

other entities to screen cargo off-airport before it is tendered to aircraft operators for transport on passenger aircraft. In the absence of such a program, all air cargo screening required by the 9/11 Commission Act would have to be accomplished by the aircraft operators at the airport. Severe delays and economic disruption would result.

Before issuing the IFR, however, TSA needs to collect information during an initial pilot program. Accordingly, TSA must proceed with a separate ICR for the pilot program in order to meet the Congressional mandate. This ICR will allow TSA to collect two broad categories of information from shippers, indirect air carriers, and other entities that wish to become CCSFs:

(1) Personal information to allow TSA to conduct security threat assessments (STA) on key individuals employed by the CCSFs; and

(2) Data demonstrating air cargo throughput and other information from which TSA can determine eligibility to become a CCSF and the effectiveness of the CCSF's performance.

TSA will certify qualified facilities as CCSFs. CCSFs may screen cargo off-airport and must implement measures to ensure a secure chain of custody from the point of screening to the point at which the cargo is tendered to the aircraft operator or other regulated entity for transport. This pilot creates several new information collections. Outlined below are the specifics of each information collection.

#### *Data Collection*

Entities seeking to become CCSFs are required to submit an application to TSA at least 90 days before the intended date of operation. CCSF applicants will submit applications and related information either electronically through e-mail or through the online Air Cargo Document Management System under development. TSA will also accept applications by postal mail. Once TSA approves the application, TSA will allow the regulated entity to operate as a CCSF in accordance with TSA standards.

TSA will require CCSF applicants to ensure that individuals performing screening and related functions under the IFR have successfully completed an STA conducted by TSA. In addition, Security Coordinators and their alternates for CCSFs will need STAs. CCSFs must submit personally identifiable information on these individuals to TSA so that TSA can conduct an STA.

CCSF facilities must provide information on the amount of cargo screened at an approved facility. CCSFs

must also maintain screening and other security-related training records.

#### *Estimated Burden Hours*

TSA has identified four separate information collections under this ICR. These four collections will affect an estimated total of 2,667 unique respondents (shippers, indirect air carriers, and other entities) over the three years of the PRA analysis. Collectively, these four information collections represent an estimated average of 89,011 responses annually, for an average annual hour burden of 152,490 hours.

1. *STAs.* All pilot participants will be required to have certain employees undergo STAs. TSA estimates the time to complete an STA application at 15 minutes per individual. TSA estimates an average of 2,667 CCSFs responding annually with an average of 20 applicants each. This yields an estimated 53,340 STAs (2,667 CCSFs  $\times$  20 applicants) for CCSFs. From this, we derive an annual hour burden of 13,335 hours (53,340 STAs  $\times$  0.25 hrs).

2. *Screening and Other Security-Related Training Records.* All CCSFs will be required to maintain screening and other security-related training records for employees in the program. TSA estimates a time burden of approximately five minutes annually for each CCSF to file the training records. TSA considers the estimated average annual CCSFs impacted to be 2,667. From this, TSA derives an annual hour burden of approximately 221 hours (2,667 CCSFs  $\times$  0.083 hrs).

3. *Applications.* Entities desiring to become CCSFs will send TSA an application for consideration. TSA estimates that it will receive an average of 1,000 enrollment applications annually, and that these applications will require an average of 15 minutes each to complete, resulting in an annual burden of 250 hours (1,000 CCSFs  $\times$  0.25 hrs).

4. *Cargo Volume Reports.* Finally, TSA estimates that approximately 2,667 CCSFs will complete monthly cargo volume reports taking approximately one hour each week. This creates an estimated annual burden of approximately 138,684 hours (2,667 CCSFs  $\times$  1 hr  $\times$  52 weeks).

#### *Use of Results*

TSA will use the information gathered as part of this pilot program for the purpose of "beta testing" the many processes and procedures associated with the program. TSA will utilize the results to evaluate, refine, and improve the final certified cargo screening program in the IFR.

Issued in Arlington, Virginia, on April 7, 2009.

**Ginger LeMay,**

*Paperwork Reduction Act Officer, Business Improvements and Communications, Office of Information Technology.*

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## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

[Docket No. TSA-2004-19147]

RIN 1652-ZA16

#### Alien Flight Student Program Recurrent Training Fees

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** Notice.

**SUMMARY:** The Transportation Security Administration (TSA) announces the imposition of fees for processing alien flight students who take recurrent training. These fees will cover the cost of the security threat assessments of these alien flight students. Recent statutory amendments authorize TSA to establish these fees by notice.

**DATES:** This notice is effective 30 days from the date of publication in the **Federal Register**.

**ADDRESSES:** You may view published documents and comments concerning the Alien Flight Student Program, identified by the docket number of this notice, using any one of the following methods:

- (1) Searching the Federal Docket Management System (FDMS) Web page at <http://www.regulations.gov>;
- (2) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>; or
- (3) Visiting TSA's Security Regulations Web page at <http://www.tsa.gov> and accessing the link for "Research Center" at the top of the page.

**FOR FURTHER INFORMATION CONTACT:** Johannes M. Knudsen, Alien Flight Student Program, Transportation Threat Assessment and Credentialing (TTAC), TSA-19, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6019. Telephone: (571) 227-2188; e-mail: [Johannes.Knudsen@dhs.gov](mailto:Johannes.Knudsen@dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Statutory Authority

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009

(Appropriations Act of 2009),<sup>1</sup> which amends 6 U.S.C. 469, requires the Secretary of the Department of Homeland Security to (1) establish a process to determine that an alien who takes recurrent flight training is properly identified and does not pose a threat to aviation or national security; and (2) impose reasonable fees to recoup the cost of checking recurrent training candidates.

TSA refers to recurrent training as Category 4 training. TSA defines recurrent training as periodic training required for certified pilots under 14 CFR parts 61, 121, 125, 135, or subpart K of part 91. Recurrent training does not include training that would enable a candidate who has a certificate or type rating for a particular aircraft to receive a certificate or type rating for another aircraft. *See* 49 CFR 1552.1. Further, TSA has clarified that recurrent training includes training required by a foreign national authority that is recognized by the Federal Aviation Administration (FAA). *See* TSA Interpretation at Docket No. TSA-2004-19147-227. Finally, TSA has clarified that recurrent training does not include flight review, proficiency check, or any other check whose purpose is to review rules, maneuvers, or procedures, or to demonstrate a pilot's existing skills on aircraft with a maximum certificated take-off weight of 12,500 pounds or less, such as flight review required under 14 CFR 61.56 or flight experience requirements in 14 CFR 61.57. *See* TSA Interpretation at Docket No. TSA-2004-19147-0226.

The Appropriations Act of 2009 provides:

[T]he Secretary shall establish a process to ensure that an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act) applying for recurrent training in the operation of any aircraft is properly identified and has not, since the time of any prior threat assessment conducted pursuant to section 44939(a) of such title, become a risk to aviation or national security.

The Secretary may charge reasonable fees under subsection (a) for providing credentialing and background investigations for aliens in connection with the process for recurrent training. \* \* \* Such fees shall be promulgated by notice in the Federal Register.

Public Law No. 110-329, 543(2)(b)(1), (3) (6 U.S.C. 469(b)(1), (3)).

## II. Recurrent Training Under the Alien Flight Student Program

### A. Overview of Alien Flight Student Program

TSA administers the Alien Flight Student Program (AFSP) and conducts security threat assessments of alien flight candidates to determine that they do not pose a threat to aviation or national security. TSA has codified the standards that govern this program at 49 CFR part 1552<sup>2</sup> and establish which alien flight candidates must undergo a security threat assessment, the information they must provide to TSA for the security threat assessment, and the fees the candidates must pay to cover the cost of the security threat assessment.

Aliens seeking flight instruction fall into one of four categories of flight instruction, and aliens who take recurrent training fall under Category 4.<sup>3</sup> Part 1552, and the statutes authorizing the rule, require fees for candidates seeking flight training under Categories 1-3, and the Appropriations Act of 2009 authorizes TSA to establish fees for candidates seeking Category 4 recurrent training. In accordance with the Appropriations Act of 2009, TSA, through this notice, addresses recurrent flight training (Category 4) procedures and associated fees.

### B. Security Threat Assessment Process

To conduct a security threat assessment on alien flight candidates, TSA needs certain biographic information to check the individual against terrorism-related databases and other governmental information sources, and verify identity. Section 1552.3(d) currently requires the following information from candidates for recurrent training requests: (1) Full name (and any other names used previously); (2) any unique student identification number issued previously to the candidate by the Department of Justice or TSA (such as for other flight training); (3) a copy of the candidate's current, unexpired passport and visa, if

any; (4) the candidate's current airman certificate, issuing country, certificate number, and type rating(s); (5) the type of training for which the candidate is applying; (6) the date of the candidate's prior recurrent training (if any), and a copy of the training form documenting that recurrent training; (7) the dates and location of the candidate's requested training; and (8) a photograph of the candidate taken when the candidate arrives at the flight school for recurrent training.

In addition to the information listed above, TSA will now request information gleaned from the candidate's passport, a copy of which is required under 49 CFR 1552.3(d)(2)(iii), including the candidate's date of birth, gender, birth country, nationality, height, weight, eye color, hair color, country of citizenship, type of citizenship (current, dual, or historical), whether citizenship is acquired through birth or naturalization, dates of citizenship, and passport information (issue and expiration date, status, city of issuance). Additionally, TSA will require contact information to facilitate communication between TSA and the candidate, such as address, dates at the address, phone number(s), and e-mail address; and employment information, such as occupation, employer's name, phone number, and e-mail address. A candidate may also voluntarily indicate whether his or her passport was issued outside the United States and whether it has been renewed. Note that TSA currently requires candidates who are seeking flight training under Categories 1-3 to submit this data. TSA has found that this contact information greatly reduces that amount of time it takes to complete a security threat assessment, which benefits the candidates and TSA. We require this information from individuals who work in the maritime industry, drivers who are applying for a hazardous materials endorsement, and air cargo employees. *See* 49 CFR parts 1548, 1572.

On January 5, 2005, TSA issued an exemption that reduced the amount of information that must be submitted for candidates seeking recurrent training to the following: (1) Full name and any others used previously; (2) date of birth; (3) passport number and issuing country; (4) airman certificate number, the type of airman's certificate, type ratings on the certificate, and issuing country of the certificate; and (5) the type and dates of training the candidate requests. *See* Docket No. TSA-2004-19147-0337. At that time, TSA noted that the exemption would remain in effect until superseded. TSA now rescinds this exemption because the

<sup>1</sup> Public Law No. 110-329, 543, 122 Stat. 3574, 3689 (September 30, 2008).

<sup>2</sup> TSA published part 1552 pursuant to section 113 of the Aviation and Transportation Security Act (ATSA) and section 612 of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44939).

<sup>3</sup> The other three categories are: (1) Category 1—flight training candidates seeking training in the operation of aircraft weighing greater than 12,500 pounds; (2) Category 2—flight training candidates seeking training in the operation of aircraft weighing greater than 12,500 pounds, but who qualify for expedited processing because of certain qualifications; and (3) Category 3—flight training candidates seeking training in the operation of aircraft weighing 12,500 pounds or less and the training is an initial, multi-engine, or instrument-rating training. This notice does not affect Categories 1-3 procedures.

information required under the rule (49 CFR 1552.3(d)) and this notice is necessary to conduct threat assessments on Category 4 candidates.

Flight schools must submit all of the information required in section 1552.3(d) and this notice to TSA through the AFSP system. TSA will describe this process in greater detail on the AFSP Web site, including how candidates obtain a User ID.

### III. Fees

#### A. Standards and Guidelines Used by TSA in Developing These Fees

The total fee will be \$70 for each Category 4 recurrent training request. TSA calculated the fee from a detailed analysis of historical data on the actual number of Category 4 recurrent training candidates (population), the actual cost of processing the Category 4

submissions, the actual cost of performing the candidate assessments, and the actual cost of maintaining the information systems to support the process over the past four years.

#### B. Costs

Candidates for recurrent training must pay a fee, through their respective flight training provider, to cover the following costs:

TABLE 1—AFSP CATEGORY 4 ACTUAL COSTS

Operational year	FY2005	FY2006	FY2007	FY2008	Total
Cost Components:					
Threat Analysis .....	\$20,770	\$22,150	\$23,917	\$23,524	\$90,361
Enrollments .....	1,063,100	746,969	1,014,875	818,778	3,643,722
Program Management .....	243,940	402,850	525,634	353,148	1,525,572
Hardware/Software .....	264,806	110,392	119,408	95,301	589,907
Program Administration .....	48,579	42,194	40,969	38,138	169,880
Grand Totals .....	1,641,195	1,324,555	1,724,803	1,328,889	6,019,442

For the TSA security threat assessment, each Category 4 candidate's information will be checked against multiple databases and other information sources so that TSA can determine whether the candidate poses a security threat that warrants denial of approval of the training request. TSA must establish and maintain the appropriate systems, resources, and personnel to ensure that the candidate's information is appropriately linked, and that TSA will be able to receive and act on the results of the security threat

assessment. TSA must have the necessary resources—including labor, equipment, database access, and overhead—to adjudicate the results of the security threat assessment and complete the security threat assessment process.

An analysis of historical costs necessary to conduct candidate assessments for this category of applicants indicates that \$6,019,442 has been expended by TSA in fiscal years 2005–2008. The historical costs include \$90,361 for threat analysis, \$3,643,722

for enrollment, \$1,525,572 for program management, \$589,907 for hardware and software, and \$169,880 for program administration costs necessary to facilitate the processing.

#### C. Population

An analysis of historical data on Category 4 candidates in fiscal years 2005–2008 indicates that 85,638 training requests have been processed under this category. The analysis indicates the following training requests for each fiscal year.

TABLE 2: AFSP CATEGORY 4 ACTUAL POPULATION

Operational year	FY2005	FY2006	FY2007	FY2008	Total
Annual Candidates for Category 4 recurrent training .....	16,417	17,248	29,373	22,600	85,638
Grand Total .....	16,417	17,248	29,373	22,600	85,638

#### D. Total Fee

The fee TSA charges will recover all costs related to the security threat assessment process. TSA has determined that the fee required to fully recover the candidate assessment costs will be \$70 per candidate. The \$70 fee was determined by dividing the actual number of historical training requests (85,638) into the actual historical cost (\$6,019,442) of services for this category.

TSA will continue work to minimize program costs. Additionally, in accordance with statutory financial management requirements, TSA is required to review fees no less than every two years. See 31 U.S.C. 902(a)(8). Upon review, if it is found that the fees

are either too high (total fees exceed the total cost to provide the services) or too low (total fees do not cover the total costs to provide the services), TSA will adjust the fee. If TSA adjusts the fees for this reason, TSA will publish a notice in the **Federal Register** apprising the public of the change.

Issued in Arlington, Virginia, on April 8, 2009.

**Gale Rossides,**

*Deputy Administrator, Transportation Security Administration.*

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### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### Compendium of Flood Map Changes

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) announces the availability of the Compendium of Flood Map Changes, which provides a listing of changes made to the National Flood Insurance Program (NFIP) maps that went into effect from July 1, 2008, through