

**Supporting Statement:
Security
OMB Control Number 1910-1800**

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

This package contains information collections that are used by the Department of Energy (DOE) to exercise management oversight and control over their contractors [management and operating (M&O) contractors of DOE's Government-owned contractor-operated (GOCO) facilities and offsite contractors]. The contractor management oversight and control function concerns the ways in which DOE contractors provide goods and services for DOE organizations and activities in accordance with the terms of their contracts and the applicable statutory, regulatory and mission support requirements of the Department. Information collected from private industry and/or private individuals is used to protect national security and other critical assets entrusted to the Department.

The basic authority for these collections is the statute establishing the Department of Energy ("Department of Energy Organization Act", Public Law 95-91, of August 4, 1977) which vests the Secretary of Energy with the executive direction and management functions; authority and responsibilities for the Department, including security policy and contract management. Section 214 of the Law states that "The Secretary shall be responsible for developing and promulgating the security, counterintelligence, and intelligence policies of the Department." Section 644 (42 USC 7254) states that "The Secretary is authorized to prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him"; and Section 646(a) [42 USC 7256(a)] states "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 appropriate to carry out functions now or hereafter vested in the Secretary."

It should be noted that the costs incurred by DOE contractors in providing the information collections in this package are recovered in their contract fees and payments. In this sense, they differ from information collections imposed on the general public for which no cost reimbursement is provided. In addition, M&O contractors provide input concerning information collection requirements during contract negotiation. In this regard, they have agreed that the resulting information collections are required for the administration of these contracts and are accepted as a normal business practice. Finally, DOE is most interested in keeping the reporting burden at a minimum to reduce expenditures. Therefore, only basic management and program-type information is collected from contractors to properly manage these contracts and carry out the myriad statutory and other missions of the Department requiring contractor support.

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

As noted above, the information obtained from DOE contractors by these information collections (see attached description) is used by Departmental management at the appropriate levels to manage the contracts concerned in the best interests of the Department and the Federal Government. To adequately accomplish this function, certain basic management and program-type information must be collected from contractors. Information collections made from businesses and citizens are for national security purposes. If these collections were not made, it would become very difficult, if not impossible, to properly manage these contracts and carry out the statutory and other missions of the Department requiring contractor support.

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.

Within existing budget and resource constraints, Department program managers and contractors continually work to automate previously manual processes, where appropriate. This year's collection package reflects further use of automated systems by DOE Headquarters and field elements in the following areas:

-- Foreign Ownership, Control, and Influence (FOCI), where DOE has transitioned from paper to electronic submissions (99.9% currently submitted electronically); and

DOE has made great strides in automating its Security information collections. Responses to this package are 97% automated.

4. Describe efforts to identify duplication.

The collections contained in this package are applicable to contract management in DOE, collected by DOE to respond to interagency requests, or collected from businesses and citizens for national security purposes. Therefore, meaningful duplication of these collections in other agencies is unlikely.

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

The impact of the collection of information from small businesses is considered in the development of the contract requirements and documents and is minimized to the extent permitted by applicable statutory requirements and other legal and management constraints.

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.

The frequency of collection is dictated by sound management practices, external laws and regulations, requirements of interagency reports, and Departmental orders and requirements. If these collections were not made, it would be very difficult, if not impossible, to properly manage the security program at DOE for national security purposes.

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

There are none. The package is 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 5 CFR 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.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on June 4, 2008, volume 73, number 108. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received.

M&O contractors provide input concerning information collection requirements during contract negotiation. In this regard, they have agreed that the resulting information collections are required for the administration of these contracts and are accepted as a normal business practice. Private Citizens and businesses are required to provide information on several collections on an "as needed" basis in order to do business with DOE.

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

There is no remuneration given for submission of any of the information other than the fact that the expense of responding is treated as an allowable cost.

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

Where sensitive and/or confidential information is involved in an information collection, the provisions for dealing with this confidential information are set forth in the contract documents and the related Departmental regulations and are normal to the handling of management and program information by the Department.

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.

Collections that involve questions of a sensitive, personal, or private nature are protected from disclosure under Departmental directives.

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 estimated burden hours are the sum of the burden reported by Departmental elements and field organizations as compiled from their respective contractors or estimated by expert personnel familiar with these collections. The attached spreadsheet provides detail information for each collection. The consolidated annual burden of this package is 264,023 hours.

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

Not applicable. Zero cost.

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

Not applicable. Zero cost to the Federal Government.

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

Changes in the 1910-1800 Security package are attached (Program Changes/ Adjustments and Crosswalk).

Based on the attached, we have determined that a burden hour adjustment of 264,023 hours should be made as follows:

OMB Inventory	249,955
Program Change	<u>(5,490)</u>
Subtotal	244,465
Adjustments	<u>19,558</u>
TOTAL 1910-1800	264,023 burden hours and 96,968 respondents

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

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.

DOE is requesting approval to not display the OMB package approval expiration date on the forms. Displaying the date results in additional cost to the Government for updating the form, approval of the changes, and uploading the revised version to the web page every 3 years. DOE management does not want to incur this unnecessary cost.

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

The Department is not requesting any exceptions to the certification statement provided in Item 19 of OMB Form 83-I.