

# INFORMATION COLLECTION SUPPORTING STATEMENT

## TSA AIRSPACE WAIVER APPLICATIONS

OMB control number 1652-0033

EXP: 3/31/2019

- 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).**

As part of its authority over civil aviation security, the Transportation Security Administration (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. See 49 U.S.C. 114. TSA

To implement these responsibilities, TSA frequently works with the Federal Aviation Administration (FAA) on actions or activities. 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 United States. 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 aviation 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 based on their own evaluation of non-security related concerns. If the FAA concurs, an FAA official signs and returns the approval via the AAP, and TSA then emails the approval or disapproval, as applicable to the applicant. If the FAA non-concurs due to the applicant's failure to provide all of the required information, then TSA will return the application to the applicant, indicating the additional requirements. If the FAA non concurs due to other concerns (such as safety concerns or other non-qualifiers),

then an FAA representative will sign a denial letter stating the reason for the denial and send it 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 July 6, 2018 (83 FR 31558) and a 30-day notice on September 27, 2018 (83 FR 48858). Consistent with the requirements of Executive Order (EO) 13771, Reducing Regulation and Controlling Regulatory Costs, and EO 13777, Enforcing the Regulatory Reform Agenda, the notices included a specific request for comments on the extent to which this request for information could be modified to reduce the burden on respondents. 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](http://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 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. TSA estimates that it will receive 4,183 domestic waiver requests and 4,777 foreign waiver requests, for a total of 8,960 annual waiver requests (26,880 over the three year window covered by this extension).<sup>1</sup>

TSA estimates that domestic applications require approximately 0.55 hours (33 minutes) to complete and submit, while international category applications require approximately 1 (60 minutes) hour to complete and submit. TSA estimates that the total annual burden will be 7,078 hours (21,233 over the three year window covered by this extension). TSA assumes airspace waiver applications will be completed and submitted by an Administrative Assistant. In order to calculate the hour-burden cost for this information collection, TSA uses a fully-loaded<sup>2</sup> hourly wage rate of \$44.93.<sup>3</sup> TSA estimates the annual hour burden cost of this information collection to be \$318,000 per year, or \$954,001 for the three year period covered by this renewal. Table 1 details these calculations.

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<sup>1</sup> TSA, Law Enforcement/Federal Air Marshal Service.

<sup>2</sup> A fully-loaded wage rate accounts for both salary and non-salary components of employee compensation, such as health and retirement benefits.

<sup>3</sup> The unloaded wage rate for administrative assistants in the Air Transportation Industry is \$29.68. BLS. May 2017 National Industry-Specific Occupational Employment and Wage Estimates. NAICS 481000 - Air Transportation; Occupational Code 43-6011 Executive Secretaries and Executive Administrative Assistants. Last Modified Date: 3/30/2018 (accessed 4/3/2018). [https://www.bls.gov/oes/2017/May/naics3\\_481000.htm](https://www.bls.gov/oes/2017/May/naics3_481000.htm). TSA calculates a compensation factor to inflate the wage so that it represents the full cost of employee compensation from the employer's perspective. TSA divides the full compensation figure (\$27.93) by the wages and salaries component of employee compensation (\$18.45) to calculate a load factor of 1.5138. BLS. Employer Costs for Employee Compensation - December 2017. Table 5. Employer costs per hour worked for employee compensation and costs as a percent of total compensation, private industry workers in the Production, Transportation, and material moving occupation group. Last Modified: March 20, 2018 (accessed 4/3/2018). [https://www.bls.gov/news.release/archives/ecec\\_03202018.htm](https://www.bls.gov/news.release/archives/ecec_03202018.htm). TSA then multiplies the unloaded wage rate by the compensation factor to calculate the fully-loaded wage rate. \$44.93 = \$29.68 x 1.5138.

Table 1. Public Hour Burden Cost

	Number of Annual Responses	Hour Burden Per Response	Annual Hour Burden	Annual Hour Burden Cost
	A	B	C = A x B	D = C x \$44.93
Domestic Waiver Applications	4,183	0.55000	2,301	\$103,369
Foreign Waiver Applications	4,777	1	4,777	\$214,632
<b>Annual Total</b>	<b>8,960</b>		<b>7,078</b>	<b>\$318,000</b>
<b>3 Year Total</b>	<b>26,880</b>		<b>21,233</b>	<b>\$954,001</b>

Note: Calculations may not be exact due to rounding in the table.

**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 is responsible for 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.

The TSA Airspace Waiver Program staff consists of three H-band TSA employees and two I-band TSA employees. TSA H-band employees earn a fully-loaded annual salary of \$84,399 and I-band employees earn a fully loaded salary of \$139,384. TSA staff salaries constitute all Federal costs, estimated to be \$531,966<sup>4</sup> annually and \$1.6 million over three years.

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

The Federal Government cost for this program has decreased due to a change in the methodology used to calculate Federal cost. Previously, an estimate of 72 hours per application was used to calculate an hour burden. The Program Office responsible for processing Airspace Waiver Applications provided that estimate as a maximum hour burden per application. However, individual application processing times vary. TSA believes a more accurate cost estimate of Federal costs is the fully-loaded annual salaries of the staff dedicated to processing Airspace Waiver Applications.

<sup>4</sup> \$531,965.78 = (2 x \$139,383.90) + (3 x \$84,399.33).

**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.