

SUPPORTING STATEMENT

1. IDENTIFICATION OF THE INFORMATION COLLECTION

The Environmental Protection Agency (EPA) requests an extension of the current approval for information collection activities associated with contractor conflicts of interest (COI). The EPA number for this collection is 1550.07. The Office of Management and Budget (OMB) Information Clearance Request (ICR) number is 2030-0023.

The collection of this information is required to ensure that the Agency can effectively identify, evaluate, and take appropriate action concerning contractor COI. EPA contractors are required to disclose any actual or potential COI with regard to its employees, corporate affiliations, and business relationships. Contractors will be required to maintain a database of business relationships and report information to EPA on either an annual basis or when work is ordered under an Agency contract. Additionally, under some contracts, the contractor must request written approval from the contracting officer to enter into a proposed contract subject to the restrictions of EPA's Limitation of Future Contracting Clause.

2. NEED FOR AND USE OF THE COLLECTION

a) NEED/AUTHORITY FOR THE COLLECTION

The Federal Acquisition Regulation (FAR), Subpart 9.5, requires contracting officers to analyze acquisitions to identify and evaluate potential COI, and to avoid, neutralize, or mitigate significant COI before contract award. EPA's information collection is required not only to fulfill the requirements of FAR, protecting the Government's interests at contract award, but also ensure this protection extends throughout the performance of Agency contracts.

EPA's mission is to protect human health and the environment. This mission involves crosscutting functions such as developing and enforcing regulations, and performing environmental research. Since EPA uses contractor support for all these functions it is imperative that the Agency maintain rigorous COI standards to protect the integrity and the public's trust in our work. Originally, this ICR was initiated due to the need to ensure that contractors supporting work under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) or "Superfund" are free from conflict so as not to prejudice CERCLA clean-up and cost recovery actions. In the past few years, it is clear that the potential for conflict is not limited to contracts supporting just Superfund activities, but includes other EPA contracts as well. Environmental laws, besides Superfund, that give the Agency the authority for its programs and regulatory activities include, but are not limited to, the Clean Water Act (CWA); Safe Drinking Water Act (SDWA); Marine Protection, Research and Sanctuary Act (MPRSA); Clean Air Act (CAA); Resource Conservation and Recovery Act (RCRA); Oil Pollution Act (OPA); Pollution Prevention Act (PPA); Federal Insecticide,

Fungicide and Rodenticide Act (FIFRA); Superfund Reauthorization and Amendments Act (SARA); Toxic Substance Control Act (TSCA); Federal Facility Compliance Act (FFCA); National Environmental Policy Act (NEPA); Emergency Planning and Community Right-to-Know Act (EPCRA); Comprehensive Environmental Response, Asbestos Hazard Emergency Response Act (AHERA); and the Mercury-Containing and Rechargeable Battery Management Act (Battery Act).

FAR Subpart 2.1 states organizational conflict of interest means “that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Government, or the person’s objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.” Depending on the contract terms, EPA requires the contractor to either certify annually or certify each time work is ordered under the contract that to the best of the Contractor’s knowledge and belief, all actual or potential organizational conflicts of interest have been reported to EPA. If the contractor cannot so certify, the firm must provide a disclosure statement describing all relevant information concerning any past, present, or planned interests bearing on whether it may have a conflict of interest. The contracting officer and advisers will use this information to evaluate potential conflicts and to determine the appropriate action necessary to avoid, mitigate, or neutralize the disclosed conflict.

Several examples of potential COI follow. Example 1: A contractor which may perform clean-up work at a Superfund site must disclose any business relationship that firm has with potentially responsible parties (PRP). Once PRPs are identified for specific sites, the Agency attempts to recover costs expended for cleanup through either consent agreements or litigation. Because EPA has the dual responsibility of cleanup and enforcement and because its contractors are often involved in both activities, it is imperative that EPA contractors are free of conflicts so as not to prejudice CERCLA response and enforcement/cost recovery actions. Example 2: A contractor which is tasked with evaluating radon measurement devices must disclose any business relationships it has with firms manufacturing radon measurement devices. The contractor’s objectivity would be questioned if the firm evaluated a radon measurement device manufactured by a company with which the contractor has an ongoing business relationship. Example 3: A contractor providing peer review services must disclose if contractor employees assigned to perform peer review which had been substantially involved in the product under review. The individual’s impartiality would be questioned if he or she contributed to the product under review.

b) USE AND USERS OF THE DATA

If contractors submit a certification stating they have no conflicts of interest, the contracting officer reviews the certificate and retains the information in the official contract file. If contractors disclose information showing they have an actual or potential conflict of interest, the contracting officers and advisers (subject matter or technical experts, legal advisors, and procurement analysts) carefully review and analyze the disclosure to determine the appropriate course of action. EPA staff will use the conflict

of interest plan and certifications as a means to ensure contractors are complying with EPA's requirements for detecting and avoiding conflicts of interest.

Contracting officers document their determinations in the official contract file. This is also where they retain the original information collected.

In general, the information collected and the determinations made will be used by the Agency to ensure that contractors and the EPA are adequately addressing conflict of interest concerns, and that the Agency is making determinations consistent with the exercise of common sense, good judgment, and sound discretion, to protect its programs.

3. THE RESPONDENTS AND THE INFORMATION REQUESTED

a) RESPONDENTS/NAICS CODES

Respondents to this information collection activity are Agency contractors performing work for the Agency which requires protection from conflicts of interest. The number of EPA contractors who will be required to provide information under this collection is approximately 135.

The respondents represent a variety of industries such as: remediation services (NAICS #56910); environmental consulting services (NAICS #56920); engineering services (NAICS #541330); research and development (NAICS #541710); administrative management and general management consulting services (NAICS #541611); and computer related services (NAICS #541519).

b) INFORMATION REQUESTED

(i) DATA ITEMS

Data to be collected includes: (1) certification on either an annual basis or when work is ordered that conflicts have been disclosed or that none exist; (2) disclosure of actual and potential conflicts of interest under the contract; and (3) requests for authorization to enter into a certain future contract work, cited in the "Limitation of Future Contracting Clause" in the applicable contract.

The recordkeeping requirements associated with this request include corporate recordkeeping consistent with a contractor's system for identifying, mitigating, and preventing conflicts of interest as described in its conflict of interest plan submitted to EPA. This conflict of interest recordkeeping includes maintaining a database of corporate clients and contracts in order to identify potential conflicts and maintaining records of disclosures of conflicts to demonstrate compliance with a contractor's conflict of interest plan. NOTE: The term "database" as used in this section includes any system which permits a contractor to search its records for conflicts of interest and may be either manual or automated. The critical function of any database is that it gives the respondent the capability to identify any past, present, and future work which may be in conflict.

(ii) RESPONDENT ACTIVITIES

To properly respond to EPA's conflict of interest disclosure requests requires the contractor to first maintain a list of all current contracts they are working under and the nature of the work they are performing under the contract. Then, the contractor must analyze interrelations between the work the firm will be performing under the current contract and any work performed under other contracts which may cause the contractor to be unable to render impartial assistance or advice to EPA, impair the firm's objectivity, or give the firm an unfair competitive advantage. For example, if EPA wants the contractor to assist with research on pesticide products, the contractor would check the work they currently perform to ensure it doesn't involved work for pesticide manufactures. A third party would question the objectivity of the contractor's research if the contractor's work involved a pesticide manufactured by a firm with which the contractor does a significant amount of business. If the firm discovers no conflicts of interest, then it certifies this fact to the contracting officer. If the firm discovers an actual or potential problem, then the facts of the situation will be reported to the contracting officer for his or her response. The steps involved in this process would include:

- 1) Create information
 - (a) prepare conflict of interest plan; (CBP = 50%)
- 2) Gather information; (CBP = 80%)
 - (a) create a database
- 3) Process, compile, and review information;
 - (a) search database and records (CBP = 25%) and
 - (b) maintain records
- 4) Complete written forms or other paperwork;
 - (a) prepare annual certification, or
 - (b) prepare certification when work is ordered
- 5) Identify a potential conflict of interest;
 - (a) make decision and notify EPA contracting officer (CBP = 10%)

- 6) Record disclosure or display information; (CBP = 10%) and
- 7) Request approval to enter a future contract that may have a conflict of interest.

"Customary and usual business practice" (CBP) efforts identified above were based on analysis of interviews with Agency contractors, Agency contracting staff, and historical data on handling conflicts of interest.

Public Notice

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Agency notified the public through a *Federal Register* notice on the submission of this ICR on April 25, 2007 (72 FR 20534) with comments due on June 25, 2007. One nonsubstantial comment was received.

4. THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY AND INFORMATION MANAGEMENT

(a) AGENCY ACTIVITIES

The Agency anticipates performing the information collection activities listed below, in conjunction with conflict of interest requirements. (See 6(b) for calculations of the Agency's cost estimates.)

- (1) Analyzing the contract scope and inserting appropriate conflict of interest clauses in contracts;
- (2) Collecting conflict of interest certifications or disclosures, or requests to review future contracts from the contractor;
- (3) When a conflict is disclosed or a request for a future contract is made, analyzing the information provided and determining the appropriate measures to avoid, neutralize or mitigate the conflict; and
- (4) Filing certifications of no conflict or documenting action on potential conflict of interests disclosures in the in the contract file.

(b) COLLECTION METHODOLOGY AND MANAGEMENT

The original information collected will go directly to the Contracting Officer who has responsibility for making conflict of interest determinations. The information and determinations will be filed in the specific contract files as the official record of the Agency decision. Most respondents will prepare their submissions electronically. Submissions are

accepted in any format so long as the required information is provided.

(c) SMALL ENTITY FLEXIBILITY

Based on fiscal year 2006 figures, roughly one third of the Agency's contracts are awarded to small businesses. Only the minimum information necessary to ensure that conflicts of interest do not exist is requested. Because the information requested is vital to monitoring contractor performance under Agency contracts, separate or simplified procedures cannot be developed for small businesses.

EPA considered alternatives to the information collection, such as establishing different compliance or reporting requirements or simplifying the requirements for small entities. EPA also considered exempting small entities from all or part of the rule. However separate or further simplified requirements are not practical, because the stated objectives cannot be met under such alternatives. An undisclosed conflict of interest poses the same risk to EPA whether it is a conflict involving a large or small business contractor. EPA believes the information collection, along with other established internal controls within the Agency, will prevent conflicts of interest that may jeopardize future actions.

Although the information collection requirements for small and large business are the same, we anticipate that the burden will be less for small businesses because they generally have less complex organizational structures and less data to maintain and search than large businesses.

(d) COLLECTION SCHEDULE AND EFFECT OF LESS FREQUENT COLLECTION

This information collection requires contractors to certify, either annually or when EPA orders work under their contract, that they have no conflict of interest. If the contractor detects an actual or potential conflict, then the firm must disclose the nature of the conflict. The annual certification requirement is possible where the nature of the work the contractor is performing is sufficiently known in advance to allow certifying for an entire year. More frequently, EPA requires its contractors to certify or disclose with each order for work under the contract. This requirement for reporting when specific work is ordered is essential under contracts with a wide scope where it is not possible to know in advance the exact type of work needed or the exact location the work will be performed. For example, most Superfund contracts are performed at multiple sites and there is little or no advance notice of where such work will be assigned because of our changing cleanup priorities. Therefore, a contractor is in a better position to identify its conflicts or potential contracts when work is ordered compared to when the basic contract is awarded. We are unable to further reduce this requirement without handicapping our ability to ensure our contractors do not work in areas where their objectivity may be impaired, or where their contractors actions may adversely affect enforcement actions or cost recovery from polluters.

There is also no set schedule for submission of requests for authorization to enter into a contract for non-EPA work cited in the "Limitation of Future Contracting Clause." This clause identifies outside work that could pose a significant conflict of interest with work performed for

EPA and may impair EPA contractor performance or harm enforcement actions. These requests are required to be submitted if and when a contractor wants to request authorization to enter into such high risk contracts. Such requests are essential in order that EPA has the opportunity to protect its enforcement actions from an unacceptable risk of prejudice before it occurs. This is essential to protecting the Government interests.

5. NONDUPLICATION, CONSULTATIONS & OTHER COLLECTION CRITERIA

(a) NONDUPLICATION

The collection of information is not duplicative of information otherwise accessible to the Agency. The data is unique to each firm's contract or order for work under a contract and is not available from any other source. EPA provisions have the same general objectives of identifying, mitigating and avoiding conflicts of interest as FAR Subpart 9.5. However, unlike the FAR, the EPA provisions include reporting and certification requirements to ensure that actual and potential conflicts of interest are reviewed not only prior to contract award, but also during the period of contract performance and after contract performance to ensure enforcement actions are not prejudiced. It is only in this way that EPA can evaluate whether a contractor's work efforts, which may be initiated during the EPA contract performance period or in some cases, after contract completion, may present an unacceptable risk to the Agency.

(b) CONSULTATIONS

For this ICR, informal consultations were conducted with the following EPA contractors who provide information under EPA's conflict of interest disclosure requirements. The firms contacted were:

<u>Name</u>	<u>Phone</u>	<u>Affiliation</u>
Ed Greutert	206-587-3165	Booz, Allen, & Hamilton
Ules Jackson	614-424-5447	Battelle
Leigh Roller	703-633-1678	ERG
Ed Sussenguth	415-222-8345	Tetra Tech

The process each firm used for tracking contract work, reviewing the scope of work, and certifying there are no conflicts or disclosing the nature of an actual or potential conflict were virtually identical. The amount of effort involved varied on the size of the business, the number of affiliates, and the amount of contracting they do.

(c) CONFIDENTIALITY AND SENSITIVE QUESTIONS

Some of the information submitted in response to our information request is confidential business information (CBI). The Agency will protect CBI from release, and will disclose it only to the extent consistent with 40 CFR part 2, subpart B, Agency regulations, and the contract terms.

This information collection complies with the Privacy Act of 1978 and OMB Circular A-108, as revised and incorporated into OMB Circular A-130. We have identified no sensitive questions.

(d) Public notice required prior to ICR Submission to OMB: The Federal Register document required under 5 CFR 1320.8(d), soliciting comments in this collection of information was published on April 25, 2007. One, nonsubstantial comment was received.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

(a) ESTIMATING THE RESPONDENT BURDEN AND COSTS

(i) General Notes

Respondent burden in complying with the COI information collection is broken down into the following tasks. Each task will be separately addressed in the narrative, and the all tasks will be summarized in the table at the end of this section:

1. Prepare Conflict of Interest Plan (one-time burden)
2. Create a Database (one-time burden)
3. Storage and Maintenance of Records (recurring burden)
4. Search Data Base Records for Possible COI (recurring burden)
5. Identify Potential COI, Record Decision, and Notify EPA (recurring burden)
6. Request Approval for Future Contract (recurring)

EPA's conflict of interest information requirements have been in effect since 1994. Additionally, the Federal Acquisition Regulation (FAR) Subpart 9.5 also has rules and procedures in place to identifying, evaluating, and resolving organizational and consultant conflicts of interest. Firms doing business with the Federal Government as prime contractors or subcontractors must meet the FAR requirements for identifying conflicts of interest. Given EPA's long history with requiring conflict of interest information, the vast majority of EPA contractors have established systems for tracking the work they perform and identifying areas which may raise issues concerning the contractors' impartiality or objectivity

One time costs, such as COI plan development and creation of a database were discussed in prior requests and continue to apply to only to contractors who have never done any work as either a prime contractor or subcontractor on a Government contract involving a potential for conflict of interest.

EPA's initial request for information collection clearance, which was submitted in 1994, utilized a seven year period to allocate one time, non-recurring costs associated with COI plan development and database creation. The seven year period was chosen because most Agency Superfund contracts average seven years. Now that the seven years has passed, and burden hours for the seven years were covered in EPA's initial and first renewal ICR, none of the original allocation of one-time costs remain. Any burden associated with tasks 1 and 2 will only be incurred by contractors and subcontractors who have never contracted with EPA.

The customary and usual business practices (CBP) in this ICR are based on knowledge of the business practices of anticipated respondents and from a review of information received from EPA contractors (potential respondents) who provided data in response to our consultations. In our burden calculations, the CBP is subtracted from the overall total burden to show the new estimated burden anticipated for this requirement. The calculations for CBP are described below for each category of effort.

In accordance with the provisions of FAR Part 31, EPA anticipates that costs incurred in complying with this information collection request will be chargeable to Government contracts.

(ii) Labor Costs: For all tasks below, the hours are allocated among labor categories in the same manner as the original ICR hours: 25% Management, 50% Technical, and 25% Clerical.

(1) Prepare Conflict of Interest (COI) Plan. (Non-recurring one-time effort) In its initial request, EPA estimated 1,170 hours per plan as a non-recurring one-time cost, because once contractors have prepared a COI Plan, it will only be necessary to update and/or modify it. We continue to utilize the estimate of 1,170 hours per plan for any firms who have never previously done business with EPA or been a prime or subcontractor on a Federal Government contract involving conflict of interest provisions. For new respondents, we retain the original CBP of 50%. This results in an estimate of 585 hours for each of the 10 new respondents. In order to allocate the 585 hours across the seven year period of performance, we have divided the 585 by 7 to arrive at an average 84 hours per respondent per year to prepare the initial COI plan. Total burden per year for the 10 new respondents is 840.

BURDEN: 84 hours X 10 new respondents = 840 hours

(2) Create Data Base. (Non-recurring one-time effort) Our estimate of 700 hours reflects EPA's best estimate based on information received from respondents. The CPB for this line item is 80%, resulting in total hours of 140. This line item is also a non-recurring one-time burden. Also, as described in task 1 above, these hours are allocated over a seven year period of performance. The Agency anticipates approximately 10 new respondents per year. This is lower from 15 in the previous ICR because many contractors now have experience meeting Federal and EPA conflict of interest requirements. Therefore, our estimate includes 140 hours per response for new respondents, divided by 7 years which equals 20 hrs per year, times 10 respondents or 200 hours total for new respondents.

BURDEN: 20 hours X 10 new respondents = 200 hours

(3) Storage and Maintenance of Records. The previous estimate was 1,100 hours. Our revised estimate is 484 hours. The CBP for this line item remains at is 80% to reflect that most firms routinely keep lists of their contract work and have experience in keeping conflict of interest records for Federal contracts. Therefore, a total of 154 hours of storage and maintenance of records activity is associated with this collection request.

BURDEN: 154 hours

(4) Search Data Base Records for Possible COI The number of times work is ordered under an EPA contract varies greatly; however, for purposes of this ICR we retain the estimate that 75 work orders will be issued in a given year. Of this number, approximately 16% will be for the same Superfund site for which a previous work order has been issued. Since contractors are not required to submit more than one certification or disclosure per Superfund site, then contractors will only do certifications or disclosures for 63 work orders.

The average time required to perform each search is estimated to be 8 hours. The previous ICR estimated 14 hours. In our interviews with contractors, we found firms typically perform a key word search (key words such as type of work, location, names of affiliates) in an automated database. The database search would take less than an hour; however, an employee with the appropriate expertise must review the search findings for accuracy. Eight hours includes the database search time, ensuring the findings are appropriate, and possibly querying contractor project staff as well as records. Based on interviews with contractors, the CBP for this line item is reduced from 25% to 10%. Few public sector contracts require searching the previous conflict of interest records; however, some state or local contracts may require it. Therefore, the hours associated with this collection request for data base searches is 7 hours.

BURDEN: $7 \times 63 = 441$ hours

(5) Identify Potential COI, Record Decision. Execute Work Order or the Annual Certification, and Notify the EPA of the Decision. This category reflects the management and technical activity in the search and certification effort that a contractor must perform. In accordance with the contract terms, the contractor is required to submit either a one time certification or individual certifications when work is ordered under the contract. Of the 63 worker orders requiring certification or disclosure, approximately 17% of cases (11 work orders per year), only an annual certification is required. The remaining 52 order will require individual certification or disclosure.

Our previous estimate for this task was 40 hours. Our revised estimate is 28 hours to complete an annual certification (in 11 cases) and 4 hours to complete a per work order review (in 52 cases). The CBP factor for this task is very low because most of this effort is associated solely with EPA requirements. The estimate of 10% for CBP is associated with an identification of a conflict of interest on a private contract which requires management attention but may not require the documentation and certification process required by EPA.

BURDEN: $11 \times 28 = 308$ (annual certification)
 $52 \times 4 = 208$ (work order certifications)
516 hours

(6) Request Approval to Contract. The estimate utilized is identical to that provided in the ICR for the proposed rule and for previous renewals. It is based upon an average estimate of five requests per respondent per year with an associated effort of 20 hours per request, or 100 hours per respondent. This review and approval time has remained fairly constant over the years, and is not expected to change during the three year period covered by this renewal. This is exclusively a requirement for the Federal Government and therefore no CBP is assigned.

BURDEN: 100 hours

Summary of Annual Time Burden

Total annual respondent burden for new respondents, which includes all tasks, is 2,251 hours times 10 new respondents for a total of 22,510 hours.

Total annual respondent burden for respondents which are not new, i.e., performing only tasks 3 through 6, is 1,211 hours times 125 respondents for a total of 151,375 hours

Annual time burden for all respondents, all tasks, is 153,626 hours. Estimated burden is (total hours divided by all 135 respondents) is 1,138.

Breakdown of Costs Burden

The following chart shows the labor costs associated with the burden hours discussed in the previous section. The base hourly labor rates are from the Bureau of Labor Statistics. For business/financial management the rate was \$51.25; for natural resource professionals (technical) the rate was \$29.35; and service industry (administrative) the rate was \$15.51. To calculate a fully loaded rate, an overhead of 100% was added to the hourly rate. As discussed in the previous section, for each task it is calculated 25% of the effort would be managerial, 50% would be technical, and 25% would be administrative.

	Hourly Rate	Effort (Hours)	Cost
<u>New Respondents Only</u>			
Task I Prepare COI Plan Management	\$102.50	21	\$2,152.50
Technical	\$58.70	42	\$2,465.40
Administrative	\$31.02	21	\$ 651.42
Subtotal		84	\$5,269.32
Task 2 Create Database Management	\$102.50	5	\$512.50
Technical	\$58.70	10	\$587.00
Administrative	\$31.02	5	\$155.10
Subtotal		20	\$1,254.60
<u>All Respondents</u>			
Task 3 Storage & Maintenance	\$102.50	38.5	\$3,946.25
Management	\$58.70	77	\$4,519.90
Technical	\$31.02	38.5	\$1,194.27
Administrative		Subtotal	154
			\$9,660.42
Task 4 Search Database Management	\$102.50	110.25	\$11,300.63
Technical	\$58.70	220.5	\$12,943.35
Administrative	\$31.02	110.25	\$ 3,419.96
Subtotal		441	\$27,663.94
Task 5 Certify/Disclose	\$102.50	129	\$13,222.50

Management	\$58.70	258	\$15,144.60
Technical	\$31.02	129	\$ 4,001.58
Administrative		Subtotal	516
			\$32,368.68

Task 6 Request Approval to Contract

Management	\$102.50	25	\$2,562.50
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Technical	\$58.70	50	\$2,935.00
Administrative	\$31.02	25	\$ 775.50
	Subtotal	100	\$6,273.00

New respondent costs for tasks 1 and 2 are \$6,523.92 x 10 responses= \$65,239.20
 For respondents performing tasks 3 through 6, the total annual costs are \$75,966.04, times 125 responses is 9,495,575. The total cost for all respondents is \$9,560,994.20. For each respondent, the cost is \$70,822.18.

ii) Capital/Start-up Costs

Because it will not be necessary for respondents to acquire any capital goods to provide the requested information, EPA has estimated no incurred capital/start-up costs.

(iii) Operating and Maintenance Costs

Operating and maintenance costs, which include such items as file storage, photo copying, and postage, are negligible.

(b) ESTIMATING AGENCY BURDEN AND COST

The Agency based its burden estimates on actual experience in collecting, reviewing, and approving contractors' conflict of interest submissions. EPA has recognized a need to collect conflict of interest information from more than just our Superfund contracts. This resulted in an increase in the number of respondents from 80 in the last ICR to 135 for this ICR. Additionally, we note in this ICR that EPA does not keep conflict of interest certifications or disclosures centrally. This information is collected, reviewed, and documented in the contract file by the cognizant contracting officer.

Due to the complexity of the task, as well as the experience and skill required in reviewing contractors' conflict of interest submissions, it is estimated that this effort will be performed by Grade 14 contracting personnel. The contracting personnel who review the

submissions also document their findings in the contracting file. Contract files contains CBI, so there are no additional measures required for the conflict of interest information collected. No administrative support is used in this effort. The first task, reviewing the contractor’s conflict of interest plan is done before the contract is awarded on a one time basis. (In Section 6 of this ICR, this was task one for contractors.) Tasks 2 and 3 below are recurring efforts. The second task, reviewing certifications and disclosures, includes annual and by work order certifications and disclosures as well as requests. (This was task 5 for contractors.) The third task is reviewing requests for approval of future contract. (This was task 6 for contractors.)

The hourly rate for a step five, GS-14 is \$42.24 (according the Office of Personnel Management Salary Table 2006-GS) a rate of 65% or \$27.46, was added to cover overhead costs. The loaded rate equals \$69.70 per hour.

ANNUAL AGENCY BURDEN/COST ESTIMATES

Collection Activity	Burden Hours per year	Cost (based on rate of \$69.70)
1. Answer Respondent Questions	250	\$17,425
2. Reviewing the contractor’s conflict of interest plan	240	\$16, 728
3. a. Reviewing annual certifications or disclosures and documenting the file (11x2=22)	22	\$1,533
b. Reviewing work order certifications or disclosures and documenting the file 52x135=7,020 responses 7020x2 hours	14,040	\$978,588
4. Reviewing requests for approval for future contracting and documenting the contract file	<u>100</u>	<u>\$6,970</u>
TOTAL:	14,652	\$1,021,244

c) REASONS FOR CHANGE IN BURDEN

The last information collection clearance request approved by OMB contained 145,640 burden hours for 80 responses for an estimated average of 1,821 hours per respondent. This ICR contains 153,626 burden hours for 135 responses for an average burden of 1,138. Overall, the respondent burden has increased by 7,986 hours. The total burden has increased because EPA expanded conflict of interest information collection from just Superfund contracts to any EPA contract which may have conflict of interest issues. The average burden per respondent has decreased due to efficiencies resulting from experience in collecting, retrieving, and reviewing conflict of interest data and the use of automated systems.

d) BURDEN STATEMENT

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,138 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OARM-2007-0341, which is available for online viewing at www.regulations.gov, or in person viewing at the Office of Environmental Information in the

EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Office of Environmental Information is (202) 566-1752. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select “search,” then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OARM-2007-0341 and OMB Control Number 2030-0023 in any correspondence.