

Supporting Statement: Security Package
OMB Control Number 1910-1800

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed information collection, *Security Package*. 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."

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.**

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. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

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, e.g., permitting electronic submission of responses.

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. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to product valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in stature of regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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 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 to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.**

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on February 10, 2012, Volume 77, Number 28, Page 7139. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received.

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 for contractors.

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. This justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information., the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

Collections that involve questions of a sensitive, personal, or private nature, including Personally Identifiable Information (PII) are protected from disclosure under Departmental directives.

- eFOCI collects from bidders on DOE contracts requiring access authorizations (personnel security clearances). A DOE Privacy Impact Assessment (PIA) has been issued for eFOCI (Project Unique ID: 019-10-01-22-3078-00).
- FACTS is DOE's secure unclassified DOE national electronic tracking system that facilitates appropriate reviews and records approvals of visits and

assignments by foreign nationals, and provides a historical database of biographical, visit and assignment, and approval information for the DOE complex. The system was created in response to Presidential Decision Directive 61. A DOE Privacy Impact Assessment (PIA) has been issued for FACTS (Project Unique ID: 019-10-01-22-7013-00).

- The following Personnel Security forms have Privacy Act Statements on the back or second page of each form.
 - DOE Form 5631.34, Data Report on Spouse/Cohabitant
 - DOE Form 5631.20, Request for Visitor Access Approval
 - DOE Form 5631.18, Security Acknowledgement
 - DOE Form 5631.29, Security Termination Statement
 - DOE Form 5631.5, The Conduct of Personnel Security Interviews Under DOE Security Regulations
- The following two forms documents events and circumstances surround security incidents.
 - DOE F 471.1, Security Incident Notification Report requests for a security classification level to be identified and documents events, and circumstances surrounding security incidents.
 - DOE Form 5639.3, Report of Security Incident/Infraction, has PII, requests a security classification level, and has the Privacy Act Statement on the form.

Personally Identifiable Information (PII) Directives/Guidance:

- In accordance with the Privacy Act, DOE has established requirements for the protection of PII with DOE Order 206.1, DOE Privacy Program; and the DOE 205.1B, Department of Energy Cyber Security Program
- Privacy Act of 1974, as amended at Title 5 USC 552a, Section 208 of the E-Government Act of 2002
- DOE employees are made aware of their responsibilities to protect PII through the mandatory DOE Privacy Awareness Training: The Privacy Act and Safeguarding Personally Identifiable Information (PII).

Federal Register Notice, January 9, 2009, Privacy Act of 1974, Publication of Privacy Act Systems of Records; Notice/Vol. 74, No. 6

- DOE-43, Personnel Security Clearance Files
- DOE-51, Employee and Visitor Access Control Records
- DOE-52, Access Control Records of International Visits, Assignments, and Employment at DOE Facilities and Contractor Sites

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. Unless

directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

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 71,206 hours.

Total number of unduplicated respondents: 81,669

Reports filed per person: 1

Total annual responses: 81,669

Total annual burden hours: 71,206

Average Burden Per Collection: 1.15063 hour

Per Applicant: 1.15063 hour

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

Estimates have been determined to reflect total annual costs by basing the average contractor hourly rate from our Headquarters security contract (chart attached):

Estimated Respondent Annual Costs:

- Data Report on Spouse/Cohabitant (DOE F 5631.34): \$5,250
- Request for Visitor Access Approval (DOE F 5631.20): \$21,560
- Security Acknowledgement (DOE F 5631.18): \$192,500
- Security Termination Statement (DOE F 5631.29): \$52,500
- The Conduct of Personnel Security Interviews Under DOE Security Regulations (DOE F 5631.5): \$4,340
- Foreign Ownership, Control or Influence (FOCI): \$252,000

Estimated Recordkeeping Costs:

- Foreign Access Central Tracking System (FACTS): \$2,449,510 – contractor
- Foreign Access Central Tracking System (FACTS): \$1,144,360 - federal
- Security Incident Notification and Preliminary Inquiry Report (DOE F 471.1 DOE F 5639.3): \$862,400

The total annual cost burden for both recordkeeping and reporting requirements for respondents is estimated at \$4,984,420.

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

HSS provides \$450K to Argonne National Laboratory (ANL) in support of e-FOCI operations and maintenance (O&M). National Nuclear Security Administration (NNSA) provides an additional \$150K directly to ANL as well. HSS provides an annual estimate for FACTS at \$680,232.

A grand total estimated annualized cost is: \$1,280,232

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 listed below:

Nuclear Materials Management and Safeguards System (NMMSS): The following forms have been removed from this collection package as the NMMSS management and operations of the program were transferred from the Office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA) on October 1, 2011. NMMSS is sponsored by the NNSA Office of Nuclear Materials Integration (NA-73) and the U.S. Nuclear Regulatory Commission (NRC).

- DOE/NRC F 740M, Concise Note (Preprinted)
- DOE/NRC F 741, Nuclear Material Transaction Report
- DOE/NRC F 742, Material Balance Report
- DOE/NRC F 742C, Physical Inventory
- DOE F DP-749, ADP Transcription Sheet Internal Project Transfers

The following changes to this information collection package were reported in the April 20, 2010, memorandum to Chief Information Officers, OMB Data Call for the Information Collection Budget (ICB) New Initiatives to reduce burden hours.

Administrative Simplification through the Elimination of Reporting: The following four planning functions have been identified for elimination. After a function review, it has been determined that the following entries in the information collection submission are inappropriate for the type of data being collected. The primary purpose and tracking appears applicable to real-time, or near real-time, operational support functions and systems that see periodic and frequent access and use.

- Safeguards and Security Site Self Assessments
- Site Safeguards and Security Plans or Site Security Plans (for classified information and special nuclear material)
- Site Safeguards and Security Plans or Site Security Plans (for unclassified information)
- Vulnerability Assessments

These items pertain to the establishment of the fundamental security programs and assessment process scope at DOE/NNSA sites and do not fit the criteria identified for information collection. Rather, they are work/planning functions conducted by professionals trained in security evaluation and planning. DOE has eliminated the specific formats, topical coverage, and forms associated with these activities.

Removal of DOE F 472.1, DOE Form 472.1, Fair Credit Reporting Act Authorization, under 5 CFR 1320.3(h)(1), this form is not a Collection of Information since it is used for identification verification.

We have determined that a burden hour adjustment of 71,206 hours should be made as follows: The attached spreadsheet provides detail information for each collection. The consolidated annual burden of this package is 71,206 hours.

OMB Burden Hours Inventory	264,023
• NMMSS Program Change	(14,760)
• Elimination of Reporting Program Change	(31,305)
• Burden reduced on the Foreign Access Central Tracking System	(146,659)
• Removal of Fair Crediting Reporting Act	(93)

OMB Respondents/Responses Reduction

- NMMMS Program Change reduction in respondents and responses (154) due to transfer of management and operation of the program to NNSA on October 1, 2011 (reference Item 15 above).
- Elimination of Reporting Program Change reduction in respondents and responses (116) due to elimination of the instruments from the collection (reference Item 15 above):
- Reduction in respondents and responses for the FACTS (14,659) due to the annual respondents and burden hours both decreased in numbers of foreign nationals visiting and assigned to DOE sites, and to significant reduction of data required for entry into FACTS (from 3 hours to 1 hour).
- Removal of Fair Crediting Reporting reduction in respondents and responses (370) in response to the DOE Office of General Counsel (GC-77) to remove the collection and approved by the DOE PRA Officer.

TOTALS 1910-1800	Burden Hrs	71,206
	Respondents/Responses	81,669

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 Control Number and expiration date on the forms. Renewing the expiration date on the forms every three years for publication will result in additional cost to the Government.

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.