



Homeland Security

1 July 2016

Mr. Jeff Gunnulfsen
American Fuel & Petrochemical Manufacturers
1667 K Street, NW, Suite 700
Washington, DC 20006

Dear Mr. Gunnulfsen:

The Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) has forwarded to the Department of Homeland Security your May 2016 letter regarding the April 2016 Chemical Security Assessment Tool (CSAT) Revised Information Collection Request (ICR).

Thank you for your thoughtful input. The Department would like to take this opportunity to address the specific comments you raised in your May 2016 letter.

You were particularly concerned about the language used to request the reporting of Appendix A chemicals, both because the language without a clarification would seem to broaden the scope of the Department's authority and also because of its impact on the burden estimate. Specifically you stated:

- 1. In the absence of DHS clarifying the scope of the materials subject to the reporting requirements, it is impossible for an individual to estimate the time and costs associated with the submission of the revised Top-Screen, Security Vulnerability Assessment (SVAs), or Site Security Plan (SSP) documents.**

The Department appreciates your comment and has updated the language to clarify that when completing the Top-Screen, a facility is to "Select all of the CFATS Appendix A chemicals at or above the Screening Threshold Quantity that the facility possesses or plans to possess." The Department believes that this language clarification will address your concerns about scope and also regarding burden calculations.

- 2. DHS's assumption that Site Security Officers are the only individuals responsible for submitting Top-Screens in many instances is not a valid assumption and tends to understate the actual burden associated with this information collection request. There are sometimes significant costs associated with other individuals that may be involved in the process and in other designated positions such as "submitters." The regulation requires the Submitter be an officer of the company, or delegated by an officer. This is generally a higher level management position in organizations due to the**

potential legal ramifications relating to the duties assigned to the person holding this position. The cost burden associated with the participation of these individuals is much greater than is represented in the estimates within the notice.

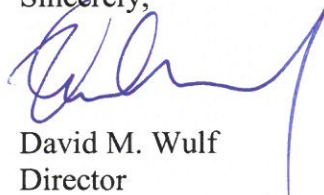
The Department agrees that the actual cost to a facility may vary due to the number of people involved, the type of people involved, and the specifics of the facility's business process. Since 2007, the Department has published multiple ICRs and received a significant number of comments about the costs and burdens associated with CFATS and how to best estimate the facility burden. Those commenters have consistently accepted the use of a Site Security Officer as a reasonable baseline to estimate the costs for most facilities. As a result, the Department has elected to retain this assumption.

- 3. In general, the proposed cost estimates within the notice are based on time spent inputting data of Appendix A listed chemicals above the Screening Threshold Quantity (STQ). These estimates do not include the application of the CSAT to non-regulated quantities of listed materials, the cost of the field work to gather and verify data, or the on-going tracking and maintenance of 60-day reviews of inventory fluctuations, which is required in CFATS. Broadening the scope of reporting these materials has the potential to significantly increase a facility's reported hourly burden.**

As stated above, the Department concurs with your concern and has updated language to clarify that when completing the Top-Screen, a facility is to "Select all of the CFATS Appendix A chemicals at or above the Screening Threshold Quantity that the facility possesses or plans to possess." The Department did not intend to broaden the scope of reporting for these materials and believes that the costs/burden estimate aligns with the scope of chemicals required to be reported. This clarification should alleviate your concerns about the cost estimates.

You and the American Fuel & Petrochemical Manufacturers have been leaders in furthering the overall objectives of the CFATS program, and the Department is appreciative of your continuing efforts to secure America's highest-risk chemical facilities - efforts that are essential to the Nation's critical infrastructure security and resilience.

Sincerely,



David M. Wulf
Director
Infrastructure Security Compliance Division