

Security Vetting of Certain Surface Transportation Workers

(Security Vetting of Certain Surface Transportation Workers Notice of Proposed Rulemaking)

- 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) was established by the Aviation and Transportation Security Act (ATSA) as the primary federal authority to enhance security for all modes of transportation.¹ The scope of TSA's authority includes assessing security risks, developing security measures to address identified risks, and enforcing compliance with these measures.² TSA also has broad regulatory authority to issue, rescind, revise, and enforce, regulations as necessary to carry out its transportation security functions.³

The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act)⁴ specifically requires TSA to set regulatory standards for mandatory security threat assessments (STAs) of certain freight railroad carrier, public transportation and passenger railroad (PTPR) agency, and over-the-road bus (OTRB) owner/operator employees and prohibits entities from employing individuals in specified positions unless they have successfully completed the STA process. TSA is publishing a Notice of Proposed Rulemaking (NPRM) to implement these provisions of the 9/11 Act. Once final, the rulemaking will create a new 49 CFR part 1530 and amend sections 49 CFR parts 1500, 1570, 1572, 1580, 1582, and 1584. The primary proposed information collection elements of the NPRM include:

- STA enrollments for security coordinators (SCs) and security-sensitive employees (SSEs);
- Appeals and waivers to a Preliminary Determination of Ineligibility (PDI);
- Reporting disqualifying crimes;
- STA recordkeeping;
- Updating contact information; and
- Submission of an optional STA customer satisfaction survey.

¹ Pub. L. 107-71 115 (Stat. 597; Nov. 19, 2001). ATSA created TSA as a component of the Department of Transportation. Section 403(2) of the Homeland Security Act of 2002 (HSA), Pub. L. 107-296 (116 Stat. 2135; Nov. 25, 2002), transferred all functions related to transportation security, including those of the Secretary of Transportation and the Under Secretary of Transportation for Security, to the Secretary of Homeland Security. Pursuant to DHS Delegation Number 7060.2, the Secretary delegated to the Administrator, subject to the Secretary's guidance and control, the authority vested in the Secretary with respect to TSA, including the authority in sec. 403(2) of the HSA.

² See 49 U.S.C. 114, which codified section 101 of ATSA.

³ *Id.*

⁴ Pub. L. 110-53 (121 Stat. 266; Aug. 3, 2007).

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.**

TSA will collect and use this information to validate compliance with the regulatory requirements. For purposes of this NPRM, the regulated person (the person responsible for compliance and liable for failure to comply) is the owner/operator of the public transportation systems, railroads, and OTRB companies within the proposed applicability.

Level 2 STA. Certain rail and PTPR owner/operators are required to ensure that SSEs, as defined in the statute and NPRM, complete a name-based STA against government and non-government databases, including terrorist watchlists, criminal wants and warrants, Interpol, and other domestic and international sources, relevant to determining whether an individual may pose or poses a threat to transportation or national security, or of terrorism, along with an immigration check. Individuals applying for an STA would have to provide biographical, documentary, and fingerprints—when applicable—to TSA through an enrollment center or other enrollment process as established by TSA.

Level 3 STA. All SCs of freight rail, PTPR, and OTRB, owner/operators are required to complete an STA that includes a criminal history records check (CHRC) and the checks included in the Level 2 STA. Individuals applying for an STA would have to provide biographical, documentary, and fingerprints—when applicable—to TSA through an enrollment center or other process as set by TSA.

Appeals/Waivers. TSA would issue a Preliminary Determination of Ineligibility (PDI) or Preliminary Determination of Ineligibility with Immediate Revocation to an individual who does not initially pass the STA, explaining what the disqualifying factors are. The STA applicant who receives a PDI may follow the redress procedures set out in the proposed rule. When applicable, individuals may submit information to TSA to begin the process of filing an appeal or requesting a waiver of a PDI.

Disqualifying Events. Affected employees who apply for or have STAs would have continuing responsibilities during and after the STA process to report certain events to TSA within 24 hours of occurrence. SCs who have already successfully completed a CHRC would be required to report, within 24 hours of occurrence, an indictment, conviction, or finding of not guilty by reason of insanity, or a disqualifying crime.⁵ Both SSEs and SCs would be required to report any change in immigration status that results in loss of lawful presence in the United States.

Recordkeeping. Owner/operators would be required to file and maintain records on STAs for all affected employees to validate compliance with the regulation in a form and manner authorized by TSA and for the period specified in the proposed rule, and make the records available to TSA when requested during inspection. Owner/operators would need to retain records to show that the individual has successfully completed a Level 2 STA or Level 3 STA, respectively, and holds a current determination of eligibility as described in the proposed rule. The maintenance of these records imposes costs on owner/operators for time spent creating, filing, and retrieving these records. TSA does not propose to require

recordkeeping in a particular format (e.g., electronic database or paper files); rather, each owner/operator may choose the most cost-effective method for maintaining records.

Contact Information: Under the proposed rule, individuals would be required to report any changes to their legal name, current address (mailing address and residential, if different), and daytime phone number to TSA. Individuals may update their contact information as set forth by TSA.

Customer Satisfaction Survey. Individuals undergoing an STA will be given an option to complete a customer satisfaction survey after the STA enrollment process.

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.]***

TSA complies with the Government Paperwork Elimination Act to reduce the burden on covered entities by encouraging electronic submissions and retention of the information collections in this NPRM.

All data is collected, stored, scanned, and transmitted electronically by TSA or an authorized representative. TSA or an TSA authorized service provider, administer enrollments, which involves the creation of an electronic enrollment record. While STA applicants must enroll initially in person, biometrics, including fingerprints, facial photograph, and/or iris scans are captured electronically and are part of the enrollment record. Proof-of-identity and immigration status documents are scanned and stored electronically. When all data has been collected, the enrollment record is transmitted to TSA's vetting and credentialing system for processing and secure storing of information.

TSA will offer online renewals and as part of that process, TSA or an authorized TSA service provider will create an enrollment record with biographic and STA information provided by the applicant. For recordkeeping requirements, TSA does not propose to require recordkeeping in a particular format (e.g., electronic database or paper files); rather, each owner/operator may choose the most cost-effective method for maintaining records, which includes electronically.

For the Appeals/Waivers, Disqualifying Events, and Updated Contact Information, respondents will submit the required information electronically.

For the optional survey, respondents can complete and submit a survey about their STA experience by following the link at the end of their enrollment or online renewal.

- 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 is aware that other Federal agencies conduct regulatory vetting programs that may affect individuals who are covered by the vetting programs in this proposed rule. TSA has addressed potential overlaps in three ways. First, the design of this proposed rule is to achieve comparability among vetting programs when possible, given statutory constraints. This systematic way of handling duplication or overlap of vetting requirements is explained thoroughly in the discussion of § 1530.509 in the preamble. Second, TSA has specifically proposed to create comparability with similar vetting done by other Federal agencies, thereby avoiding duplication and overlap (see § 1530.509 in the preamble). For example, the proposed rule specifically establishes that certain vetting done by U.S. Customs and Border Protection for its Trusted Traveler programs are comparable with (i.e., may be substituted for) TSA STAs. Finally, to the extent there are duplicative vetting requirements of which TSA is currently unaware, the proposed rule includes a procedure for requesting a comparability determination from TSA (see proposed §§ 1524.515(e) and (f) in the preamble).

- 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.**

If the information is not collected in the manner prescribed by the NPRM, TSA would not be able to achieve the congressionally mandated requirements set forth in the 9/11 Act. Lack of this information would hinder TSA's responsibility to conduct security background checks on SSEs and SCs to protect the traveling public and secure the Nation's surface transportation system.

- 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).**

Based on the reasons discussed above, the purposes of this information collection would not be met if collection is conducted in a manner consistent with the general information collection guidelines of 5 CFR 1320.5(d)(2)(i) and 5 CFR 1320.5(d)(2)(iv).

5 CFR 1320.5(d)(2)(i) (requiring respondents to report information to the agency more often than quarterly): Quarterly reporting would not meet the security needs that is the basis for this information collection. For example, an STA applicant is required to report within 24 hours of occurrence, an indictment, conviction, or finding of not guilty by reason of insanity, or a disqualifying crime. In addition, an STA applicant must provide any change in immigration status that results in loss of lawful presence in the United States.

5 CFR 1320.5(d)(2)(iv)(requiring respondents to retain records for more than 3 years). For this information collection, records are retained for 5 years.

- 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.**

Through publication of this NPRM, TSA is soliciting comments on the information collection requirements described in the proposed rule, *Vetting of Certain Surface Transportation Employees*. See 88 FR 33472 (May 23, 2023), RIN: 1652-AA69.

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

TSA would 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 is no assurance of confidentiality provided to the respondents, TSA protects information collected from disclosure to the extent appropriate under applicable provisions of the Freedom of Information Act, Federal Information Security Management Act, E-Government Act, and Privacy Act of 1974. TSA would also appropriately treat any information collected that it determines is Sensitive Security Information and/or Personally Identifiable Information, consistent with the requirements of 49 CFR part 1520 and OMB Guidance, M-07-16.

Privacy Impact Assessment (PIA) coverage for this collection is provided under DHS/TSA/PIA-xxx Security Threat Assessments of Certain Surface Transportation Employees (Month xx, 2023). This PIA outlines freight rail and PTPR SSEs and SCs submitting information to TSA to conduct STAs.

- 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 would not ask any questions of a sensitive nature.

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

In this justification, TSA describes the respondent population and then presents a summary of each of the information collections covered by this ICR.⁶

Respondent Population Categories

- 1) *Freight Railroad Owner/Operators*: SSEs and SCs of owner/operators regulated under 49 CFR parts 1580 (railroad carriers).
- 2) *Freight Railroad Shippers and Receivers (FRSR)*: SCs of owner/operators regulated under 49 CFR parts 1580 (rail hazardous materials receivers, and rail hazardous materials shippers).
- 3) *Public Transportation and Passenger Railroad (PTPR) Owner/Operators*: SSEs and SCs of owner/operators regulated under 49 CFR parts 1582.
- 4) *Over-the-Road Buses (OTRB) Owner/Operators*: SCs of owner/operators regulated under 49 CFR parts 1584.

Error: Reference source not foundError: Reference source not found presents the number of SSEs and SCs by transportation mode participating in the information collection.

Table 1: Number of Respondents

Industry	Employee Type	Number of Respondents			3-Year Total by Employee Type $d = \sum a, b, c$	3-Year Total by Industry $e = d_{SS_Emp} + d_{SCor}$	Average Annual by Industry $f = e \div 3$
		Year 1	Year 2	Year 3			
		a	b	c			
Freight Rail	SSEs	122,236	4,889	4,836	131,961	132,945	44,315
	SCs	897	44	44	984		
FRSR	SCs	496	42	43	581	581	194
PTPR	SSEs	179,337	20,795	20,856	220,987	221,279	73,760
	SCs	230	30	31	292		
OTRB	SC	444	60	61	564	564	188
Total		303,640	25,860	25,870	355,370	355,370	118,457

Note: Calculations may not be exact due to rounding.

Information Collection

This information collection requires that each respondent covered by this rulemaking to obtain an STA for employment under the proposed § 1530.⁷ Further, under this collection, TSA requires recordkeeping whenever a respondent undergoes an STA. TSA also requires respondents to report disqualifying crimes under § 1530.503 and any change in immigration status. For applicable respondents, appeals and waivers apply to certain cases when an individual has not demonstrated their ability to meet the vetting standards. This collection also requires respondents to report any changes to their legal name, current address and daytime phone number to TSA. Lastly, respondents may choose to complete an optional customer satisfaction survey as part of their enrollment process.

⁶ See Section 2.2, Affected Populations, in the Regulatory Impact Analysis accompanying the NPRM for details on the estimation of the population of owners/operators.

⁷ See 'Respondent Population Categories' in Question 12 of this supporting statement.

STA Enrollments. The NPRM would require that each respondent covered by this rulemaking obtain an STA for employment. SSEs would be required to obtain a Level 2 STA while SCs would be required to obtain a Level 3 STA. SSEs and SCs applying for a new STAs will enroll in-person at a TSA enrollment center.

For all new applicants, TSA estimates time burdens to complete the STA process, including familiarization with the application process, biographic data capture, identity assurance, scanning immigration documents, wait time, and round-trip travel per response. TSA estimates a new in-person enrollment burden of 1.43 hours per applicant. For SCs, TSA estimates an additional time burden for fingerprinting time, for a total of 1.51 hours per applicant.

If an applicant already holds an active comparable STA,⁸ the applicant will not have to travel to complete an in-person enrollment if their STA is deemed sufficient. This will vary based on the level of STA they must obtain under the rule. Applicants with a comparable STA would have to enroll online, pay a reduced fee, and provide any additional required information under the proposed rule. TSA estimates 0.17 hours burden per applicant to complete the initial enrollment.

- 1) *Freight Railroad Owner/Operators:* TSA estimates 123,964 unique respondents for SSEs in freight rail over the 3-year period. TSA multiplies the number of SSE respondents by the 1.43 hour burden per applicant to calculate a 3-year burden of 177,195 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 59,065 hours. TSA then multiplies the average annual burden by the \$49.14 compensation rate for SSEs in the freight railroad industry⁹ to estimate an average annual cost of \$2,902,455.

TSA estimates 488 unique respondents for SCs in freight rail over the 3-year period. TSA multiplies the number of SC respondents by the 1.51 hour burden per applicant to calculate a 3-year burden of 738 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 246 hours. TSA then multiplies the average annual burden by the \$92.34 compensation rate for SCs in the freight railroad industry to estimate an average annual cost of \$22,724.

Next, TSA presents the hour burdens and average annual costs for respondents in the freight rail industry that have an active comparable STA. TSA estimates 7,997 SSE respondents with a comparable STA over the 3-year period. TSA multiplies the comparable SSE respondents by the 0.17 hour burden per applicant to calculate a 3-year burden of 1,333 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 444 hours. TSA then multiplies the average annual burden by the \$49.14 compensation rate for SSEs in the freight railroad industry to estimate an average annual cost of \$21,833.

TSA estimates 497 SC respondents with a comparable STA over the 3-year period. TSA multiplies the comparable SC respondents by the 0.17 hour burden per applicant

⁸ TSA may accept a valid, unexpired STA, background check, or investigation conducted by TSA or another Federal governmental agency to satisfy the STA requirement.

⁹ See Section 2.3, Compensation Rates, in the Regulatory Impact Analysis accompanying the NPRM for details on the estimation of the compensation rates under Question 12 of this supporting statement.

to calculate a 3-year burden of 83 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 28 hours. TSA then multiplies the average annual burden by the \$92.34 compensation rate for SCs in the freight railroad industry to estimate an average annual cost of \$2,548.

- 2) *Freight Railroad Shippers and Receivers (FRSR)*: TSA estimates 274 unique respondents for SCs in the FRSR industry over the 3-year period. TSA multiplies the number of SC respondents by the 1.51 hour burden per applicant to calculate a 3-year burden of 414 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 138 hours. TSA then multiplies the average annual burden by the \$76.35 compensation rate for SCs in the FRSR industry to estimate an average annual cost of \$10,545.

Next, TSA presents the hour burdens and average annual costs for respondents in the FRSR industry that have an active comparable STA. TSA estimates 308 SC respondents with a comparable STA over the 3-year period. TSA multiplies the comparable SC respondents by the 0.17 hour burden per applicant to calculate a 3-year burden of 51 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 17 hours. TSA then multiplies the average annual burden by the \$76.35 compensation rate for SCs in the FRSR industry to estimate an average annual cost of \$1,305.

- 3) *Public Transportation and Passenger Railroad (PTPR) Owner/Operators*: TSA estimates 220,276 unique respondents for SSEs in the PTPR industry over the 3-year period. TSA multiplies the number of SSE respondents by the 1.43 hour burden per applicant to calculate a 3-year burden of 314,865 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 104,955 hours. TSA then multiplies the average annual burden by the \$38.98 compensation rate for SSEs in the PTPR industry to estimate an average annual cost of \$4,091,329.

TSA estimates 154 unique respondents for SCs in the PTPR industry over the 3-year period. TSA multiplies the number of SC respondents by the 1.51 hour burden per applicant to calculate a 3-year burden of 233 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 78 hours. TSA then multiplies the average annual burden by the \$88.41 compensation rate for SCs in the PTPR industry to estimate an average annual cost of \$6,854.

Next, TSA presents the hour burdens and average annual costs for respondents in the PTPR industry that have an active comparable STA. TSA estimates 712 SSE respondents with a comparable STA over the 3-year period. TSA multiplies the comparable SSE respondents by the 0.17 hour burden per applicant to calculate a 3-year burden of 119 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 40 hours. TSA then multiplies the average annual burden by the \$38.98 compensation rate for SSEs in the PTPR industry to estimate an average annual cost of \$1,541.

TSA estimates 138 SC respondents with a comparable STA over the 3-year period. TSA multiplies the comparable SC respondents by the 0.17 hour burden per applicant to calculate a 3-year burden of 23 hours. Next, TSA divides the 3-year total burden

by three to estimate an average annual burden of 8 hours. TSA then multiplies the average annual burden by the \$88.41 compensation rate for SCs in the PTPR industry to estimate an average annual cost of \$678.

- 4) *Over-the-Road Buses (OTRB) Owner/Operators*: TSA estimates 197 unique respondents for SCs in the OTRB industry over the 3-year period. TSA multiplies the number of SC respondents by the 1.51 hour burden per applicant to calculate a 3-year burden of 298 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 99 hours. TSA then multiplies the average annual burden by the \$69.63 compensation rate for SCs in the OTRB industry to estimate an average annual cost of \$6,906.

Next, TSA presents the hour burdens and average annual costs for respondents in the OTRB industry that have an active comparable STA. TSA estimates 367 SC respondents with a comparable STA over the 3-year period. TSA multiplies the comparable SC respondents by the 0.17 hour burden per applicant to calculate a 3-year burden of 61 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 20 hours. TSA then multiplies the average annual burden by the \$69.63 compensation rate for SCs in the OTRB industry to estimate an average annual cost of \$1,421.

PDI Appeals. A PDI occurs when an STA applicant may not meet, or may no longer meet, the proposed STA standards or may need to provide additional information. This may include an applicant reporting, within 24 hours of occurrence, an indictment, conviction, or finding of not guilty by reason of insanity, or a disqualifying crime.¹⁰ Furthermore, it may include any change in immigration status that results in loss of lawful presence in the United States. When any of these instances occur, TSA would notify the owner/operator that the individual is no longer eligible for their position, and would notify the STA applicant or STA holder about the potentially disqualifying factors. TSA estimates the PDI appeal process to be 0.63 hour per appeal.

- 1) *Freight Railroad Owner/Operators*: TSA estimates 369 unique respondents for SSEs in freight rail over the 3-year period. TSA multiplies the number of SSE respondents by the 0.63 hour burden per applicant to calculate a 3-year burden of 231 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 77 hours. TSA then multiplies the average annual burden by the \$49.14 compensation rate for SSEs in the freight railroad industry to estimate an average annual cost of \$3,781.

Next, TSA estimates 7 unique respondents for SCs in freight rail over the 3-year period. TSA multiplies the number of SC respondents by the 0.63 hour burden per applicant to calculate a 3-year burden of 4.4 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 1.5 hours. TSA then multiplies the average annual burden by the \$92.34 compensation rate for SCs in the freight railroad industry to estimate an average annual cost of \$135.

- 2) *Freight Railroad Shippers and Receivers (FRSR)*: TSA estimates 3.9 unique respondents for SCs in the FRSR industry over the 3-year period. TSA multiplies the

¹⁰ The list of disqualifying crimes is set out in proposed § 1530.503.

number of SC respondents by the 0.63 hour burden per applicant to calculate a 3-year burden of 2.5 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 0.8 hours. TSA then multiplies the average annual burden by the \$76.35 compensation rate for SCs in the FRSR industry to estimate an average annual cost of \$62.

- 3) *Public Transportation and Passenger Railroad (PTPR) Owner/Operators:* TSA estimates 656 unique respondents for SSEs in the PTPR industry over the 3-year period. TSA multiplies the number of SSE respondents by the 0.63 hour burden per applicant to calculate a 3-year burden of 410 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 137 hours. TSA then multiplies the average annual burden by the \$38.98 compensation rate for SSEs in the PTPR industry to estimate an average annual cost of \$5,330.

Next, TSA estimates 2.2 unique respondents for SCs in the PTPR industry over the 3-year period. TSA multiplies the number of SC respondents by the 0.63 hour burden per applicant to calculate a 3-year burden of 1.4 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 0.5 hours. TSA then multiplies the average annual burden by the \$88.41 compensation rate for SCs in the PTPR industry to estimate an average annual cost of \$41.

- 4) *Over-the-Road Buses (OTRB) Owner/Operators:* TSA estimates 2.8 unique respondents for SCs in the OTRB industry over the 3-year period. TSA multiplies the number of SC respondents by the 0.63 hour burden per applicant to calculate a 3-year burden of 1.8 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 0.6 hours. TSA then multiplies the average annual burden by the \$69.63 compensation rate for SCs in the OTRB industry to estimate an average annual cost of \$41.

PDI Waivers. Respondents have the option to inquire about the factors that led to a PDI by requesting a PDI waiver. TSA estimates the PDI waiver process to be 4.13 hours per applicant.

- 1) *Freight Railroad Owner/Operators:* TSA estimates 1.2 unique respondents for SCs in freight rail over the 3-year period. TSA multiplies the number of SC respondents by the 4.13 hour burden per applicant to calculate a 3-year burden of 4.8 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 1.6 hours. TSA then multiplies the average annual burden by the \$92.34 compensation rate for SCs in freight rail to estimate an average annual cost of \$148.
- 2) *Freight Railroad Shippers and Receivers (FRSR):* TSA estimates 0.7 unique respondents for SCs in the FRSR industry over the 3-year period. TSA multiplies the number of SC respondents by the 4.13 hour burden per applicant to calculate a 3-year burden of 2.7 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 0.9 hours. TSA then multiplies the average annual burden by the \$76.35 compensation rate for SCs in the FRSR industry to estimate an average annual cost of \$69.

- 3) *Public Transportation and Passenger Railroad (PTPR) Owner/Operators*: TSA estimates 0.4 unique respondents for SCs in the PTPR industry over the 3-year period. TSA multiplies the number of SC respondents by the 4.13 hour burden per applicant to calculate a 3-year burden of 1.5 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 0.5 hours. TSA then multiplies the average annual burden by the \$88.41 compensation rate for SCs in the PTPR industry to estimate an average annual cost of \$45.
- 4) *Over-the-Road Buses (OTRB) Owner/Operators*: TSA estimates 0.5 unique respondents for SCs in the OTRB industry over the 3-year period. TSA multiplies the number of SC respondents by the 4.13 hour burden per applicant to calculate a 3-year burden of 1.9 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 0.6 hours. TSA then multiplies the average annual burden by the \$69.63 compensation rate for SCs in the OTRB industry to estimate an average annual cost of \$45.

Recordkeeping. The NPRM requires that recordkeeping occur whenever vetting of an employee or security coordinator is required due to the hiring of new personnel, promotions into affected positions, and staff turnover. TSA estimates the recordkeeping time burden to be 0.08 hours per instance.

- 1) *Freight Railroad Owner/Operators*: TSA estimates 131,961 unique respondents for SSEs in freight rail over the 3-year period. TSA multiplies the number of SSE respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 10,997 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 3,666 hours. TSA then multiplies the average annual burden by the \$38.20 compensation rate for administrative assistants in freight rail to estimate an average annual cost of \$140,019.

Next, TSA estimates 984 unique respondents for SCs in freight rail over the 3-year period. TSA multiplies the number of SC respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 82 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 27 hours. TSA then multiplies the average annual burden by the \$38.20 compensation rate for administrative assistants in freight rail to estimate an average annual cost of \$1,044.

- 2) *Freight Railroad Shippers and Receivers (FRSR)*: TSA estimates 581 unique respondents for SCs in the FRSR industry over the 3-year period. TSA multiplies the number of SC respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 48 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 16 hours. TSA then multiplies the average annual burden by the \$30.42 compensation rate for administrative assistants in the FRSR industry to estimate an average annual cost of \$491.
- 3) *Public Transportation and Passenger Railroad (PTPR) Owner/Operators*: TSA estimates 220,987 unique respondents for SSEs in the PTPR industry over the 3-year period. TSA multiplies the number of SSE respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 18,416 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 6,139 hours. TSA then

multiplies the average annual burden by the \$38.96 compensation rate for administrative assistants in the PTPR industry to estimate an average annual cost of \$239,184.

Next, TSA estimates 292 unique responses for SCs in the PTPR industry over the 3-year period. TSA multiplies the number of SC respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 24 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 8 hours. TSA then multiplies the average annual burden by the \$38.96 compensation rate for administrative assistants in the PTPR industry to estimate an average annual cost of \$316.

- 4) *Over-the-Road Buses (OTRB) Owner/Operators*: TSA estimates 564 unique responses for SCs in the OTRB industry over the 3-year period. TSA multiplies the number of SC respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 47 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 16 hours. TSA then multiplies the average annual burden by the \$27.87 compensation for administrative assistants in the OTRB industry to estimate an average annual cost of \$437.

Contact Information Updates. Respondents would undergo contact information updates to report any changes to their legal name, current address (mailing address and residential, if different), and daytime phone number to TSA. TSA estimates the contact information update to be 0.09 per instance.

- 1) *Freight Railroad Owner/Operators*: TSA estimates 36,700 unique respondents for SSEs in freight rail over the 3-year period. TSA multiplies the number of SSE respondents by the 0.09 hour burden per applicant to calculate a 3-year burden of 3,303 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 1,101 hours. TSA then multiplies the average annual burden by the \$49.14 compensation rate for SSEs in freight rail to estimate an average annual cost of \$54,103.

Next, TSA estimates 275 unique respondents for SCs in freight rail over the 3-year period. TSA multiplies the number of SC respondents by the 0.09 hour burden per applicant to calculate a 3-year burden of 25 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 8 hours. TSA then multiplies the average annual burden by the \$92.34 compensation rate for SCs in the freight rail to estimate an average annual cost of \$761.

- 2) *Freight Railroad Shippers and Receivers (FRSR)*: TSA estimates 153 unique respondents for SCs in the FRSR industry over the 3-year period. TSA multiplies the number of SC respondents by the 0.09 hour burden per applicant to calculate a 3-year burden of 14 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 5 hours. TSA then multiplies the average annual burden by the \$76.35 compensation rate for SCs in the FRSR industry to estimate an average annual cost of \$351.

- 3) *Public Transportation and Passenger Railroad (PTPR) Owner/Operators*: TSA estimates 54,600 unique respondents for SSEs in the PTPR industry over the 3-year period. TSA multiplies the number of SC respondents by the 0.09 hour burden per applicant to calculate a 3-year burden of 4,914 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 1,638. TSA then multiplies the average annual burden by the \$38.98 compensation rate for SSEs in the PTPR industry to estimate an average annual cost of \$63,853.

Next, TSA estimates 71 unique respondents for SCs in the PTPR industry over the 3-year period. TSA multiplies the number of SC respondents by the 0.09 hour burden per applicant to calculate a 3-year burden of 6 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 2 hours. TSA then multiplies the average annual burden by the \$88.41 compensation rate for SCs in the PTPR industry to estimate an average annual cost of \$189.

- 4) *Over-the-Road Buses (OTRB) Owner/Operators*: TSA estimates 137 unique respondents for SC in the OTRB industry over the 3-year period. TSA multiplies the number of SC respondents by the 0.09 hour burden per applicant to calculate a 3-year burden of 12 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 4 hours. TSA then multiplies the average annual burden by the \$69.63 compensation rate for SCs in the OTRB industry to estimate an average annual cost of \$287.

STA Customer Satisfaction Survey. Respondents may submit an optional customer satisfaction survey when completing the STA enrollment process. TSA estimates the burden to complete the survey to be 0.08 hours per applicant.

- 1) *Freight Railroad Owner/Operators*: TSA estimates 43,387 unique respondents for SSEs in freight railroad over the 3-year period. TSA multiplies the number of respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 3,616 hours. Next, TSA divides the three-year total burden by three to estimate an average annual burden of 1,205 hours. TSA then multiplies the average annual burden by the \$49.14 compensation rate for SSEs in freight rule to estimate an average annual cost of \$59,224.

Next, TSA estimates 171 unique respondents for SCs in freight rail over the 3-year period. TSA multiplies the number of respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 14 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 5 hours. TSA then multiplies the average annual burden by the \$92.34 compensation rate for SCs in freight rail to estimate an average annual cost of \$438.

- 2) *Freight Railroad Shippers and Receivers (FRSR)*: TSA estimates 96 unique respondents for SCs in the FRSR industry over the 3-year period. TSA multiplies the number of respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 8 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 3 hours. TSA then multiplies the average annual burden by the \$76.35 compensation rate for SCs in the FRSR industry to estimate an average annual cost of \$203.

- 3) *Public Transportation and Passenger Railroad (PTPR) Owner/Operators*: TSA estimates 77,097 unique respondents for SSEs in the PTPR industry over the 3-year period. TSA multiplies the number of respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 6,425 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 2,142 hours. TSA then multiplies the average annual burden by the \$38.98 compensation rate for SSEs in the PTPR industry to estimate an average annual cost of \$83,482.

Next, TSA estimates 54 unique respondents for SCs in the PTPR industry over the 3-year period. TSA multiplies the number of respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 4 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 1 hour. TSA then multiplies the average annual burden by the \$88.41 compensation rate for SCs in the PTPR industry to estimate an average annual cost of \$132.

- 4) *Over-the-Road Buses (OTRB) Owner/Operators*: TSA estimates 69 unique respondents for SCs in the OTRB industry over the 3-year period. TSA multiplies the number of respondents by the 0.08 hour burden per applicant to calculate a 3-year burden of 6 hours. Next, TSA divides the 3-year total burden by three to estimate an average annual burden of 2 hours. TSA then multiplies the average annual burden by the \$69.63 compensation rate for SCs in the OTRB industry to estimate an average annual cost of \$133.

Summary of Total Responses and Time Burden, and Average Annual Cost Burden

TSA estimates 924,594 unique respondents over the 3-year period of the collection (346,801 freight rail, 1,417 FRSR, 575,039 PTPR, and 1,337 OTRB responses) and an average of 308,198 annual respondents (115,600 freight rail, 472 FRSR, 191,680 PTPR, and 446 OTRB).

TSA estimates a 3-year total time burden of 544,035 hours (197,625 freight rail, 541 FRSR, 345,442 PTPR, and 428 OTRB hours) and an average annual time burden of 181,345 hours (65,875 freight rail, 180 FRSR, 115,147 PTPR, and 143 OTRB hours).

TSA estimates an annual average cost of \$7,724,482 for all respondents.

Table 1Error: Reference source not found summarizes the number of responses in each burden category, by type of employee and industry, as well as the associated time burdens.

Table 1: Number of Responses and Time Burden Collections

Collections		Time Per Response (Hours)	Number of Responses			3-Year Total Responses	3-Year Time Burden (Hours)	Average Annual Time Burden (Hours)	Compensation Rate	Average Annual Cost Burden
			Year 1	Year 2	Year 3					
Industry		A	B	C	D	E = $\sum B,C,D$	F = A \times E	G = F \div 3	H	I = G \times H
STA Enrollments										
Freight Rail	SSEs	1.43	114,828	4,593	4,543	123,964	177,195	59,065	\$49.14	\$2,902,455
	SCs	1.51	444	22	22	488	738	246	\$92.34	\$22,724
	Comparable STA SSEs	0.17	7,408	296	293	7,997	1,333	444	\$49.14	\$21,833
	Comparable STA SCs	0.17	453	22	22	497	83	28	\$92.34	\$2,548
FRSR	SCs	1.51	233	20	20	274	414	138	\$76.35	\$10,545
	Comparable SCs	0.17	262	22	23	308	51	17		\$1,305
PTPR	SSEs	1.43	178,760	20,728	20,788	220,276	314,865	104,955	\$38.98	\$4,091,329
	SCs	1.51	121	16	16	154	233	78	\$88.41	\$6,854
	Comparable STA SSEs	0.17	578	67	67	712	119	40	\$38.98	\$1,541
	Comparable STA SCs	0.17	109	14	15	138	23	8	\$88.41	\$678
OTRB	SCs	1.51	155	21	21	197	298	99	\$69.63	\$6,906
	Comparable SCs	0.17	289	39	40	367	61	20		\$1,421
PDI Appeals										
Freight Rail	SSEs	0.63	342	14	14	369	231	77	\$49.14	\$3,781
	SCs		6	0.3	0.3	7	4	1	\$92.34	\$135
FRSR	SCs		3	0.3	0.3	4	2	1	\$76.35	\$62
PTPR	SSEs		533	62	62	656	410	137	\$38.98	\$5,330
	SCs		2	0.2	0.2	2	1	0.5	\$88.41	\$41
OTRB	SCs		2	0.3	0.3	3	2	1	\$69.63	\$41
PDI Waivers										
Freight Rail	SCs	4.13	1.1	0.1	0.1	1	5	2	\$92.34	\$148
FRSS	SCs		0.6	0.05	0.05	1	3	1	\$76.35	\$69
PTPR	SCs		0.3	0.04	0.04	0.37	2	1	\$88.41	\$45
OTRB	SCs		0.4	0.05	0.1	0.47	2	1	\$69.63	\$45
Recordkeeping										
Freight Rail	SSEs	0.08	122,236	4,889	4,836	131,961	10,997	3,666	\$38.20	\$140,019
	SCs		897	44	44	984	82	27		\$1,044

Collections		Time Per Response	Number of Responses			3-Year Total Responses	3-Year Time Burden	Average Annual Time	Compensation Rate	Average Annual Cost
			Year 1	Year 2	Year 3					
FRSR	SCs		496	42	43	581	48	16	\$30.42	\$491
PTPR	SSEs		179,337	20,795	20,856	220,987	18,416	6,139	\$38.96	\$239,184
	SCs		230	30	31	292	24	8		\$316
OTRB	SCs		444	60	61	564	47	16	\$27.87	\$437
Contact Information Updates										
Freight Rail	SSEs	0.09	12,369	12,233	12,098	36,700	3,303	1,101	\$49.14	\$54,103
	SCs		91	92	92	275	25	8	\$92.34	\$761
FRSR	SCs		50	51	52	153	14	5	\$76.35	\$351
PTPR	SSEs		18,147	18,200	18,254	54,600	4,914	1,638	\$38.98	\$63,853
	SCs		23	24	24	71	6	2	\$88.41	\$189
OTRB	SCs		45	46	47	137	12	4	\$69.63	\$287
STA Customer Satisfaction Survey										
Freight Rail	SSEs	0.08	40,190	1,608	1,590	43,387	3,616	1,205	\$49.14	\$59,224
	SCs		156	8	8	171	14	5	\$92.34	\$438
FRSR	SCs		82	7	7	96	8	3	\$76.35	\$203
PTPR	SSEs		62,566	7,255	7,276	77,097	6,425	2,142	\$38.98	\$83,482
	SCs		42	6	6	54	4	1	\$88.41	\$132
OTRB	SCs		54	7	7	69	6	2	\$69.63	\$133
Total			741,985	91,331	91,278	924,594	544,035	181,345		\$7,724,482

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

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

TSA proposes to collect a Level 2 STA fee of \$66, per applicant, for the initial in-person enrollments of SSEs in freight rail and PTPR.¹¹ TSA proposes to collect a Level-3 STA fee of \$87, per applicant, for the initial in-person enrollments of freight rail, PTPR and OTRB SCs.¹² For applicants with a comparable STA, TSA proposes to collect a fee of \$30, per applicant, for applicable SSEs and SCs in freight rail, FRSR, PTPR, and OTRB. Table 3 displays the STA fee costs.

Table 3: STA Fee Costs for Initial Enrollments

Industry	Employee Type	STA Fee Cost	3-Year Total Respondents	3-Year STA Fee Cost	Average Annual Cost
		a	b	c = a × b	d = c ÷ 3
Freight Rail	SSEs	\$66	123,964	\$8,181,597	\$2,727,199
	SCs	\$87	488	\$42,431	\$14,144
	Comparable STA SSEs	\$30	7,997	\$239,924	\$79,975
	Comparable STA SCs	\$30	497	\$14,899	\$4,966
FRSR	SCs	\$87	274	\$23,812	\$7,937
	Comparable STA SCs	\$30	308	\$9,233	\$3,078
PTPR	SSEs	\$66	220,276	\$14,538,198	\$4,846,066
	SCs	\$87	154	\$13,365	\$4,455
	Comparable STA SSEs	\$30	712	\$21,353	\$7,118
	Comparable STA SCs	\$30	138	\$4,139	\$1,380
OTRB	SCs	\$87	197	\$17,099	\$5,700
	Comparable STA SCs	\$30	367	\$11,024	\$3,675
Total			355,370	\$23,117,074	\$7,705,691

Note: Totals may not add due to rounding.

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's cost of the Security Vetting NPRM is funded entirely by applicant fees and is not augmented by appropriated funding (see response to question 13). The fee covers applicants' enrollment, vetting, adjudication, redress procedures and credentialing, and other operational TSA costs associated with the program.

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

¹¹ The \$66 Level 2 STA fee for SSE includes the processing fee, terrorism/ other analyses check fee, and immigration check fee.

¹² The \$87 Level 3 STA fee for SC includes the processing fee, terrorism/other analyses check fee, immigration check fee, and CHRC fee.

This is a new information collection request.

- 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 would 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 would 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.