

INFORMATION COLLECTION SUPPORTING STATEMENT

Security Programs for Foreign Air Carriers

- 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).***

49 U.S.C. 44906 requires TSA to require foreign air carriers flying into and out of the United States to adopt and use a security program. This statutory authority is implemented in 49 CFR part 1546 regulations. The required security program must be acceptable to the head of TSA. TSA may accept a security program from a foreign air carrier only when it determines that the security program provides passengers of the foreign air carrier (FAC) a level of security similar to the level of security passengers would receive from domestic carriers using the same U.S. airport.

Further, the security program requires the FAC to maintain certain records and to provide certain information to TSA or make it available for inspection as outlined in the Model Security Program (MSP). (Collection information and reporting requirements are described in the (MSP) and specific reporting forms may be found in OMB-1652-0040). These record keeping and reporting requirements are the focal point from which the collection of information is drawn. Specifics are discussed in Question 12.

- 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 uses the information collected to ensure the FACs are performing security measures in keeping with its mandate. TSA inspects each FAC against its security program at its domestic and foreign locations to ensure that the FAC's security program is being carried out. Such inspections protect the security of the passengers, baggage, cargo, and aircraft.

- 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 record keeping, 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.]***

Due to the importance of receiving and determining acceptability of a security program, TSA requires a paper copy of the security program with original signatures from each FAC. An FAC is also required to submit a paper copy of any requests for amendments to its security

program. TSA may need such specialized requests to address individual FAC security concerns.

Prior to receiving the official paper copy with original signatures, FACs may request amendments via email or fax. The email or fax request begins the process of review within TSA. In turn, TSA provides approval responses electronically, followed by official paper copies. This allows for immediate implementation of the agreed upon security measure.

FAC employees must have access to all applicable TSA security measures, which they carry out on behalf of the FAC. FACs may access these measures via electronic means; normally accomplished through the air carriers' internal computer files.

A portion of the collection of information is of immediate importance and TSA must handle it via telephone. These are limited instances, but TSA needs the immediate personal contact with FACs to address the issues pertaining to the vetting of passengers, crew members, and FAC personnel. The urgency pertains to whether or not an individual (passenger or FAC employee, including a crewmember) matches a U.S. watch list and will be permitted to enter or depart from the United States. In light of fiscal concerns, it is to the FAC's advantage to have that decision made prior to the carrier entering U.S. airspace.

FAC must screen cargo onboard passenger flights on a daily basis and submit their information monthly according to their technological capabilities. The TSA provided the Cargo Reporting templates electronically to all of the foreign air carriers. The foreign air carrier corporate security department consolidates the information and then submit the report electronically to CargoReporting@dhs.gov.

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 Government entity has a Congressional mandate to require an FAC to adopt and carry out a security program. Prior to TSA's existence, this information collection was conducted by the Federal Aviation Administration. To TSA's knowledge, since the responsibility for this collection transferred to TSA, it has not been duplicated anywhere else.

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.

TSA has determined the collection of information does not have 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.

TSA has the responsibility of ensuring the security of persons and property traveling to and from the United States. Title 49 CFR part 1546 requires FACs seeking to provide air travel into or out of the United States to adopt and implement an FAC security program.

It is imperative that all FACs provide adequate security measures for all flights to and from the United States. Due to potential security threats and ever changing security risks and assessments, it is necessary to require FACs to perform certain security measures, which may involve maintaining records and providing information to TSA. TSA conveys the needed security measures to the FACs via mechanisms provided within the FAC security program.

FACs are provided, via the regulation, an opportunity to indicate when they cannot meet such requirements due to their respective national laws. Further, FACs may provide to TSA an alternate means by which they can meet the intent of the required TSA security measures. TSA handles such requests on a case-by-case basis.

Shortly after September 11, 2001, several Government agencies developed listings of individuals believed to be a threat to civil aviation security. The lists are now created by the Terrorist Screening Center (TSC). The listings, collectively known as the watch lists, provide names and identifying data about these particular individuals. TSA provides the lists to FACs so that they will vet their passengers to ensure that no one on the list may fly to or from the United States or that appropriate security measures are applied for a passenger on a watch list. These lists are updated on a regular basis. The requirement now encompasses vetting of the entire flight crew, other FAC personnel, and all passengers.

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): FACs are required to conduct a comparison of their passengers against the watch lists, and must report whenever they have a potential match against the watch list. This is done on a flight-by-flight basis, depending for each flight on whether there is a potential match.

Otherwise, the collection of information is conducted in accordance with 5 CFR 1320(d)(2).

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

TSA published a notice of intent to request a reinstatement of a previous approved OMB public information collection for Security Programs for Foreign Air Carriers. The 60 day notice was published on March 26, 2009 (4 FR 13220) and the 30 day notice was published on July 6, 2009 (74 FR 31969). To TSA's knowledge, no comments were received in response to this notice.

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

TSA will not provide payment to respondents.

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

All created security plans and reporting information will be protected from disclosure to the extent required by existing laws and regulations.

- 11. TSA does not provide an assurance of confidentiality to respondents. However, to the extent that the information collected is Sensitive Security Information (SSI) as defined in 49 CFR part 1520, "Protection of Sensitive Security Information," such information is protected from public disclosure. 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 does not ask questions of a sensitive nature.

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

Approximately 100 FACs have regularly scheduled flights and 33 have charter businesses (indicating their flights are on-demand). The burden will depend on the frequency of flights the FAC has to and from the United States. Currently, 162 FACs conduct passenger operations under 49 CFR part 1546. The following hour burden estimates are broken out by category.

For subsequent years, TSA estimates 15 new air carriers annually. These carriers will use the Foreign Air Carrier Revised Model Security program, which takes approximately 6 hours to complete.

$$(a.) 15 \text{ new FACs} \times 6 \text{ hours} = 90 \text{ hours}$$

If safety and the public interest require an amendment, TSA may require an amendment to the TSA-accepted security program. TSA considered the average number of amendments between 2006 and 2008 to estimate three amendments per year. Each of the 162 FACs would be required to respond for each amendment, for a total of 486 responses (162 FACs \times 3 amendments).

Table 1: Annual Amendments Summary

Year	Amendments Issued
2006	6
2007	3
2008	0

$$(b.) 162 \text{ FACs} \times \text{estimated } 3 \text{ amendments} \times 0.5 \text{ hours} = 243 \text{ hours}$$

An FAC may submit a request to TSA, specifically to a TSA International Industry Representative (IIR), to change its TSA-accepted security program or adopt other means to meet the TSA-issued amendments. Based on past requests, TSA estimates it will receive 50 requests annually.

$$(c.) 50 \text{ requests} \times 1 \text{ hour to prepare documentation} = 50 \text{ hours}$$

Upon request of TSA, each FAC must provide evidence of compliance with 49 CFR part 1546 and its security program, including copies of records. Accordingly, TSA estimates that an average of 1 hour is required for each FAC to maintain copies (hard copies at corporate offices and electronic copies maintained at stations) and to make their security programs available for annual review.

Based on information on 7 of the larger FACs, TSA estimates each FAC has 13 stations inspected within the United States, with an average of 5 last points-of-departure, for a total of 18 stations inspected for compliance with the Foreign Air Carrier Model Security Program.

$$(d.) 162 \text{ FACs} \times 18 \text{ locations} \times 1 \text{ hour} = 2,916 \text{ hours}$$

Training

FACs are required by their security programs to provide their crewmembers and other individuals performing security-related functions with initial training and recurrent training covering a number of subjects. Depending on the subject matter, the training is delivered in several methods such as web-based training, classroom training, hands on training, and home study. The FACs must retain the records for varying specified periods of time. TSA

estimates that the average annual hour burden per carrier associated with this collection is 24 hours.

$$(e.) 162 \text{ FACs} \times 24 \text{ hours} = 3,888 \text{ hours}$$

Incident and Suspicious Activity Reporting

TSA requires FACs to immediately report to the Transportation Security Operations Center (TSOC) all incidents, suspicious activities, and threats that could affect the security of U.S. civil aviation. Incidents, suspicious activities, and threat information may include, but are not limited to, interference with the flight crew, possible surveillance of an aircraft or airport facility, bomb threats, and air piracy. In light of the urgency of this type of reporting, FACs give this report orally, over the telephone. Based on 2005 reports of suspicious activity, TSA estimates FACs will report 125 incidents annually.

$$(f.) 30 \text{ minutes per call} \times 125 = 62.50 \text{ hours}$$

Watch Lists

FACs must conduct a comparison of their passenger names against the watch lists distributed by TSA. On average, this list comes out on a daily basis. The FACs must also report the passengers who are potential matches. Watch list notification is on a per-flight basis. FACs take approximately 30 minutes to conduct these comparisons electronically. TSA does not take the FACs that operate charter flights into account for this measurement because of the infrequency with which they would conduct the comparisons.

The following calculations are based on the random selection of 6 of the larger foreign air carriers with an average of 9,097 flights per year.

$$162 \text{ carriers} \times 9,097 \text{ flights} = 1,473,714$$

$$(g.) 1,473,714 \times 30 \text{ minutes} = 736,857 \text{ hours}$$

It takes an average of 4 hours to determine if a match has been made.

$$(h.) \text{TSA estimates approximately } 100 \text{ watch list matches} \times 4 \text{ hours} = 400 \text{ hours}$$

Table 2: Summary of Information Collection Industry Burden

Burden	Responses	Hours
a. Start-up operations	15	90
b. TSA-issued amendment	486	243
c. Carrier requested amendments	50	50
d. Provide Evidence of Compliance	162	2,916
e. Recording and retention of training records	162	3,888
f. Reporting of Suspicious Activity	125	63
g. Watch list comparisons	0	736,857
h. Time to clear possible matches	100	400
Total Burden	1,180	744,507

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

TSA estimates no costs in addition to the hourly burdens discussed above for this requirement.

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 total inspection process is composed of the following costs, all of which are calculated on an annual basis:

TSA estimates that approximately 15 new FACs will seek to adopt and implement the Foreign Air Carrier Model Security Program in order to initiate operations to or from the United States. The acceptance and explanation of the program and presentation of the Model Security Program to the FAC requires approximately 32 hours of an IIR's time at \$81.62 per hour (average hourly cost of a J band employee).

$$(a.) 15 \text{ FACs} \times 32 \text{ hours} \times \$81.62 = \$39,178$$

TSA estimates each FAC has 13 domestic stations that have records inspected for compliance. TSA estimates that the time necessary to inspect training records is approximately 1 hour. TSA used an average hourly salary of \$58.32 for domestic inspectors.

$$(b.) 13 \text{ stations} \times 162 \text{ FACs} \times \$58.32 = \$122,822$$

TSA estimates that TSA inspects each FAC approximately 5 times annually. The record review also takes one hour.

$$(c.) 5 \text{ stations} \times 162 \text{ FACs} \times \$58.32 = \$47,239$$

TSA projects it will issue 15 amendments per year. Because this is a global issuance, TSA estimates that the time necessary for IIRs to issue to each of the 162 FACs a TSA-initiated amendment is approximately 30 minutes.

$$(d.) 162 \times 0.5 \text{ hours} \times \$81.62 = \$6,611$$

TSA estimates that the FACs will initiate 40 requests for a change to their security program. TSA estimates that an average of 16 hours is necessary for the IIR to review the request, conduct any related research, draft appropriate related paperwork, and, for headquarters to review the information.

$$(e.) 16 \text{ hours} \times 40 \text{ requests} \times \$81.62 = \$52,236$$

Table 3: Summary of Information Collection Government Burden

Burden	Hours
a. Start-up operations	\$39,178
b. Compliance records inspection	\$122,822
c. Points-of-departure	\$47,239
d. Process amendments	\$6,611
e. Security program changes	\$52,236
Total TSA cost	\$268,086

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

The was no change to this collection, the increase in burden is due the increased number of air carriers.

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

TSA will not publish or tabulate information on 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.

N/A.

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.