

U.S. Environmental Protection Agency

Information Collection Request

Title: Reinstatement of (1) Application for Preauthorization of a CERCLA Response Action and (2) Claim for CERCLA Response Action

OMB Control Number: 2050-0106

EPA ICR Number: 7808.06

Abstract: Under the claims procedures in 40 CFR Part 307 of the National Contingency Plan (NCP), response actions that EPA has preauthorized are eligible for reimbursement through the claims process of section 112 of CERCLA. The forms used for these purposes are (1) Application for Preauthorization of a CERCLA Response Action and (2) Claim for CERCLA Response Action. The information the Agency must gather to evaluate an application for preauthorization and to process a claim is prescribed by regulation in 40 CFR Part 307. Both forms are expired and need to be reinstated. Once reinstated, the updated forms will be accessible to the public on the EPA website.

Supporting Statement A

1. NEED AND AUTHORITY FOR THE COLLECTION

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Preauthorization and reimbursement of a claim against the Hazardous Substances Superfund (Fund) is authorized by sections 111(a)(2) and 112 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). The regulatory procedures for obtaining preauthorization and claim submission are found at 40 CFR Part 307. EPA preauthorization is required before a party can begin response work if that party wants Fund reimbursement of response costs. Similarly, EPA reviews and processes reimbursement claims. The forms needing reinstatement through this ICR lay out the required information to request preauthorization and claim reimbursement.

2. PRACTICAL UTILITY/USERS OF THE DATA

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.

EPA uses the information submitted through these forms to evaluate preauthorization and claim reimbursement requests. EPA received two preauthorization and four claim reimbursement requests over the last three fiscal years (FY22-FY24) for remedial action work at Superfund National Priority List sites. The total value for the claims paid was \$12.7M.

3. USE OF TECHNOLOGY

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.

After reinstatement, PDF fillable versions of the forms will be available for download from EPA's Superfund website at <https://www.epa.gov/superfund/search-superfund-documents>. Forms will be submitted via email to EPA at this address: CERCLA_Forms@epa.gov.

4. EFFORTS TO IDENTIFY DUPLICATION

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.

There is no other resource for EPA to access the information needed to approve preauthorization or claims reimbursement requests.

5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The forms are voluntarily submitted when an applicant is seeking pre-approval to conduct response work for which the applicant is seeking reimbursement. The Agency considers these to be the minimum requirements to ensure compliance with the information requested under 40 CFR Part 307 and, therefore, cannot reduce them further.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION

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

There is no regular collection schedule. Entities submit these forms as necessary to request preauthorization or to request reimbursement of costs incurred.

7. GENERAL GUIDELINES

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The proposed collection does not create special circumstances requiring justification under 5 CFR 1320.5.

8. PUBLIC COMMENT AND CONSULTATIONS

8a. Public Comment

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), 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.

EPA solicited public comment on the proposed information collection request with a notice published in the Federal Register (90 FR 10903, February 28, 2025). During the 60-day public comment period, no comments were received.

8b. Consultations

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. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

EPA is precluded from initiating consultation with persons outside the Agency on the contents and associated burdens of this form. The contents of the form are described in 40 CFR Part 307 and modifications, including to data elements, require regulatory changes. Regarding consultations with persons external to the Agency, it is important to note that this form supports EPA enforcement. The parties that could provide representative information regarding this information collection are potentially responsible parties subject to an EPA enforcement instrument related to pre-authorized mixed funding provisions, or parties currently in active enforcement discussions with the Agency. As a result, discussing the burden of specific requirements of the information collection may undermine these enforcement considerations. In addition to enforcement-sensitive concerns, the potentially responsible parties may provide the Agency with prejudiced responses and not provide an accurate burden assessment of the pre-authorized mixed funding component because it is one piece of broader enforcement actions.

9. PAYMENTS OR GIFTS TO RESPONDENTS

Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

The Agency does not intend to provide payments or gifts to respondents as part of this collection.

10. ASSURANCE OF CONFIDENTIALITY

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

If any controlled unclassified information is provided, it will be appropriately labelled using the Agency's marking system.

None of the information collected is believed to be confidential. One of the criteria necessary for information to be classified as confidential (40 CFR 2.208) is that a business must show that it has previously taken reasonable measures to protect the confidentiality of the information and that it intends to continue to take such measures. EPA has provided no assurances of confidentiality to entities when they submit these forms.

11. JUSTIFICATION FOR SENSITIVE QUESTIONS

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.

There are no sensitive questions.

12. RESPONDENT BURDEN HOURS & LABOR COSTS

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

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
 - If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
 - 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 as O&M costs under non-labor costs covered under question 13.*
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12a. Respondents/NAICS Codes

Per 40 CFR § 307.20 Who may present claims.

- (a) Subject to the provisions of this subpart, claims for the costs of response actions may be asserted against the Fund by any person other than the United States Government, States, and political subdivisions thereof, except to the extent the claimant is otherwise compensated for the loss. States and political subdivisions may assert such claims if they are potentially responsible parties subject to an agreement reached pursuant to section 122(b)(1) of CERCLA.

Potential respondents could come from a wide variety of industries; therefore, we cannot easily determine which NAICS code(s) represent potential respondents.

12b. Information Requested

Application for Preauthorization of a CERCLA Response Action: This form requests identifying information of the applicant, the Superfund site and proposed response action. The form also requests information related to the applicant's capabilities including ability to carry out the response action, project management, and projected costs.

Claim for CERCLA Response Action: This form requests identifying information of the claimant, information about the response action conducted, and an accounting of the various costs related to the claim.

12c. Respondent Activities

Review instructions, search existing data services, review and complete the collected information, and submit the information to EPA.

12d. Respondent Burden Hours and Labor Costs

Application for Preauthorization of a CERCLA Response Action: Estimated 110 hours per application at a cost of \$8,081.70

\$73.47 - Total hourly wage - civilian management professional. Bureau of Labor Statistics, Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group, June 2024)

Form Section	Respondent Hours
I	1
II	10
III	10
IV	20
V	10
VI	2
VII	2
VIII	15
IX	20
Internal Review	20
110	

Claim for CERCLA Response Action: Estimated 51 hours per claim at a cost of \$3,746.97

\$73.47 - Total hourly wage - civilian management professional. Bureau of Labor Statistics, Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group, June 2024

Form Section	Respondent Hours
I	1
II	5
III	5
IV	15
V	15
Internal Review	10
51	

13. RESPONDENT CAPITAL AND O&M COSTS

Provide an estimate for 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 already reflected on the burden worksheet).

The cost estimate should be split into two components: (a) 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 consider 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 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 collections services should be a part of this cost burden estimate.

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 or keep records for the government, or (4) as part of customary and usual business or private practices.

No capital or O&M costs are expected for this ICR outside of a respondent's recordkeeping system for financial and project management activities which would be a part of the respondent's usual business practices.

14. AGENCY COSTS

Provide estimates of annualized costs 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 not have been incurred without this collection of information.

14a. Agency Activities

Application for Preauthorization of a CERCLA Response Action: Regional and Headquarters offices review application and supporting documentation to make determination on preauthorization approval.

Claim for CERCLA Response Action: Regional and Headquarters offices review claim and supporting documentation to determine payment amount.

14b. Agency Labor Cost

Total - \$5,907

Review of Application for Preauthorization of a CERCLA Response Action: Estimated 40 hours at \$3,635.

<u>Preauthorization</u>	EPA Hours	GS-14 Step 5 basic pay, plus 60% benefits
Headquarters	20	\$1,817.60
Region	20	\$1,817.60
Total	40	\$ 3,635.20

Review of Claim for CERCLA Response Action: Estimated 25 hours at \$2,272.

<u>Claim</u>	EPA Hours	GS-14 Step 5 basic pay, plus 60% benefits
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Headquarters	10	\$908.80
Region	15	\$ 1,363.20
Total	25	\$ 2,272.00

14c. Agency Non-Labor Costs

No non-labor costs anticipated.

15) REASONS FOR CHANGE IN BURDEN

Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.

There is a reduction of 1,807 hours compared to the ICR previously approved by OMB. Respondent burden estimates have not been updated since the 1990s. Fewer entities have requested this authority than in the past. The internet and other computer-based tools for information management reduces the amount of time needed to compile requested information.

16) PUBLICATION OF DATA

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.

Results from this ICR are not published formally.

17) DISPLAY OF EXPIRATION DATE

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

Forms will display the expiration date for OMB approval of the information collection.

18) CERTIFICATION STATEMENT

Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

EPA does not seek any exceptions to the topics for the certification statement identified in the "Certification for Paperwork Reduction Act Submissions."