

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

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Numbers of the Information Collection

Title: Request for Contractor Access to TSCA Confidential Business Information (CBI)

EPA ICR No.: 1250.11 OMB Control No.: 2070-0075

Docket ID No.: EPA-HQ-OPPT-2017-0318

1(b) Short Characterization

The Environmental Protection Agency (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 B). 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 Chemical Information System (CIS).

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 (as amended by the Frank R. Lautenberg Chemical Safety Act for the 21st Century; see Attachment A). 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 (CIS 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 the EPA Contract Officer Representatives (EPA CORs) and 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

1 In proposing to renew this ICR, EPA provided a 60-day public notice and comment period that ended on February 20, 2018 (82 FR 60194, December 19, 2017). EPA received one anonymous comment during the comment period. However, the comment is not relevant to this renewal and does not warrant a formal response from EPA. That comment is attached to this ICR as Attachment C.

3(c) Consultations

Additionally, 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. In accordance with this regulation, EPA submitted questions to several interested parties via e-mail. The individuals contacted were:

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EPA received responses to its solicitation for consultations from Eric Brewer, Alice Tome, Caroline Tuckhorn, Vincent J. Brown, Brian Gabel, Lewis “Jeff” Cantin, Carol Place, Laura Morlacci, and Elizabeth Nguyen. A copy of the responses and a copy of EPA’s consultation e-mail to the above potential respondents are included in Attachment E.

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 Chemical Information System (CIS) 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 COR 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 COR (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

The contractor DCO forwards the EPA Form 7740-6 submitted by a contractor employee to the EPA COR. The EPA COR 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 CIS module.

The information is retained within OPPT in paper copy files. The information is entered into CIS 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 COR and the OPPT DCO, and the data are entered into CIS. The monthly TSCA CBI Access List, which acts as a quality check on data entry accuracy, is produced, published and distributed to the EPA CORs and TSCA DCOs. There is no public access to the TSCA CBI Authorized Access List, nor to any of the information stored in the CIS module.

CIS 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.

16. 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. Currently 21 companies are under contract to EPA and have a need to clear employees for access to TSCA CBI. Those firms have a total of 214 such employees cleared for access for an average of about 10 CBI cleared employees per firm.

The per-employee burdens are given in Table 6.1 and the total annual respondent burden is shown in Table 6.2. 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 71 managerial, 124 technical, and 19 clerical employees. The total annual burden for all firms is estimated to be **341** 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 that 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	0.9710

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 that cannot access the intranet.	35.5	62.0	9.5	107.0
2. Read EPA Form 7740-6	11.6	20.2	3.1	34.9
3. Gather required information and complete form.	15.9	24.5	10.0	50.4
4. Contractor Document Control Officer processes, compiles and reviews form.	6.8	4.6	29.4	40.8
5. Store, file, or maintain copy of form for in-house reference.	7.7	1.1	57.4	66.2
6. Complete written form, obtain signatures, forward to EPA Information Management Division.	16.2	6.9	18.4	41.5
Totals	93.7	119.3	127.8	340.8

6(b) Estimating Respondent Costs

Respondent hourly costs in this ICR have been calculated using the Bureau of Labor Statistics' *Employer Costs for Employee Compensation Supplementary Tables: June 2017*, US Bureau of Labor Statistics, September 8, 2017 (BLS 2017, accessed September 21, 2017). Hourly costs were calculated for workers in professional and business services industries.¹ Total hourly cost estimates include wages, fringe benefits, and overhead. The wage and fringe benefit numbers are from the BLS data, and the overhead allowance is calculated at 17% of the hourly wage.

Category ²	Hourly wage	Fringe benefits	Overhead	Total hourly cost
Managerial	\$52.13	\$26.85	\$8.86	\$87.84
Technical	\$40.58	\$15.71	\$6.90	\$63.19
Clerical	\$17.87	\$6.75	\$3.04	\$27.66

Estimated total annual costs to the respondents are equal to **\$19,305** and are presented in Table 6.3. There are no capital costs for the contractors associated with this collection.

¹ Specifically, EPA used "Supplementary table 10. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: private industry workers in professional and business service industries, by occupation group and establishment size, June 2017."

² The Managerial category corresponds to "Management, business, and financial" in Supplementary table 10. Likewise, the Technical category corresponds to "Professional and related" in that table and Clerical corresponds to "Office and administrative support."

Table 6.3: ANNUAL RESPONDENT (CONTRACTOR) COST ESTIMATES

Labor category	Hourly cost	Number of clearances	Labor hours	Labor Cost Total
Managerial	\$87.84	71	93.7	\$8,231
Technical	\$63.19	124	119.3	\$7,539
Clerical	\$27.66	19	127.8	\$ 3,535
Totals			340.8	\$19,305

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 (\$21.53). Hourly costs for managerial and technical support are based upon the salary for GS-15, step 1 (\$63.14) and GS-12, step 1 (\$38.20), respectively. The hourly rates were taken from the U.S. Office of Personnel Management's 2017 General Schedule for workers with the Washington DC locality payment (Table 2017-DCB). These hourly estimates were then multiplied by 1.6 to account for benefits (ICR Handbook: EPA's Guide to Writing Information Collection Requests under the Paperwork Reduction Act of 1995, 2009). The hourly cost estimates adjusted for benefits are \$101.02 for managers, \$61.12 for technical workers, and \$34.45 for clerical workers. Also included is an estimated \$6,500 cost for equipment, same as in the last ICR. The total cost to the Agency to maintain the collection system is \$62,220 per annum and the total Agency burden is estimated at 1172 hours.

Table 6.4: ANNUAL AGENCY BURDEN/COST ESTIMATES

Collection Activities	Burden Hours (per year)			Total Hours	Total Cost
	Management @ \$101.02	Technical @ \$61.12	Clerical @ \$34.45		
1. Read EPA Form 7740-6	35.5	40.0	18.5	94.0	\$6,668
2. Gather required information and complete form.	16.5	44.5	122.0	162.5	\$8,590
3. EPA Document Control Officer processes, compiles and reviews form.	19.0	44.5	175.0	238.5	\$10,668
4. Complete written form and obtain appropriate signatures.	18.0	12.5	47.0	77.5	\$4,202
5. Store, file or maintain copy of form for in-house reference.	5.0	30.5	160.5	196.0	\$7,898
6. DCO forwards form to Information Management Division	2.5	0.0	50.5	53.0	\$1,992
7. Systems operations	5.0	150.0	175.0	330.0	\$15,702 (labor), \$6,500 (equipment)
Totals	101.5	322.0	748.5	1,172.0	\$62,220

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.

Table 6.5. TOTAL COST AND BURDEN SUMMARY

	Annual Burden Hours	Annual Costs
Industry	340.8	\$19,305
Agency	1,172.0	\$62,220

6(e) Reasons for Change in Burden

The estimated annual burden to contractors has decreased by 142 hours (from 483 hours to 341 hours) in total estimated respondent burden compared with that identified in the information collection most recently approved by OMB. This reflects a decrease in the number of contractor employees that needed clearance. This decrease represents an adjustment. Also, the costs to the industry respondents decreased by \$6,570, again reflecting the decline in the number of employees needing clearance.

6(f) Burden Statement

The annual public burden for this collection of information is estimated to average 1.6 hours per response. Burden is defined in 5 CFR 1320.3(b). 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.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPPT-2013-0459, which is available for online viewing at www.regulations.gov, or in-person 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 WJC West Building, Room 3334, 1301 Constitution Ave., N.W., 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.

You may submit comments regarding 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. Submit your comments, referencing Docket ID No. EPA-HQ-OPPT-2017-0318 and OMB Control No. 2070-0075, to (1) EPA online using www.regulations.gov (our preferred method), or by mail to: Pollution Prevention and Toxics Docket, Environmental Protection Agency Docket Center (EPA/DC), Mailcode: 28221T, 1200 Pennsylvania Ave., N.W., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

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-2017-0318. 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:** Section 14 of the Toxic Substances Control Act (15 U.S.C. 2613)
- Attachment B:** TSCA CBI Access Request, Agreement, and Approval (EPA Form 7740-6)
- Attachment C:** TSCA Confidential Business Information Security Manual (7701A, October 20, 2003)
- Attachment D:** Public Comment Received
- Attachment E:** Consultation: EPA's Request for Feedback

