

INFORMATION COLLECTION SUPPORTING STATEMENT

TSA AIRSPACE WAIVER APPLICATIONS

OMB CONTROL NUMBER 1652-0033

EXP: JANUARY 31, 2016

- 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 Transportation Security Administration (TSA) has authority over civil aviation security. See 49 U.S.C. 114. TSA is responsible for developing policies, strategies and plans for dealing with threats to transportation security and coordinating countermeasures with appropriate departments, agencies and instrumentalities of the U.S. Government.

As part of its responsibilities, TSA frequently works with the Federal Aviation Administration (FAA) on actions or activities affecting civil aviation security. For example, the FAA has authority to regulate the safe and efficient use of the navigable airspace within the United States (U.S.) and its territories (see 49 U.S.C. 40103), including, with the Department of Defense (DOD), establishing airspace areas necessary in the interest of national defense. This authority may include restricting or prohibiting flight of certain civil aircraft in such airspace by regulation or order.

Since September 11, 2001, the FAA has implemented restricted airspace areas throughout the U.S. General aviation (GA) aircraft operators (which include both private and corporate aircraft operators) are typically excluded from operating in restricted air space unless they obtain an airspace waiver. Airspace Waivers are required for the following: Washington D.C. Flight Restricted Zone (FRZ), Major Sporting Events, Disney Theme Parks, Special Events, and balloon operations. GA aircraft operators seeking permission to fly into the Ronald Reagan Washington National Airport (DCA) may do so either by requesting an airspace waiver or through the DCA Access Standard Security Program (DASSP). Information collection relevant to the DASSP is approved under OMB control number 1652-0035, Enhanced Security Program at DCA.

TSA processes each application for an airspace waiver, including conducting a security threat assessment for each person on these flights and forwarding its recommendation to FAA. The FAA issues the final approval of such airspace waivers.

- 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.***

In order to assess risks to aviations security, TSA requires aircraft operators requesting an airspace waiver to submit information on the flight as well as identifying information for all pilots, crewmembers and passengers who will be onboard the aircraft while it is operated in restricted airspace. An aircraft operator may apply for a TSA airspace waiver via the TSA/FAA Airspace Access Program (AAP) website at <https://waivers.faa.gov>. To allow

sufficient time for processing, aircraft operators are advised to file an airspace waiver request five business days before the start date of the flight.

The process for submitting waiver requests, and TSA's processing of such requests, is explained below. Requests for airspace waivers by international applicants are processed and used in the same manner as requests for domestic applicants. However, international applicants have additional requirements than domestic applicants. International applicants are required to submit additional information (passport number and passport country of issuance) for pilots, crewmembers, and passengers. Whether an applicant qualifies for a "domestic" or "international" airspace waiver is based on the applicant's proposed itinerary as stated on their application.

Airspace Waiver Application Process:

All applicants must submit an airspace waiver request via the TSA/FAA AAP at <https://waivers.faa.gov>. The request form has several sections requesting certain information about the aircraft operator, crewmembers, passengers, aircraft, flight itinerary and aircraft security statement information.

The request form on the AAP requires the applicant to provide:

- The name of the company applying for the airspace waiver;
- Any previous airspace waiver number granted (if applicable);
- The mailing address, phone and fax numbers of the company applying for the airspace waiver;
- The name, number and email address of the applicant;
- The purpose of the flight;
- Whether the flight will transport cargo, passenger(s) or both;
- The type of aircraft, the aircraft's call sign, the aircraft's registration/tail number, the aircraft's maximum certificated gross takeoff weight;
- The flight itinerary (start date, end date and all legs of the flight); and
- Security Statement Information that indicates the aircraft will be secured when not operational, identifies persons on the manifest, and identifies additional security measures taken.

The request form also requires the applicant to provide the following information for pilot(s), crewmember(s), and passengers(s): full name, date of birth, city/state/country of birth, and social security number (passport number and country of issuance for international applicants).

Once TSA receives the request form, TSA conducts name-based security threat assessments. TSA then formulates a recommendation based on the results of the security threat assessment and forwards the request to the FAA via the AAP. The FAA will either concur or non-concur with TSA's recommendation. If the FAA concurs, an FAA official signs and returns the approval via the AAP, and TSA then emails the approval to the applicant.

- 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. [Effective 03/22/01, your response must SPECIFICALLY reference the Government Paperwork Elimination Act (GPEA), which addresses electronic filing and recordkeeping, and what you are doing to adhere to it. You must explain how you will provide a fully electronic reporting option by October 2003, or an explanation of why this is not practicable.]**

In accordance with the Government Paperwork Elimination Act, TSA has developed an online waiver system (<https://waivers.faa.gov>) in coordination with the FAA that facilitates automated processing of all airspace waivers and reduces the burden on applicants. In the event of system outages or other emergent circumstances, two manual forms are provided to applicants. TSA has never had to rely on this method and is including the forms solely for purposes of contingency planning.

- 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.**

TSA does not already collect the information described in Item 2 above.

- 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 of information impacts a substantial number of small businesses because many GA aircraft operators that request airspace waivers are generally non-commercial aircraft operators. This impact is a result of the time needed for an aircraft operator to collect the required information and complete an application, which includes information on individual crewmembers and passengers. The impact occurs each time an aircraft operator requests an Airspace Waiver. However, the collection of information is necessary to enhance aviation security, public safety, and property protection on the ground (such as participants and spectators at major sporting events). The online system for the Airspace Waiver application process has minimized the burden.

- 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 the required information on the request forms is not collected, TSA will not be able to assess threats to civil aviation security, which could result in restricting access to these restricted locations by GA aircraft. Conducting name-based security threat assessments on

pilots, crewmembers, and passengers onboard aircraft operating in restricted airspace is essential to protect against threats to aviation and assets on the ground.

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).

Airspace waivers can be issued for periods that range from a single day to as long as one year, depending on the purpose and itinerary of the requested flight operation. If there is a need to modify the original waiver to change aircraft, or add or delete passengers or flight crew, then the operator will be required to submit a modified airspace waiver application. Thus, depending on the number of modifications submitted, some operators will be required to report information more often than quarterly to facilitate accurate and timely name-based security threat assessments for each airspace waiver.

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 published a 60 day notice, as required by 5 CFR 1320.8(d), in the Federal Register on September 1, 2015 (80 FR 52780), and a 30 day notice on January 8, 2016 (81 FR 945). TSA received no comments.

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

There is no offer of monetary or material value for this information collection.

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

TSA published a Privacy Impact Assessment for Airspace Waivers and Flight Authorizations for Certain Aviation Operations, which describes how TSA ensures the security and confidentiality of applicants' information in accordance with the Privacy Act of 1974, as amended (5 U.S.C 552a). DHS/TSA/PIA-003 - Airspace Waiver and Flight for Certain Aviation Operations (Including DCA), was published on September 20, 2005 on www.dhs.gov. TSA also published a Privacy Act System of Records notice in the Federal Register, DHS/TSA 002 Transportation Security Threat Assessment System. See 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 questions of sensitive nature.

12. Provide estimates of hour and cost burdens of the collection of information.

The likely respondents to this information collection are foreign and domestic GA aircraft operators who request airspace waivers that grant them permission to operate in U.S. restricted airspace. Based on actual data collections from January 1, 2014 through December 31, 2014, TSA estimates that it will receive 9,134 requests annually.

Of the airspace waivers data that TSA collected during this time, 3,052 of these airspace waiver requests were from domestic flight categories and 6,082 airspace waiver requests were from international flight categories. TSA assumes these numbers will remain constant for purposes of this ICR.

TSA estimates that domestic category applicants require approximately 0.33 hours (20 minutes) to complete airspace waiver applications, while international category applicants require approximately 1 hour to complete airspace waiver applications. TSA estimates that the total annual burden will be 7,099 hours [(3,052 domestic responses x 0.33 hours) + (6,082 international responses x 1 hour)].

Table 1 presents the total estimated annual hour burden to aircraft operators for the airspace waiver collection.

Table 1: Airspace Waiver Collection Estimated Annual Hour Burden

Collection	Annual Applications	Annual Responses	Time Per Response (in hours)	Annual Hour Burden
Domestic Waiver Category	3,052	3,052	0.33	1,017
International Waiver Category	6,082	6,082	1	6,082
Total	9,134	9,134		7,099

Based on previous airspace waiver requests, TSA estimates approximately 99% of requests are submitted by an administrative assistant at a commercial business. For purposes of this ICR hour burden cost estimate, TSA will assume all responses will be submitted by administrative assistants. To calculate the annual hour burden cost, TSA uses a fully loaded

hourly compensation rate of \$43.66.¹ Because no data is available on international administrative assistants, TSA assumes the compensation rate will remain constant for both domestic and international applicants. TSA multiplies this hourly compensation rate times the annual hour burden to calculate the total annual hour burden cost for airspace waiver submissions. TSA estimates a total annual hour burden cost of \$309,979.61 [(1,017 domestic hours x \$43.66) + (6,082 international hours x \$43.66)].

Table 2 presents the total estimated annual hour cost burden to aircraft operators for the airspace waiver collection.

Table 2: Airspace Waiver Collection Estimated Annual Hour Cost Burden

Collection	Annual Hour Burden	Hourly Wage Rate	Annual Hour Burden Cost
Domestic	1,017	\$43.66	\$44,4402.22
International	6,082	\$43.66	\$265,540.12
Total	7,099		\$309,942.34

13. Provide an estimate of annualized capital and start-up costs. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

There are no recordkeeping, capital, start-up, or maintenance costs associated with this 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 would not have been incurred without this collection of information.

TSA utilizes existing TSA staff to direct and manage the TSA Airspace Waiver Program. TSA staff is responsible for duties such as receiving airspace waiver requests via the online system; reviewing each request, and contacting (by telephone or email) the applicant for verification and clarification; submitting flight manifest for vetting (background checks,); data input (into a manual TSA database); drafting the response letter; transmission, receipt and review of FAA approval for airspace waivers; and transmission of decision documents to the applicant. The total review and processing time per request is expected to take, at most, 72 hours.

¹ NAICS 43-6011 Executive Secretaries and Executive Administrative Assistants Mean Hourly Wage of \$25.76 x Private Industry Compensation Rate of 1.695. NAICS wage rate can be found at <http://www.bls.gov/oes/current/oes436011.htm>. Private Industry Compensation Rate of 69.5% can be found in "Table A. Relative importance of employer costs for employee compensation, June 2015." (Page 3, Line 1) at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

The TSA Airspace Waiver Program staff consists of three H-band TSA employees and two I-band TSA employees. For purposes of this ICR, TSA will utilize a blended wage rate of \$36.69² to estimate the cost to the Federal government.

Table 3 presents the total estimated annual cost to the Federal government for this airspace waiver collection.

Table 3: Total Estimated Annual Cost to TSA

Collection	Annual Responses	Review/Processing Time (hours)	Hourly Wage Rate	Total Annual TSA Cost
Airspace Waivers				
Domestic	3,052	72	\$36.69	\$8,062,407
International	6,082	72	\$36.69	\$16,066,698
Total	9,134			\$24,129,105

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

The burden has changed due to the program office's use of actual data to verify the number of respondents. There are no changes to the information being collected.

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.

This information collection will not be published for statistical purposes.

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.

TSA is not seeking such approval and will display the expiration date for OMB approval of this information collection.

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

TSA does not request an exception to the certification of this information collection.

² TSA uses a fully loaded annual compensation rate of GS 9/11/12 to estimate both H and I band wages (\$76,310). TSA then divides this wage by 2,080 annual working hours to estimate the hourly wage rate.