

**Supporting Statement for a Request for OMB Review under
The Paperwork Reduction Act**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

Title: Request for Contractor Access to TSCA Confidential Business Information

EPA ICR No.: 1250.08 OMB Control No.: 2070-0075

1(b) Short Characterization

EPA procures contract support to facilitate the performance of certain duties. EPA may require contractors to handle Toxic Substances Control Act (TSCA) Confidential Business Information (CBI). Each contractor employee who will use TSCA CBI in the performance of his or her duties must be authorized for access to TSCA CBI through a multi-step process. The TSCA CBI Protection Manual (EPA Publication 7700 A2, revised October 2003; see Attachment C) provides Federal and contractor employees with guidelines and operating procedures for handling TSCA CBI while performing their official duties, as well as the procedures to obtain authorization for access to TSCA CBI.

Specifically, for purposes of this information collection, contractor personnel must submit to EPA the EPA form titled "TSCA CBI Access Request, Agreement, and Approval" (EPA Form 7740-6) (Attachment A). The Information Management Division (IMD), Office of Pollution Prevention and Toxics (OPPT), uses EPA Form 7740-6 to collect information about contractor personnel so that the Agency can evaluate their suitability for access to TSCA CBI. EPA stores the information on the OPPT Confidential Business Information Tracking System (CBITS).

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

This information collection request is necessary to protect information under provisions of TSCA section 14 (Attachment B). It is necessary for EPA to provide guidance to its employees, other Federal agencies and contractors on the proper handling of CBI submitted to EPA under TSCA.

This information collection activity is necessary to protect confidential information submitted to the Agency as mandated by TSCA section 14 and is consistent with 5 CFR 1320.6. The consequences of not collecting these data could be monumental to private industry. Under TSCA, industry is required to submit data that may be deemed to be confidential, such as formulas and financial information related to chemicals companies plan to produce. EPA is

obligated to protect these data as outlined by TSCA section 14. In addition, the Agency could possibly harm businesses if these data were released to competitors.

The information collected by this request will be used to evaluate contractor personnel who will be authorized for access to TSCA CBI. Therefore the collection of information is necessary to provide the protection mandated by TSCA.

2(b) Use/Users of the Data

The information will be maintained within OPPT in paper copy files and in an automated security access tracking system (CBITS, AXCON module) with access limited to the OPPT TSCA Security Officer and Document Control Officers (DCOs) in OPPT, other parts of EPA, in Regional Offices and at contractor firms.

The information will also be used to generate a monthly TSCA Authorized Access List for distribution to DCOs for verification of Federal and contractor employees authorized access to TSCA CBI. The information provided by contractor employees will not be released to sources who do not have a valid "need to know." Information submitted by one contractor will not be shared with another EPA contractor. If this information is not collected by the Agency, EPA will not be able to evaluate the suitability of its contractor employees for TSCA CBI access.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

No other Federal agency or department could provide the information necessary for EPA to authorize contractor personnel for access to TSCA CBI. The data being collected are not available from any other sources and can only be collected from individuals themselves.

3(b) Public Notice Required Prior to ICR Submission to OMB

In proposing to renew this ICR, EPA provided a 60-day public notice and comment period that ended on January 8, 2007 (71 FR 65809, November 9, 2006). EPA received no comments during the comment period.

3(c) Consultations

Under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an ICR to OMB for review and approval. Accordingly, EPA solicited the feedback of nine potential respondents via email. The individuals contacted were:

Vincent J. Brown

James Buchert

Battelle
505 King Avenue
Columbus, Ohio 43201
brownv@battelle.org

Versar Inc.
6850 Versar Center
Springfield, VA 22151
E-mail: buchejam@versar.com

Jeff Cantin
Eastern Research Group
110 Hartwell Avenue
Lexington, MA 02173-3198
E-mail: jeff.cantin@erg.com

Dyon Lane
Optimus Corporation
7926 Jones Branch Drive, Suite 900
McLean, VA 22102
Dyon.Lane@optimuscorp.com

Laura Morlacci
Syracuse Research Corp.
2451 Crystal Drive, Suite 804
Arlington, VA 22202
E-mail: lmorlacci@syrres.com

Deena W. Vann
ASRC Aerospace Corporation
1201 Pennsylvania Ave. N.W.
Washington, DC 20460
vann.deena@epa.gov

Linda Stender
Computer Sciences Corp.
79 Alexander Drive (N127-02)
Building 4201
RTP, NC 27711
E-mail: stender.linda@epa.gov

Karen Smalarz
Chemical Abstracts Service
2540 Olentangy River Road
P.O. Box 3012
Columbus, OH 43210
ksmalarz@cas.org

Kristina Watts
Abt Associates Inc.
4800 Montgomery Lane, Suite 600
Bethesda, MD 20814
Kristina_Watts@abtassoc.com

EPA received five responses to its solicitation for consultations, none of which were of a nature, in EPA's opinion, that warranted revisions to the draft information collection. A copy of EPA's consultations e-mail to the potential respondents, and copies of the responses that EPA received, are found in Attachment D.

3(d) Effects of Less Frequent Collection

This is a one-time information collection, if the clearance is renewed annually. When a clearance lapses, then a repeat of the initial collection is required.

3(e) General Guidelines

This information collection complies with the general guidelines found at 5 CFR 1320.5.

3(f) Confidentiality

The information collected is stored at EPA Headquarters in paper files and in a secured local area network, the Confidential Business Information Tracking System (CBITS) AXCON module. Any hard-copy information that is discarded from the system is shredded. The EPA form used to collect these data contains a Privacy Act statement that complies with the Privacy Act and OMB Circular 108.

3(g) Sensitive Questions

There are no sensitive questions contained in this information collection.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents and NAICS Codes

Respondents affected by this activity are found mainly under NAICS codes 514 (Information Services) and 561 (Administrative and Support Services).

4(b) Information Requested

(i) Data Items

To complete the form, the contractor employee must: describe why access to TSCA CBI is necessary for the successful performance of his or her duties under the contract; identify, by section of TSCA, the types of CBI to which access is needed; and provide personal identification information. Justification statements are provided on the form and the employee only has to designate which statement (A, B, C, D or Other) is applicable.

In addition, the contractor must appoint an employee to serve as a liaison (DCO) between EPA and the contractor to handle issues relating to employee access to TSCA CBI. Contractor responsibilities for maintaining the access list are explained under Chapter 2.D.1.f of the TSCA Confidential Business Information Security Manual. Contractor DCOs must ensure that contractor employees read the security manual and attend a security briefing. The DCO is responsible for conducting a review, on a monthly basis, of the TSCA CBI Authorized Access List to determine whether any names should be added to or deleted from the list or whether any employee's access authority should be broadened or narrowed. Any changes to the list require approval by the EPA Project Officer and the OPPT DCO.

(ii) Respondent Activities

The process that contractor employees must go through in order to be authorized access to TSCA CBI entails the following:

- (1) Read EPA Form 7740-6.
- (2) Gather required information and complete the form.

- (3) Submit the form to the contractor DCO for processing, compilation and review.
- (4) The contractor DCO files an in-house reference copy of the form.
- (5) The contractor DCO forwards the form to the EPA Project Officer (or Delivery Order Project Officer) for signature and to forward on to the OPPT DCO for further review and processing.
- (6) The contractor employee views the TSCA CBI security video.

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

5(a) Agency Activities -- Inventory

The contractor DCO forwards the EPA Form 7740-6 submitted by a contractor employee to the EPA Project Officer. The Project Officer then signs the form (Section V) and forwards the form to the OPPT DCO. OPPT DCO staff review the form for completeness. The form is processed by the DCO staff and appropriate authorizing signatures are obtained; the OPPT DCO is the final approval authority. The information on the form is then entered into the CBITS AXCON module.

The information is retained within OPPT in paper copy files. The information is entered into CBITS with access limited to the OPPT Security Staff and other Agency and Regional Office DCOs. Current plus one year of contractor information is maintained in the paper files. Paper files are destroyed by shredding after a contractor employee has relinquished his/her access.

5(b) Collection Methodology and Management

Once processed within OPPT, each EPA Form 7740-6 is reviewed by an EPA Project Officer and the OPPT DCO, and the data are entered into CBITS. The monthly TSCA CBI Access List, which acts as a quality check on data entry accuracy, is produced, published and distributed to TSCA DCOs. There is no public access to the TSCA CBI Authorized Access List, nor to any of the information stored in the CBITS AXCON module.

CBITS is housed on a secured Local Area Network with OPPT internal access only. The system is available to CBI-cleared users exclusively.

5(c) Small Entity Flexibility

All contractors regardless of company size are treated in the same manner. The collection process is simple and straightforward and can be completed quickly.

5(d) Collection Schedule

The information is collected once per each individual contractor employee requesting access authorization to TSCA CBI, provided there is no lapse in clearance and the individual does not relinquish his or her TSCA CBI access authorization.

6. Estimating the Burden and Cost of the Collection

6(a) Estimating Respondent Burden

Eligible contractors were directly contacted in the development of earlier versions of this ICR to determine the amount of time that would be required by them to complete the tasks outlined in section 3 of this ICR. Because the requirements for this ICR have not changed from the time the earlier estimates were made, the same estimates are used in this analysis. During the past three years, 28 companies under contract to EPA had a need to clear employees for access to TSCA CBI. Those firms had a total of 280 such employees cleared for access for an average of 10 employees per firm.

The per-employee burdens are given in table 6.1. In previous ICRs, the breakdown of employees among managerial, technical and clerical employees was approximately 33%, 58% and 9% respectively. This same breakdown was used in this analysis resulting in an estimate of 92 managerial, 163 technical, and 25 clerical employees. The total annual burden for all firms is **446** hours.

Table 6.1: EMPLOYEE BURDEN ESTIMATES

Collection Activities	Per Employee Burden Hours		
	Management	Technical	Clerical
1. Contractor employee can either view the TSCA CBI security video; complete the TSCA CBI On-line Briefing via the EPA Intranet; or use the supplied CD-ROM for those the cannot access the intranet	0.5000	0.5000	0.5000
2. Read EPA Form 7740-6	0.1630	0.1630	0.1630
3. Gather required information and complete form.	0.2240	0.1975	0.5280
4. Contractor Document Control Officer processes, compiles and reviews form.	0.0961	0.0367	1.5480
5. Store, file, or maintain copy of form for in-house reference.	0.1089	0.0086	3.0190
6. Complete written form, obtain signatures, forward to EPA Information Management Division	0.2275	0.0558	0.971

Table 6.2: TOTAL ANNUAL RESPONDENT (CONTRACTOR) BURDEN ESTIMATES

Collection Activities	Burden Hours (per year)			Total Hours
	Management	Technical	Clerical	
1. Contractor employee can either view the TSCA CBI security video; complete the TSCA CBI On-line Briefing via the EPA Intranet; or use the supplied CD-ROM for those the cannot access the intranet.	46.0	81.5	12.5	140.0
2. Read EPA Form 7740-6	15.0	26.6	4.1	45.7
3. Gather required information and complete form.	20.6	32.2	13.2	66.0
4. Contractor Document Control Officer processes, compiles and reviews form.	8.8	6.0	38.7	53.5
5. Store, file, or maintain copy of form for in-house reference.	10.0	1.4	75.5	86.9
6. Complete written form, obtain signatures, forward to EPA Information Management Division.	20.9	9.1	24.3	54.3
Totals	121.3	156.8	168.3	446.4

6(b) Estimating Respondent Costs

Costs in this ICR have been updated using recent unpublished data from the Bureau of Labor Statistics for the year 2005. These wages include fringe benefits and overhead. Current labor rates are the following:

<u>Labor Category</u>	<u>Hourly Rate</u>
Managerial	\$63.61
Technical	\$53.02
Clerical	\$26.37

Estimated total annual costs to the respondents are equal to **\$20,466** and are presented in table 6.3, by activity and labor category. There are no capital costs for the contractors associated with this collection.

6(c) Estimating Agency Burden and Cost

The costs and burdens to the Federal Government are presented in the table 6.4. The Office of Pollution Prevention and Toxics bases its burden hour estimates on prior experience in gathering and processing information associated with other information collections. Hourly wages for clerical support are based upon the salary for a GS-7, step1 (\$17.57). Hourly costs for managerial and technical support are based upon the salary for GS-15, step 1 (\$51.52) and GS-12, step 1 (\$31.17), respectively. The hourly rates were taken from the U.S. Office of Personnel Management's 2006 General Schedule. These hourly estimates were then multiplied by 1.6 to account for benefits (EPA Instructions for Preparing Information Collection Requests, 1992).

The inflated hourly estimates yielded: \$82.43 for managers, \$49.87 for technical workers, and \$28.11 for clerical workers. The total cost to the Agency to maintain the collection system is \$51,965 per annum and the total burden was 1172 hours.

6(d) Total Burden Estimates

Table 6.5 displays the annual burdens and costs borne by respondents and EPA, respectively, associated with preparing, filing and reviewing a reporting form resulting from this information collection.

6(e) Reasons for Change in Burden

The estimated annual burden to contractors has increased by 31 hours (from 415 hours to 446 hours) in the total estimated respondent burden compared with that identified in the information collection most recently approved by OMB. This reflects an increase in the number of contractor employees that needed clearance. This increase represents an adjustment. Also, the costs to the industry respondents increased by \$4,978, because more employees needed clearance and because of increases in wage rates.

Table 6.3: ANNUAL RESPONDENT (CONTRACTOR) COST ESTIMATES

Collection Activities	Costs (per year)			Total Cost
	Management @ \$63.61/hr	Technical @ \$53.02/hr	Clerical @ \$26.37/hr	
1. Contractor employee can either view the TSCA CBI security video; complete the TSCA CBI On-line Briefing via the EPA Intranet; or use the supplied CD-ROM for those the cannot access the intranet.	\$2,926	\$4,321	\$330	\$7,577
2. Read EPA Form 7740-6.	\$954	\$1,410	\$108	\$2,472
3. Gather required information and complete form.	\$1,310	\$1,707	\$348	\$3,365
4. Contractor Document Control Officer processes, compiles and reviews form.	\$560	\$318	\$1,021	\$1,899
6. Store, file, or maintain copy of form for in-house reference.	\$636	\$74	\$1,991	\$2,701
6. Complete written form, obtain signatures, forward to EPA Information Management Division.	\$1,329	\$482	\$641	\$2,452
Totals	\$7,715	\$8,312	\$4,439	\$20,466

Table 6.4: ANNUAL AGENCY BURDEN/COST ESTIMATES

Collection Activities	Burden Hours (per year)			Total Hours	Total Cost
	Management @ \$82.43	Technical @ \$49.87	Clerical @ \$28.11		
1. Read EPA Form 7740-6	35.5	40.0	18.5	94.0	\$5,441
2. Gather required information and complete form.	16.5	44.5	122.0	162.5	\$7,008
3. EPA Document Control Officer processes, compiles and reviews form.	19.0	44.5	175.0	238.5	\$8,705
4. Complete written form and obtain appropriate signatures.	18.0	12.5	47.0	77.5	\$3,428
5. Store, file or maintain copy of form for in-house reference.	5.0	30.5	160.5	196.0	\$6,445
6. DCO forwards form to Information Management Division	2.5	0.0	50.5	53.0	\$1,626
7. Systems operations	5.0	150.0	175.0	330.0	\$12,812 (labor), \$6,500 (equipment)
Totals	101.5	322.0	748.5	1,172.0	\$51,965

Table 6.5. TOTAL COST AND BURDEN SUMMARY

	Annual Burden Hours	Annual Costs
Industry	446.4	\$20,466
Agency	1,172.0	\$51,965

6(f) Burden Statement

The annual public burden for this collection of information is estimated to average 1.6 hours per response. According to the Paperwork Reduction Act, “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. For this collection it 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 number for this information collection appears on page 1 of this document. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

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 No. EPA-HQ-OPPT-2006-0807. The docket is available for public viewing at the Pollution Prevention and Toxics Docket in the EPA Docket Center (EPA/DC). The EPA/DC Public Reading Room is located in the EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC 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 EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280. An electronic version of the public docket is available through the Federal Docket Management System (FDMS) at www.regulations.gov. Use FDMS 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. Once 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, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OPPT-2006-0807 and OMB control number 2070-0075 in any correspondence.

ATTACHMENTS TO THE SUPPORTING STATEMENT

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number EPA-HQ-OPPT-2006-0807. These attachments are available for online viewing at www.regulations.gov or otherwise accessed as described in section 6(f) of the supporting statement.

- Attachment A:** EPA Form EPA Form 7740-6 - TSCA CBI Access Request, Agreement, and Approval.
- Attachment B:** Section 14 of the Toxic Substances Control Act (15 U.S.C. 2613) – Disclosure of data. Also available electronically at http://www.access.gpo.gov/uscode/title15/chapter53_subchapteri_.html
- Attachment C:** TSCA Confidential Business Information Security Manual. Also available electronically at <http://www.epa.gov/oppt/pubs/tsca-cbi-protection-manual.pdf>
- Attachment D:** Record of Consultations between the U.S. Environmental Protection Agency and Respondents to the Information Collection Request: "Request for Contractor Access to TSCA Confidential Business Information"