

DHS Publishes 60-Day ICR Revision Notice for CVI Program

Yesterday the DHS National Protection and Programs Directorate (NPPD) published a 60-day information collection request (ICR) notice in the Federal Register ([82 FR 18466-18468](#)) for revisions being made to support the Chemical-Terrorism Vulnerability Information (CVI) program within the Chemical Facility Anti-Terrorism Standards (CFATS). The proposed changes reduce the number of information collections and the DHS burden estimate for that program.

Changes

Based upon the experience of the last three years, the Infrastructure Security Compliance Division (ISCD) of the NPPD [is removing](#) five information collection instruments from this ICR. They are:

- “Determination of CVI”;
- “Determination of a “Need to Know” by a Public Official”;
- “Disclosure of CVI Information”;
- “Notification of Emergency or Exigent Circumstances”; and
- “Tracking Log for CVI Received”

This leaves just one ICR instrument covered by this collection, the information collected by the [CVI Training web site](#) and the subsequent CVI user application. ISCD [reports](#) that they expect a reduction in the number of respondents for this remaining instrument to decrease from 30,000 to 20,000.

Commentary

Once again it is nice to see a detailed accounting of the changes being proposed by a federal agency in the ICR process. Such details provide the data necessary to make informed comments for ultimate consideration by the OMB’s Office of Information and Regulatory Affairs.

I also commend DHS for this review of the collection instruments covered by the ICR and their intent to remove little used or unnecessary instruments. Having said that, I have concerns about the removal three of the identified instruments;

- “Disclosure of CVI Information”;
- “Notification of Emergency or Exigent Circumstances”; and
- “Tracking Log for CVI Received”

All three of these instruments are still required by the [DHS CVI Procedural Manual](#); the first with mandatory language (“must promptly report”) and the other two with permissive language (“should be kept and submitted” and “DHS encourages”). In fact, the first is required by the CFATS regulations { [6 CFR 27.400\(d\)\(7\)](#) }.

The notice would appear to attempt to address these three instruments by [stating](#) that:

“The Department expects that in many instances when the Department may need or want to collect information regarding emergency and/or unauthorized disclosure of CVI, the collection would not be covered by the Paperwork Reduction Act because the information would be collected during the conduct of an investigation involving specific individuals or entities. See 44 U.S.C. 3518(c)”

That would certainly be true of the subsequent investigation of the reports in the first two instances, but not the initial reports themselves.

I would like to suggest that DHS continues to retain these three instruments in this ICR with an appropriate low number of respondents and the current estimate of burden hours and cost rates.

Public Comments

DHS is soliciting public comments about this ICR. Comments may be submitted via the Federal eRulemaking Portal (www.Regulations.gov; DHS-2017-0015). Comments should be submitted by June 19th, 2017.

A copy of this blog post is being submitted as a comment to this ICR notice.

TAGS: Chemical Facility Security, ICR Revision, CVI, CFATS

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<http://chemical-facility-security-news.blogspot.com/2017/04/dhs-publishes-60-day-icr-revision.html> 04-20-17
<http://tinyurl.com/lkdvqlr>