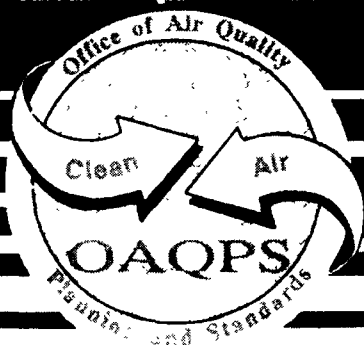




CLEAN AIR ACT

CONFIDENTIAL BUSINESS INFORMATION

SECURITY MANUAL



**CLEAN AIR ACT
CONFIDENTIAL
BUSINESS
INFORMATION
SECURITY MANUAL**

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TABLE OF CONTENTS

I.	<i>PURPOSE, SCOPE, AUTHORITY, & RESPONSIBILITY</i>	1
A.	<i><u>Purpose</u></i>	1
B.	<i><u>Scope</u></i>	2
C.	<i><u>Policy</u></i>	2
D.	<i><u>Authority</u></i>	2
E.	<i><u>Responsible Officials</u></i>	3
	1. Director, OAQPS	3
	2. Director, Planning, Resources and Regional Management Staff (PRRMS)	3
	3. OAQPS Document Control Officer.....	4
	4. OAQPS Documents Control Assistants	6
	5. OAQPS Division Directors.....	6
	6. OAQPS Program Project Officers	6
	7. OAQPS Group Leaders.....	7
	8. OAQPS Work Assignment Manager/Task Order Project Officer (WAM/TOPO).....	8
	9. Employees.....	9
	10. Contractor Document Control Officers.....	10
II.	<i>EDUCATION AND TRAINING</i>	13
A.	<i><u>Overview</u></i>	13
B.	<i><u>Initial Briefing</u></i>	13
C.	<i><u>Annual Briefing</u></i>	13
D.	<i><u>Terminal Briefing</u></i>	14
III.	<i>ACCESS TO SPECIFIC CAA CBI</i>	15
A.	<i><u>Overview</u></i>	15
B.	<i><u>General Access Requirements</u></i>	15
C.	<i><u>Employee Access</u></i>	15
	1. Procedures	15
	2. Authorized Access Lists	17
D.	<i><u>Withdrawal Of Clearance</u></i>	20
	1. Periodic Review	20
	2. Removal From Access Lists.....	20
E.	<i><u>Contractor Employee Access</u></i>	21
	1. Prerequisite	21
	2. Conditions	21
	3. Obtaining Approval	22

4.	Security Plan	22
5.	Contractor DCO/DCA Requirement	26
6.	Completion of Contracts, Work Assignments or Task Orders	26
7.	Authorized Access Lists	26
8.	Withdrawal of Access	27
F.	<u>Subcontractor/Consultant Access</u>	27
IV.	<i>RECORDS MANAGEMENT FOR CAA CBI</i>	30
A.	<u>Overview</u>	30
B.	<u>Intent</u>	30
C.	<u>OAQPS CAA CBI Records Management System</u>	30
1.	OAQPS CAA CBI Automated Tracking System.....	31
2.	CAA CBI Control Record	32
3.	Cover Sheets	32
4.	Custody Receipts	32
5.	Pending Log	32
6.	Inventory	33
D.	<u>Obtaining CBI Documents</u>	33
E.	<u>OAQPS CAA CBI Document Control Numbers</u>	34
F.	<u>Creating CBI Documents</u>	34
1.	Working Papers	34
2.	Typing/Word Processing Requirements.....	35
3.	Use in Meetings.....	35
G.	<u>Creating Non CBI Documents</u>	36
1.	Deleting or Replacing CBI.....	36
2.	Masking or Aggregating CBI.....	36
3.	Dropping CBI Claim.....	36
H.	<u>Relinquishing Of CAA CBI Status</u>	37
1.	Original CAA CBI.....	37
2.	CBI Created by OAQPS.....	37
I.	<u>Determining Claim To Validity</u>	38
J.	<u>Reproduction</u>	38
1.	CBI Material.....	38
2.	Equipment.....	38
3.	Broken Equipment.....	39
K.	<u>CDCO Record Management Responsibilities</u>	39
1.	CAA Control Numbers.....	39
2.	CAA CBI Inventories.....	39
3.	Reproduction.....	40
V.	<i>DISCLOSURE OF CAA CBI</i>	41
A.	<u>Overview</u>	41

B.	<u>Disclosure To Other Federal, State Or Local Agencies</u>	41
1.	Non-disclosure Agreement	42
2.	Notice to Affected Businesses	43
3.	Before Approval	43
4.	Before Disclosure	43
C.	<u>Disclosure To EPA Contractors And Subcontractors</u>	44
D.	<u>Discussing CBI On The Telephone</u>	44
1.	Telephone Memorandum	44
2.	Telephone Calls with Providing Organizations	44
E.	<u>CAA CBI Disclosed At Meetings</u>	45
1.	Access	45
2.	Chairperson's Duties	46
3.	Chairperson's Limitations	46
4.	Notes or Recordings	46
5.	Safeguarding	46
6.	Controls	47
VI.	<u>CATEGORIES OF CAA CBI</u>	48
A.	<u>Overview</u>	48
B.	<u>Original CBI</u>	48
C.	<u>Derivative CBI</u>	48
VII.	<u>CAA CBI MARKINGS</u>	49
A.	<u>Overview</u>	49
B.	<u>CBI Stamps</u>	49
C.	<u>Computer Output</u>	49
D.	<u>Special Categories Of Materials</u>	49
1.	Charts, Maps, and Drawings	49
2.	Photographs, Films, and Recordings	50
3.	CAA CBI Waste	50
VIII.	<u>TRANSFERRING CUSTODY OF CAA CBI</u>	51
A.	<u>Overview</u>	51
B.	<u>Transferring CAA CBI To EPA Contractors and Providing Plants/Facilities</u>	51
C.	<u>Transferring CAA CBI from Contractors to OAQPS</u>	52
D.	<u>Transferring CAA CBI to Government and State Agencies Outside Of OAQPS</u>	52
E.	<u>Confidential Business Information Security Agreement</u>	53
F.	<u>Preparation And Packaging</u>	53
1.	Inner and Outer Covers	53
2.	Addressing	54

	3. Packaging	54
G.	<u>Custody Receipt</u>	54
H.	<u>Transfer Methods</u>	54
	1. Hand Carrying	55
	2. Registered Mail	56
	3. Couriers and Express Mail	56
IX.	<u>STORAGE OF OAQPS CAA CBI</u>	57
A.	<u>Overview</u>	57
B.	<u>Intent</u>	57
C.	<u>Storage Equipment Specifications</u>	57
D.	<u>Procedures For Lock Combinations</u>	57
	1. Changing Combinations	58
	2. Granting Access to Combinations	58
E.	<u>Evacuation Procedures</u>	58
F.	<u>Safeguarding CAA CBI in the Event of a Disaster</u>	58
	1. Prevention	59
	2. Preparedness	59
	3. Response	60
X.	<u>CAA CBI COMPUTER SECURITY</u>	61
A.	<u>Overview</u>	61
B.	<u>Directives</u>	61
C.	<u>Basic Security Requirement</u>	62
	1. Security Mode	62
	2. Authenticity and Verification	62
	3. Remote Operation	62
	4. Users Requirements	62
	5. Visitors	63
D.	<u>CBI Computer Room</u>	63
E.	<u>Safeguarding CBI During Personal Computer Use</u>	64
	1. Computer Storage Media	64
	2. Terminating a CBI Computer Session	64
	3. Use of a Printer	65
F.	<u>System Security Software For Multi-User System</u>	65
	1. User Authority	65
	2. Event Record	66
G.	<u>General Procedures</u>	66
	1. Checkout	66
	2. User Privileges (Multi-year system only).....	66
	3. CBI Computer Room DCA	67
	4. Back-up Files	67
	5. Transmission	67

H.	<u>Destruction and Release Of Data Media</u>	67
1.	Magnetic Storage	67
2.	Rigid Magnetic Storage Media	68
I.	<u>Security Plan</u>	68
J.	<u>Risk Analyses</u>	68
XI.	<u>DISPOSAL AND DESTRUCTION</u>	69
A.	<u>Overview</u>	69
B.	<u>Intent</u>	69
C.	<u>Notice of Intent to Destroy</u>	69
D.	<u>Original CBI</u>	69
E.	<u>Derivative CBI</u>	70
F.	<u>CBI Waste</u>	70
G.	<u>Records of Destruction</u>	70
H.	<u>Methods of Destruction</u>	70
XII.	<u>CAA CBI SECURITY VIOLATIONS</u>	71
A.	<u>Overview</u>	71
B.	<u>Responsibility Of Discoverer</u>	71
C.	<u>Violations of This Manual</u>	71
D.	<u>Preliminary Inquiry</u>	71
E.	<u>Investigation</u>	71
F.	<u>Reports And Findings</u>	72
1.	Finding of No Damage	72
2.	Lost Documents	72
3.	Compromise	72
4.	Finding of Damage	72
G.	<u>Resulting Actions</u>	73
1.	Violations Subject to Punitive Measures	73
2.	Punitive Measures	73
XIII.	<u>CAA CBI DEFINITIONS</u>	74
XIV.	<u>GLOSSARY OF ACRONYMS</u>	77
XV.	<u>APPENDICES</u>	79

LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
1. Steps for Obtaining Access to CAA CBI.....	16
2. Sample Specific Access Letter (Single Projects).....	18
3. Sample Specific Access Letter (Multiple Projects).....	19
4. Contractor Steps for Obtaining Access to CAA CBI.....	23
5. Contractor Request for Access to Specific CAA CBI.....	24
6. Sample Letter for SubContractor or Consultant Designation (Notice to Industry).....	28

SECTION I.
PURPOSE, SCOPE, POLICY, AUTHORITY &
RESPONSIBILITY

A. PURPOSE

The procedures in this manual provide Federal, contractor, and subcontractor employees with the information necessary to utilize Confidential Business Information to perform their assigned duties without violating applicable Federal regulations protecting the rights of its owners.

The purpose of this manual is to set forth policies and procedures for Federal, contractor, and subcontractor employees to follow in the handling of information claimed as Confidential Business Information (CBI), obtained under Section 114 of the Clean Air Act (CAA), and governed by U.S. Environmental Protection Agency (EPA) regulations at 40 Code of Federal Regulations (CFR), Part 2, Subpart B, and other EPA regulations and policies. CBI collected under the authority of other environmental legislation is managed according to similar applicable procedures.

The need to safeguard CBI cannot be overstated. Valid and secure CBI procedures are essential to EPA's decisionmaking and therefore is required to effectively safeguard the environment. Any compromise to CBI threatens not only the businesses providing data, but also EPA's ability to make, implement and enforce environmental policy, and ultimately, the communities that benefit from that policy. Therefore, the Office of Air Quality Planning and Standards (OAQPS) has designed and implemented a four-pronged security system to ensure protection of CAA CBI and at the same time permit effective operations of the OAQPS CBI Office (CBIO). The CAA CBI security system consists of controlled access, document tracking, training, and monitoring of CAA CBI operations.

B. SCOPE

This manual sets forth policies and procedures to manage and safeguard CAA CBI. Unless otherwise noted the phrase "Confidential Business Information" or ("**CBI**" **refers to Clean Air Act Confidential Business Information only**).

C. POLICY

As outlined in the provisions of Section 114 of the Clean Air Act as amended, it is OAQPS' policy to protect any information claimed as confidential collected from 114 information requests and site visits by OAQPS personnel and authorized contractors. The information may be either documentary information (e.g., written responses to questions, photographs, records or charts) or non-documentary (e.g., oral communications, taking of photographs, or visual observations). The providing organization may assert a claim of confidentiality under the procedures established in 40 CFR Part 2 by noting such claim on documentary and nondocumentary materials provided to OAQPS.

Any material or information claimed as confidential or trade secret will be treated as confidential by OAQPS and its contractors in accordance with its contract and provisions of 40 CFR Part 2. **Any material or information for which a claim of confidentiality is NOT made may be made available to the public by OAQPS without notice to the providing organization.**

Documents created by OAQPS or its contractors from information collected from 114 responses or site visits will be treated as **pending** CAA CBI until a determination is made regarding the status by the providing organization, OAQPS, or the Office of General Counsel (OGC).

D. AUTHORITY

The policies and procedures found in this manual provide guidance for compliance with the following Federal statutes and regulations:

- Clean Air Act as amended

- 40 CFR, Part 2, Subpart B
- Freedom of Information Act
- Privacy Act
- EPA IRM Policy Manual, Chapter 8, Information Security

E. RESPONSIBLE OFFICIALS

The responsibilities of OAQPS officials and personnel concerning CAA CBI are outlined below.

1. Director, OAQPS

The OAQPS Director or his designee has overall responsibility for controlling CAA CBI within the Office. The Director or Acting Director may delegate his/her authority to perform security control functions.

2. Director, Planning, Resources & Regional Management Staff

The Director, Planning, Resources & Regional Management (PRRMS), has been delegated authority to direct and administer the CAA CBI program for OAQPS. In performing these duties, the Director has authority for setting policies, standards, and procedures that ensure compliance with the laws and regulations described in EPA IRM Policy Manual, Chapter 8. The Director provides oversight, a security education program, and a security assurance program for effective implementation of the OAQPS CAA CBI program. Specific responsibilities are to:

- Advise the OAQPS Director on the OAQPS CBI CAA program, as requested;
- Approve initial contract access for OAQPS contractors to access CAA CBI; and
- Review and approve all outside requests and transfers of OAQPS CAA CBI to other Federal and State agencies, special circumstances.

Approval of **contractor employee** access to specific CAA CBI documents is **delegated** to the **OAQPS Group Leaders**.

3. OAQPS Document Control Officer

The OAQPS Document Control Officer (DCO) is directly responsible to the PRRMS Director for implementing the CAA CBI program. The **OAQPS DCO implements and monitors the activities** of the CBIO and **provides guidance and technical direction** as needed. The following are responsibilities of the OAQPS DCO:

- Ensures that OAQPS security procedures for handling CAA CBI are continually reviewed, updated, and enforced;
- Ensures compliance with the security education program and security assurance program;
- Reviews security plans, procedures, and inspects facilities of EPA contractors handling and storing CAA CBI files;
- Reviews contractor employee CAA CBI security, education and training programs;
- Reviews CAA CBI access requests for contractors and other Federal/State and Local agencies. (**The PRRMS Director must approve requests for all initial contractor access**);
- Evaluates proposed system improvements;
- Promptly conducts preliminary inquiries and investigations of alleged procedural violations and reports findings to the PRRMS Director; and
- Advises the PRRMS Director concerning appropriate actions for CAA CBI security violations.
- Signs receipts for CAA CBI arriving and departing OAQPS;
- Reviews documentation of all CAA CBI being transmitted from OAQPS;
- Transmits CAA CBI to contractor upon the request of the work assignment manager/task order project officer (WAM/TOPO) or the responsible Group Leader;

- Declassifies or destroys CAA CBI material after receipt of authorization from OGC, the owner, WAM/TOPO, or after the CBI has served its purposes;
- Briefs and debriefs all persons designated by Group Leaders as requiring access to CAA CBI.
- Keeps an Authorized Access List of all persons cleared for CAA CBI access and a record of each person's briefing status;
- Assigns OAQPS CBI control numbers, attach Control Records and apply markings (when applicable) to all new CAA CBI documents and reproduce documents as required;
- Establishes, maintains, and controls an automated OAQPS CAA CBI file system. Logs in and out all CAA CBI documents. Conduct periodic inventories of all CBI documents stored at the OAQPS CBIO or contractor facilities;
- Maintains a tracking system to ensure that CBI transmitted to other organizations is received;
- Prepares CBI for mailing to other Federal agencies, plants or facilities, and contractors when authorized and maintain records of all such actions;
- Locks CBI in appropriate containers whenever the information is not in use or under the supervision of cleared personnel;
- Ensures at the end of each day that all classified materials used during the day have been returned to the CBIO and are properly stored; and
- Monitors support staff providing clerical assistance to the CBIO.

The CBI Office maintains "custody" of CAA CBI at all times even when being accessed by authorized individuals. Custody of CAA CBI may only be transferred from one CBI Office to another.

4. OAQPS Document Control Assistants

Document Control Assistants (DCA) are employees of OAQPS in locations other than the Office of the Director, PRRMS who are charged with implementing the OAQPS CBI program at their location. The OAQPS DCO oversees their activities and provides guidance and technical direction as needed.

5. OAQPS Division Directors

The responsible Division Director's responsibilities are to:

- Ensure that their employees comply with the procedures listed in this manual.
- Approve all authorizations for their Division employees to access CAA CBI; and
- Sign as requesting official for contractor employee access to CAA CBI.

6. OAQPS Program Project Officers

The respective program project officers (POs) responsibilities are as follows:

- To notify the OAQPS DCO when a contract will require CAA CBI access and to serve as an interface between the OAQPS DCO, contractors, WAM/TOPO and the EPA Contracting Officer;
- To issue notification to the affected businesses via Federal Register notice at the start of a contract by identifying the contractor or subcontractor who will have access to CAA CBI submitted to OAQPS in performing their assigned duties;
- Assists WAM/TOPO in preparing individual notification to affected businesses or industries on an as-needed-basis; and
- Ensures compliance with all CBI procedures set forth in the applicable contract.

7. OAQPS Group Leaders

Group Leaders are **responsible for ensuring that their employees and contractors comply with the procedures** listed in this manual. Group Leaders are responsible for the following functions:

- **Designates EPA and contractor employees who need access to specific CBI associated with each project. This responsibility may not be delegated**, and authorizations made by formerly responsible Group Leaders will remain in effect until access lists are reviewed and updated;
- Ensures that Group employees and other persons whom they designate are qualified and authorized to access CBI utilizing procedures found in Section II-C;
- Authorizes transfer of CAA CBI to providing companies, facilities or contractors. The **authority to transfer CAA CBI to all other outside organizations is reserved** for the **PRRMS Director**;
- Ensures that any CBI the Group receives directly is sent immediately to the OAQPS CBIO;
- Recommends to the PRRMS Director whether to release CBI to Congress, the Comptroller General, or other Federal agencies and ensure that releases are in accordance with Section 2.209 of 40 CFR, Part 2;
- Ensures that CBI is not used in publications or improperly released in any documents;
- Authorizes necessary creation (by summarization and masking) of nonCBI materials from CBI and review and approve those nonCBI materials prior to their release;
- Cooperates with the OAQPS DCO in establishing and improving CBI safeguards, and implementing and maintaining CBI education and quality within their Groups; and

- Reports cases of CBI disclosures or possible compromise to the OAQPS DCO and cooperate with investigations conducted under the OAQPS CAA CBI security program.

8. OAQPS Work Assignment Manager/Task Order Project Officer (WAM/TOPO)

The OAQPS WAM/TOPO has primary responsibility for ensuring that his/her contractors maintain control over project related CAA CBI and adhere to prescribed procedures.

OAQPS WAM/TOPOs are responsible for the following:

- Ensures that contractors and EPA employees working on his/her project comply with procedures in this manual and CBI procedures set forth in the applicable contract for CBI related to his/her project;
- Analyzes technical aspects of all project work written or otherwise created and determine whether CBI is involved and, if so, have it logged in the CBIO;
- Ensures that necessary paperwork is submitted in accordance with 40 CFR, Part 2, Subpart B, to enable Office of General Counsel (OGC) to make a final determination as to whether information that has been received is entitled to confidential treatment;
- Authorizes necessary reproduction of CBI and ensure that CBI is reproduced only under the supervision of the OAQPS DCO as described in Section IV-J;
- Ensures that memos, notes and reports from telephone conversations, visits, inspections, or tests are protected as CBI and filed in the CBIO until a determination is made regarding the status;
- Ensures that CBI is not used in publications or improperly released in any document;

- Initiates the process for destruction and disposal of CBI material;
- Ensures that CBI to be transferred or mailed is processed by the CBIO for proper wrapping and disposition;
- Ensures that any CBI received associated with his/her project is logged by the OAQPS CBIO;
- Authorizes contractor to return CAA CBI files to the OAQPS CBIO at the end of a work assignment or when the information is no longer required to be maintained at contractor facilities;
- Provides assistance to the OAQPS DCO in determining the status of returned CBI materials from the contractor; and
- Reports cases of wrongful disclosure or possible compromise of CAA CBI to the responsible Group Leader and OAQPS DCO, and cooperate with investigations conducted under the OAQPS CAA CBI security program.

9. Employees

Contractor/subcontractor and Federal, State and Local employees are responsible for the following:

- Complies with all applicable procedures in this manual;
- Complies with all CBI procedures set forth in the applicable contract;
- Maintains possession of CBI until returned to the CBIO;
- Stores CAA CBI in the CBIO only;
- Discusses CBI only with authorized persons;
- Ensures that any CBI received directly is sent immediately to the OAQPS CBIO for storage and proper logging;
- Ensures that CBI is not used in publications or improperly released in any document;

- Reports alleged violations of security procedures to the OAQPS DCO immediately; and
- Ensures that memos, notes, and reports concerning CBI obtained from telephone conversations, visits, inspections, inquiries, or tests are protected as CBI, logged and stored in the CBIO.

10. Contractor Document Control Officers

Contractor's management must nominate a Contractor Document Control Officer (CDCO) and a Contractor Document Control Assistant (CDCA). Before OAQPS recognizes them as CDCOs, they must be properly trained and required paperwork on file at OAQPS. The CDCO controls the receipt, storage, and handling of CAA CBI by employees in their facilities and manages a document tracking system.

a. CDCO responsibilities include:

- Serves as the principal contact for OAQPS regarding the security and control of CAA CBI;
- Provides security plan for safeguarding CAA CBI;
- Maintains a secure CBI facility;
- Conducts CAA CBI briefings (including testing) for all contractor employees authorized to handle or access CAA CBI;
- Obtains signed *Authorization for Access to CAA CBI for Contractor Employees, CAA CBI Form 3* (Appendix B) from each contractor employee who will have access to CAA CBI before the employee is granted access. **The original of this completed form shall be forwarded to the OAQPS DCO.**
- Conducts annual briefings and testing in support of the OAQPS CAA CBI education and training program.
- Inspects facilities and review CAA CBI procedures of subcontractors and obtain OAQPS's approval. The OAQPS DCO shall accompany the CDCO on inspections.

- Maintains a list of contractor employees who are authorized to access CAA CBI including administrative or computer support, or as **designated by the OAQPS Group Leader** as having a **need-to-know specific** CAA CBI to perform their work.
- Releases CAA CBI only to authorized persons;
- Reviews and update access lists continuously of contractor employees and notify the OAQPS DCO immediately of any changes;
- Submits updated access lists to the OAQPS DCO monthly;
- Provides guidance, technical assistance and administrative support to contractor employees on **all** matters concerning CAA CBI security;
- Establishes, maintains, and controls a CAA CBI file system (including disposition) in compliance with OAQPS' CAA CBI Records Management procedures;
- Logs in and out all CAA CBI documents, summaries, tabulations, and materials to users;
- Maintains a CAA CBI document retrieval system;
- Ensures all CAA CBI is properly stored when not in use;
- Ensures CAA CBI is properly wrapped, marked and transferred;
- Maintains an inventory of all CAA CBI, conduct periodic audits, and submit inventory **annually** to the OAQPS DCO;
- Destroys drafts and working papers as authorized by the OAQPS DCO or project lead;
- Maintains in a secure location a record of combinations of all locks, safes, and cabinets that contain CAA CBI, and ensure combinations are changed **annually**, or whenever anyone who knows the combination terminates or transfers employment;

- Reports alleged violations of contractor security procedures immediately to contractor management and the OAQPS DCO; and
- Obtains a signed *Confidential Agreement for Contractor Employees Upon Relinquishing CAA CBI Access Authority*, CAA CBI Form 5 (Appendix B) for any employee who terminates employment or transfers to a position not requiring access to CAA CBI. **One copy of this completed form shall be forwarded to the OAQPS DCO.**

Whenever CDCOs terminate their employment or relinquish their responsibilities, an inventory of CAA CBI materials must be performed within 30 days of their departure.

b. Contractor Document Control Assistant

The Contractor Document Control Assistant (CDCA) will perform the aforementioned CDCO responsibilities in the absence of the CDCO.

SECTION II.

EDUCATION AND TRAINING

A. OVERVIEW

The OAQPS Confidential Business Information (CBI) education and training program is implemented by the OAQPS DCO. Group Leaders and contractor management must arrange for employees to be available for briefings in support of the OAQPS CAA CBI program. Designated employees must meet **all** requirements of the program to obtain and maintain authorization to access CAA CBI.

B. INITIAL BRIEFING

All access designees shall:

1. read this manual;
2. receive a briefing on the responsibilities and procedures for proper handling of CAA CBI; and
3. pass a competency test at the end of the briefing.

After receiving the briefing and passing the competency test, each employee will sign an *Authorization for Access to CAA CBI for Federal Employees, CAA CBI Form 2* or *CAA CBI Form 3* for contractors (Appendix A). Employees may then be nominated and approved for access to specific CAA CBI and their name placed on the authorized project access list.

C. ANNUAL BRIEFING

Federal and contractor employees approved for CAA CBI access must maintain their access authority by attending an annual security briefing and passing a written test. Annual briefings will be given in the month of employee's initial access. Employees who fail to attend their last annual briefing will be given an opportunity to attend other scheduled briefings. If they fail to attend a makeup session, within 3 months of expired

access, their names will be removed from the OAQPS CAA CBI Authorized Access List.

The OAQPS DCO will notify the Group Leader of the suspension. If the employee fails to attend the next scheduled briefing within 30 days of the suspension notice, the employee must relinquish authorized access to CAA CBI. The employee must return all CBI materials which they may have in their possession to the CBIO and sign a *Confidential Agreement for U.S. Employees Upon Relinquishing CAA CBI Access Authority*, CAA CBI Form 4 (Appendix C) or CAA CBI Form 5 for contractors (Appendix B). If access to CAA CBI is relinquished, the Group Leader must renominate the employee to access CAA CBI, direct the employee to attend a briefing, and obtain authorization to access CAA CBI by completing CAA Form 2.

D. TERMINAL BRIEFING

All employees who have been granted access to CAA CBI shall receive a terminal briefing and sign a *Confidential Agreement for U.S. Employees Upon Relinquishing CAA CBI Access Authorized*, CAA CBI Form 4 or CAA CBI Form 5 (contractors) when they terminate their employment or transfer to a position in which CAA CBI access is not required.

SECTION III.

ACCESS TO SPECIFIC CAA CBI

A. OVERVIEW

This section describes policies and procedures for allowing access to Confidential Business Information (CBI) and for dissemination of CAA CBI to OAQPS contractors.

B. GENERAL ACCESS REQUIREMENTS

No person has a right of access to CBI by virtue of organizational title or position alone. A person must also have a need-to-know specific CBI before access is granted. There is a responsibility to the organization providing CAA CBI to protect its information and a parallel responsibility of OAQPS employees and contractors to minimize their liability.

C. FEDERAL EMPLOYEE ACCESS

Care in granting access to CBI is important in ensuring a secure CBI system. A secure CBI system requires the continuous updating of the employee Authorization Access List (AAL) ensuring attendance of yearly briefings, and the continuous updating the specific Project AAL to reflect current employee work assignments.

1. Procedures

Upon determining that an OAQPS employee needs access to CAA CBI, **Group Leaders refer those employees to the OAQPS DCO.** The employee attends an initial OAQPS CAA CBI security briefing. After passing the written test (as explained in Section II, Education and Training), the employee and OAQPS DCO sign an *Authorization for Access to CAA CBI for Federal Employees, CAA CBI Form 2* (Appendix A). The form is then forwarded to the responsible Division Director for signature and final approval. Approved forms are returned to the CBIO for filing. See Figure 1 for steps in obtaining access to CAA CBI.

Steps for Obtaining Access to CAA CBI

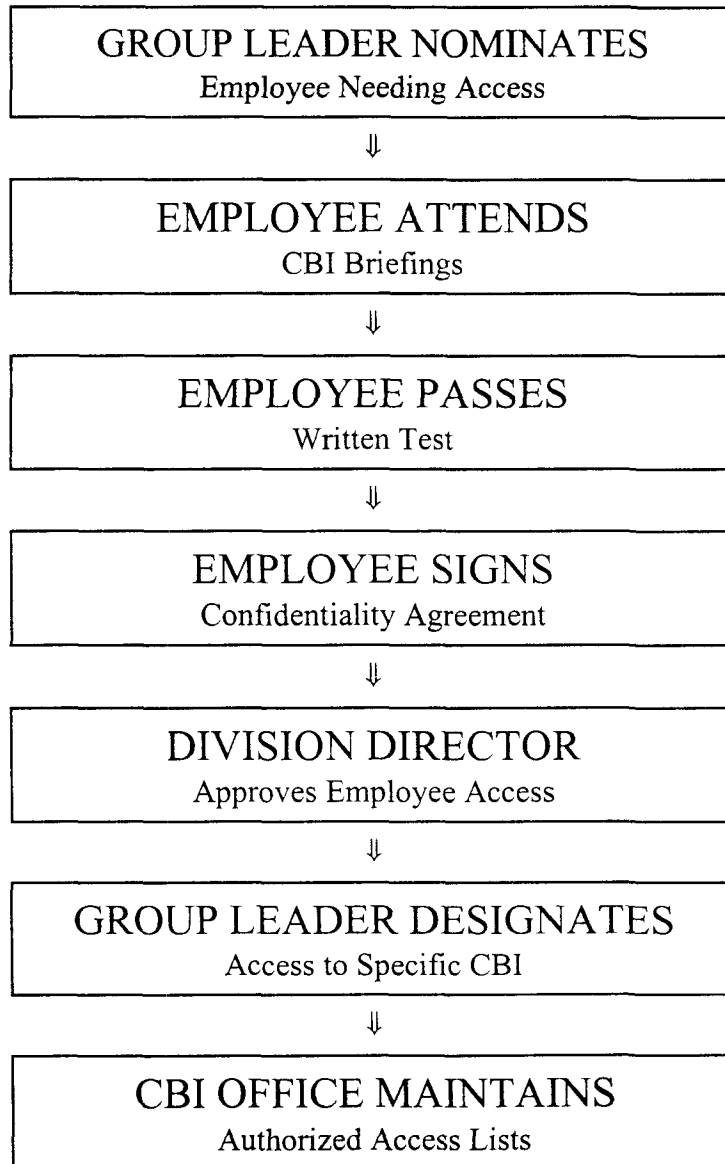


Figure 1

In addition, the responsible **Group Leaders must designate and approve** employees who have a **need-to-know for specific CAA CBI** in order to access individual projects by submitting an authorization (memo) to the OAQPS DCO (Figures 2 and 3). The authorization may include OAQPS and contractor personnel who require access to specific projects containing CAA CBI.

**** NOTE: Approval of CAA Form 2 does not automatically allow access to all individual projects. ****

Administrative support personnel, DCOs, and DCAs, CDCOs, CDCAs etc. may obtain **administrative access** to CAA CBI to provide typing, word processing, supervised reproduction, courier, and document handling support of CAA CBI. This access may be granted upon nomination, attendance of briefing and passing written test and **does not require designation** by Group Leaders **to access specific CBI**.

Federal or contractor employees who require on-line access to a computer system or database containing CAA CBI must complete a *Computer Request, Approval, and Registration for CAA CBI Computer Access*, CAA CBI Form 10 (Appendix G), and notify the DCO. See Section X, CAA CBI Computer Security.

Other EPA employees (**outside of OAQPS**), who have a **need-to-know specific CAA CBI** may request **OAQPS CAA CBI access authority**. An *Authorization for Access to CAA CBI for Federal Employees*, CAA CBI Form 2 (Appendix A) must be requested from the OAQPS CBIO, completed and returned. In addition to completion of this form, the requested CAA CBI and the OAQPS WAM/TOPO responsible for that CBI must be identified. Upon approval by the responsible OAQPS Group Leader and the requestors management (equivalent to the Director or higher), the employee may access the material as outlined in Section VIII. The WAM/TOPO verifies CAA CBI to be transferred, and the OAQPS DCO will properly package and transfer materials.

2. Authorized Access Lists

Upon receiving approval to access CAA CBI, the employee name(s) is placed on the **OAQPS CAA CBI Authorized Access List**.

EXAMPLE

MEMORANDUM

SUBJECT: Confidential Business Information (CBI) Access

FROM: *(Name of Group Leader)*
(Name of Group)

TO: Melva Toomer, OAQPS Document Control Officer

This memorandum is to request that the following personnel name(s) be removed from the CAA CBI authorized access list for the *(name of the project)*, *(ESD Project # or CBI #)*.

(Name(s) of individuals including affiliation)

Also, please add *(name(s))* of to the CBI authorized access list for the *(name of project, etc.)*. Description of material: Any material received as a result of developing the NESHAP for *(name of industry or NESHAP)*.

(List name(s) and affiliation)

Figure 2

Example

MEMORANDUM

SUBJECT: Authorization for Access to CAA CBI Files

FROM: *(Name of Group Leader)*
(Group Name, Mail Drop)

TO: Melva Toomer, OAQPS DCO
PRRMS, CBIO, MD-11

ESD Project No & Title: 97/06 - *Cellulose Production MACT*
97/14 - *Leather Tanning & Finishing MACT*

This memorandum is to request that the following individual(s) name(s) be added to the access list for CAA CBI information collected for the *(name of project and project #)*.

97/06: *(List names including OAQPS and contractor personnel)*

97/14: *(List names including OAQPS and contractor personnel)*

Figure 3

When the Group Leader designates an employee for access to **specific CBI**, the name is placed on the **OAQPS Authorized Project Access List**. These access lists are used as a reference to determine whether an individual is currently authorized to access CAA CBI and what specific CBI they are authorized to access on a need-to-know basis.

The OAQPS DCO provides Group Leaders with both access lists on a regular basis to determine whether any names of employees within their jurisdiction should be added or deleted. Group Leaders confirm the names listed or make appropriate changes, if assignments are shifted or employment terminated, and return the list to the OAQPS DCO to use in updating the "official" OAQPS CAA CBI access lists.

D. WITHDRAWAL OF CLEARANCE

CAA CBI clearances are withdrawn as a result of a Federal or contractor employee no longer having a need to access CAA CBI.

1. Periodic Review

All CAA CBI accesses will be reviewed periodically to minimize the number of people authorized access. A Group Leader may determine that a currently cleared Federal or contractor employee no longer requires access to specific CAA CBI for the performance of official duties and obligations. Should that happen, access is withdrawn.

2. Removal From Access Lists

The name of employees who no longer need access to CAA CBI is removed from the OAQPS CAA CBI access lists. Access is terminated under the following circumstances:

- termination of employment;
- termination of duties requiring access to CBI; and
- failure to attend the yearly briefing and pass the written test explained in Section II, Education and Training.

E. CONTRACTOR EMPLOYEE ACCESS

1. Prerequisite

The respective program Project Officers shall notify the OAQPS DCO immediately upon determining that a prospective contract may require that contractors be granted access to CAA CBI. The following information must be furnished:

- The name of the prospective contractors and the location of the contractor's facility.
- A copy of the Federal Register notification for contractor access to CAA CBI collected under the specific contract, including the contract number.
- A copy of the statement of work.
- Whether the contractor's facility is to receive and store CBI under the contract.

2. Conditions

Contractors **may not** receive access to CAA CBI until the contractor meets the following conditions:

- Obtain OAQPS approval for access to CAA CBI;
- Prepare and have OAQPS approve a security plan;
- Have the contractor site inspected and approved by OAQPS;
- Nominate and train a Contractor Document Control Officer (CDO), and a Contractor Document Control Assistant (CDCA) acceptable to OAQPS; and
- Obtain OAQPS approval from responsible Group Leader for access to **specific** CAA CBI for each contractor employee required to work with CAA CBI.

3. Obtaining Approval

When access to CAA CBI is necessary, the contractor must complete a *Request for Approval of Contractor Access to CAA CBI, CAA CBI Form 11*, (Appendix H). The form must explain the reasons CAA CBI access is necessary under the contract. The OAQPS WAM/TOPO must forward the form and *Contractor Information Sheet, CAA CBI Form 11a*, (Appendix H) to his/her Division Director, who will sign the form as the requesting official and forward it and the information sheet to the OAQPS DCO for review. The OAQPS DCO will then forward the form and the information sheet to the PRRMS Director for final approval.

After the above prerequisites and conditions for contractor access have been met, the OAQPS WAM/TOPO confers with contractor officials to determine which work assignments or task orders, and which employees will require access to CAA CBI. Upon receiving the requirements for contractor employee access to CAA CBI, the CDCO will have the designated employee(s) attend an initial briefing, pass a written test, obtain signatures on the *Authorization for Access to CAA CBI for Contractor Employees, CAA CBI Form 3*, (Appendix A). The contractor employee names are then submitted to the OAQPS DCO to be included on the OAQPS authorized access list. Employees requiring access to computerized CAA CBI must also complete a *Request, Approval and Registration for CAA CBI Computer Access, CAA CBI Form 10*, (Appendix G). The originals of these forms are also forwarded to the OAQPS DCO for the record. See Figures 4 and 5, *Contractor Steps for Obtaining Contractor Access to CAA CBI*, and *Contractor Request for Specific CAA CBI Access*.

4. Security Plan

The contractor must prepare and OAQPS must approve a security plan for access to CAA CBI at a location away from the OAQPS headquarters facilities. Security plans must describe physical security mechanisms at the contractor's site and procedures to be followed by employees when handling CAA CBI at the site.

Contractor

Steps for Obtaining Access to CAA CBI

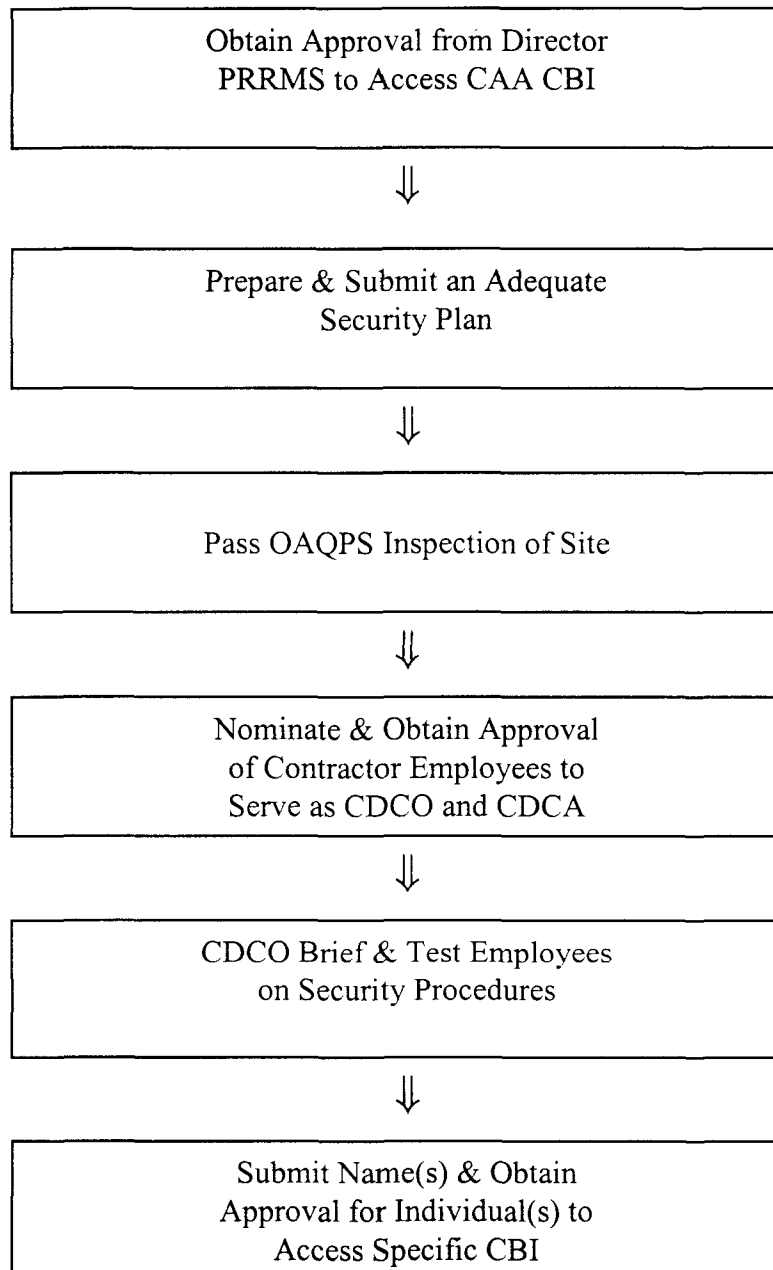


Figure 4

EXAMPLE

CONTRACTOR REQUEST FOR ACCESS TO SPECIFIC CAA CBI

Date: June 23, 1998

Subject: Access Request to Clean Air Act Confidential Business Information
Contract No: _____
Work Assignment No: _____ (or *Title of Project*)
ESD Project No: _____

From: (*Name of Requestor*)
Contract Document Control Officer
(*Name of company*)

To: Melva Toomer, OAQPS DCO
OAQPS, PRRMS/CBIO, MD-11

(*Name of individual(s)*) have been assigned to work on the referenced project, and their work will require them to access confidential business information (CBI) that has been collected under the Clean Air Act (CAA). The mentioned (*name of company*) personnel have been trained and are authorized to access CAA CBI.

Approved by:

(WAM/TOPO) Date

(Group Leader) Date

Figure 5

The procedures described within this manual and the OAQPS forms in the appendices are intended to serve as guidelines for the preparation of contractor security plans and need not be incorporated verbatim in the plans. However, contractor security plans must equal or surpass the security standards described in this manual.

The following is an outline of a Security Plan.

- CDCO responsibilities
- Access procedures
- Accountability system
- Pending file system
- CAA CBI storage
- CAA CBI transfers
- CAA CBI safeguards (including disaster prevention, preparedness, and recovery plan)
- Security violations
- Education and training
- Computer security (if applicable)

The OAQPS DCO is responsible for reviewing contractor security plans, discussing any perceived deficiencies with the OAQPS PO and the contractor, and sending a memorandum through the PO to the contractor either approving or disapproving the security plan. In addition, the OAQPS DCO must inspect and approve contractor facilities before CAA CBI can be received or stored. All facilities authorized for CAA CBI access are inspected by OAQPS on an **annual** basis. If during an inspection or review of the security plan, only minor problems are noted, the OAQPS DCO will work with the contractor to correct them. If there are major deficiencies, the contractor may be given **30 days** to correct the deficiencies. The contractor shall conduct periodic internal audits of its facilities, employees, and the

CAA CBI security system to ensure compliance with its security plan. Records of such audits will be available upon request.

5. Contractor DCO/CDCA Requirement

Prior to the commencement of access to CAA CBI, contractor management **must nominate** contractor employees who will serve as CDCO/CDCA and obtain approval by OAQPS. The CDCO/CDCA must be trained in proper CAA CBI handling procedures **prior** to being assigned to their positions. The OAQPS CAA CBI Security Manual is provided, and the CDCO/CDCA may attend a CAA CBI briefing offered by the OAQPS DCO. The requirement that a CDCO be assigned before actual access may begin applies even if access to CAA CBI under the contract is limited to the OAQPS headquarters facilities. The CDCO serves as the liaison between OAQPS and the contractor on issues relating to CAA CBI and plays important roles in requesting and maintaining access authorization for individual contractor employees and in handling CBI. The CDCA is a back-up for the CDCO.

6. Completion of Contracts, Work Assignments, or Task Orders

Upon completion of the contract, work assignment, or task order, the CDCO **must inventory all CBI materials and report the results** to the OAQPS DCO. Within 30 days of completion, the contractor must collect **all** CBI materials and document control materials, including logs and control records (see Section VIII) and transfer them to the OAQPS DCO. The OAQPS DCO will inventory the materials, the WAM/TOPO will review the materials, determine status, and initiate process for proper disposition of returned CAA CBI materials.

7. Authorized Access Lists

The contractor **must** maintain CAA CBI Authorized Access Lists: **names of individuals with CAA CBI access including test date and specific project access** authorization, and submit an updated list to the OAQPS DCO monthly. The list is used to ensure that only individuals with current CAA CBI access authority obtain materials from the CDCO.

8. Withdrawal of Access

When a contractor employee no longer requires access to CAA CBI, the CDCO will have the employee sign a *Confidential Agreement for Contractor Employees Upon Relinquishing CAA CBI Access, CAA CBI Form 5*, (Appendix B). Remove their name from the authorized access lists, notify the OAQPS DCO of the deletion, and forward a copy of *CAA CBI Form 5* to the OAQPS DCO.

F. SUBCONTRACTOR/CONSULTANT ACCESS

The program PO is responsible for notifying the public and affected business of all subcontractors who require access to CAA CBI collected under the respective contracts. If this information is known at the beginning of the contract, a Federal Register notice must be published according to the guidelines as specified in the Clean Air Act.

The prime contractor is responsible for notifying OAQPS of all subcontractors or consultants being used prior to releasing any CAA CBI to them. This also includes subcontractors or consultants accompanying the prime contractor or EPA staff on site visits. Figure 6, is a sample letter that must be prepared and sent to affected businesses notifying them of who will have access to their information submitted to OAQPS. A ten day waiting period must be allowed before CAA CBI is disclosed to the subcontractor/consultant.

SAMPLE

Name of Recipient

Title of Recipient

Recipient's Address

Dear Mr./Ms. (*Recipient's Last Name*):

The United States Environmental Protection Agency has authorized the following subcontractor to access information that has been, or will be, submitted to the EPA under section 114 of the Clean Air Act (CAA) as amended: *list name and address of subcontractor/consultant*. Some of this information may be claimed to be confidential business information (CBI) by the submitter. This subcontractor will be providing support to the EPA under contract (*list contract number*). The prime contractor on this contract is (*list name and address of the prime contractor*). Under the direction of the prime contractor, this subcontractor will provide technical support to the Office of Air Quality Planning and Standards (OAQPS) in developing Federal Air Pollution Control Regulations.

The EPA is issuing this notice to inform all submitters of information under section 114 of the CAA that the EPA may provide the above mentioned subcontractor access to these materials on a need-to-know basis. Notification of the prime contractor's potential access to CBI was done through a previous Federal Register notice.

In accordance with 40 CFR 2.301(h), the EPA has determined that the above subcontractor requires access to CBI submitted to the EPA under sections 112 and 114 of the CAA in order to perform work satisfactorily under the above noted contract. The subcontractor's personnel will be given access to information submitted under section 114 of the CAA. The subcontractor's personnel will be required to sign nondisclosure agreements and will receive training on appropriate security procedures before they are permitted access to CBI. The above subcontractor's clearance for access to CAA CBI is scheduled to expire on September 30, 2001.

Figure 6

Please provide any comments regarding the above subcontractor's access to CBI submitted by your company within ten working days of your receipt of this letter. Comments should be submitted to Melva Toomer, Document Control Officer, Office of Air Quality Planning and Standards (MD-11), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541-0880.

Sincerely,

Name of TOPO/WAM
Emission Standards Division

cc: Melva Toomer (MD-11)
Ieva Spons (MD-11)
Tim Watkins/Carolyn Wigington, Project Officer (MD-13)

Figure 6 (continued)

SECTION IV.

RECORDS MANAGEMENT FOR CAA CBI

A. OVERVIEW

This section describes how Confidential Business Information (CBI) either originated by OAQPS or its contractors as derivative CBI or received as original CBI is identified, protected, logged, controlled, and managed.

When any OAQPS employee or contractor employee receives or otherwise obtains material containing or suspected of containing CBI, they shall deliver those materials immediately to the CBI office for proper logging and storage.

B. INTENT

The OAQPS CAA CBI Records Management System must be able to trace the movement of CBI, identify the persons with authorized access to it, detect its misplacement and make prompt retrieval possible. The OAQPS CAA CBI Records Management System **ensures these objectives are accomplished** by the **maintaining of authorized access lists, assigning unique numerical identifiers** (CBI control numbers) to each document, **maintaining an automated inventory** of all documents submitted/logged into the system, and by **monitoring the movement of CBI** through manual or automated logs, records of receipt, usage, and transmission. All material submitted to OAQPS and all material generated at OAQPS containing information claimed to be CBI are controlled through the OAQPS CAA CBI Records Management System.

C. OAQPS CAA CBI RECORDS MANAGEMENT SYSTEM

The foundation of the OAQPS CAA CBI Records Management System includes the following basic items:

- Automated database (all CBI re: TSCA, CWA, RCRA, FIFRA, etc.)
- Control Records (for each item in the system)
- Custody Receipts (for transfer of material)

- Cover Sheets (for document protection/identification)
- Destruction and Declassification Logs
- Pending Log (for new material)
- Inventory (by project, WAM/TOPO, disposition, etc.)
- Employee Authorized Access List
- Project Authorized Access List

1. OAQPS CAA CBI Automated Tracking System

An **automated database** is used to record pertinent information about CAA CBI materials filed in the CBIO, persons authorized to access specific CAA CBI, and contains the following information.

- Date received
- Date of document
- Number of copies
- CBI control number
- Project name
- Document description
- Provider identification
- Transfer information
- Destruction record
- Authorized access clearances

Various reports may be generated on a routine basis or when requested by management. They are:

- Complete inventory of all CBI documents including disposition (pending, permanent inventory, destruction, declassification, etc.);
- Listing by specific regulating Acts;
- Listing by specific CBI projects;
- Listing of documents assigned to individual WAMs; and
- Listings of authorized personnel (EPA and contractors).

The CAA CBI database is continuously updated and allows the OAQPS DCO to determine the disposition of documents, retrieve documents in a timely manner, and to generate an accurate up-to-date inventory on a monthly basis or when requested.

2. CAA CBI Control Record

CAA CBI Control Record, CAA Form 1 (Appendix J) is placed in each CAA CBI file as a permanent record of authorized personnel access. It also contains reproduction, transfer, declassification, destruction, and any other pertinent information about the document. The Control Record facilitates timely and accurate accounting for CAA CBI material during the work day. Each user of CAA CBI must sign and date the Control Record each time access is granted to a CBI document.

The Control Record is extracted from the file and retained by the OAQPS CBIO or contractor CBIO as a receipt for the material while it is checked out. It is signed and dated by the OAQPS DCO or CDCO upon the return of the CBI material and filed in the appropriate folder.

When a CAA CBI document is declassified or destroyed, the CAA CBI Control Record or register must be retained for a period of two-years after the completion of a project or until the specific CAA CBI project file has been reconciled.

3. Cover Sheets

A CAA CBI Cover Sheet, CAA Forms 8 and 9 (Appendix F) is a yellow sheet of paper inscribed with a claim of confidentiality and handling instructions. The Cover Sheet conceals the front of each document and should **not** be removed.

4. Custody Receipts

CBI Custody Receipts are discussed in Section VIII, Transferring Custody of CAA CBI.

5. Pending Log

The CAA CBI Pending Log, CAA CBI Form 13 (Appendix I) is used to **account for all CBI materials upon initial receipt pending a decision by the appropriate personnel.** The WAM/TOPO will review submitted materials and remove any nonCBI (as appropriate) and, verify the accuracy of information contained within. After review of the materials and the confidentiality is determined, the documents are logged into the OAQPS CAA CBI

Inventory. **WAMs/TOPOs are contacted every 30 days** to determine the status of materials stored as **pending** and to solicit further instructions concerning the disposition of these materials.

CDCO shall contact their employees to determine the status of materials with a **pending** disposition and solicit further instructions concerning materials if there has been no action within the preceding 30 days.

6. Inventory

The *OAQPS CAA CBI Inventory Log, CAA CBI Form 12* (Appendix I), is also maintained by the OAQPS DCO. This inventory must have an accurate nonCBI description of each document. The inventory log includes the following information:

- Date received
- CBI control number (OAQPS & contractor)
- Provider's name and address
- Name of project or work assignment
- Description of materials (number of copies, pages, etc.)
- Date of document
- Disposition status
- Inventory date

It identifies all CBI material for which OAQPS is accountable; **An inventory of CBI material is conducted at least once a year, during which time each CBI file is reviewed and purged of unneeded materials with the assistance of the WAM/TOPO.**

D. OBTAINING CBI DOCUMENTS

Employees and contractors who are authorized access to specific CAA CBI **may obtain CBI materials** from the OAQPS CBIO **from 7:30 a.m. to 5:00 p.m., Monday through Thursday, and Fridays from 7:30 a.m. to 3:30 p.m.** The OAQPS DCO verifies that the employee is authorized access to the requested CBI. **Employees must sign the OAQPS CBI Control Record upon receipt of the document** and safeguard CBI materials while in their possession. Any time an employee relinquishes physical custody of the CAA CBI (lunch or at the end of the day), he/she must obtain a release of responsibility for the document by having the DCO sign and date the Control Record. **(Direct transfer of CAA CBI materials**

between employees is not permitted). CBI materials are transferred only through CBI offices or DCOs.

E. OAQPS CAA CBI DOCUMENT CONTROL NUMBERS

The OAQPS DCO assigns an individual control number to each CAA CBI document. The number **consists of a least ten digits (e.g., 94111-C02-09)**. The first five digits are the fiscal year and project identification numbers; first two numbers are the fiscal year the document was initially received and next three numbers are assigned for each specific project (e.g., 94111); the next three digits identify the responsible and WAM/TOPO (e.g., C03); and the last digit refers to the number of documents received by CBIO for a specific project. The OAQPS CBI control number is placed on the cover sheet, the first page, and on the back of the last sheet or back cover of the document. The number is also placed on the custody receipts and folders for identification purposes.

F. CREATING CBI DOCUMENTS

All CBI and pending CBI documents generated by OAQPS will be treated and protected as such until a CBI determination has been made by the responsible Group Leader, providing organization (affected business) or OGC.

Documents and other materials generated by OAQPS or its contractors that contain information from CBI documents are usually CBI themselves.

1. Working Papers

Newly created CBI is at first in the form of working papers pending the creation of new CBI documents. The category of CAA CBI working papers includes materials such as notes and outlines; initial drafts of documents; computations, drawings, and diagrams; and pending documents. Working papers are labeled as **PENDING CBI**, provided a OAQPS CAA CBI Control Record and Cover Sheet, secured in the CBIO, and otherwise used and handled like any other CBI document except they are labeled **pending** until the disposition is determined. After the document has been deemed as confidential, the status is changed to permanent and maintained

according to OAQPS records management policies governing CAA CBI.

2. Typing/Word Processing Requirements

The author of a CAA CBI document may provide the document to a typist who is authorized access CAA CBI. **The typist must return to the author the newly typed materials and the original draft when typing is completed.** All materials used in typing documents containing CAA CBI, including word processing disks, ribbons, carbons, and waste paper must be treated as CBI and submitted to the CBIO for storage or destruction.

The typist should **not** use the Local Area Network (LAN) for preparation or storage of CAA CBI documents. Documents are to be prepared using the local version of the word processing program on the hard drive of the personal computer vs. the LAN version. Data, reports, etc., must be stored on a floppy diskette and submitted to the CBIO for proper logging and storage. Turn off the printer after printing the newly created CBI document to ensure that all CBI is removed from the buffer of the printer.

3. Use in Meetings

The author of a CAA CBI document may circulate copies of the document at a meeting for discussion, if the author:

- Notifies the OAQPS DCO, and has the document reproduced by the OAQPS DCO;
- Attends the meeting and is present when the document is discussed;
- Collects all copies of the document at the end of the meeting; and
- Submits all copies of the document for destruction to the OAQPS CBIO after the meeting.

The OAQPS DCO must number the copies i.e., 1 of 6, 2 of 6 and number the pages and ensure that every page of each copy is returned at the end of the meeting. All other procedures for general access and meetings (Section V.E, CBI Disclosed at

Meetings General Requirements) must be followed when CAA CBI materials are circulated at meetings.

G. CREATING NONCBI DOCUMENTS

Materials produced from CAA CBI need not be confidential. Nonconfidential documents may be produced by deleting CBI from an existing document or by masking or aggregating the CBI so that it cannot be linked to its source.

1. Deleting or Replacing CBI

CAA CBI can be replaced in a document with nonCBI data or generic descriptive terms data or terms derived from CBI data but that are not themselves CBI.

2. Masking or Aggregating CBI

Group Leaders must be consulted in advance by authors who wish to produce nonconfidential documents by masking or aggregating CBI. Group Leaders shall also review all submissions of masked and aggregate material to ensure that no CBI is exposed and approve the final nonCBI version.

3. Dropping CBI Claim

NonCBI documents can also be created from information submitted by a providing organization which drops its claim of confidentiality, or for which EPA determines that the claim is not valid.

In all instances, the WAM/TOPO is responsible for ensuring that documents contain no CBI. Materials **produced** using CBI **must be treated as CBI until a determination is made by the Group Leader or providing organization.**

H. RELINQUISHING OF CAA CBI STATUS

1. Original CAA CBI

If a providing organization relinquishes its claim of confidentiality for original CBI, the **WAM/TOPO** must obtain a written statement from the provider before the information can be released to the public. Any original CAA CBI no longer needed by OAQPS is destroyed or returned to the business firm.

2. CBI Created by OAQPS

Documents created by OAQPS such as: site surveys, test reports, telephone conversations, and meeting minutes are forwarded to the affected business (providing organization) for review of accuracy and confidentiality by the responsible Group Leader. The responsible industry official is requested by cover letter to review the report, clearly mark any information considered to be confidential, and return the marked-up report within the specified timeframe. The original is kept in the CBIO with a "**pending**" disposition until the marked copy is returned by the business firm. When the reviewed, marked-up copy of the report is returned, OAQPS will have the option of:

- protecting the whole document as CBI;
- creating a nonCBI version with all CBI removed by aggregating or masking, and maintaining a complete CBI version;
- creating a CBI addendum when indicated CBI is at a minimum; or
- challenging the validity of the business' claim through OGC.

All revised final CBI documents must be submitted to the providing organization for review before release to the public.

- If the report is determined to be accurate and nonconfidential, the business firm will so note, or not respond by the requested date.

- If the firm does not respond by the requested date, the WAM/TOPO shall contact the providing organization and verify the claim; and provide a written response to the OAQPS CBIO for declassification or release purposes.
- If the document has CBI status, it is placed in the OAQPS CBIO and logged into the OAQPS CAA CBI inventory.

I. DETERMINING CLAIM TO VALIDITY

To determine that a claim of confidentiality is valid, EPA's Office of General Counsel (OGC) or an EPA Regional Counsel, where appropriate, must render a final determination pursuant to 40 CFR, Part 2, Subpart B. That determination is made based on a review of the submitter's responses to substantiation questions. If a claim is denied, the information may not be released for 30 days, during which time the providing organization may challenge EPA's determination in a Federal District Court.

J. REPRODUCTION

This subsection details the procedures for controlling and safeguarding CAA CBI reproduction or other copying.

There is a risk of losing control over CBI whenever it is reproduced in hard copy and disseminated. Copying of CAA CBI material is limited to the minimum extent possible.

1. CBI Material

Group Leaders or WAM/TOPOs authorize the reproduction of CAA CBI materials. **Only** the DCO is authorized to make reproductions. The DCO enters additional copies of documents into the OAQPS Records Management System and records the distribution of reproduced copies.

2. Equipment

Copy machines must be dedicated solely to CBI document reproduction while CBI documents are being copied, and the OAQPS DCO must directly supervise the machine while the CBI materials

are being duplicated. Only persons authorized access to the specific CAA CBI being copied may be present while CBI materials are being reproduced. After copying is finished, the operator must pass three blank copies through the machine to ensure that any impressions on the image surfaces of the machine have been erased.

3. Broken Equipment

If the equipment used for reproducing CAA CBI materials has a malfunction while in use, the DCO must inspect the machine's paper path and image surface to retrieve any materials containing CBI that are caught in the equipment before the repair person is called.

K. CDCO RECORD MANAGEMENT RESPONSIBILITIES

Contractor DCOs must comply with the aforementioned requirements of this manual to ensure adequate safeguarding and handling of CAA CBI documents. CDCO may use sample CAA CBI Forms or design own in-house forms as long as required OAQPS information is available.

1. CAA CBI Control Numbers

CDCOs may implement an internal CAA CBI control numbering system, but **must cross-reference** OAQPS CAA CBI Control numbers on custody receipts, inventories, derivative CBI, correspondence, etc. regarding **specific** CAA CBI.

2. CAA CBI Inventories

CDCO must maintain an accurate nonCBI description of each document and in a CAA CBI inventory (see CAA CBI Form 12). The CDCO shall conduct an inventory of all CAA CBI materials stored at their facility at least **once a year** during which time each CAA CBI file is reviewed. A copy of the inventory files shall be submitted to the OAQPS DCO. Any CAA CBI no longer needed at their facility must be returned to OAQPS.

3. Reproduction

Copying of CAA CBI by contractors is **limited** to working papers, drafts of technical reports, drafts of trip reports, meeting handouts, and similar temporary documents. Copying must be done under the direction and guidance of the CDCO.

SECTION V.

DISCLOSURE OF CAA CBI

A. OVERVIEW

This section discusses **minimum procedures** required to **ensure** the **security** of Confidential Business Information (CBI) **during** **authorized disclosures**.

The holder of CAA CBI (the person in possession of specific CBI) is responsible for protecting it from persons not authorized access to it. CAA CBI shall not be left unattended; and when work with CBI materials is completed or suspended, all materials containing CAA CBI (originals, drafts, memos, and notes) shall be taken to the CBIO for storage. Holders of CAA CBI shall not allow unauthorized persons to view CAA CBI materials nor shall holders discuss CAA CBI with persons not authorized access to it.

B. DISCLOSURE TO OTHER FEDERAL, STATE OR LOCAL AGENCIES

EPA regulations at 40 CFR Part 2 allow disclosure of CBI to another Federal or State agency in either of two circumstances:

- When the official purpose for which the information is needed by the other agency is in connection with its duties under any law for protection of health or the environment or for specific law enforcement purposes; or
- When disclosure is necessary to enable the other agency to perform a function on behalf of EPA.

In either circumstance, the PRRMS Director must be notified immediately via the OAQPS DCO upon receipt of a request for documents or information requiring access to CAA CBI. In addition, the procedures described below must be followed before CAA CBI may be disclosed to other agencies. **These procedures do**

not apply to disclosure of CAA CBI to individual employees of other agencies performing functions on behalf of OAQPS where access is confined to OAQPS premises.

EPA may disclose CAA CBI to other Federal, State or Local agencies upon the written request from the requestor. Because of the time needed for processing, the written request should be directed to the PRRMS Director at least **30 days prior** to the time access is needed. The request must be signed by an official of the other agency who is at least equivalent in authority to a Division Director. It should state **specifically the information** to which access is requested. The **official purpose** for which the CAA CBI is needed should be set forth in detail as well as any other pertinent information, such as previous efforts to obtain the information. The **need must be in connection with the agency's duties under a law for the protection of public health or the environment** or for a specific **law enforcement purpose**.

OAQPS CAA CBI may be released to States or Local agencies with the written permission from the submitter. Also, it may be possible to aggregate data or sanitize documents containing CAA CBI without disclosing information claimed as CBI.

NOTE: TSCA and FIFRA CBI maintained in OAQPS (by OAQPS) may not be disclosed to States.

1. Non-disclosure Agreement

In addition, as part of its written request, the other agency **must agree in writing** (Appendix L) **not** to disclose further any information designated as confidential unless it meets the following conditions:

- It has statutory authority both to compel production of the information and to make the proposed disclosure and, prior to the disclosure, it has furnished affected business with at least the same notice that EPA would provide under its regulations;
- It has obtained the consent of each affected business to the proposed disclosure; and

- It has obtained a written statement from the EPA Office of General Counsel or an EPA Regional Counsel that disclosure of the information would be proper under EPA's regulations.

2. Notice to Affected Businesses

When disclosure is requested by another agency, **OAQPS must give the affected businesses at least 10 calendar days notice before granting access to the other agency.** Notice to the affected businesses may be given by Federal Register, letter sent by registered mail (return receipt requested), or telegram and must include.

- The identity of the agency/contractor to which CBI is to be disclosed;
- The official purpose for the access;
- Whether access is authorized only on EPA premises or also at the other agency or contractor's facilities;
- A non-confidential description of the specific information to be disclosed; and
- The period of time for which access to the CBI is authorized.

3. Before Approval

The PRRMS Director will notify the requesting official of the other agency acknowledging receipt of the written request and will direct issue of required notice to affected businesses. The **PRRMS Director will also notify** the requesting official from the **other agency if approval is not granted.**

4. Before Disclosure

Before CAA CBI may be disclosed, the PRRMS Director must notify the other agency that the information being disclosed is classified as CAA CBI, that it was acquired under authority of the CAA, and that any unauthorized disclosure of the information may subject employees of the other agency to criminal penalties (Chapter 8, Information Security, IRM Policy Manual 2100).

C. DISCLOSURE TO EPA CONTRACTORS AND SUBCONTRACTORS

EPA's regulations (40 CFR, Part 2) allow disclosure of CAA CBI to contractors and subcontractors when disclosure is necessary to enable the contractor to perform work on a contract. Notice to affected businesses must be given before CAA CBI is disclosed to the contractor with the same requirements as indicated above. The initial notice is usually prepared by the OAQPS PO and is published in the Federal Register notifying the public and affected businesses of OAQPS contractors and subcontractors who will have access to CBI collected under the Clean Air Act.

D. DISCUSSING CBI ON THE TELEPHONE

Federal and contractor employees with CAA CBI access may discuss CAA CBI on the telephone with other individuals who are authorized access to the specific CBI. However, caution must be used because interception of telephone communications is an easy means by which unauthorized persons may obtain CBI.

The person initiating the discussion of CBI during a telephone call is responsible for verifying that the other has authorized access to the specific CAA CBI. Access authority can be confirmed by referring to the OAQPS CAA CBI Authorized Project Access List. Interoffice communication systems (i.e., speaker phones) should **not** be used to discuss CAA CBI if conversations may be overheard by unauthorized persons.

1. Telephone Memorandum

Federal and contractor employees shall complete a telephone memorandum, *Memorandum of CAA CBI Telephone Conversation*, CAA CBI Form 6 (Appendix C) for all telephone calls in which CAA CBI is discussed. Telephone memorandums must be submitted to the CBIO for filing on the day of the call or the following workday if the call was made after 4:00 p.m.

2. Telephone Calls With Providing Organizations

OAQPS employees, contractors and subcontractors may discuss CAA CBI from a providing organization with an employee of

that organization. Before discussion begins, the employees must:

- Verify the identity of the providing organization's employee with whom they are speaking;
- Inform the providing organization's employee that the telephone lines are not secured;
- Assure the providing organization's employee that a telephone discussion of CAA CBI with a Federal or contractor employee does not constitute a waiver of any claim of confidentiality; and
- Inform the providing organization's employee that any further information provided in the telephone conversation claimed as confidential will be properly safeguarded.

E. CAA CBI DISCLOSED AT MEETINGS

OAQPS offices or its contractors that host or convene any meeting (conference, symposium, seminar, exhibit, convention, scientific, or technical gathering) **of two or more people**, at which CAA CBI is disclosed **shall take appropriate security measures**. The OAQPS DCO shall be informed that a meeting is scheduled when CAA CBI materials must be reproduced for use at the meeting. Requirements include, but are not limited to, those listed below.

1. Access

All persons attending the meeting must be cleared for access to the specific CBI being presented and be positively identified before CBI is revealed. If **non-OAQPS** personnel are present, the meeting chairperson **must provide** a *CAA CBI Meeting Sign-In Sheet*, *CAA CBI Form 7* (Appendix D) as a meeting record. The following information shall be recorded: date, time, place, chairperson, and subject. **All persons attending the meeting must sign this sheet**. All sign-in sheets shall be delivered to the CBIO by the close of business or the next business day after the meeting.

2. Chairperson's Duties

The meeting chairperson is usually the person who schedules and organizes the meeting. The **chairperson is responsible for ensuring** (by referring to the OAQPS CAA CBI Authorized Access Lists) that **only persons authorized** access to the specific CBI to be discussed at the meeting **are in attendance when the discussion involves CBI**. Non-cleared attendees must be excused from the meeting by the chairperson before CAA CBI is discussed. The chairperson must also ensure that the meeting room is cleared of all CAA CBI materials after the meeting.

3. Chairperson's Limitations

WAM/TOPOs shall inform the chairperson of any restrictions that must be imposed on a presentation because of the CAA CBI or of need-to-know restrictions on certain members of the audience. The chairperson is responsible for seeking that information, and for keeping disclosures within the limits prescribed.

4. Notes or Recordings

The meeting chairperson **must remind** those in attendance of their duty to treat any notes or recordings taken at the meeting as confidential. These materials are submitted to the CBIO for storage or proper disposition until the CBI status is determined.

5. Safeguarding

Notes, minutes, summaries, recordings, proceedings, and reports on the CAA CBI classified portions of the meeting must be **safeguarded and controlled** throughout the meeting. Any CAA CBI material generated or received as a result of the meeting, as appropriate, shall be forwarded to attendees by an approved means of transfer when the meeting ends rather than being hand-carried by attendees from the meeting site.

6. Controls

Physical and technical security controls shall be established to control access. The meeting room **shall be cleared** of all CAA CBI materials after the meeting. This includes cleaning all chalkboards, returning any unneeded CAA CBI materials to the CBIO for destruction, and ensuring that nothing is left in the room that could lead to the unauthorized disclosure of CAA CBI.

SECTION VI.

CATEGORIES OF CAA CBI

A. OVERVIEW

This section provides **instructions on how Confidential Business Information (CBI) is categorized.**

B. ORIGINAL CBI

Original CAA CBI is **generally** obtained under Section 114 of the Clean Air Act in **two** basic forms. It is usually received in the form of a request **response from a solicited business** or from a **site visit** conducted by an OAQPS employee or contractor employee after visiting a solicited business.

Because data-gathering visits, plant inspections, and source testing can involve inadvertent receipt of CBI, **it is the policy of OAQPS to protect all parties involved.** Prior to or at the inception of a plant inspection, data-gathering visit, or source test, OAQPS representatives **discuss with the responsible industry official the information sought, how it is to be used, and how it is to be protected.**

C. DERIVATIVE CBI

Derivative CBI is the result of incorporation, paraphrasing, restating, or generating information from original CBI. Along with the file or record copy of a newly created CBI document, the OAQPS CBIO must keep a copy of the source document or sufficient identifying information from the source document. This information includes the originator's name and title and the date received. The OAQPS WAM/TOPO's name, title, and office must also be shown on the new document.

SECTION VII.

CAA CBI MARKINGS

A. OVERVIEW

This chapter explains **how materials** that have been claimed as CAA CBI materials **must be marked**.

B. CBI STAMPS

Both original and derivative CAA CBI documents are stamped on the first and last page "**Subject to Confidentiality Claim.**" See Appendix E for additional CAA CBI stamps or markings.

C. COMPUTER OUTPUT

Documents that are generated as computer output may be marked automatically by systems software. If automatic marking is not practicable, these documents must be marked manually. Removable storage media and devices used with ADP systems, typewriters, or word processing equipment shall bear both external (affixed) and internal (software generated) CBI markings. Documents produced by ADP equipment shall have at a minimum their first page and their last page marked.

D. SPECIAL CATEGORIES OF MATERIALS

Markings are conspicuously stamped, printed, written or affixed on classified material other than paper documents. If this is not practicable, the containers of such material shall be marked. The means by which material is marked varies according to the physical characteristics of the material and organizational and operational requirements.

1. Charts, Maps, and Drawings

The markings on charts, maps, and drawings are inscribed both at the top and the bottom of each document. When the document is unfolded, the classification marking shall be clearly visible on each folded portion. The marking must also be visible when the document is rolled or folded for storage.

2. Photographs, Films, and Recordings

Photographs must be marked as confidential. Their containers are also marked. The markings on each transparency or slide must be on the image and on the holder or frame. Classified motion picture films and videotapes are marked at the beginning and end with a clear statement of classification. The containers or reels on which they are kept are also marked.

3. CAA CBI Waste

Such documents and materials as rejected copy, typewriter ribbons, and carbons used in working with confidential information shall be handled in such a way that the information is adequately protected. Unless these documents and materials are destroyed immediately, they must be marked. Section XI, gives instructions for disposal and destruction of CAA CBI.

SECTION VIII.

TRANSFERRING CUSTODY OF CAA CBI

A. OVERVIEW

This section describes how custody of Confidential Business Information (CBI) is transferred. Before a transfer is initiated, the OAQPS DCO or CDCO must verify the intended recipient is authorized to access the specific CAA CBI to be transferred.

B. TRANSFERRING CAA CBI TO EPA CONTRACTORS AND PROVIDING PLANTS/FACILITIES

CAA CBI documents are transferred by the OAQPS DCO to contractor DCOs or authorized persons at the providing plant or facility. A CAA CBI letter of transfer (Appendix S) shall be prepared for the responsible Group Leader's signature to initiate the process of transferring CAA CBI to the providing organization. The WAM/TOPO or employee delivers the letter of transfer along with the OAQPS CAA CBI control number or sufficient information identifying the specific CAA CBI to be transferred to the CBIO. Upon review and approval, the document will be properly transferred. The letter of transfer, custody receipt (and one copy) are enclosed with the transferred CAA CBI.

A checklist for transferring CBI to a facility is as follows:

- WAM/TOPO submits letter of transfer to Group Leader for signature;
- Letter of transfer and CAA CBI control number is submitted to the CBIO;
- The DCO prepares the custody receipt, properly packages CAA CBI including letter of transfer; and
- Releases package to authorized contractor employee or mails package via registered mail or Federal Express.

Pending CAA CBI documents (draft reports, revisions, telephone contact reports, etc.) are transferred to the contractor at the WAM/TOPO's request via Custody Receipt. A Letter of Transfer signed by the Group Leader is not required.

CAA CBI is transferred from OAQPS to the contractor and from the contractor to OAQPS. The Prime Contractor is responsible for the transfer of CAA CBI to their designated subcontractors or consultants. NOTE: The OAQPS CBI Office administratively handles all transfers for OAQPS.

C. TRANSFERRING CAA CBI FROM CONTRACTORS TO OAQPS

CAA CBI to be transferred to OAQPS should be identified and instructions given to the CDCO to return the material to the OAQPS CBIO. The material being transferred must be listed on the CAA CBI Custody Receipt, CAA CBI Form 14 (including the OAQPS CAA CBI control number). Under no circumstances will contractors dispose of **original** CAA CBI materials that have been logged into the OAQPS Records Management System in any way other than returning them to the OAQPS CBIO.

Direct transfer of CAA CBI materials between contractor employees is not permitted. CAA CBI materials must be transferred through the CDCO only.

D. TRANSFERRING CAA CBI TO GOVERNMENT AND STATE AGENCIES OUTSIDE OF OAQPS

Upon receipt of a request for CAA CBI from a Government or State entity outside OAQPS and after it is determined that disclosure of the CAA CBI is allowed (Section V.B), a letter to the requesting agency is prepared for signature of PRRMS Director to explain the procedures that must be followed prior to release of the information requested. A sample Letter to CAA CBI Requestors Outside of OAQPS is illustrated in Appendix O, and included along with the letter shall be a Confidential Business Information Security Agreement, CAA CBI Form 15 (Appendix L). The agreement must be signed by the requesting agency official equivalent or superior to the PRRMS Director. By signing this

agreement, the agency official agrees to safeguard CAA CBI in a manner comparable with EPA's procedures as found in 40 CFR, part 2, Subpart B.

When the signed agreement is returned, it shall be forwarded to the OAQPS CBIO along with a *Letter to Accompany CAA CBI Transferred Outside OAQPS* (Appendix O). This letter will constitute direction to the OAQPS DCO to transmit the CAA CBI materials to the requestor. The OAQPS DCO will send the materials, the letter and the original and one copy of a *CAA CBI Custody Receipt* to the requestor.

E. CONFIDENTIAL BUSINESS INFORMATION SECURITY AGREEMENT

A *Confidential Business Information Security Agreement, CAA CBI Form 15* (Appendix L) must be signed by an official of a government entity requesting transfer of CAA CBI prior to transfer of custody. This form requires the official of the receiving agency to verify that the information will be safeguarded utilizing procedures comparable to EPA's procedures for handling CBI found in 40 CFR, Part 2, Subpart B.

F. PREPARATION AND PACKAGING

CAA CBI materials to be transferred will be processed by the DCO. The following guidelines set forth the procedures for preparing and packaging CBI materials.

1. Inner and Outer Covers

Before CAA CBI may be transferred or hand carried out of the OAQPS facility, **the materials to be transferred must be double wrapped with opaque paper. The inner cover must bear markings** that indicate the classification and instructions, **"CBI Confidential Business Information,"** and **"To Be Opened by Addressee Only."** The person to whom the material is intended is included in the address as an "Attention" line on the inner envelope. Markings on the inner cover shall not show through the outer cover.

2. Addressing

CAA CBI being transferred from the OAQPS CBIO to another facility or being returned from a facility to the CBI Office shall bear the name of the sending and receiving DCO only in the address on the outer label. The outer cover shall not bear any classification markings or other indication that CAA CBI information is enclosed. The return address of the transferror is required on both the inner and outer covers.

3. Packaging

Materials used in packaging CAA CBI must be strong and durable enough to provide protection in transit and prevent items from protruding through the covers. Upon receipt, packages must be inspected to ensure that the seals have not been broken.

G. CUSTODY RECEIPT

A CAA CBI Custody Receipt, CAA CBI Form 14 (Appendix K) is included with all transfers of CAA CBI materials and prepared in triplicate. This form provides the previous holder of CAA CBI with proof of accountability that the material was transferred and received. The recipient signs and dates custody receipt, after verifying all materials were received, forwards the original copy to sender and retains the second copy for his/her records. The previous holder retains the original copy as a record of the transfer. The third copy is retained by the previous holder as a suspense copy until the signed original is returned by the recipient, or the Domestic Return Receipt from the U.S. Postal Service acknowledging receipt of the document(s). (See Section IV. CAA CBI Records Management for more information on accountability, control records, and the CAA CBI control numbers.)

H. TRANSFER METHODS

OAQPS CAA CBI may be transferred or transported by the following methods:

- Hand carried to another facility by an employee or contractor employee who is authorized access to the CAA CBI;

- U.S. Postal Service registered mail (return receipt requested), Express Mail; or
- Private courier (Federal Express).

1. Hand Carrying

Appropriately cleared OAQPS employees may be authorized to hand carry CAA CBI material between facilities (when traveling) if the conditions outlined below are met.

- Individuals authorized to carry CBI must contact the CBIO to be fully briefed on the provisions of this Section before departing.
- While traveling by plane or other public conveyance, employees must keep CAA CBI materials in their possession, and should not check them with their luggage.
- When employees travel with CAA CBI materials and are unable to deliver or ship the CAA CBI materials to a facility authorized to store CAA CBI, they may store the materials for short periods inside the locked trunk of a motor vehicle. CAA CBI materials may also be stored overnight in hotel safes, if a receipt is obtained from the hotel management. Otherwise, CAA CBI materials must be kept in the possession of the traveler.
- The storage provisions for CAA CBI are detailed in Section IX. Storage of CAA CBI, shall apply to all stops en route to a destination. CAA CBI materials shall not be unwrapped until the traveler's destination is reached. If the materials are to be transferred to someone at that location, they must immediately be taken to the local DCO and logged into the local Document Tracking System.
- The CBI Office shall log out CAA CBI carried or escorted by traveling personnel. CAA CBI must be accounted for upon return by count and inspection of materials or by inspection of receipts for materials, if delivered.

2. Registered Mail

If CAA CBI material is to be mailed, it must be prepared by the OAQPS DCO for registered mail (return receipt requested). **Regular first class mail must never be used to transfer CAA CBI.**

3. Couriers and Express Mail

EPA and contractor employee couriers, commercial couriers, and U.S. Postal Service Express Mail may be used in the transmission of CAA CBI.

SECTION IX.

STORAGE OF OAQPS CAA CBI

A. OVERVIEW

This section describes the **minimum** standards for the physical safeguarding and storage of CAA Confidential Business Information (CBI).

B. INTENT

Employees using CAA CBI material are responsible for ensuring that no unauthorized disclosures of that information occur. This means that employees must either maintain constant control over the CAA CBI material in their possession or return it to the CBIO.

C. STORAGE EQUIPMENT SPECIFICATIONS

When not in use, CBI materials must be secured in approved CAA CBI storage containers. The type of container approved for CAA CBI storage is a metal file cabinet with bar hasp and three-way, changeable combination lock.

"OPEN/CLOSED" magnetic signs shall be posted on each CAA CBI storage container to readily identify containers that are open or locked, and to provide a visual spot checked and at the end of the work day to ensure containers are properly secured. Storage containers must be located within a room dedicated to CBI security. The room must have a lockable entrance secured by a GSA approved, changeable combination Simplex lock. All CBI storage containers and the entry door shall be locked during the lunch hour and at the end of each business day.

D. PROCEDURES FOR LOCK COMBINATIONS

Since all storage containers are secured by combination locks, the matter of combinations is important.

1. Changing Combinations

Combinations to security equipment shall be changed only by cleared personnel having that responsibility. Combinations shall be changed only under these circumstances:

- Whenever someone who knows the combination no longer requires access;
- In the event of suspected compromise of CAA CBI;
- When deemed necessary by the custodians; or
- At least once each year.

2. Granting Access to Combinations

Knowledge of combinations is limited to **CBI Office personnel** and **DCOs**. Records of combinations must be protected as though CAA CBI.

E. EVACUATION PROCEDURES

In the event of a fire or other emergency (e.g., natural disaster or civil disturbance) requiring evacuation of office spaces, CAA CBI shall be returned immediately to the OAQPS CBIO where it will be stored properly. Persons who are unable to return CAA CBI material in their possession to the CBIO shall ensure that such material is safeguarded by covering it from view and taking it with them. The employee must keep it under personal observation at all times until it can be secured in a facility approved for CBI storage.

F. SAFEGUARDING CAA CBI IN THE EVENT OF A DISASTER

A disaster plan is a little like insurance; we know we should have it, it costs money, and we hope we never have to use it!

A disaster plan is required by the Federal Emergency Management Agency (FEMA) to ensure the safety of personnel and to

protect vital records. OAQPS and its contractors are required to protect any records/documents affecting the legal and financial rights of the Government and of the people affected by its actions. The OAQPS CAA CBI Disaster plan has three components: prevention, preparedness, and response.

1. Prevention

Procedural prevention relates to activities performed on a day-to-day, month-to-month, or annual basis, relating to security and recovery. It begins with assigning responsibility for overall security of the organization to an individual with adequate competence and authority to meet the challenges. The objective of procedural prevention is to define activities necessary to prevent various types of disasters and ensure that these activities are performed regularly.

Physical prevention begins when a CAA CBI storage site is identified or constructed. It includes special requirements for room construction, as well as fire protection for various equipment. Special considerations include: computers, fire detection and extinguishing systems, record(s) protection, air conditioning, heating and ventilation, electrical supply, emergency procedures, and storage specifications to protect CAA CBI records.

- OAQPS DCO will conduct an annual site inspection of the OAQPS CBIO to identify problem areas and foster awareness of disaster prevention issues among the staff.
- Provide training for the CBIO staff in records management, protection, and how to respond to a disaster.

2. Preparedness

OAQPS DCO will ensure that there are appropriate supplies on hand to deal with immediate needs, and keep a current list of suppliers of materials that are needed to handle disasters. The OAQPS DCO will also keep up-to-date on current technology, procedures, and services available for disaster planning and recovery, and ensure the staff is informed about these issues. Ensure appropriate security measures are taken to prevent damage or destruction of CAA CBI, approve off-site

storage of CAA CBI, arranging for security guards when needed, establish and maintain an emergency recall list (including EPA designated personnel, police and fire departments, hospitals, utility companies, selected resources, etc.), and whatever else might be required in the circumstances.

3. Response

The OAQPS DCO is responsible for directing all disaster operations affecting damage or destruction CAA CBI records. All of OAQPS staff (Directors, Group Leaders, POs, WAM/TOPOs and employees) must be involved in order for the disaster plan to be an effective one. Preventing, preparing for, and responding to disasters has to be a team effort. We all have to be aware of the issues, and integrate prevention and preparedness into our daily routines and consciousness. In the event of a disaster, we have to be able to pull together as a team and respond quickly and effectively to protect OAQPS's CAA Confidential Business Information. The OAQPS DCO will also evaluate the damage, plan and execute recovery operations, and do post-disaster assessments.

SECTION X.

CAA CBI COMPUTER SECURITY

NOTE: Computer security is difficult and expensive to maintain. OAQPS personnel and its contractors should not use CAA CBI in an identifiable form in computer programs, if at all possible.

A. OVERVIEW

This policy applies to **all automated data processing** (ADP) systems processing and/or storing CAA Confidential Business Information (CBI). It shall apply equally when the ADP systems are owned and operated by EPA or by its contractors or consultants.

B. DIRECTIVES

The computer processing of CAA CBI must be in compliance with the following directives issued to all Federal agencies processing sensitive data by computer:

- Office of Management and Budget OMB Circular A-130, TM No. 1;
- Office of Personnel Management FPM 732-7;
- National Bureau of Standards FIPS PUBS; and
- General Services Administration 41 CFR Ch. 101.

These directives require **all** Federal agencies processing sensitive information by computer to establish and maintain a formal security system.

C. BASIC SECURITY REQUIREMENT

OAQPS must provide a system with a level of security adequate to protect any CBI being processed from alteration, loss, or from unauthorized access.

1. Security Mode

OAQPS CAA CBI must be entered into an isolated system with access control safeguards as well as additional safeguards within the system. In addition, file and data separation are required since all users are not authorized to access all data.

2. Authenticity and Verification

The system will authenticate the password for each project, verify each user's identity, and validate each user's file access authority and privileges. System output must have special markings that identify particular data sets or programs to provide audit trails. These audit trails will produce an activity and, when possible, an event record to permit analysis of system operation by the CBI Office.

3. Remote Operation

There shall be no communication system to interface with remote terminals.

4. Users Requirements

All system users and persons allowed unescorted access to the ADP system shall meet the following criteria:

- They are authorized access to CAA CBI;
- They have completed a Request, Approval, and Registration for CAA CBI Computer Access, CAA CBI Form 3;
- They have been informed of the proper security procedures for operation of the system;

- They have been informed of the proper action to be taken in the event of system malfunction (spillage, etc.);
- They have been trained in the use of the system;
- They have been authorized access to specific data in the system and have been given the password to that data; and
- They have signed an acknowledgment of having been provided the above information.

OAQPS and contractor employees who are authorized access to specific CBI may view a computer screen that contains the CBI to which they are authorized access.

5. Visitors

Administrative approval may be given to permit unauthorized persons to visit the computer facility, but they shall be escorted and shall sign a log indicating the date and time of their visit.

D. CBI COMPUTER ROOM

All ADP central processing and ancillary equipment, shall be located in a specific room. This room in its totality is herein referred to as the CBI Computer Room.

The CBI Computer Room:

- Shall be located in an interior part of the building;
- Shall be on a floor not accessible from the exterior of the building;
- Shall be in an area not adjacent to, above, or below an area that would constitute a high-risk area from the standpoint of fire or explosion;
- Shall maintain only one entrance for personnel access. Other doors, if any, shall be secured;

- Shall, when unoccupied, be secured with a Simplex combination lock, mounted on a solid wooden or metal door; and
- Shall, during hours of operation, have access controlled by means of an access control lock.

E. SAFEGUARDING CBI DURING PERSONAL COMPUTER USE

While using CAA CBI at a computer in an unsecured area, the operator must retain exclusive control over the operation of the computer and printer and must ensure that only individuals authorized for access to the CAA CBI can view the terminal screen. If the operator must leave the terminal for any reason, the computer session shall be terminated.

1. Computer Storage Media

<p>** DO NOT store CAA CBI data on the LAN **</p>
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CBI data generated or processed on a personal computer must be stored on either floppy, compact diskettes, or detachable hard disks. Floppy or compact disks are preferable and shall be secured in the CBIO. Floppy disks containing CAA CBI must also be removed from the computer after each session and returned to the CBIO.

Obsolete or damaged disks shall be provided to the WAM/TOPO for review who will authorize the DCO to return the disks to the providing organization or to destroy them.

2. Termination of a CBI Computer Session

Proper termination of a computer session involving CBI consists of the following steps:

- Transferring and verifying the transfer of the CBI data to the storage medium (floppy disk, detachable hard disk, or printout);

- Removing the storage medium from the computer;
- Erasing the computer's internal memory with a utility program disk;
- Turning off the computer to erase data from the Random Access Memory; and
- Returning the disks and generated printouts to the CBIO.

3. Use of a Printer

If CAA CBI is printed out, the printed material must be secured in the CBIO. All data printed may not contain CBI, therefore the employee who generates or obtains a printout from the computer must first determine whether the printout contains CBI. All printouts and any information obtained from a computer screen containing CBI and written down must be logged in and out through the CBI office.

Since most printers contain buffers, turn off the printer to ensure removal of any CBI information stored in the printer buffer.

F. SYSTEM SECURITY SOFTWARE FOR MULTI-USER SYSTEM

Only the operating system shall execute instructions to control and perform all input/output operations and changes to memory boundaries, data elements, tables, execution state variables, and files of the system. The operating system will protect itself and provide an authorization function to permit only approved sets of individuals and programs to be combined for a project. One class of machine instructions will be reserved for exclusive use of the operating system, and one class will be usable by the operating system and user applications.

1. User Authority

Where possible, a memory bounds mechanism will be included so that memory allocated to any particular user can be restricted to prohibit the user from reading or writing in the

operating system memory or the memory of another user. The system will enforce the user privileges as authorized for any given file and will include execute only, read only, read/write, and prohibit scratching or renaming files. Authentication of project passwords, verification of user identity, and validation of user file authority are performed by the system.

2. Event Record

Except for password maintenance activities, unique identifiers (passwords) may not be printed or displayed on any output or terminal. Within the limits of system capability, an access and event journal will be maintained by the system in a secure manner to record system activity, log-on attempts, and program execution. This audit function should permit event attribution to the individual user. An exception audit will be produced by the system of all unauthorized activity, including log-on and file access attempts for daily review by the CBI Computer Room Document Control Assistant (DCA). The system will include a time clock for recording events. The system activity log will have a write-only mode. The system will maintain user and file isolation on time share and concurrent processing.

G. GENERAL PROCEDURES

Changes to the operating system will be made off-line, reviewed, and approved before being installed on the active system. Changes in the application programs will be made off-line using non-sensitive data and implemented after review.

1. Checkout

Portable storage disks must be checked out from the CBI Office using procedures described in Section III, Document Control, and Office when the processing is terminated.

2. User Privileges (Multi-year system only)

User privileges will be limited to those necessary. The user will log-out the appropriate floppy disk from the CBI Office before logging into the CBI Computer Room with the CBI Computer Room DCA.

Unique identifiers (passwords) shall be used for project identification in the log-on procedure and for data file access. These identifiers shall be treated as confidential and shall be changed at frequent intervals of at least every 3 months. **Two passwords are required to begin a program.** The CBI Computer Room DCA shall provide a system access password and the user shall provide a data file access password.

3. CBI Computer Room DCA

When termination of processing is ended and the system is to be shut down, the user will log-out with the CBI Computer Room DCA. The CBI computer room DCA shall also be responsible for opening and closing the CBI computer room and starting and shutting-down the computer.

4. Back-up Files

Back-up files will be maintained in the CBIO. Periodically, the backup files will be updated and tested to ensure operational condition.

5. Transmission

Input and output media shall be transmitted only between the CBI Office and the users who are authorized access to specific data contained on the media. In no case will input media be accepted from or delivered to a third party. Any system processing and/or storing CBI must be a system that maintain CBI controls.

H. DESTRUCTION AND RELEASE OF DATA MEDIA

All paper products, program listings and cards, when no longer needed, are to be destroyed in accordance with current procedures for disposal of CBI documents listed in Section XI, Disposal and Destruction.

1. Magnetic Storage

Any magnetic storage media used to process or store CAA CBI may be released from control after they have been degaussed in an approved manner on an approved degausser. Prior to

release, all identifying markings must be removed from the media and the erasure of the data must be verified.

2. Rigid Magnetic Storage Media

Rigid magnetic storage media, used for processing or storing CAA CBI, when no longer needed, may be released from control after it has been overwritten alternately by ones and zeros at least three times. In the case of malfunctioning or damaged data storage media, when overwriting is not possible, the data storage media must be degaussed. Overwriting or degaussing must be verified prior to release of the media.

I. SECURITY PLAN

In addition to computer security procedures, EPA's Information Security policy calls for a methodology for a risk analysis, security plan, and the requirement for confidentiality agreements from all contractor personnel. This security plan is subject to approval by the PRRMS Director and shall be available to representatives of EPA's Office of the Inspector General (OIG).

J. RISK ANALYSIS

A risk analyses must be conducted for each computer installation operated by or on behalf of EPA is required under the provision of OMB Circular A-130, TM No. 1. These analyses are specified as needed, before approving design specifications for new systems; whenever there is a significant change to the physical facility, hardware, and/or software; or at periodic intervals not to exceed 5 years. These risk analyses are to provide an evaluation of the relative vulnerabilities at the installation in order to maximize the effectiveness of security measures within the constraints of available resources.

SECTION XI.

DISPOSAL AND DESTRUCTION

A. OVERVIEW

The purpose of this section is to **explain how** Confidential Business Information (CBI) must be **disposed of or destroyed**.

B. INTENT

CAA CBI that is of no use to OAQPS and not wanted by the providing organization, will be destroyed only under the supervision of the DCO. CBI borrowed from TSCA or RCRA may not be destroyed but must be returned.

C. NOTICE OF INTENT TO DESTROY

The providing organization or owner of original CAA CBI that is no longer needed by OAQPS must be informed of the intent to destroy the material. This notice is given to allow the owner an option to reclaim the materials or have OAQPS destroy them.

D. ORIGINAL CBI

Under no circumstances will contractors dispose of original CAA CBI materials that have been logged into the OAQPS Records Management System in any way other than returning them to the OAQPS CBI Office.

WAM/TOPOs or the responsible Group Leaders shall initiate the process for destruction or disposal (return to the providing organization) of original CBI material. The materials must be identified for destruction. The OAQPS DCO will destroy specified documents and maintain a record of all destroyed documents. At no time shall destruction of CAA CBI material take place without proper authorization from the WAM/TOPO or providing organization.

E. DERIVATIVE CBI

Authors of derivative CBI (CBI created from original CBI) may authorize the CBI Office to destroy their work that contains CAA CBI.

F. CBI WASTE

Waste material including handwritten notes, sheets of carbon paper, diskettes, and working papers that contain CAA CBI must be returned to the CBI Office daily for destruction. No record of destroying this type of material need be kept.

G. RECORDS OF DESTRUCTION

Records of destruction are required for CAA CBI materials. When a document is destroyed, the OAQPS DCO or the CDCO must indicate on the *CAA CBI Control Record*, *CAA CBI Form 1* (Appendix J) the destruction date, person destroying document, and attach documentation authorizing the destruction to the *CAA CBI Control Record*.

The control records of destroyed documents must be retained for audit purposes in accordance with OAQPS records management requirements, and the CDCO shall submit the list of destroyed documents with the annual inventory and upon completion of the contract. The destruction of CBI materials logged into the OAQPS CAA CBI Records Management System shall be documented in the CAA CBI automated database and purged annually.

H. METHODS OF DESTRUCTION

CAA CBI documents and material shall be destroyed in a manner that precludes recognition or reconstruction. In general, CAA CBI materials are destroyed by one of two methods: shredding (including any type of paper substance) or burning (including microfiche, typewriter ribbons, diskettes, and data tapes).

SECTION XII.

CAA CBI SECURITY VIOLATIONS

A. OVERVIEW

This section sets forth the procedures to be followed whenever CAA Confidential Business Information (CBI) security procedures **may** have been violated.

B. RESPONSIBILITY OF DISCOVERER

Any OAQPS employee who is either **aware of actual or possible violations** regarding loss of CBI materials or unauthorized disclosures **must report immediately** this information to the DCO.

C. VIOLATIONS OF THIS MANUAL

All alleged violations of this manual's procedures shall be investigated, even if there is no evidence of a lost document or unauthorized disclosure.

D. PRELIMINARY INQUIRY

The PRRMS Director will have the OAQPS DCO conduct a preliminary inquiry into the circumstances surrounding an actual or possible compromise. The findings of this inquiry, undertaken to determine if a compromise did occur, are to be given to the PRRMS Director for evaluation.

E. INVESTIGATION

The PRRMS Director may direct the OAQPS DCO to conduct a full investigation based on the results of the preliminary inquiry. An investigation shall include the following:

- A complete identification of each item of classified information involved.
- A thorough search for the CBI.

- Identification of any persons or procedures responsible for the compromise.
- A statement that a compromise did occur, may have occurred, or did not occur, and an estimate of the risk of damage to the affected business.
- A thorough discussion of all facts uncovered.

F. REPORTS AND FINDINGS

Investigative reports shall include, if possible, the document date, subject, name and address of the originator, and a description of the material.

1. Finding of No Damage

If it is determined that compromise could not reasonably be expected to cause identifiable damage to the affected business the report of the preliminary inquiry will be sufficient to resolve the incident and, if appropriate, support the administration of disciplinary action.

2. Lost Documents

If a document is lost or missing, the report should include the time, date, surrounding the loss; and the steps taken to locate the material. If possible, the person responsible for the loss should be identified.

3. Compromise

Where a compromise is believed to have occurred, a narrative statement by the WAM/TOPO should detail the circumstances, the identity of the unauthorized person(s) who had or may have had access to the material, the steps taken to determine whether a compromise did in fact occur, and the WAM's evaluation of the importance of the material.

4. Finding of Damage

If it is determined that the probability of identifiable damage to the affected company cannot be ruled out,

the PRRMS Director shall notify the affected business that the materials claimed as CBI are not in account and that there is reason to believe the information may have been disclosed to individuals not authorized for access to it. Written notice to the affected business must contain a description of the CBI in question and the date of the disclosure.

G. RESULTING ACTIONS

After receiving an inquiry and/or investigation report, the PRRMS Director will notify appropriate Division Directors of the report findings and recommend actions in keeping with the EPA Conduct and Discipline Order. Division Directors are responsible for imposing punitive measures as deemed necessary.

1. Violations Subject to Punitive Measures

Employees may be subject to punitive measures if they do any of the following:

- Compromise CBI through negligence;
- Knowingly and willfully violate any provisions of this manual; or
- Knowingly and willfully, and without authorization, disclose properly classified CBI.

2. Punitive Measures

Punitive measures for security violations include, but are not limited to, warning notice, admonition, reprimand, termination of authorization for access to CBI, suspension without pay, forfeiture of pay, removal, discharge, or legal charges. These measures will be imposed in accordance with applicable law and EPA regulations.

SECTION XIII.

CAA CBI DEFINITIONS

Access: The ability and opportunity to gain knowledge of CAA CBI in any manner whatsoever. Access to CAA CBI by individuals not authorized according to procedures in Section VI must be reported as a security violation.

Affected Business: Any providing organization that could be affected adversely by the unauthorized disclosure of its CAA CBI.

Authorized Person: Any person duly authorized pursuant to OAQPS procedures to have access to CAA CBI.

CAA CBI Control Number: Unique number assigned by the OAQPS DCO to any document received or generated that contains CAA CBI. The number **consists of a least ten digits (e.g., 98111-C02-09)**. The first five digits are the fiscal year and project identification number; first two numbers are the fiscal year and next the three numbers are assigned for each specific project (e.g., 98111); the next three digits identify the responsible group and WAM/TOPO (e.g., C03); and the last digit refers to the number of documents submitted to the CBIO from the employee on the specific project.

Confidential Business Information: Any documentary or nondocumentary information, in any form, received by OAQPS from a person, firm, partnership, corporation, association, or local, State or Federal agency that relates to trade secrets or commercial or financial information and that has been claimed as confidential by the person submitting it under the procedures in 40 CFR, Part 2, Subpart B.

Contractor: Any person, association, partnership, corporation, business, educational, institution, governmental body or other entity that performs work under a contract with the United States Government.

Contracting Officer (CO): EPA delegated official with the authority to enter into contracts on behalf of the EPA. The CO has sole authority to sign contracts, obligate funds for a contract, issue work assignments, modify contract terms or conditions, and terminate a contract.

Custody: Formal responsibility for controlling access to CAA CBI according to the procedures found in this manual.

Derivative CBI: Confidential Business Information created by incorporating, paraphrasing, restating, or generating a new form of the information.

Document: Any recorded information regardless of its physical form or characteristics, including, without limitation, written or printed materials; data processing cards, disks, and tapes; maps; charts; photographs; paintings; drawings; engravings; sketches; working notes and papers; reproductions of such items by any means or processes; and sound, voice, or electronic recordings in any form.

OAQPS CBI Office: Secured interior room at OAQPS headquarters where all CAA CBI is stored.

OAQPS Document Control Officer: A Government employee designated by the PRRMS Director to oversee the OAQPS CAA CBI program.

Document Tracking System: A system to account for the location or disposition of CAA CBI materials. Materials in a Document Tracking System are assigned unique numerical identifiers, or CBI control numbers, and their locations are tracked through manual or automated logs or records of receipt, usage, and transfer.

Employee: Any person employed by EPA on a full-time or part-time basis in accordance with the procedures of the Office of Personnel Management. (This definition does not include contractors, grantees, or their employees.)

Federal Agency: Any organization or entity composed of United States officers or employees except for Federal courts and Congress.

Holder: A Federal employee or OAQPS contractor employee who is authorized access to specific CAA CBI, and is currently in possession of the CAA CBI.

Original CBI: Confidential business information in its original form as submitted by a providing organization or as recorded during a visit to the providing organization.

Project Officer (PO): EPA's primary technical representative of the CO for a contract. Responsibilities include: evaluating contractor proposals; assisting in writing statement of work; reviewing contractor progress reports; reviewing contractor requests and recommending approval or disapproval to the CO; and assisting the CO in the resolution of problems associated with contractor performance.

Specific CAA CBI: Confidential business information collected for an individual project or work assignment/task order under a contract.

Subcontractor: A contractor that provides a portion of the level of effort on an OAQPS contract through a contractual agreement with the OAQPS prime contractor. The EPA's contractual agreement is with the prime contractor, not the subcontractor.

Violation: The failure to comply with any provision of these procedures, whether or not such failure leads to actual unauthorized disclosure of CAA CBI.

Work Assignment Manager/Task Order Project Officer (WAM/TOPO): An EPA program official who monitors a specific work assignment written under a contract. The WAM/TOPO develops the statement of work for specific work assignments or task orders and monitors the technical performance of the contractor.

SECTION XIV.
GLOSSARY OF ACRONYMS

ACRONYMS

AAL	Authorized Access List
ADP	Automatic Data Processing
CAA	Clean Air Act
CBI	Confidential Business Information
CBIO	Confidential Business Information Office
CDCA	Contractor Document Control Assistant
CDCO	Contractor Document Control Officer
CFR	Code of Federal Register
CWA	Clean Water Act
DCA	Document Control Assistant
DCO	Document Control Officer
EPA	United States Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act
GAO	General Accounting Office
OAQPS	Office of Air Quality Planning and Standards
LAN	Local Area Network
OIG	Office of the Inspector General

OGC	Office of General Counsel
OSW	Office of Solid Waste
PC	Personal Computer
PRRMS	Planning, Resources & Regional Management Staff
RCRA	Resource Conservation and Recovery Act
TSCA	Toxic Substances Control Act
WAM/TOPO	Work Assignment Manager/Task Order Project Officer

SECTION XIV.
APPENDICES

APPENDIX

TITLE

A	Authorization for Access to CAA CBI for Federal Employees, CAA CBI Form 2
	Authorization for Access to CAA CBI for Contractor Employees, CAA CBI Form 3
B	Confidentiality Agreement for United States Employees Upon Relinquishing CAA CBI Access Authority, CAA CBI Form 4
	Confidentiality Agreement for Contractor Employees Upon Relinquishing CAA CBI Access Authority, CAA CBI Form 5
C	Memorandum of CAA CBI Telephone Conversation, CAA CBI Form 6
D	CAA CBI Meeting Sign-In Sheet, CAA CBI Form 7
E	CAA CBI Markings
F	CAA Confidential Business Information Cover Sheet, CAA CBI Form 8
	Pending CAA Confidential Business Information Cover Sheet, CAA CBI Form 9
G	Request, Approval, and Registration for CAA CBI Computer Access, CAA CBI Form 10
H	Request for Approval of Contractor Access to CAA CBI, CAA CBI Form 11
	Contractor Information Sheet-Contractor CAA CBI Access/Transfer, CAA CBI Form 11a

I	CAA CBI Inventory Log, CAA CBI Form 12
	CAA CBI Pending Log, CAA CBI Form 13
J	CAA Confidential Business Information Control Record, CAA CBI Form 1
K	CAA CBI Custody Receipt, CAA CBI Form 14
L	Confidential Business Information Security Agreement, CAA CBI Form 15
M	Sample CAA CBI Transfer Letters

1. AUTHORIZATION FOR ACCESS TO CAA CBI FOR FEDERAL EMPLOYEES		
FULL NAME	POSITION	
SSN	OFFICE	
<p>It is the responsibility of each Authorizing Official* to ensure that the employees under his/her supervision who require access to CAA CBI:</p> <ol style="list-style-type: none"> 1. Sign the Confidentiality Agreement for EPA Employees 2. Are fully informed regarding their security responsibilities for CAA CBI. 3. Obtain access only to that CAA CBI required to perform their official duties 		
SIGNATURE OF AUTHORIZING OFFICIAL*	TELEPHONE NO.	DATE
TITLE	LOCATION	
II. CONFIDENTIALITY AGREEMENT FOR FEDERAL EMPLOYEES		
<p>I understand that I will have access to certain Confidential Business Information submitted to EPA or its authorized representatives under the Clean Air Act (CAA). This access is granted in accordance with my official duties as an employee of the Environmental Protection Agency.</p> <p>I understand that CAA CBI may not be disclosed except as authorized by CAA and Agency regulations. I understand that I am liable for a possible fine of up to \$1,000 and/or imprisonment for up to 1 year if I willfully disclose CAA CBI to any person not authorized to receive it. In addition I understand that I may be subject to disciplinary action for violation of this agreement with penalties ranging up to and including dismissal.</p> <p>I agree that I will treat any CAA CBI furnished to me as confidential and that I will follow the procedures set forth in the CAA Confidential Business Information Security Manual.</p> <p>I have read and understand these procedures.</p>		
SIGNATURE	TELEPHONE NO.	DATE
III. HAVING COMPLETE REQUIRED TRAINING AND PASSED REQUIRED TEST, THE ABOVE-NAMED EMPLOYEE IS HEREBY AUTHORIZED TO HAVE ACCESS TO CAA CBI.		
SIGNATURE DCO	TELEPHONE NO.	DATE

* Must be Division Director (or equivalent) or above.
CAA CBI Form 2 (Rev. 9/98)

1. AUTHORIZATION FOR ACCESS TO CAA CBI FOR CONTRACTOR EMPLOYEES		
FULL NAME	POSITION	
SSN	CONTRACTOR	
<p>It is the responsibility of each Authorizing Official* to ensure that the employees under his/her supervision who require access to CAA CBI:</p> <ol style="list-style-type: none"> 1. Sign the Confidentiality Agreement for EPA Employees 2. Are fully informed regarding their security responsibilities for CAA CBI. 3. Obtain access only to that CAA CBI required to perform their official duties 		
SIGNATURE OF AUTHORIZING OFFICIAL*	TELEPHONE NO.	DATE
TITLE	LOCATION	
II. CONFIDENTIALITY AGREEMENT FOR CONTRACTOR EMPLOYEES		
<p>I understand that I will have access to certain Confidential Business Information submitted to EPA or its authorized representatives under the Clean Air Act (CAA). This access is granted in accordance with my official duties as an employee of the Environmental Protection Agency contractor.</p> <p>I understand that CAA CBI may not be disclosed except as authorized by CAA and Agency regulations. I understand that I am liable for a possible fine of up to \$1,000 and/or imprisonment for up to 1 year if I willfully disclose CAA CBI to any person not authorized to receive it. In addition I understand that I may be subject to disciplinary action for violation of this agreement with penalties ranging up to and including dismissal.</p> <p>I agree that I will treat any CAA CBI furnished to me as confidential and that I will follow the procedures set forth in the CAA Confidential Business Information Security Manual.</p> <p>I have read and understand these procedures.</p>		
SIGNATURE	TELEPHONE NO.	DATE
III. HAVING COMPLETE REQUIRED TRAINING AND PASSED REQUIRED TEST, THE ABOVE-NAMED EMPLOYEE IS HEREBY AUTHORIZED TO HAVE ACCESS TO CAA CBI.		
SIGNATURE CONTRACTOR DCO	TELEPHONE NO.	DATE

* Must be Contractor Management
CAA CBI Form 3 (Rev. 9/98)



US Environmental Protection Agency
Washington, DC 20460

Confidentiality Agreement for Federal Employees Upon Relinquishing CAA CBI Access Authority

In accordance with my official duties as an employee of the United States, I have had access to Confidential Business Information under the Clean Air Act (CAA) (42 U.S.C. 1857 et seq.). I understand that CAA Confidential Business Information may not be disclosed except as authorized by CAA or Agency regulations.

I certify that I have returned all copies of any materials containing CAA Confidential Business Information in my possession to the OAQPS CBI Office.

I agree that I will not remove any copies of materials containing CAA Confidential Business Information from the premises of the Agency upon my termination or transfer. I further agree that I will not disclose any CAA Confidential Business Information to any person after my termination or transfer.

I understand that as an employee of the United States who has had access to CAA Confidential Business Information, under 18 U.S.C. 1905, I am liable for a possible fine of up to \$1,000 and/or imprisonment for up to one year if I willfully disclose CAA Confidential Business Information to any person.

If I am still employed by the United States, I also understand that I may be subject to disciplinary action for violation of this agreement.

I am aware that I may be subject to criminal penalties under 18 U.S.C. 1001 if I have made any statement of material facts knowing that such statement is false or if I willfully conceal any material fact.

Name (Please type or print)	SSN
Signature	Date



Environmental Protection Agency
Washington, DC 20460

CONFIDENTIALITY AGREEMENT FOR CONTRACTOR EMPLOYEES UPON RELINQUISHING CAA CBI ACCESS AUTHORITY

Name of Employer

Contract Number

As an employee of the contractor/subcontractor named above performing work for the United States Government, I have been authorized access to Confidential Business Information (CBI) submitted under the Clean Air Act (CAA) (42 U.S.C. 1857 et.seq.). This access authority was granted to me in order to perform my work under the contract number cited above.

I understand that CAA CBI to which I have had access under the contract may not be used for any purposes other than for performing the contract. I also understand that CAA CBI may not be disclosed except as authorized by CAA or EPA regulations.

I certify that I have returned all copies of CAA CBI materials in my possession to my company Document Control Officer.

I agree that I will not remove any copies of materials containing CAA CBI from the premises of my company or from EPA premises upon my relinquishment of CAA CBI to any person after my relinquishment of CAA CBI access authority.

I understand that as a contractor employee who has been authorized access to CAA CBI, I may face criminal prosecution if I willfully disclose CAA CBI to any person.

If I am still employed by the contractor, I also understand that I may be subject to disciplinary action for violation of this agreement.

I am aware that I may be subject to criminal penalties under 18 USC Section 1001 if I have made any statement of material facts knowing that such statement is false or I willfully conceal any material fact.

NAME (Please type of print)

Social Security Number

Signature

Date



US Environmental Protection Agency
Washington, DC 20460

MEMORANDUM OF CAA CBI TELEPHONE CONVERSATION

I. EMPLOYEE IDENTIFICATION

Name of Employee	Date
Organization	Time

II. SECOND PARTY IDENTIFICATION

Call is: <input type="checkbox"/> To <input type="checkbox"/> From	Name
Number	Organization

III. Concerning What CAA CBI?

IV. Content of Conversation: (CONTINUE ON SEPARATE SHEET)

CAA CBI MARKINGS

"SUBJECT TO CONFIDENTIALITY CLAIM"

"TO BE OPENED BY ADDRESSEE ONLY"

"CBI -- CONFIDENTIAL BUSINESS INFORMATION"

"DETERMINED CONFIDENTIAL BY OAQPS"

"DESTROYED BY _____ / DATE _____"

Contractor Control No.: _____

EPA Control No.: _____

Copy No.: _____

CAA CONFIDENTIAL BUSINESS INFORMATION

The attached document contains data claimed to be confidential business information (CBI) under the authority of the Clean Air Act (CAA) as amended (42 U.S.C. 7401, 7411, 7412, 7414, 7416, 7601). CBI may not be disclosed or copied for release to another party. Any excerpts or summaries must also be treated as CBI. If you willfully disclose CAA CBI to any person not authorized to receive it, you may be liable for a disciplinary action with penalties ranging up to and including dismissal. In addition, disclosure of CAA CBI or violation of security procedures may subject you to a fine of up to \$1,000.00 and/or imprisonment for up to one year.

DO NOT DETACH

Contractor Control No.: _____

EPA Control No.: _____


Copy No.: _____

CAA
CONFIDENTIAL
BUSINESS INFORMATION

PENDING

The attached document contains data claimed to be confidential business information (CBI) under the authority of the Clean Air Act (CAA) as amended (42 U.S.C. 7401, 7411, 7412, 7414, 7416, 7601). CBI may not be disclosed or copied for release to another party. Any excerpts or summaries must also be treated as CBI. If you willfully disclose CAA CBI to any person not authorized to receive it, you may be liable for a disciplinary action with penalties ranging up to and including dismissal. In addition, disclosure of CAA CBI or violation of security procedures may subject you to a fine of up to \$1,000.00 and/or imprisonment for up to one year.

DO NOT DETACH

		U.S. Environmental Protection Agency Washington, DC 20460	
Request, Approval, and Registration for CAA CBI Computer Access			
I. Request for CAA CBI Computer Access			
1 Name (Last,First,MI)		2 Requestor (Office/Division/Branch)	
3 System and Data Base to Be Accessed			
4. Describe fully the duties that require access to each system			
5 Signature of Requesting Official (Division Director or above)		6 Date	
II. Computer Room DCA Approval			
1 Date Received	2. Signature of Computer Room DCA		
III. DCO Approval			
1 Date Received	2. Holds Current CAA CBI Access <input type="checkbox"/> Yes <input type="checkbox"/> No	3 Approved <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain On back)	
4 Signature DCO			



U.S. Environmental Protection Agency
Washington, DC 20460

REQUEST FOR APPROVAL OF CONTRACTOR ACCESS TO CAA CBI

Requesting Official			Signature			Date		
Title and Office								
Contractor and contract number								
EPA Project Officer				EPA Contracting Officer				
I. Brief Description of contract, including purpose, scope, length, and other important details. (Continued on the back of this form if necessary).								
II. What CAA CBI will be required, and why? (Continued on back if necessary)								
III. Will computer access to CAA CBI be required by the contract? If so, why and to what extent on the back of this form								
Approved (Signature)						Date		

CONTRACTOR INFORMATION SHEET CAA CBI ACCESS/TRANSFER

1. Contractor _____
2. Address : _____

3. Contract #: _____
4. Is this a renewal of a previous contract? Yes ☐ No ☐
5. Previous contact number: _____
6. EPA Project Officer _____
7. EPA Contracting Officer _____
8. EPA Work Assignment Manager: _____
Phone: _____ Room: _____ Mail Code: _____
9. Contractor Project Officer: _____
10. Description of duties to be performed by contractor that require CAA CBI access:

11. Type(s) of data to be transferred/disclosed:

12. Will CBI be transferred offsite under this contract? Yes ☐ No ☐
13. If so, to where? _____
14. Have contractor security plan and facilities been approved by the OAQPS DCO? Yes ☐ No ☐
15. If so, date of test site inspection: _____
16. Date access scheduled to commence: _____
17. Contract expiration date: _____
18. Is computer CBI access needed under this contract? Yes ☐ No ☐
19. Has computer access been approved? Yes ☐ No ☐

CAA CBI INVENTORY LOG

Confidential Business Information

Does not contain National Security Information (E.O. 12066)

[illegible]

CAA CBI PENDING LOG

Confidential Business Information

Does not contain National Security Information (EO 12066)

[illegible]

**CAA CONFIDENTIAL BUSINESS INFORMATION
CONTROL RECORD**

[illegible]

US Environmental Protection Agency Office of Air Quality Planning and Standards CBI Office (MD-11) Research Triangle Park, NC 27711		DATE: _____ SENT VIA: _____ RECEIPT NO: _____ PROJECT: _____ CONTACT: _____	
CAA CBI CUSTODY RECEIPT			
TO:		FROM: Document Control Officer Ms Melva W Toomer U.S. EPA/OAQPS/PRRMS/CBIO MD-11 Research Triangle Park, NC 27711	
INSTRUCTIONS: 1. Original of this receipt to be signed by recipient and returned to sender. 2. Duplicate of this receipt to be retained by recipient.			
CBI CONTROL NO.	COPY NO.	DESCRIPTION OF MATERIAL	
I have personally received material, enclosures, and attachments as identified above. I assume full responsibility for the safe handling, storage, and transmittal of this material in accordance with existing Confidential Business Information regulations.			
DATE RECEIVED:		SIGNATURE OF RECIPIENT:	

CONFIDENTIAL BUSINESS INFORMATION
SECURITY AGREEMENT

In requesting information claimed to be business confidential from the Office of Air Quality Planning and Standards, I agree to safeguard this information according to [_____Name of Agency_____] 's procedures comparable to EPA's procedures for handling Confidential Business Information as found in 40 CFR, Part 2, Subpart B, Confidentiality of Business Information. I further agree that access will be limited to only those persons in our organization having a "need to know," that the information will be kept in a secure storage contained (e.g., a lockable file cabinet) while it is in our custody, that a record of persons accessing the information be maintained, and that it will be returned to OAQPS at the conclusion of our project.

Name, Title (Please Type or Print)

Signature

Date

LETTER TO CAA CBI REQUESTERS OUTSIDE OAQPS

Mr. Agency Official
Director, Planning Division
Some Government Agency
1168 14th Street
Washington, D.C.

Dear Mr. Agency Official:

(Cite the name of local contact or letter of request) indicates that you want a copy of certain information in our Confidential Business Information (CBI) files. Please be advised that our long-standing policy is to release CBI to only those persons duly authorized to have access. Since we have not previously granted clearance for access to Clean Air Act (CAA) information to you or anyone in your organization, we request assurance that this information will be handled according to applicable federal regulations. To provide a record of your agreement to safeguard the information, we require that you sign and return the accompanying CBI Security Agreement. We will release the requested information to you upon receipt of this agreement.

Sincerely,

Ieva G. Spons, Director
Planning, Resources and
Regional Management Staff

Enclosures

APPENDIX M

**LETTER TO ACCOMPANY CAA CBI TRANSFERRED
OUTSIDE OAQPS**

Mr. Agency Official
Director, Planning Division
Some Government Agency
1108 14th Street
Washington, D.C. 20460

Dear Mr. Agency Official:

Your security agreement associated with the request for access to (*describe information*) has been received. We are therefore releasing the enclosed Confidential Business Information to your custody. Please sign the attached Custody Receipt and return it to:

Melva W. Toomer, OAQPS Document Control Officer
U.S. Environmental Protection Agency
Office of Air Quality Planning & Standards
Planning, Resources & Regional Management Staff (MD-11)
Research Triangle Park, NC 27711

Sincerely,

Ieva G. Spons, Director
Planning, Resources and
Regional Management Staff

Enclosures

SAMPLE

TRANSFER LETTER TO PROVIDING FACILITIES

Name of recipient

Title of Recipient

Recipient's Address

Dear Mr. Noel:

Thank you for your efforts in coordinating a visit to the *Name of the facility, address, and date*. The U.S. Environmental Protection Agency (EPA) appreciates the time you spent discussing the manufacturing process at your facility.

Enclosed is a draft of the trip report that has been prepared based on the information obtained during our site visit. We would appreciate your reviewing the report for any errors or omissions. You may return the enclosed copy of the report with your written comments. Since this report will eventually become a part of the public record, we want to portray your operations as accurately as possible. A copy of the final version of the report incorporating your comments will be sent to you for your records.

The custody receipt for the trip report is also enclosed. Please sign and date the form to acknowledge receipt of the report and return a copy of the form to the Document Control Officer, Planning, Resources and Regional Management Staff (MD-11), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

If you believe the disclosure of any specific information contained in the trip report would reveal trade secrets or other confidential information, you should clearly identify the specific information. Please do not label the entire report "confidential" if only certain portions consist of trade secret information. If the EPA determines that there is a need to disclose such information, we will need, at that time, the following to support your claim:

1. Measures taken by *Name of facility* to guard against undesired disclosure of the specific information to others;

2. The extent to which the specific information has been disclosed to others and the precautions taken in connection therewith;

3. Pertinent confidentiality determinations, if any, by other Federal agencies (furnish a copy of any such determination, or references to it, if available); and

4. Whether *Name of facility* asserts that disclosure of the specific information would be likely to result in substantial harmful effects on *facility Name's* competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects. Any specific information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. 1905. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice (40 CFR part 2.203, September 1, 1976). Any specific information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. 1905. However, all emission data will be available to the public. A clarification of what EPA considers to be emission data is contained in Enclosure 2.

We respectfully request that you submit your review comments on the trip report by *date*. If you concur with the information contained in the report, we would appreciate a letter to that effect. In addition, Please indicate in your letter the specific parts of the report, if any, that *Facility Name* considers to be confidential. If we do not receive a response by *date*, the report will be considered nonconfidential and accurate.

Thank you for your cooperation. The information supplied by *Facility Name* will be most helpful in our study. If you have any questions, please call *name of WAM/TOPO, telephone number, or Contractor's name, company name and telephone number*.

Sincerely,

Group Leader
Division

Enclosure

SAMPLE

TRANSFER LETTER TO PROVIDING FACILITY

Mr. Gordon Brown
Environmental Manager
State Paper Board
Post Office Box 9999
Whitehouse, Georgia 30913

Dear Mr. Brown:

Thank you for reviewing the trip report for the September 14, 1994 visit to the State Paper Board Mill in Whitehouse, GA, by representatives from the U.S. Environmental Protection Agency and Northwestern Research Institute (NRI). Your comments have been incorporated in the enclosed final trip report.

The trip report includes a nonconfidential version plus a confidential addendum. The confidential addendum consist of those items you identified as confidential business information (CBI) in your February 7, 1998 letter. Unless we hear from you by April 19, 1998 with further comments or corrections, we will treat the nonconfidential trip report and the confidential addendum as final. In its final form, the nonconfidential trip report may be accessed by the general public following proposal of the national emission standards for hazardous air pollutants for combustion sources in the *sand and paper* industry. The confidential addendum can only be accessed by those authorized to view CAA CBI pertaining to the *sand and paper* industry.

If you have any questions or additional comments, please contact *Mr. John Smith* of my staff at (919) 541-9999 or *Ms. Sally Sue of NRI* at (919) 685-1234 (ext. 349). Thank you for your cooperation.

Sincerely,

Group Leader
(Name) Specific Group

Enclosures

**U.S. Environmental Protection Agency
Region 5, Library (PL-12J)
77 West Jackson Boulevard, 12th Floor
Chicago, IL 60604-3590**