

**Supporting Statement:
Legacy Management Labor Relations
OMB Control Number:**

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed information collection, Legacy Management Labor Relations. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, "Instructions for Completing OMB Form 83-I."

1. Explain the circumstances that make the collection of information necessary.

This package requests information from the Department of Energy Facilities Management Contractors for contract administration, management oversight and cost control. This information is used to ensure that Department contractors recruit and retain a workforce in accordance with the terms of their contract and in compliance with statutory and regulatory requirements as identified by the contract. This information collection was formerly a part of OMB Control Number 1910-0600, Industrial Relations. It has been split out because it is being managed by a separate Department of Energy (DOE) organization, Office of Legacy Management, with different timing and collection methods which is expected to result in more accurate reporting.

The basic authority for collection of this data is the statute establishing the Department of Energy ("Department of Energy Organization Act," Public Law 95-91, of August 4, 1977), vesting the Secretary of Energy with the executive direction and management function, authority, and responsibilities for the Department, including contract management. The provisions of 42 USC 7254 state that "the Secretary is authorized to prescribe such procedural and administrative rules as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him; and 42 USC 7256 (a) "the Secretary is authorized to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments (in lump sum or installments, and by way of advance or reimbursement) as he may deem to be necessary or appropriated to carry out functions now or here after vested in the Secretary."

Please note: Department contractors are paid for providing this information because it is an allowable contract cost under Department of Energy Acquisition Regulations (DEAR) 970.5204-3, 970.5227-1, and 970.5232-3. In this sense, the collection of this information is different from request for information imposed on the general public for which payment is not made.

2. Indicate how, by whom, and for what purpose the information is to be used.

This information is used by Department of Energy Heads of Contracting Activities, Contracting Officers, and Contracting Officers' Representatives and program managers

for contract administration, management oversight, and cost control of Department of Energy Facilities Management Contracts. Department of Energy Facilities Management Contractors can enter the data manually into the system or upload electronic data files from systems they have that contain the information.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

DOE has developed the Work Force Information System (WFIS) to collect this information. WFIS is designed around current computer and communications technology. From a technical standpoint, it is a web-based application with users located across the DOE's complex of offices and facilities and its hosted pages and relational database located in Morgantown, WV. It employs Microsoft SQL Server 2005 (MSSQL2005) as its Relational Data Base Management System (RDBMS) and a set of Web pages as its user interface. Operating within this overall architecture, WFIS consists of a number of independent modules which share a common set of reference tables, user identification protocols, security mechanisms, data entry techniques and other such operating conventions. This system was designed to reduce the information collection burden and improve the timeliness and usefulness of the management information collected.

4. Describe efforts to identify duplication.

The data that will be collected is not available from any other source and is not duplicated elsewhere.

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

Small Businesses are not impacted by the collection of this data.

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

If these collections were not made, effective oversight and management of Department Facilities Management Contracts and Department mission accomplishment would not be possible.

The frequency of collection is dictated by sound management practice, external laws, regulations, Department orders, and requirements. When any of these conditions change and information collections can be reduced, reductions are made and the contract documents are adjusted accordingly.

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

Information collections in this package have been reviewed and justified by Department management, contract administration requirements, statutes, regulations, inter-agency reporting requirements, Departmental orders, or other internal Department requirements. The collections are consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE.

With the re-organization of the division, this Information Collection will be established as a new request. The 60-day Federal Register Notice was published on September 3, 2008, page 51455, Volume 73, Number 171. No comments were received.

Collection of this information is different from collections made of the general public in that this collection is made of Department contractors and is set forth in the contract. Contracts are between the Department and the contractor organization and therefore consultation with outside agencies or other persons for these collections is not meaningful.

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

None. There is no remuneration given for submission of any of the information.

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

When collection of confidential information is involved, the provisions for handling the information are set forth in the contract documents and related Departmental regulations. WFIS includes processes designed to ensure the integrity and access of the data. Each contractor has unlimited access to its own data, and its personnel cannot access the data of any other contractor. The sensitive nature of the information collected is recognized by the DOE and is treated as such. The information on the Collective Bargaining Agreement Calendar and Report of Settlement are treated as proprietary information. Information retorted on those reports is subject to the provisions of the Privacy Act of 1974 (Public Law 93-579, 5 U.S.C., 522a) and under one or more DOE Privacy Act Systems of Records.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no collections in this package involving questions that are sensitive, personal, or private in nature.

12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

The burden estimated provided represents the number of estimated labor hours for the contractor to furnish the data for each of the data collection categories. .

There are 35 respondents. The collection of information is usually annual but contracting schedules may require collection either more or less frequently. The estimated annual total labor hour burden for this package is 193 based on estimate of 5.5 hours per respondent. Professional judgment and consultation with respondents was used to calculate the burden.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

This information collection is an allowable contract cost. Therefore there is no cost for the respondents in the collection of this data.

14. Provide estimates of annualized cost to the Federal government.

There is no additional Government cost. The information collection supports contract administration, cost control, and Department requirements. The request for and analysis of the data submitted are part of the job functions for the Government personnel involved.

15. Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

There are no changes or adjustments; this will be a new information collection.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Information collection is used to ensure that Department contractors recruit and retain a workforce in accordance with the terms of their contracts and in compliance with applicable statutory and regulatory requirements as identified by contract. This package contains no collections whose results will be published for statistical use.

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

The Department is not seeking approval to not display the expiration date for OMB approval of the information collections.

18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

No exceptions have been taken. This collection of information has been reviewed and justified by departmental management requirements, statutes, external regulations, interagency reporting requirements, departmental orders or other internal DOE requirements and meets the requirements listed in the “Certification for Paperwork Reduction Act Submissions.”