

Supporting Statement for Paperwork Reduction Act Submissions

Title: Chemical-Terrorism Vulnerability Information

OMB Control Number: 1670-0015

Chemical-Terrorism Vulnerability Information Supporting Statement A

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Chemical Facility Anti-Terrorism Standards (CFATS) Program identifies and regulates the security of high-risk chemical facilities using a risk-based approach. Congress initially authorized the CFATS Program under Section 550 of the Department of Homeland Security Appropriations Act of 2007, Pub. L. 109-295 (2006) and reauthorized it under the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014¹ or “CFATS Act of 2014” (Pub. L. No. 113-254 as amended by Pub. L. 116-150; 6 U.S.C. § 621 et seq.). The Department implemented the CFATS Program through rulemaking and issued an Interim Final Rule (IFR) on April 9, 2007, and a final rule on November 20, 2007. See 72 FR 17688 and 72 FR 65396.

As of July 28, 2023, Congress allowed the statutory authority for the CFATS program (6 CFR Part 27) to expire. Despite the lapse in CFATS statutory authority, the renewal of this information collection (IC) can proceed under 6 U.S.C. 652(e)(1)(J), which grants CISA the authority to safeguard information from unauthorized disclosure and to ensure that the information is handled and used only for the performance of official duties.² It is the Administration’s position that CFATS should be reauthorized. However, even without the statutory reauthorization of the CFATS program, renewal of this information collection under the authority of 6 U.S.C. 652(e)(1)(J) would allow CISA to continue to collect information from some individuals for the purpose of issuing them a Chemical Terrorism Vulnerability Information (CVI) Authorized User Number and enabling them to become CVI Authorized Users so that they may access historical records that were developed under the CFATS program prior to the program’s lapse.

Pursuant to 6 U.S.C. 623, DHS established the requirements under 6 CFR § 27.400 that covered persons must follow to safeguard from unauthorized disclosure certain documents and other information developed under the CFATS regulations. This information is identified as CVI and, by law, receives protection from public disclosure and misuse. This collection will be used to

¹ The CFATS Act of 2014 codified the CFATS program into the Homeland Security Act of 2002. See 6 U.S.C. 621 et seq., as amended by Pub. L. No. 116-2.

² 6 U.S.C. 652(e)(1)(J): "(J) To ensure that any material received pursuant to this chapter is protected from unauthorized disclosure and handled and used only for the performance of official duties.

manage the CVI program in support of the CFATS program. The current information collection for the CVI program (IC 1670-0015) will expire on November 30, 2024.³

History of the Currently Approved Information Collection

In January 2010, the Department submitted an ICR to OMB for six instruments. The ICR was approved by OMB in March 2010 for three years.

In March 2013, the Department submitted an ICR to OMB, to extend the Information Collection (IC) without change. The ICR was approved by OMB on September 13, 2014, for three years.

In August 2017, the Department submitted an ICR to OMB to revise the IC by: (a) reducing the burden of one instrument (i.e., CVI Authorization), and (b) removing five instruments. The request was approved by OMB on January 19, 2018, for three years.

In December 2020, the Department submitted an ICR to OMB, to extend the IC without change. The ICR was approved by OMB on December 21, 2021, for three years.

This ICR requests an extension of the existing IC for three years. The estimated burden is based on historical use of the instrument and not programmatic changes.

Reasons for Revisions

CISA requests that OMB extend this information collection with the following revisions:

- A change in its statutory authority from 6 U.S.C. 623 to 6 U.S.C. 652(e)(1)(J).
- An increase of the annual reporting and recordkeeping hour and cost burden due to an increase in the respondent wage rate from \$79.75/hour to \$101.87/hour, which is based on updated Bureau of Labor Statistics (BLS) data.
- An increase of the overall total annual operating cost to the Federal Government for this collection from \$498,655 to \$533,645 based on the projected costs for Government Full-time Equivalent (FTE) salaries that is reflected in the Office of Personnel Management's (OPM) 2024 General Schedule Locality Pay Table.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

There is one instrument within this IC. The instrument will be used to allow individuals to become CVI Authorized Users and access historical records generated under the CFATS program.

Prior to the lapse in CFATS authority, completion of the application to obtain CVI Authorized User status required an individual to check several CVI affirmation statements, complete a web-

³ The current information collection for CVI (i.e., IC 1670-0015) may be viewed at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202012-1670-001.

based CVI authorized user application, and provide responses to several identity verification questions. Upon completion of the application, the system assigned a unique CVI Authorization Number to the individual and transmitted that number to the individual. CISA maintains a record of those individuals who have completed the training and received a CVI Authorized User Number. If and when CFATS is reauthorized, this process would resume, and thus is the basis of CISA’s estimates.

Since the lapse (and until the CFATS program is reauthorized), CISA has, on a case-by-case basis, provided training only to those individuals who have a “need-to-know” information safeguarded as CVI. Those individuals are then required to complete the CVI Authorized User application via a PDF form that is sent to respondents via email. Respondents complete the PDF form and return it to CISA via email. CISA assigns a unique CVI Authorization Number to the individual and transmits that number to the individuals. CISA maintains a record of those individuals who have completed the training and received a CVI Authorized User Number.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Prior to the expiration of CFATS’ statutory authorization, the instrument through which the information was collected electronically was a web interface incorporated into CISA’s Chemical Security Assessment Tool (CSAT). Since the lapse, and until reauthorization, the instrument is a PDF form that is sent via email to respondents that is filled out and return by respondents to CISA via email. When the CFATS program is reauthorized, a web-enabled interface will be made accessible to the public.

Table 1: Medium Information Collected

Name of Instrument	Medium of Collection
CVI Training and Authorized User Application	Information is collected electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

CVI is a unique information protection and handling program originally authorized by Congress in Section 550(c) of Pub. Law 109-295. As a unique program, it does not duplicate any current collection activities.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize.

No unique methods will be used to minimize the burden to small businesses.

6. Describe the consequence to Federal/DHS program or policy activities if the collection of information is not conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without the collection of information, CISA will not be able to collect and share CVI with new individuals, which will substantially reduce the ability of the CFATS program to ensure the smooth handling and safeguarding of CVI. Additionally, even without CFATS reauthorization, without the continuance of this ICR, CISA will no longer be able to share historical information collected through the CFATS program with federal and state partners who are not currently CVI Authorized Users. As more time elapses, there are new individuals who require access to this information who were not previously made CVI Authorized Users. This would have the effect of hampering CISA's ability to share information and the U.S. Government's goals of protecting critical assets in the chemical security sector.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- (a) Requiring respondents to report information to the agency more often than quarterly.
- (b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.
- (c) Requiring respondents to submit more than an original and two copies of any document.
- (d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.
- (e) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.
- (f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.
- (g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.
- (h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

No special circumstances are involved with this collection.

8. Federal Register Notice:

- a. Provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.
- b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping,

disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

	Date of Publication	Volume #	Number #	Page #	Comments Addressed
60-Day Federal Register Notice:	9/13/2024	89	178	74975-74977	1
30-Day Federal Register Notice	11/21/2024	89	224	92141-92142	0

A 60-day public notice for comments was published in the *Federal Register* on 9/13/2024.⁴

A 30-day public notice for comments was published in the *Federal Register* on 11/21/2024.⁵

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift of any kind is provided to any respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No assurance of confidentiality is provided to the respondents, however, CISA continues to safeguard information collected under CFATS using its authority under 6 U.S.C. 652(e)(1)(J) which grants CISA the authority to protect information and materials received from unauthorized disclosure.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The instrument described in this collection does not request any information of a personally sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

⁴ The 60-day notice may be viewed at [Federal Register :: Revision of a Currently Approved Information Collection for Chemical-Terrorism Vulnerability Information \(CVI\)](#).

⁵ The 30-day notice may be viewed at [Federal Register :: Revision of a Currently Approved Information Collection for Chemical-Terrorism Vulnerability Information \(CVI\)](#).

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desired. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

c. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

CISA assumes that the majority of respondents are Site Security Officers (SSOs), although a smaller number of other individuals may also complete this instrument (e.g., State, and local government employees and contractors). For the purpose of this notice, CISA maintains this assumption. Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 10,000 hours by the average hourly wage rate of SSOs of \$101.87 per hour. The SSOs' average hourly wage rate of \$100.13 was based on an average hourly wage rate of \$70.35⁶ with a benefits multiplier of 1.4233.⁷

The individual burden estimate is summarized in the table below:

Table 2: Instrument Burden Estimate

Instrument	# of Respondents (a)	Responses per Respondent (b)	Average Burden per Response (in hours) (c)	Total Annual Burden (in hours) (d) = (a) x (b) x (c)	Total Annual Burden (in dollars) (e) = (d) x \$100.13
CVI Authorization	20,000	1	0.50	10,000	\$1,001,275
Total	20,000			10,000	\$1,001,275

Accordingly, the annual total estimate for reporting, recordkeeping, and cost burden, under this collection, is \$1,001,275.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

⁶ The wage used for an SSO equals that of Managers, All (11-9199) <https://www.bls.gov/oes/2023/may/oes119199.htm>

⁷ Load factor based on BLS Employer Cost for Employee Compensation, released June 2024. Load factor = Employer cost for employee compensation (\$43.78) / wages and salaries (\$30.76) = 1.4233 https://www.bls.gov/news.release/archives/ecec_06182024.htm.

The cost estimate should be split into two components: (1) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection as appropriate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information to keep records for the government, or (4) as part of customary and usual business or private practices.

CISA provided access to CSAT free of charge and assumed that each respondent already has computer hardware and access to the internet for basic business needs. When reauthorized, CISA will re-enable online submission of information relating to individuals seeking CVI Authorized User status. Thus, for the purposes of this notice, CISA continues to assume there is no annualized capital or start-up costs incurred by respondents for this information collection.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Federal Government costs can be divided between the cost associated with collection of information and the cost associated with managing and responding to the submitted data. The cost associated with collecting the information is essentially the cost of operating and maintaining the collection instruments within CSAT. The annual Operating and Maintenance (O&M) costs for the instruments with CSAT are estimated at \$0.4M. In addition, the costs of Government FTE have decreased from two GS-14 FTE Program Managers to ½ GS-14, Step 5 FTE Program Manager due to a reassessment of manpower requirements in support of the CVI Program. These FTE costs are the fully-loaded cost associated with salary costs with a 1.6919⁸

⁸ The load factor of 1.6919 is estimated by dividing average total compensation for all levels of education in Table 4 (\$64.80) by average wages for all levels of education in Table 2 (\$38.30), from the Congressional Budget Office publication Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015. April 2017. <https://www.cbo.gov/publication/52637>

benefits multiplier. The fully-loaded wage rate for a half year GS-14, Step 5 FTE is \$75.70 hourly wage x 1.6919 benefit multiplier x 1,040 hours is \$133,200.

Table 3: Estimates of Annualized Costs for the Collection of Data

Expense Type	Expense Explanation	Annual Costs (in dollars)
Direct Costs to the Federal Government	1/2 FTE (GS-14, Step 5) @ \$75.70/hour (Washington-Baltimore-Arlington, DC-MD-VA-WV-PA 2024 Pay Scale) ⁹	\$133,200
CSAT O&M	Costs for O&M of CSAT Application	\$400,000
Total		\$533,200

In sum, the estimated total annual operating cost to the U.S. Government for this collection is \$533,200.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I. Changes in hour burden, i.e., program changes or adjustments made to annual reporting and recordkeeping **hour** and **cost** burden. A program change is the result of deliberate Federal Government action. All new collections and any subsequent revisions of existing collections (e.g., the addition or deletion of questions) are recorded as program changes. An adjustment is a change that is not the result of a deliberate Federal Government action. These changes that result from new estimates or actions not controllable by the Federal Government are recorded as adjustments.

There are no program changes or adjustments reported in items 13 or 14. Minor revisions to the burden estimates described in question 1 of this document and again here include the following items:

- Relying on 6 U.S.C. 652(e)(1)(J) as its statutory authority rather than 6 U.S.C. 623.
- An increase of the annual reporting and recordkeeping hour and cost burden for SSOs using a wage rate of \$100.13/hour which is based on updated Bureau of Labor Statistics (BLS) data.
- An increase of the overall total annual operating cost to the Federal Government for this collection from \$498,655 to \$533,200 based on the projected costs for Government Full-time Equivalent (FTE) salaries that is reflected in the Office of Personnel Management’s (OPM) 2024 General Schedule Locality Pay Table.

Taking into consideration these minor changes, the total annual estimate for reporting, recordkeeping, and cost burden under this collection is expected to increase from \$797,474 to \$1,001,275.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

⁹ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB_h.aspx

No plans exist for the use of statistical analysis or to publish this information.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

The expiration date will be displayed in the instruments.

18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

No exceptions have been requested.