in the manner specified by TSA. TSA then transmits the fingerprints to the FBI for the CHRC. The FBI returns the results to TSA’s secure Fingerprint Results Distribution website for adjudication. The FBI will make a notation that the fingerprint record has been audited and may retain a copy of the fingerprints if the copy that TSA provided is more readable than the one on record. Finally, TSA may collect information that an individual chooses to submit in connection with an appeal of a TSA determination on an applicant’s STA.

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.***

In accordance with the Government Paperwork Elimination Act, TSA has developed systems to collect all information electronically through the Indirect Air Carrier Management Systems (IACMS), and Cargo Reporting Tools (CRT). For those respondents without the resources to submit information electronically, TSA will continue to work with them so that they can submit and/or maintain the required information in a manner that best meets their particular needs. TSA has already converted the record keeping and data collection requirements for the known shipper program from a manual to an electronic process identified as IACMS. TSA has also created a system for respondents to report screened cargo through a process identified as CRT. Each requirement for submission of information and record keeping is as prescribed in the regulated party’s security program.

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.***

No other agency requires the collection of this specific data for the purposes described in Item 2.

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 create a significant impact on a substantial number of small businesses.

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.***

If this collection was not conducted, key components of TSA's compliance with its statutory mandates and programs to secure the Nation's air cargo infrastructure would be hindered.

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).***

5 CFR 1320.5(d)(2)(I):

IACs have an obligation to submit changes in business and associated personal information within 24 hours of the change to TSA, which may occur more often than quarterly.

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, other Federal agencies including the 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 11145), and published a 30-day notice on April 24, 2012. (77 FR 24506) TSA received one comment in response to the notice and responded directly to the commenter.

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

No payments or gifts will be provided to the 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, records will be protected from disclosure to the extent required by existing laws and regulations, including the DHS/TSA system of records notice titled, DHS/TSA--002 Transportation Security Threat Assessment System of Records (75 FR 28046, May 19, 2010).

**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.**

There are no such questions.

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

TSA estimates 5,137 unique respondents to this information collection. Of these, 529 are aircraft operators and foreign air carriers and 4,608 are IACs.

TSA estimates the hour burden associated with the initial submission of security programs to be 4 hours for each of the 159 aircraft operators, foreign air carriers, and IACs for an average annual hour burden of 636 hours. TSA estimates the hour burden associated with the security program updates to be 4 hours for each of the 4,738 aircraft operators, foreign air carriers, and IACs for an average annual hour burden of 18,952 hours. TSA estimates one percent of IACs (44) will file an appeal at 5 hours per appeal for an average annual hour burden of 220 hours.

TSA estimates out of the total universe of 529, cargo reporting will be done by 142 aircraft operators and foreign air carriers because not all aircraft operators and foreign air carriers transport cargo. TSA estimates this reporting will take an estimated one hour per week (52 hours per year) for a total average annual burden of 7,384 hours.

For the STAs, based on a 15-minute estimate for each of the average 68,054 annual responses, TSA estimates that the average annual burden will be 17,014 hours.

For recordkeeping, based on a 5-minute estimate for each of the 68,054 average annual responses, TSA estimates that the total average annual burden will be 5,671 hours.

To vet shippers through KSMS, given that the IAC or aircraft operator must input only a name, address and telephone number, TSA estimates it will take 2 minutes for the 935,549 electronic submissions, for a total annual burden of 31,185 hours. Also for KSMS, TSA

estimates it will take one hour each for the 5,000 manual submissions, for a total annual burden of 5,000 hours.

The combined average annual hour burden is estimated to be 86,037 hours for an average of 1,081,741 responses.

The following table illustrates the hour burden estimates for the collections:

FUNCTION	AVERAGE ANNUAL HOURS	AVERAGE ANNUAL RESPONDENTS	AVERAGE ANNUAL RESPONSES	TIME PER RESPONSE	TSA FORM NUMBER	CFR CITE
Security Programs						
• Submissions	636	159	159	4 hours	N/A	49 CFR 1544.101,103,105
• Updates	18,951	4,738	4,738	4 hours	N/A	49 CFR 1546.101,103,105
• Appeals	220	44	44	5 hours	N/A	49 CFR 1548.5,7
Cargo Reporting	7,384	142	1,704	1 hour per week X 52weeks	N/A	49 CFR 1544.3 49 CFR 1546.3 49 CFR 1548.3
STA	17,014	68,054	68,054	15 minutes	TSA Form 419F	49 CFR 1544.228 49 CFR 1546.213 49 CFR 1548.15,16
Recordkeeping	5,671	68,054	68,054	5 minutes	N/A	49 CFR 1544.3 49 CFR 1546.3 49 CFR 1548.3
Known Shipper						
• KSMS	31,185	4,660	935,549	2 minutes	Web Based Entry	49 CFR 1544.239 49 CFR 1546.215
• Manual Method	5,000	4,660	5,000	1 hour	TSA Form 419H	49 CFR 1548.17
<b>TOTAL</b>	<b>86,061</b>		<b>1,083,302</b>			

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

TSA assumes the industry will be responsible for paying a fee for each STA of \$41 for the three years in the collection period. The average annual cost to the industry for STA fees is \$2,790,233 (68,054 x \$41).

**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 would not have been incurred without this collection of information.**

The average annual cost to the government for conducting this collection of information is \$8,657,186. This total is comprised of several components. First, the average annual cost of \$24,631 to review new security programs by a TSA Principal Security Inspector is calculated by taking the loaded average hourly wage rate of \$68.85 at two hours and fifteen minutes multiplied by the 159 annual average new program submissions. The average annual cost of \$733,924 to review updated security programs by a TSA Principal Security Inspector is calculated by taking the loaded average hourly wage rate of \$68.85 at two hours and fifteen minutes multiplied by the 4,738 annual average new program submissions. The total average annual cost of \$8,398 to review cargo reporting is calculated by applying the loaded average hourly wage rate of \$50.24 for a TSA H Band employee at 6 hours per month for 12 reviews per year with the loaded average hourly wage rate of \$66.40 for a TSA I Band employee at 6 hours per month for 12 reviews per year. TSA will incur average annual costs for KSMS of \$3,600,000 for an outside contract and \$750,000 for operations and maintenance for a total of \$4,350,000. This cost is offset by the \$41 STA fees. TSA estimates STA fees will total \$2,790,233.

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

There has been no change to the information collected. On May 23, 2012, following the initial submission of this ICR, TSA published a Fee Notice in the Federal Register. (77 FR 30542) The notice established a fee of \$41 for the STAs included in this ICR and represent an increase in public cost burden. Additionally, TSA adjusted the estimated number of respondents and corresponding burden hours to reflect the anticipated increase in the number of STAs annually.

**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.**

The results will not be published.

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

No such approval is being sought.

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

There are no exceptions.

