

DRAFT

RCRA

CONFIDENTIAL BUSINESS INFORMATION

SECURITY MANUAL

August 1992

DRAFT

TABLE OF CONTENTS

I.	INTRODUCTION	1
A.	Important Terminology	1
B.	Forms	4
II.	AUTHORIZING FEDERAL EMPLOYEES FOR ACCESS TO RCRA CBI	6
A.	Initiating Request of Access to RCRA CBI	6
B.	Processing Employees Request for CBI Access	6
C.	Preparing for CBI Access	7
D.	Acquiring CBI Access Authority	7
E.	RCRA CBI Access List	8
F.	Relinquishing Access Authority	8
G.	Maintaining Access	9
III.	PROCEDURES FOR USING AND SAFEGUARDING RCRA CBI	10
A.	Procedures for Obtaining CBI	10
B.	Storage of RCRA CBI Materials	10
C.	Procedures for Transferring Custody of CBI	12
D.	Creating New CBI Documents and Personal Working Papers	13
E.	Creating Non-CBI Documents	14
F.	Declassifying CBI Materials	15
G.	Reproduction of RCRA CBI Materials	16
H.	Destruction of RCRA CBI Materials	17
I.	Meetings at Which RCRA CBI is Discussed	18
J.	Traveling with CBI	19
K.	Telephone Calls that do not include Submitter	20
L.	Telephone Calls with Submitter	20
M.	Computer Security	21
N.	Violations of Procedures, Lost Documents, and Unauthorized Disclosures	22
IV.	OTHER AGENCIES ACCESS TO RCRA CBI	25
V.	CONTRACTOR ACCESS	28

VI.	CONGRESSIONAL ACCESS	31
VII.	DOCUMENT CONTROL OFFICER RESPONSIBILITIES	32
	A. Assignment of a DCO	32
	B. Relinquishing DCO Responsibilities	32
	C. General Responsibilities	33
	D. EPA Headquarters vs. Regional Responsibilities	34
VIII.	WORK ASSIGNMENTS AND CONTRACTS	35
	APPENDIX A (CBI Forms)	
	APPENDIX B (Sample Inventory)	

I. INTRODUCTION

This manual sets forth procedures for Environmental Protection Agency (EPA) employees (both Regional and Headquarters) and other Federal employees to follow in handling information claimed as Confidential Business Information (CBI) under the Resource Conservation and Recovery Act (42 USC S. 6901 et seq.).

EPA is required to protect from public disclosure Confidential Business Information (CBI) obtained under RCRA. EPA employees are prohibited from knowingly or willfully causing or allowing an unauthorized release or disclosure of such information. EPA is permitted to authorize a Federal employee for access to RCRA CBI when such access is necessary to perform work in connection with the employee's official duties. EPA has issued regulations (40 CFR Part 2) which outline confidentiality provisions. The procedures in this manual supplement those set forth in 40 CFR Part 2, and describe specific procedures for handling CBI within the RCRA program.

All EPA contractors and subcontractors who have access to CBI must abide by the restrictions and guidelines found in this manual. Additionally, the "Contractor Requirements for the Control and Security of RCRA Confidential Business Information" (or Contractor Security Manual), describes specific procedures to be followed by EPA Contractors and subcontractors and their employees.

Most RCRA CBI access occurs at the EPA Headquarters storage facility, referred to as the RCRA Confidential Business Information Office (RCRA CBI Office). If a need is established, EPA may also authorize CBI access at other facilities, including EPA Regional Offices, other Federal agency offices, and contractor facilities. Procedures for handling, using, and storing RCRA CBI at all facilities are outlined in this manual. However, some differences in security procedures are required at facilities outside of EPA Headquarters.

A. Important Terminology

The following terms are used frequently throughout this manual:

RCRA CBI, or **CBI**, is information claimed to be business confidential under EPA's confidentiality regulations as set forth in 40 CFR Part 2.

"'Business confidentiality' claim means a claim or allegation that business information is entitled to confidential treatment for reasons of business confidentiality, or a request for a determination that such information is entitled to such treatment." (40 CFR Part 2.201(h))

"'Reasons of business confidentiality'" include the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." (40 CFR Part 2.201(e))

RCRA CBI materials are documents, files, or any other information media that contain RCRA CBI. Some of the CBI materials received consist only partially of confidential information.

RCRA CBI Access List is a listing of all individuals who have been authorized for access to RCRA CBI.

Secure Storage Containers are containers that are secured from access by persons not authorized for access to RCRA CBI.

Secure storage areas are used to maintain CBI materials. The area is secure from access by non-authorized personnel and therefore CBI materials may be used.

CBI Cover Sheets. Every RCRA CBI document must have attached to the front a RCRA CBI cover sheet (Form 8710-13). The cover sheet must have inscribed, the DCO's name, date of receipt and Document Control Number (DCN). Each time an employee gains access to the document, he or she must write the date and his or her name, employee identification number, and signature on the cover sheet.

CBI Stamp. The first page that indicates the document is CBI and the back of the last page of the document must be labeled with a stamp that identifies that the document contains CBI. If the document is a copy or is received from outside the Agency, the document should be stamped by the DCO.

Document Tracking System is a system for accounting for the location or disposition of RCRA CBI materials. Materials in a document tracking system are tracked through manual or

automated logs. Each document is assigned a unique document control number (DCN) and that number, as well as the date of receipt, description of the document, the number of copies that are on file, and the location of each copy are logged into the system. This system enables a DCO to track a document's movement from the time that it is written or received at EPA until the time that it is destroyed or archived.

The automated document tracking system in use at Headquarters is called the Automated Log Index System (ALIS). It utilizes a machine-readable barcode affixed to each CBI document controlled by the document tracking system to facilitate efficient processing and tracking of documents. Each document submitted as CBI is assigned a unique document control number; each copy of that document is assigned a unique barcoded number. In this fashion, the CBI office is able to track not only the access to a particular document, but also the location of each copy of that document.

Federal Employees are any individuals directly employed by the federal government.

EPA Employees are individuals directly employed by EPA.

EPA Contractors refers generally to companies, and specifically to employees of those companies, employed by EPA through the use of contract vehicles.

Director, Office of Solid Waste has overall supervisory authority for RCRA activities, including RCRA Confidential Business Information.

Director, Communications Analysis and Budget Division (CABD), OSW is responsible for day-to-day implementation of RCRA CBI, including developing policies for the use and handling of CBI, operating the EPA Headquarters RCRA CBI Office, and supervising the RCRA CBI staff.

Authorizing Official is an EPA Division Director (or a supervisor of equivalent authority) who nominates an EPA employee for RCRA CBI access. Authorizing officials' responsibilities also include

ensuring that their employees renew their CBI access authority annually.

HEADQUARTERS RCRA CBI staff is responsible for all CBI-related activities, including reviewing security plans, performing security inspections, and processing forms and records pertaining to requests for RCRA CBI access authority for organizations and individuals.

Document Control Officer (DCO) manages the CBI office at the facility at which he or she is employed and has overall responsibility for the receipt, storage, and use of RCRA CBI at his or her facility. There is one DCO at EPA Headquarters, one at each EPA Region and one at selected and approved contractor or other "off-site" facilities.

Document Control Assistant (DCA) assists the DCO in performing CBI functions at the facility at which he/she is employed.

B. Forms

The following forms are referred to in this manual:

8710-1	Inventory Log (RCRA CBI)
8710-5	Request for Approval of Contractor Access to RCRA Confidential Business Information
8710-7	Destruction Log (RCRA CBI)
8710-9	RCRA Contractor Employee Confidentiality Agreement
8710-10	Confidentiality Agreement for U.S. Employees Upon Termination/Transfer
8710-11	Authorization for Access to RCRA CBI
8710-12	Request for Approval of Temporary Employee for Access to RCRA CBI
8710-13	RCRA Confidential Business Information (Cover Sheet)

8710-14 Confidentiality Agreement for Contractor Employees
Upon Termination/Transfer

All forms are found in Appendix A of this manual. Additional forms can be copied from the Appendix or obtained from the RCRA CBI Office. Note: The RCRA CBI Cover Sheet must **always** be blue.

II. AUTHORIZING FEDERAL EMPLOYEES FOR ACCESS TO RCRA CBI

The RCRA CBI Document Control Officer (DCO) is permitted to authorize any Federal employee for access to RCRA CBI materials if that employee has a need for such information for the performance of his or her official duties.

There are three steps to receiving CBI access authority. To receive authorization, an individual must:

1. Submit a signed *Authorization for Access to Confidential Business Information* form (#8710-11), to the RCRA CBI Office.
2. Read the RCRA CBI Security Manual. (Available through the RCRA CBI office.)
3. Take and pass a test on basic CBI security procedures.

After an individual has successfully passed the CBI test, his/her name will be added to the official CBI Access List and they may immediately access CBI materials.

A. Initiating Request for Access to RCRA CBI

EPA employees and other Federal employees who either perform work for EPA or for other Federal agencies must request authorization for RCRA CBI access by completing the *Request for Access to RCRA Confidential Business Information* form (8710-11). This form must be completed by the employee and signed by his/her authorizing official (Division Director or equivalent). When the form is signed it must be forwarded to the RCRA CBI Office.

B. Processing Employees Request for CBI Access

Upon receipt of a signed Authorization for Access form, the CBI Office will initiate procedures for authorization. These procedures include:

1. Ensuring that a completed Background Investigation form (SF-83) is in the requesting individual's Personnel file. If the form does not exist, the employee must complete one and have it filed in his/her personnel folder. (This form should have been completed by the employee when they arrived at EPA.)

2. Sending a copy of the RCRA CBI manual to the individual, with a memo indicating when the CBI Test can be taken.

Preparing for CBI Access

The employee requesting access must completely read the RCRA CBI manual. When the manual is read, he or she should contact the RCRA DCO (Headquarters or Regional, as appropriate) to confirm a date and time to take the CBI Test.

The test is composed of nineteen questions derived from the manual and relating to basic security procedures and precautions as they relate to CBI materials. To successfully pass the CBI test, seventeen questions must be answered correctly. If an individual does not pass the test on the first try, he/she must wait one week before taking the test again. If he/she again fails to pass the test, he/she will be allowed to try one more time, at least a week after the second attempt.

If the employee fails to pass the test on the third attempt, CBI access will be denied and a memo will be forwarded to the authorizing official explaining the reasons for the refusal. If the employee still requires access to CBI materials, he/she must re-read the manual, and eventually pass the test.

D. Acquiring CBI Access Authority

When the employee passes the test, he or she will be granted access to RCRA CBI and the individual's name will be added to the RCRA CBI Access List which is updated, and distributed, monthly.

When an employee is granted access to CBI, he/she accepts the following responsibilities:

- Gaining access to only that CBI material that is required to perform his/her official duties.
- Ensuring that no unauthorized personnel access the CBI materials.
- Abiding by the guidelines for accessing, maintaining, storing, and disposing of CBI materials
- Maintaining a record of all meetings that contain or discuss CBI.
- Renewing CBI access authority annually.

- Informing the RCRA CBI office when access is no longer needed.
- Failure to abide by all of the above may result in the suspension of access to CBI.

E. RCRA CBI Access List

The Access List is used as a reference to determine whether an individual has RCRA CBI access authority. Questions regarding whether a particular employee has RCRA CBI access authorization should be directed to the RCRA CBI staff.

DCOs at each facility are responsible for reviewing the RCRA CBI Access List on a monthly basis to determine whether any names of employees within their jurisdiction should be added to or deleted from the list. Changes to the Access List must be forwarded to the DCO by the 20th day of each month. A facility specific RCRA CBI Access list will be maintained by the facility DCO and made available monthly to all CBI cleared personnel at that facility. The Regional DCOs are required to also publish and distribute to the Headquarters DCO a list of all CBI cleared personnel for their Region including the Regional contractors. The EPA Headquarters DCO will produce and distribute monthly the Access List for all EPA Headquarters personnel and contractors. A new list, regardless of whether changes were made, will be printed and distributed by the seventh day of each month. The consolidated RCRA CBI Access List will be maintained at EPA Headquarters.

Supervisors are responsible for reviewing the CBI Access List quarterly to determine that employees under their supervision need to be added, deleted or remain on the Access List. Any changes that need to be made should be reported to their CBI office before the 20th of the month to ensure that changes are instituted for the next month's list.

F. Relinquishing Access Authority

Employees must relinquish their access authority and be removed from the RCRA CBI Access List under the following circumstances:

- termination of their employment;
- termination of duties requiring access to RCRA CBI;

- failure to abide by CBI requirements; or,
- failure to renew access authority.

In addition, if an employee transfers to another branch or division within the Office of Solid Waste and the employee will continue to require CBI access, the employee is required to inform the CBI office of the transfer. If the employee still requires access to CBI after the transfer, the employee must have his/her division director send a memo to the CBI office informing them that he/she requires continued access to CBI. The test need not be taken again until the annual renewal.

When access is relinquished or revoked an employee must complete the *Confidentiality Agreement for U.S. Employees Upon Termination/Transfer* form (8710-10). Upon receipt of the form, the CBI staff will review the document tracking system to ensure that all CBI documents entrusted to that employee have been returned. When all documents have been returned, the CBI staff will remove the employee's name from the RCRA CBI Access List.

G. Maintaining Access

Employees who are approved for RCRA CBI access must maintain their access authority by annually passing a RCRA CBI test. If an employee fails to renew his/her access authorization, the CBI staff will notify the employee's supervisor that the employee will be removed from the access list if they do not renew their access authorization. If renewal is not made within 30 days of the notification, the employee will be removed from the access list.

III. PROCEDURES FOR USING AND SAFEGUARDING RCRA CBI

Any information submitted to EPA required by the RCRA program may be claimed by the submitting facility as RCRA CBI. The submitter must clearly indicate what materials are claimed as CBI. RCRA CBI sent by mail should always be sent to a DCO. If, however, employees receive mail containing materials labeled as CBI those materials must be taken immediately to the facility's DCO for proper entry into the document tracking system. Once entered, the documents can be logged out by the DCO like any other CBI documents.

A. Procedures for Obtaining CBI

Employees who are authorized for access to RCRA CBI and who wish to obtain CBI materials must do so through a DCO. The DCO will retrieve the requested documents from the storage facility and will log them out to the requestor through the facility's document tracking system, after verifying that the employee is authorized for access to CBI.

Whenever employees gain access to a CBI document they must enter the date of receipt, their employee identification number, and their signature on the document's RCRA CBI blue cover sheet. The purpose of the cover sheet is to record who has had access to the document and to record the chain of custody of the document. Employees are responsible for safeguarding all CBI materials in their possession until the materials are logged back into the storage facility. Employees must return the CBI materials to the storage facility at the end of each day, or store the materials in approved storage containers.

RCRA CBI materials may be logged out for no longer than 90 days. In special circumstances, the DCO in charge of the storage facility may grant an extension at the end of the 90 day period. DCOs in charge of storage facilities will periodically review document check-out activity to spot documents not returned within the 90 day period. DCOs will contact the appropriate personnel concerning materials that are overdue. Employees, and their authorizing officials, are responsible for returning overdue materials to their DCO. Documents not returned within 30 days after they first appear on the overdue notice will be considered to have been lost (see Section III-N).

B. Storage of RCRA CBI Materials

RCRA CBI materials must never be left unattended where persons not authorized for CBI access might gain access to them. Employees using

RCRA CBI are responsible for ensuring that no unauthorized disclosures of that information occurs. This means that employees must either maintain constant control over the RCRA CBI documents in their possession, return the CBI materials to the DCO for proper storage, or store the materials in a RCRA CBI approved storage container. The following types of containers are approved for RCRA CBI:

- metal file cabinets with key locks or combination locks;
- desks with key locks; or
- safes.

If necessary, a storage container may be used by more than one individual to store RCRA CBI materials, but each individual must be authorized for access to the CBI stored there. Each person using the cabinet or safe should be assigned a separate storage space within the cabinet or safe and is responsible for any RCRA CBI he or she stores there.

Secure storage areas

The DCO may, as an exception to the procedures above, authorize the use of secure storage areas when such a designation is justified by a large volume and high frequency of daily use of RCRA CBI. Secure storage areas must be able to be secured from unauthorized access by door locks and/or an intrusion alarm and/or an electronic card entry system. Secure storage areas can be used as a RCRA CBI work area and as a storage area for RCRA CBI. The requirement that CBI be stored while not in use, is recommended but not required in a secure storage area.

The RCRA CBI Office at EPA Headquarters is a secure storage area. Authorized personnel may use and access documents while in the office without concern of unauthorized access. Most EPA Regions maintain a CBI secure storage area. EPA employees, or their contractors, may request approval of the establishment and use of a secure storage area. The request must be submitted in writing to the RCRA CBI office. Approval of the request will be based on the need/necessity for long term access to requested CBI materials, volume of materials to be stored/used, and level of security of the area.

All **EPA CONTRACTORS** wanting CBI access must:

- submit a security plan to the EPA CBI office;
- appoint a DCO to monitor all CBI activity at the facility; and
- be inspected and approved by the appropriate EPA DCO.
(Headquarter's contractors must be approved and inspected by the Headquarter's EPA DCO; the Regional contractors by the Regional EPA DCO.)
- have all personnel approved in accordance with this manual;

The EPA Headquarters DCO may provide interim certification for secure storage facilities until they are inspected and approved by the RCRA CBI Staff. Each contractor's facility must have an approved DCO responsible for ensuring that all CBI procedures are followed, and all documents are properly maintained. The contractor DCO is responsible for requesting, in writing, approval of a secure storage area and for arranging an inspection by the RCRA CBI staff. The RCRA CBI staff will maintain a record of the locations and date of inspection of all RCRA CBI secure storage areas.

Entry to CBI secure facilities

If an individual needs to enter the secure area, the DCO in charge of the area must first determine whether the individual is authorized for access to RCRA CBI by referring to the Access List. If the person is authorized for access, the DCO will require the person to sign a Visitors Log prior to entry. Persons not authorized for access to RCRA CBI may gain entry to a secure area only if they sign the Visitors Log and are escorted at all times by a person with RCRA CBI access authorization. A current copy of the RCRA CBI Authorized Access List should be stored near the door of every secure storage area by the DCO in charge of the area.

C. Procedures for Transferring Custody of CBI

Transfer within a Facility

Custody of CBI may be transferred from one employee authorized for CBI access to another only through a DCO. The transferor must return the document to the DCO, who will log it into the document tracking

system as returned. The intended recipient may then request access to that document and have the document logged out to them. There must be a record indicating any transfer of CBI materials.

Transfer of CBI to individuals at other facilities.

Any transfer of CBI materials must be sent through the DCO. CBI may also be transferred using a courier service or an express postal service. These services may only be used when time is of the essence, because, unlike registered mail, they do not require each person who handles the package to sign for it as it changes hands.

RCRA CBI materials destined for CBI-authorized persons who are located outside of the facility in which the materials are stored (including the submitter that claimed them as confidential) may be transferred through:

- hand carrying by an employee who is authorized for CBI access;
- registered mail, return receipt requested; or
- a courier or express postal service.

Regardless of which transfer method is used, the materials being transferred must be double wrapped. The inner wrapping must be labeled with the transferee's name and the statement "RCRA Confidential Business Information -- to be opened by addressee only" The outer wrapping must be labeled only with the name and address of the recipient and the return address of the transferor; nothing on the outer wrapping should indicate that the package contains RCRA CBI.

Regardless of which method is used to send CBI, all CBI materials must be sent through the transferor's DCO. The transferor's DCO must enclose two copies of a custody receipt with the package. The receiving DCO must sign, date, and send back to the transferor DCO one copy of the custody receipt in order to verify receipt. The other copy of the custody receipt is maintained by the receiving DCO.

D. Creating New CBI Documents and Personal Working Papers

Documents and other materials produced by Federal employees using RCRA CBI documents frequently contain CBI themselves (i.e., reports, facility inspections; waste analysis). If a newly created document contains CBI, the document's author must take it to the DCO to be

logged into the document tracking system at the employee's facility (exception to the logging requirements are described below). The DCO will assign the CBI document a document control number and either log it out to the employee or retain it for storage.

Personal Working Papers

Personal Working Papers are materials, such as meeting notes and draft versions of reports, that are utilized solely by the creators and **not** distributed or used by other individuals. If a document created by an employee using CBI can be considered "personal working papers" it does not need to be logged into the CBI document tracking system. Personal working papers must be stored and handled as if it were CBI, even though it is not logged or tracked through the document tracking system.

The author of a personal working paper may give it to a typist who is authorized for access to CBI, without logging it into the document tracking system. The typist must return to the author the typed document and the document being typed from when typing is completed. However, the personal working papers and copies must be logged into the document tracking system if they are to be transferred to anyone other than the author.

E. Creating Non-CBI Documents

Some materials produced using RCRA CBI are not confidential. Non-confidential documents are produced if:

- (1) the CBI is deleted from an existing document;
- (2) the CBI used is masked or;
- (3) the CBI is aggregated; such that no one not authorized for access can discern the CBI, even when consulting publicly available materials,
- (4) a submitter drops its claim of confidentiality for the information in the document; or,
- (5) the submitter cannot substantiate a claim.

Creating Non-CBI Documents by Eliminating CBI from Existing Documents

New documents may be created from existing CBI documents by eliminating all confidential business information from the documents thereby making the documents non-CBI. In all instances the author of the document is responsible for ensuring that it contains no CBI.

Creating Non-CBI Documents by Masking or Aggregating

The Headquarters DCO must be consulted in advance by any authors who wish to produce a non-confidential document by masking or aggregating CBI. The program office must review all applications of masking and aggregating techniques to ensure that appropriate techniques are being used. The non-CBI documents must be reviewed and approved by the EPA program office or project officer for final determination of CBI status.

F. Declassifying CBI Materials

To declassify CBI materials, an employee must take the materials to his/her DCO and present the DCO with evidence indicating that the materials either are no longer confidential or contain no CBI. For example, if CBI claims for the materials have been withdrawn by the submitter, the employee should present the DCO with the submitter's written relinquishment of the claim.

After being presented with evidence that a document contains no CBI and receiving approval from the EPA program office or project officer, the DCO must cross out all CBI markings on the document and remove the document's cover sheet. The DCO must then inscribe the document and cover sheet with the statement "Contains no RCRA CBI, " and sign and date the cover sheet. The DCO must also log the document out of the document tracking system. After all of the above steps have been taken the document is then declassified.

CBI Claim Dropped

A submitter may at any time drop its claim of confidentiality. The submitter must notify either the Program Office or the RCRA CBI Office in writing before the information can be released to the public.

The DCO will then declassify the document (see F below) The document may then be removed from RCRA CBI facility and sent to the appropriate EPA program office for disposition.

Substantiation of a CBI Claim

The EPA Program Office may request substantiation of a claim of confidentiality. To do so, either the Program Office or the RCRA CBI Office must inform the submitter by **certified mail-return receipt requested** of the request for substantiation of the claim. The submitter has 15 working days after receipt of the request to send comments as to why their material should remain confidential. If comments are not received within the 15-day period, and EPA has verified that the comments were not lost in transmission, this will be construed as a waiver of the confidentiality claim and EPA will be free to release the information without further notice. If a submitter feels that some or all of their information should remain CBI, the CBI materials, and written substantiation are provided to the EPA's Office of General Counsel or Regional Counsel, where appropriate. The EPA Counsel will render a final determination pursuant to 40 CFR, Section 2.205.

If the EPA Counsel determines that the claim should be denied, the submitter is informed of the decision by **certified mail-return receipt requested**. The information may be released after the 10th working day following the business' receipt of the written notification. During this 10-day period the submitter may challenge EPA's decision in Federal District Court. Upon such filing, the CBI cannot be released until the court upholds EPA's determination.

G. Reproduction of RCRA CBI Materials

Copying of RCRA CBI materials should be limited to the maximum extent possible. RCRA CBI materials may be reproduced only at copying machines located in:

- secure storage facilities; or
- non-secure locations approved for CBI duplication by RCRA CBI staff.

CBI materials may be reproduced only by a DCO or DCA. Employees should present the materials they need reproduced to the DCO or to a

DCA to reproduce.

If all machines in approved locations for duplicating CBI materials are inoperable, the facility's DCO may authorize the use of other machines for duplicating CBI materials. However, a machine must be dedicated solely to CBI document reproduction while CBI documents are being copied and the DCO or DCA must directly supervise the machine while the CBI materials are being duplicated.

If the machine in a non-secure location malfunctions while RCRA CBI materials are being copied, the facilities DCO must ensure that either the machine is directly supervised by a person authorized for RCRA CBI access until it is repaired or that a person authorized for access to CBI inspects the machine's paper path and image surfaces to retrieve any materials containing RCRA CBI that are caught in the machine.

All copies of RCRA CBI documents must be stamped by the DCO as RCRA CBI and covered with a new RCRA CBI cover sheet. The cover sheet on the original must not be copied for use with the copy. Copies must be logged into the document tracking system and must be assigned the same document control numbers. (At Headquarters, each document is assigned a unique barcode number to facilitate tracking of each copy.) All copies should also be marked with a clear indication of copy number (i.e. Copy #5). When copies of documents are to be given to other employees, the copies should be logged out individually through the DCO directly to the recipients. Excess or unusable copies must be destroyed by the DCO.

H. Destruction of RCRA CBI Materials

RCRA CBI materials may be destroyed only under the supervision of a DCO. The procedures in this section for destruction of CBI materials apply to all materials containing RCRA CBI, including handwritten notes, personal working papers, draft documents, telephone records, computer printouts and diskettes, microfiche and any other CBI materials, whether or not logged into the document tracking system. Individuals wishing to have CBI materials destroyed must take them to the DCO responsible for tracking those materials.

CBI maintained at an outside secure facility (EPA contractors) may be destroyed only with prior approval by the originating DCO. Documentation of destruction, and the original blue RCRA Cover Sheet, must be returned to the originating DCO. Upon receipt of such

documentation, the DCO will make the proper notation of destruction in the document tracking system and in the destruction log.

CBI materials such as papers, documents, or printouts must be shredded. The destruction of RCRA CBI materials logged into the document tracking system must be documented by DCOs in a CBI Destruction Log (#8710-7). This log is essential to the DCO for performing document inventories.

RCRA CBI Cover Sheets taken from materials being destroyed must be inscribed by the DCO with the destruction date and the DCO's name. The cover sheet must then be placed in the appropriate file for permanent storage. RCRA CBI Cover Sheets from destroyed documents must not be destroyed themselves; they must be retained for audit purposes.

I. Meetings At Which RCRA CBI Is Discussed

CBI meetings are scheduled gatherings of two or more people at which CBI is discussed. This does not include informal discussions during which CBI is mentioned, such as between a supervisor and an employee working on matters concerning CBI. However, if CBI is to be discussed, use of these procedures is encouraged no matter how informal the discussion.

The meeting chairperson is usually the person who schedules and organizes meetings. If a chairperson has not previously been identified, one must be selected at the beginning of the meeting. The chairperson is responsible for ensuring (by referring to the CBI Access List) that only persons authorized for access to RCRA CBI are in attendance when the discussion involving CBI commences.

The meeting chairperson must provide a sign-in sheet to record the meeting date, time, place, chairperson and subject. All persons attending the meeting must sign this sheet. After the meeting, the chairperson must give the sign in sheet to the DCO who will file it in the appropriate CBI document file.

The chairperson must also ensure that the meeting room is secured after the meeting. This includes cleaning all chalkboards, taking any unneeded CBI materials to the DCO for destruction, and ensuring that nothing is left in the room that could lead to the unauthorized disclosure of RCRA CBI.

The meeting chairperson must remind those in attendance of their duty to treat as confidential any notes or recordings taken at the meeting until

the CBI status of the materials can be determined pursuant to the procedures noted above.

Pursuant to the personal working papers policy described above, notes taken during the meeting that contain RCRA CBI must be protected as CBI but need not be logged into the document tracking system if they are retained by the note-taker. However, if the note-taker wishes to transfer possession of the notes to someone else, the notes must first be assigned a document control number and be logged into the document tracking system by the DCO.

Meetings may be tape recorded only with the permission of the chairperson. Such recordings may contain CBI and must be treated like any other CBI material.

The author of a CBI document may circulate copies of the document at a meeting without logging the document into the document tracking system if the author:

- 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 after the meeting.

The document's author must number the copies (i.e., 1 of 6, 2 of 6, etc.) before handing them out at the meeting and check to make sure that all copies are returned at the end of the meeting.

J. Traveling with CBI

Federal employees who are authorized for CBI access may travel with CBI materials in their possession. In addition, with permission of their immediate supervisor, employees travelling with RCRA CBI may take CBI materials home with them prior to or after a trip only if it would be impractical to return to work to pick up the materials before departure or to drop them off after return.

If a traveller intends to transfer possession of the RCRA CBI materials which he or she is carrying, before the trip the CBI materials must be double wrapped and logged out from the document tracking system. The materials should not be unwrapped until the traveler's destination is reached at which time the material must immediately be taken to the DCO and logged into the document tracking system.

If the employee does not intend to transfer possession of the CBI materials, for example, if they are being brought for use in a meeting, they need not be double wrapped. However, the traveller must maintain the materials within his or her constant possession or control at all times. [Even if the traveler does not intend to transfer possession of the CBI materials, he or she may temporarily store the materials with the DCO at the location he or she is visiting.]

While traveling by plane or other public conveyance, employees must keep the RCRA CBI materials in their possession, and may not "check" the materials with their luggage. When employees travel with CBI materials and are unable to deliver or ship the CBI materials to a facility authorized for RCRA CBI access, they may store the materials for short periods, but never overnight, inside a locked trunk of a motor vehicle. RCRA CBI materials may be stored overnight in hotel safes, if receipt is obtained from the hotel management, or otherwise must be kept in the possession of the traveler.

K. Telephone Calls That do not include Submitter

Federal employees and EPA contractors with RCRA CBI access authority may discuss CBI on the telephone with other individuals who are authorized for access to RCRA CBI. All parties to a telephone call are responsible for verifying, by using the RCRA CBI Authorized Access List, that the other is authorized for access to CBI. The individual who initiates a discussion that includes RCRA CBI must indicate that the conversation involves CBI.

L. Telephone Calls With Submitter

With the permission of the submitter, employees who are authorized for CBI access may discuss CBI on the telephone with the submitter. The Federal employee must:

- verify the identity of the submitter employee to whom he/she is speaking;

- inform the submitter that the telephone lines are not secured;
- assure the submitter that discussion of CBI with a Federal employee on the telephone does not constitute a waiver of any claim of confidentiality; and
- inform the submitter that any further information provided in the telephone conversation can be claimed as confidential.

Care must be taken to discuss CBI from a submission only with an individual named in the submission or others identified by the submission's signatory.

Authorized individuals who initiate telephone calls must keep a record of all telephone calls with individuals located outside their facilities during which RCRA CBI is discussed.

The record should include at least the date, time, subject and the names of all parties involved.

M. Computer Security

Mainframe Computers

Mainframe computers used for processing RCRA CBI must be dedicated solely to RCRA CBI data. Passwords or other security devices may not be relied on to segregate the system into confidential and non-confidential portions. Requests for approval must be made in writing to the Information Management Branch Chief, CABD.

Individuals needing on line access to a dedicated CBI mainframe computer require authorization for such access from the CBI staff. On line access is access that gives the individual the ability to read, change, manipulate, or obtain data from the CBI database or program a computer that houses RCRA CBI.

Personal Computers (PC)

CBI Authorized individuals may use CBI on a personal computer (PC) without special authorization. While using RCRA CBI on a PC in an unsecured area, the PC operator must retain exclusive control over the operation of the computer and printer and must ensure that only individual authorized for access can view the PC's screen. If the PC

operator must leave the PC for any reason, the computer session must be completely terminated.

CBI data used on a PC can be stored on either floppy disks or detachable hard disks. Disks containing CBI must be removed from the PC after each session, unless the PC is located in a secure storage area, and stored like any other CBI materials. Disks which are no longer needed or which are damaged must be transferred to the DCO for destruction.

The use of a fixed hard disk in a PC for processing of CBI data is not recommended unless the PC is located in a secure storage area. However, if one must be used in an unsecured area, it must be erased at the end of each session. The erasure must be verified by the PC operator.

Proper termination of a PC session involving CBI consists of the following steps

- transferring and verifying the transfer of the CBI data to the storage medium (floppy or detachable hard drive);
- removing the storage medium from the PC; and
- turning off the PC.

Computer printouts

Because not all data on a CBI computer is CBI, an employee who obtains a printout from a CBI computer (PC or mainframe) must first determine whether the printout contains CBI. Printouts must be assumed to be CBI unless they are determined not to be.

If a printout contains CBI, it must immediately be logged by the DCO into the document tracking system, stamped as RCRA CBI, assigned a document control number, covered with a RCRA CBI cover sheet, and be treated like any other CBI document.

N. Violations of Procedures, Lost Documents, and Unauthorized Disclosures

The procedures described in this manual are designed to secure CBI from unauthorized public disclosure. Therefore it is imperative that the CABD Director be notified any time these procedures may have been breached.

Unauthorized Disclosure of CBI Material

After investigating a written report to determine whether an unauthorized disclosure has taken place the CABD Director will either:

- conclude that it is unlikely that any disclosure took place and give the affected business no notice; or
- determine that unauthorized disclosure may have taken place, upon which determination the CABD Director must provide the affected business written notice within two working days of making that determination, but no later than four days after receiving the written report.

Written notice to the affected business must contain a description of the RCRA CBI that may have been disclosed and the date of the disclosure.

Violations of Procedures

The CBI Staff will investigate any alleged violation of this manual's procedures, even if there is no evidence in a written report of a lost document or unauthorized disclosure. The CABD Director will direct the RCRA CBI staff to investigate the reported violation, determine what corrective action is appropriate and notify the supervisors of affected employees. Supervisors are responsible for imposing disciplinary action, if necessary. The CABD Director will also confer with supervisors to identify document handling or CBI use or storage procedures that can be implemented to prevent recurrence of violations.

Any corrective action recommended by the CABD Director should fit the individual characteristic of each violation. This includes action ranging from training and revision of work procedures to removal of the individual's name from the RCRA CBI authorized access list.

IV. OTHER AGENCIES ACCESS TO RCRA CBI

EPA's regulations (40 CFR Part 2) allow disclosure of RCRA CBI to other Federal Agencies in either of two circumstances.

- when the official purpose for which the information is needed by the 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 procedures described below must be followed before RCRA CBI may be disclosed to the other agency.

Request for Access

EPA may disclose RCRA CBI to another Federal agency upon the written request of that agency when such disclosure is necessary to enable the other agency to carry out a function on behalf of EPA. The request may be directed to either the EPA program Office or the RCRA DCO at least two weeks 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 the Division Director. It should specifically state the information to which access is needed, the official purpose for which RCRA CBI is needed, and how long the CBI is needed. As part of its written request, the other agency must agree in writing not to disclose any information designated as confidential as outlined below in 40 CFR 2.209(c)(5).

"(i) The other agency has statutory authority both to compel production of the information and to make the proposed disclosure, and the other agency has, prior to disclosure of the information to anyone other than its officers and employees, furnished to each affected business at least the same notice to which the affected business would be entitled under this subpart; (ii) The other agency has obtained the consent of each affected business to the proposed disclosure; or (iii) the other agency has obtained a written statement from the EPA General Counsel or an EPA Regional Counsel that disclosure of the information would be proper under this subpart."

When access is requested by another agency, EPA must give affected businesses at least ten calendar days notice before access by the other agency

may take place. Notice may be given by Federal Register notice or certified mail, return receipt requested. The notice will be prepared by the DCO and must include:

- the identity of the agency to which RCRA 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's facilities;
- the type of information to be disclosed; and
- the period of time for which access to RCRA CBI is authorized.

Before RCRA CBI may be disclosed, the DCO must ensure that the other agency understands the responsibilities of handling RCRA CBI:

- All security precautions outlined in this manual must be adhered to by the agency.
- All individuals needing access to CBI must gain authorization for access as outlined in this manual.
- All documents must be returned promptly to the RCRA CBI Office.

However, no notice is required to affected businesses when EPA furnishes RCRA CBI to another agency to perform a function on behalf of EPA, including but not limited Department of Justice for purposes of investigation or prosecution of civil or criminal violations of EPA activities, or to any Federal agency for purposes of performing an EPA statutory function under an interagency agreement.

Access Outside of EPA

EPA will encourage other agencies to restrict their access of RCRA CBI to EPA premises. However, if this is not practical, the agency may request that EPA grant access privileges at their facility. In order to be granted such privileges, the agency must have security procedures and standards in place which equal or surpass those set forth in this manual; each facility must be inspected and approved by the CBI DCO; and a DCO for that facility must be appointed.

Employees of other agencies must be authorized for access to CBI. If an employee's agency's facility has not been approved for CBI, the employee may not remove any documents, notes, or correspondence containing RCRA CBI from EPA premises.

V. CONTRACTOR ACCESS

If an EPA contractor needs to access RCRA CBI to perform a task for EPA, the following steps must be taken:

- Contractor must submit a Request for Access to the EPA RCRA CBI DCO; and
- EPA RCRA CBI DCO must notify affected businesses.

If a contractor requires access to RCRA CBI at their facility, a request for CBI approval of a secure storage area must be submitted by the EPA project officer. (Refer to Section III for details on applying for and receiving approval.)

Request for Access

EPA may allow EPA contractors to access RCRA CBI upon the written request. The Request for Approval of Contractor Access to RCRA CBI form (#8710-5) must be submitted by the EPA Project Officer, reviewed by the DCO and approved by the OSW Division Director and OSW Office Director. The request should be submitted at least three weeks prior to the need for access. The request should state the specific information to which access is needed, the specific purpose for which RCRA CBI is needed, and for how long the CBI is needed.

[Note: Requests for access by Regional Contractors should be submitted by the appropriate Project Officer to the Regional RCRA CBI DCO. The form should be approved by the appropriate Regional Division Director prior to being submitted to the OSW Division Director.]

Notice to Affected Businesses

When disclosure is needed by an EPA Contractor, EPA must give affected businesses at least ten calendar days notice before access by the contractor may take place. Notice may be given by Federal Register notice or certified mail (return receipt requested). The notice will be prepared by the DCO and must include:

- the identity of the contractor to which RCRA CBI is to be disclosed;
- the official purpose for the access;

- whether access is authorized only on EPA premises or also at the contractor's facilities;
- the type of information to be disclosed; and
- the period of time for which access to RCRA CBI is authorized.

[Note: Since the Regional Technical Enforcement Support (TES) contractors will access CBI documents on a piecemeal basis, notification is generally performed individually through letters, rather than through a Federal Register notice.]

The recipient must understand the responsibilities of handling RCRA CBI, specifically:

- All security precautions outlined in this manual must be adhered to by the recipient.
- All individuals needing access to CBI must gain authorization for access as outlined in this manual.
- All documents must be returned promptly to the RCRA CBI Office.

EPA will encourage other contractors to restrict their access of RCRA CBI to EPA premises. However, if this is not practical, the contractor may request that EPA grant access privileges at their facility. In order to be granted such privileges, the contractor must have security procedures and standards in place which equal or surpass those set forth in this manual; each facility must be inspected and approved by the RCRA CBI DCO; and a DCO for that facility must be appointed.

For each contract for which off-site access to CBI has been requested, the contractor must prepare a CBI Security Plan and Access List and submit both for approval to the EPA RCRA CBI DCO. Upon approval of the Security Plan, the CBI staff will perform an inspection of the facility to ensure that appropriate security precautions have been taken. If an inspection is not immediately possible, interim certification can be granted. The CBI Office must perform the inspection within the first two months of a contractor request. Yearly reinspection of contractor facilities will take place.

All contractor employees that need access to CBI must receive authorization for access to CBI. Authorization procedures can be found in Section III. If an

employee's facility has not been approved for CBI, the employee may not remove any documents, notes, or correspondence containing RCRA CBI from EPA premises.

VI. CONGRESSIONAL ACCESS

The CABD Director must be immediately notified if a request is received for documents or information that would require access to RCRA CBI by Congress or the Comptroller General. Pursuant to 40 CFR 2.209, access may be allowed only if the request is made by the Speaker of the House, the President of the Senate, a chairman of a committee or subcommittee, or the Comptroller General and no statute forbids disclosure.

When disclosure is requested by the Congress or the Comptroller General, EPA must give affected businesses at least ten calendar days notice before access by the requesting body may take place. However, if the requesting body asks in writing that no notice be given, EPA will give no notice. When notice to the affected businesses is appropriate, notice may be given by Federal Register Notice or certified mail (return receipt requested). The notice will be prepared by the DCO and must include:

- the identity of the body to which RCRA CBI is to be disclosed;
- the official purpose for the access;
- whether access is authorized only on EPA premises or also at the requesting body's facility;
- the type of information to be disclosed; and
- the period of time for which access to RCRA CBI is authorized.

Before RCRA CBI may be disclosed, the DCO must ensure that the recipient understands the responsibilities of handling RCRA CBI, specifically:

- All security precautions outlined in this manual must be adhered to by the recipient.
- All individuals needing access to CBI must gain authorization for access as outlined in this manual.
- All documents must be returned promptly to the RCRA CBI Office.

VII. DOCUMENT CONTROL OFFICER RESPONSIBILITIES

Document Control Officers (DCOs) are responsible for managing and overseeing all CBI activities at their facility. This includes, but is not limited to:

- oversight of the document control process including receipt, storage, tracking and destruction of CBI documents;
- ensuring that all security precautions are maintained;
- providing notification of access to businesses prior to allowing access by non-EPA personnel;
- authorizing individuals for access to RCRA CBI;
- authorizing and approving secure storage areas;
- performing an annual audit of the CBI materials entrusted to their care; and,
- Investigating all violations of CBI procedures and making recommendations for action.

All facilities that are authorized to receive RCRA CBI are required to have an authorized Document Control Officer (DCO). A Document Control Assistant (DCA) may be appointed to assist the DCO in the daily operations of the CBI facility.

A. Assignment of a DCO

All facilities that are authorized to receive and store RCRA CBI must have an approved and trained DCO before RCRA CBI can be transferred to that facility. The Headquarters CBI DCO is responsible for providing training materials and guidance on appropriate document handling procedures to both EPA and Contractor RCRA CBI DCOs. The Document Control Officer must be appointed, in writing, by their supervisor, or individual in charge if the facility to which RCRA CBI is to be transferred.

B. Relinquishing DCO Responsibilities

Whenever a DCO terminates their employment or relinquishes their DCO responsibilities for any reason, the Headquarters RCRA CBI DCO must be notified in writing with a Confidentiality Agreement for U.S. Employees

Upon Termination/Transfer form (#8710-10). A new DCO should be appointed within two weeks of the previous DCO's departure.

C. General Responsibilities

As the responsible person assigned to oversee the RCRA CBI functions, the DCO must ensure that:

- all manual and automated logs are properly maintained and stored securely;
- document control numbers are assigned to those documents requiring them;
- the proper procedures for the use of CBI materials are closely followed;
- only CBI authorized personnel have access to CBI materials; and,
- an annual audit of all CBI document is performed.

Annual Audit and Inventory

An annual audit of all RCRA CBI documents must be performed annually. At the conclusion of the audit, an inventory of all RCRA CBI documents indicating the confirmed location of each document (the originals and copies). The DCO at each facility is responsible for performing this annual audit.

In the case of contractors, the audit should result in a formal inventory document of every CBI document in their possession which is delivered to their EPA DCO for review and approval. In the case of Regional DCO, the audit should result in the production of an inventory of all documents either maintained at the Regional Office or one of the Regional Contractors.

Inventories should follow the format outlined in Appendix B and must contain at least the EPA-designated document control number, copy number, brief description of document, and status and/or location of each document. Status of document may be indicated as "Destroyed", "Logged Out". If the document has been destroyed, the date of destruction is required. If a document is logged out, the date the document was logged out and identity of individual it was logged out to is required. This should be personally confirmed by the DCO.

Upon completion of the annual audit and inventory of all documents, the Headquarters DCO must provide a written report of the status of CBI to the Director, Communications Analysis and Budget Division and the Chief, Information Management Branch. The report should include any discrepancies found during the inventory/audit and indicate steps recommended for resolving these discrepancies.

[Note: The Annual Inventory document is not considered to be CBI and therefore does not require security precautions for the transport, transfer or storage of the document.]

D. EPA Headquarters vs. Regional Responsibilities

The HQ and Regional DCO have an inter-related and yet separate set of responsibilities. The Regional DCO is responsible for oversight of all RCRA CBI documents submitted to the EPA Region, of all Regional contractors, and of all their Regional personnel (as they relate to RCRA CBI). The Headquarters DCO is responsible, similarly, for the Headquarter CBI office, for maintaining the HQ RCRA CBI documents, for overseeing the HQ contractors, and for oversight of the Regional RCRA CBI operations.

VIII. WORK ASSIGNMENTS AND CONTRACTS

All work assignment managers, project officers and contract officers need to be aware of the requirements required due to allowing contractor maintenance of RCRA CBI. These requirements should be clearly delineated in all work assignments and contracts that handle CBI.

Specifically, at the conclusion of all contracts in which CBI has been used, the contractor is required to return all CBI documents to the EPA CBI DCO. Funding should be set aside for this purpose.

Additionally, while the work is in progress, the Contractor is required to abide by all requirements as they are enumerated in this manual and in the Contractor's Security Manual. The Contractor must employ a CBI Document Control Officer, perform an annual audit, and return all documents to the EPA CBI DCO upon request.

Language for Work Assignments

The following language is recommended for inclusion in all work assignments that handle RCRA CBI:

"Confidential Business Information

If this work assignment requires use of RCRA Confidential Business Information (CBI), the contractor shall abide by all RCRA CBI requirements and stipulations found in the RCRA CBI Security Manual and in the contract (Section ____). The contractor shall identify in the work plan budget all estimated costs for dealing with CBI requirements per the contract."

APPENDIX A

Confidential Business Information

Forms

Requesting Official*	Signature	Date
Title and Office	Telephone No.	
Contractor and contract number (if modification)		
I. Brief description of contract, including purpose, scope, length, and other important details (Continue on the back of this form if necessary.)		
II. What RCRA CBI will be required, and why? (Continue on back if necessary.)		
III. Will computer access to RCRA CBI be required by the contract? If so, explain why and to what extent on the back of this form.		
If you approve this request, this office will initiate procedures to ensure compliance with 40 CFR 2.301(h) and the RCRA Confidential-Business Information Security Manual.		

EPA Form 8710-5 (10-82)

RCRA CBI
WHEN FILLED IN

U.S. ENVIRONMENTAL PROTECTION AGENCY
DESTRUCTION LOG
RCRA CONFIDENTIAL BUSINESS INFORMATION

DOES NOT CONTAIN
NATIONAL SECURITY
INFORMATION
(E.O. 12356)

DCO OR DCA NAME _____ LOCATION _____

DATE DE- STROYED	DOCUMENT CONTROL NUMBER	DESCRIPTION	DCO OR DCA SIGNATURE

RCRA CONTRACTOR'S EMPLOYEE CONFIDENTIALITY AGREEMENT

I understand that as an employee of _____, a contractor performing work for the United States Environmental Protection Agency, I will have access to certain Confidential Business Information submitted under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.). This access has been granted to me in order to perform my work under the contract.

I understand that RCRA Confidential Business Information may not be disclosed by me except as authorized by RCRA, the contract, and the security procedures used by my employer under the contract. I understand that under section 3007(b)(2) of RCRA (42 U.S.C. 6927 (b)(2)), I am liable for a possible fine of up to \$5,000 and/or imprisonment for up to 1 year if I willfully disclose RCRA Confidential Business Information 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 up to and including dismissal.

I agree that I will treat any RCRA Confidential Business Information furnished to me as confidential and that I will follow the security procedures used by my employer under the contract. I have been informed of and understand the procedures.

NAME

SIGNATURE

DATE

**CONFIDENTIALITY AGREEMENT FOR
UNITED STATES EMPLOYEES UPON TERMINATION OR TRANSFER**

In accordance with my official duties as an employee of the United States, I have had access to Confidential Business Information under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.). I understand that RCRA Confidential Business Information may not be disclosed except as authorized by RCRA or Agency regulations.

I certify that I have returned all copies of any RCRA Confidential Business Information in my possession to the Document Control Officer as specified in the procedures set forth in RCRA Confidential Business Information Security Manual.

I agree that I will not remove any copies of RCRA Confidential Business Information from the premises of the Agency upon my termination or transfer. I further agree that I will not disclose any RCRA 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 RCRA 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 1 year if I willfully disclose RCRA 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	ID NUMBER
SIGNATURE	DATE

I. AUTHORIZATION FOR ACCESS TO RCRA CONFIDENTIAL BUSINESS INFORMATION (CBI)			
FULL NAME	EPA ID NUMBER	POSITION	OFFICE (Include Division)
<p>It is the responsibility of each Authorizing Official* to ensure that employees under his/her supervision who require access to RCRA CBI</p> <ol style="list-style-type: none"> 1. Complete the required investigative forms prior to access to RCRA CBI 2. Sign the Confidentiality Agreement for EPA Employees. 3. Are fully informed regarding their security responsibilities for RCRA CBI. 4. Obtain access only to that RCRA CBI required to perform their official duties. 			
SIGNATURE OF AUTHORIZING OFFICIAL		TELEPHONE NO.	DATE
TITLE		LOCATION	
II. APPOINTMENT OF DCO AND DCAS			
If employee is being appointed DCO or DCA, authorizing official (Division Director or above) must sign this section.			
SIGNATURE AND TITLE			DATE
III. CONFIDENTIALITY AGREEMENT FOR EPA EMPLOYEES			
<p>I understand that I will have access to certain Confidential Business Information submitted under the Resource Conservation and Recovery Act (RCRA), (42 U.S.C. 6901 et seq.). This access has been granted in accordance with my official duties as an employee of the Environmental Protection Agency.</p> <p>I understand that RCRA CBI may not be disclosed except as authorized by RCRA and Agency regulations. I understand that under 18 U.S.C. 1905 I am liable for a possible fine of up to \$1,000 and/or imprisonment for up to 1 year if I willfully disclose RCRA 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 RCRA CBI furnished to me as confidential and that I will follow the procedures set forth in the RCRA Confidential Business Information Security Manual.</p> <p>I have read and understand the procedures.</p>			
SIGNATURE		TELEPHONE NO.	DATE
IV. I certify that all necessary investigative forms† have been completed and forwarded to the Headquarters Security Branch.			
SIGNATURE LOCAL DCO/DCA		TELEPHONE NO.	DATE
<p>*Must be Division Director (or equivalent) or above.</p> <p>†For employees described in section I.G under "exceptions" and those who require administrative full-field investigations.</p>			

REQUEST FOR APPROVAL OF TEMPORARY EMPLOYEE FOR ACCESS TO RCRA CBI			DATE OF REQUEST
DIVISION DIRECTOR	PROGRAM OFFICE	TELEPHONE NUMBER	MAIL CODE
NAME OF EMPLOYEE		POSITION OCCUPIED	
<p>The above-named employee requires access to RCRA Confidential Business Information to perform his or her assigned duties. The individual falls into a category which requires approval of the appropriate Division Director prior to access being granted, and is also required to submit to the Security Branch the forms required to initiate a NACI Investigation: SF-171, Personal Qualifications Statement; SF-85, Data for Nonsensitive or Noncritical-Sensitive Position; and SF-87, United States Office of Personnel Management Fingerprint Chart.</p>			
<p>I authorize the above-named employee to have access to RCRA CBI, contingent upon his or her submitting the appropriate forms to the Security Branch and subsequently submitting the usual RCRA Access Authorization Form through the normal channels.</p>			
SIGNATURE DIVISION DIRECTOR			DATE
<p>I certify that the above-named employee has submitted the necessary investigative forms to the Security Branch and has been fingerprinted.</p>			
SIGNATURE SECURITY BRANCH REPRESENTATIVE			DATE
RETURN TO			
Return this completed form to the Program Office Division Director, with a copy to the Document Control Officer.			

RCRA CONFIDENTIAL BUSINESS INFORMATION

DATE RECEIVED

Each person who is given access to this document must fill in the information below.

[illegible]

DO NOT DETACH

**CONFIDENTIALITY AGREEMENT FOR CONTRACTOR'S EMPLOYEES
UPON TERMINATION OR TRANSFER**

As an employee of _____, a contractor performing work for the United States Environmental Protection Agency, I have had access to certain Confidential Business Information submitted under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.). This access was granted to me in order to perform my work under a contract.

I certify that I have returned all copies of any RCRA Confidential Business Information in my possession to the area designated for Confidential Business Information at my company.

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

I understand that as a contractor employee who has had access to RCRA Confidential Business Information, under section 3007(b)(2) of RCRA (42 U.S.C. 6927(b)(2)), I am liable for a possible fine of up to \$5,000 and/or imprisonment for up to 1 year if I willfully disclose RCRA Confidential Business Information 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 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.

TYPED NAME AND SIGNATURE OF CONTRACTOR EMPLOYEE

DATE

APPENDIX B

Confidential Business Information

Sample Inventory

1987 RCRA CBI WHEN FILLED IN			U.S. ENVIRONMENTAL PROTECTION AGENCY INVENTORY LOG RCRA CONFIDENTIAL BUSINESS INFORMATION		DOES NOT CONTAIN NATIONAL SECURITY INFORMATION (E.O. 12356)
DATE RECEIVED	DOCUMENT CONTROL NO.	Copy NO. -PAGES-	RECEIVED FROM (Enter company, city, and state)	DESCRIPTION	DISPOSITION
01/08/87	JE27846803-02	2	Jacobs - Wash	S&A Plan - SOHIO (K011, 13, 14)	Dynamac - Barry Millman
01/15	JE27846803-07	2	Jacobs - Wash	Copy of Flow Sheets (Shell Chem Drum Plant, Texas Gulf (Phyminic LA) Standard Oil (Kuna OH))	EPA - Diana Villani
01/21	JE27846803-03	2	Jacobs - Wash	S&A Plan - Dupont - K083, 103, 104	Dynamac - Barry Millman
01/20	JE27846803-06	4	Jacobs - Wash	S&A Plan - Shell Oil - Deer Park K022	Dynamac - Barry Millman
01/20	JE-27846803-06	3	Jacobs - Wash	S&A Plan - Shell Oil - Deer Park K022	Al Weaver Permanently at Shell Facility
01/27	JE27846803-04	1	Jacobs - Wash	S&A Plan Dupont (K011, 13, 14)	Dynamac - Barry Millman
01/30	JE27846803-04	2	Jacobs - Wash	S&A Plan Dupont - (K04, 13, 14)	Jacobs - Wash Excd 02/01/87
01/30	JE27846803-04	2	Jacobs - Wash	S&A Plan Dupont (K011, 13, 14)	EPA - Diana Villani
01/30	JE27846803-04	2	Jacobs - Wash	S&A Plan Dupont - (K011, 13, 14)	EPA - Diana Villani

LOCATION OF STORAGE FACILITY
INCLUDING DIVISION AND ROOM NO.