

**Department of Energy
Supporting Statement
OMB Control Number 1910-1800
Security Package**

This supporting statement provides additional information regarding the Department of Energy's (DOE or Department) request for processing the renewal of the 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 DOE to exercise management, oversight, and control over its 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 relates to 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 DOE, the "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 "[t]he Secretary shall be responsible for developing and promulgating the security, counterintelligence, and intelligence policies of the Department." Section 644 (42 U.S.C. § 7254) states "[t]he 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 U.S.C. § 7256(a)) states "[t]he 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 functions 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 to manage the contracts concerned with the best interests of the Department and the Federal government. To adequately accomplish this task, 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 myriad statutory and other functions 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 making this collection 97% automated or electronic:

DOE F 471.1 – Security Incident Notification Report can be 100% submitted electronically.

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 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 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 October 20, 2017, Volume 82, Number 202, page 48806. 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 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.

- Electronic Foreign-Ownership, Control, or Influence System (e-FOCI) collects information on ownership or influence from foreign persons including if a foreign person has financial influence on a DOE contractor or one bidding on DOE contracts requiring access authorizations (personnel security clearances). A DOE Privacy Impact Assessment (PIA) has been issued for e-FOCI (Project Unique ID: 019-10-01-22-3078-00).
- Foreign Access Central Tracking System (FACTS) is DOE's secure unclassified 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 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.
 - Data Report on Spouse/Cohabitant (DOE Form 5631.34)
 - Request for Visitor Access Approval (DOE Form 5631.20)
 - Security Acknowledgement (DOE Form 5631.18)
 - Security Termination Statement (DOE Form 5631.29)
 - The Conduct of Personnel Security Interviews Under DOE Security Regulations (DOE Form 5631.5)
 - Security Badge Request (DOE Form 473.2)
 - U.S. Department of Energy Clearance Access Request (DOE Form 473.3)
- The following two forms document events and circumstances surrounding security incidents:
 - Security Incident Notification Report (DOE Form 471.1), requests that a security classification level be identified, and documents events and circumstances surrounding security incidents.
 - Report of Security Incident/Infraction (DOE Form 5639.3), has PII, requests a security classification level, and has the Privacy Act Statement on the form.

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 DOE Order 205.1B, Department of Energy Cyber Security Program.
- Privacy Act of 1974, as amended at Title 5 U.S.C. § 552(a), 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 PII.

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

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

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.

Total Number of Unduplicated Respondents = 86,893

Reports Filed per Person = 1

Total Annual Responses = 86,893

Total Annual Burden Hours = 11,296 hr

Average Burden per Collection = .13 hr

Average Burden per Applicant = .13 hr

Collection Instrument	Estimated Annual Responses	Reports per respondent	Estimated Annual Respondents	Approx Time to Complete each response (mins)	Estimated Annual Burden Hours	Average Burden Hours Per Collection	Average Burden Per Hours Applicant
DOE F 5631.18	11,000	1	11,000	15	2,750	.25	.25
DOE F 5631.20	7,400	1	7,400	2.5	308	.04	.04
DOE F 5631.29	6,200	1	6,200	5	517	.08	.08
DOE F 5631.34	300	1	300	15	75	.25	.25
DOE F 5631.5	850	1	850	5	71	.08	.08
DOE F 5639.3	88	1	88	25	37	.42	.42
DOE F 471.1	494	1	494	10	82	.17	.17
DOE F 472.3	100	1	100	5	8	.08	.08
DOE F 473.2	1,320	1	1,320	3	66	.05	.05
DOE F 473.3	6,000	1	6,000	3	300	.05	.05
SF 328	1,800	1	1,800	70	2,100	1.17	1.17
FACTS	51,341	1	51,341	10	8,557	.17	.17
TOTALS	86,893		86,893		11,296	.13	.13

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 DOE’s Headquarters security contract (chart attached):

The total annual cost burden for both recordkeeping and reporting requirements for respondents is estimated to be \$1,338,390.

Collection Instrument	Estimated Annual Burden Hours	Estimated Average Hourly Wage for Respondents or Recordkeepers	Estimated Annual Costs
DOE F 5631.18	2,750	90	247,500
DOE F 5631.20	308	90	27,750
DOE F 5631.29	517	90	46,500
DOE F 5631.34	75	90	6,750
DOE F 5631.5	71	90	6,375
DOE F 5639.3	37	90	3,300
DOE F 471.1	82	90	7,410
DOE F 472.3	8	90	750
DOE F 473.2	66	90	5,940
DOE F 473.3	300	90	27,000
SF 328	2,100	90	189,000
FACTS	8,557	90	770,115
TOTALS	11,296		1,338,390

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

The Office of the Associate Under Secretary for Environment, Health, Safety and Security provides \$428K to Argonne National Laboratory (ANL) in support of e-FOCI Operation and Maintenance. The National Nuclear Security Administration (NNSA) provides an additional \$150K directly to ANL.

The grand total estimated annualized cost is \$578,000.

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* collection are listed below:

Security Termination Statement (DOE F 5631.29): The reduction in responses is indicative of a reduction in the number of persons having their access authorizations terminated for any reason, to include retirement, leaving the Department, leaving

government service, taking a position or job which does not require an access authorization, or for cause.

The Conduct of Personnel Security Interviews under DOE Security Regulations (DOE F 5631.5): The increase in the responses reflects an increase in the number of individuals requiring an access authorization for whom information in the clearance adjudication process requires clarification.

Security Incident Notification and Preliminary Inquiry Report (DOE F 471.1 and DOE F 5639.3): The use of the forms and data collection have been modified within DOE. After a functional review, it has been determined that bifurcating the information collected and how the forms are used, and modifying the operational procedures to allow line management discretion on the correct application of the data collection in the Department, resulted in more efficient operational planning and execution programs. The bifurcation also allowed for greater delineation of the exact labor hours and costing data to be generated. An increase in the number of responses due to the bifurcation/modification to the Security Incident Notification and Preliminary Inquiry Report (DOE F 471.1 and DOE F 5639.3) reporting requirements is reported, but the amount of time to complete this process has been adjusted. Process modifications allowing for line management discretionary application of the data collection resulted in the following cost reductions:

- Foreign Ownership Acknowledgement (DOE F 472.3): \$750
- Security Badge Request (DOE F 473.2): \$5,940
- U.S. Department of Energy Clearance Access Request (DOE F 473.3): \$27,000

Foreign Citizenship Acknowledgement (DOE F 472.3): This form is being added to this collection. In accordance with Executive Order (E.O.) 12968, an individual granted a security clearance must be a citizen of the U.S. Security Executive Agent Directive 4, National Security Adjudicative Guidelines, allows for the granting of a security clearance to an individual who is a citizen of the U.S., while still holding citizenship in another country. This action presents some risks. The form is used to document that DOE has considered its foreign citizenship as it relates to eligibility for an access authorization/security clearance under Title 10, Code of Federal Regulations, Part 710, E.O. 12968 and the Government-wide Adjudicative Guidelines, as revised, approved by the President. In accordance with these policies, exercising any right(s) associated with their foreign citizenship raises a concern that could impact their eligibility for an access authorization/security clearance, now and in the future. The form documents that the individual acknowledges the concern and provides them with information that they must report, and actions that may lead to the potential suspension and/or revocation through their access authorization. We estimate 100 non-Federal respondents and responses, with an annual burden of 8 hours, at a cost of \$750 to the respondents.

Security Badge Request (DOE F 473.2): This form is being added to this collection. It is used to facilitate the process of requesting and approving a Homeland Security

Presidential Directive (HSPD-12) security credential for all DOE contractors. This form provides the contractor's required information, as well as the Sponsoring Office and HSO's information. This form also provides the required contract number and expiration date. We estimate 1,320 non-federal respondents and responses, with an annual burden of 66 hours, at a cost of \$5,940 to the respondents.

U.S. Department of Energy Clearance Access Request (DOE F 473.3): As outlined in DOE Order 472.2, a security clearance is an administrative determination that an individual is eligible for access to classified information. Security clearances will only be processed after the Cognizant Personnel Security Office (CPSO) has received an appropriate written request. The justification must describe in detail (without revealing classified information) the duties of the position and the levels and types of classified information or SNM to be accessed. The contractor must also indicate whether the individual holds, or has held, a security clearance issued by DOE, or any other Federal agency. The form provides the appropriate, consistent format that provides the CPSO with all the necessary information to determine the appropriate investigation type that needs to be conducted in order for the individual to be able to perform the duties for the position into which they were hired. We estimate 6,000 non-Federal respondents and responses, with an annual burden of 300 hours, at a cost of \$27,000 to the respondents.

Foreign Ownership, Control or Influence (FOCI) SF328: The estimated annual respondents and responses has remained the same, although the calculations on the annual burden hours were corrected from the previous input.

Foreign Access Central Tracking System (FACTS): The data entry required by FACTS has been streamlined. After a functional review, it has been determined that modifying the operational procedures to facilitate multiple modes of data entry resulted in more efficient operations with, and a considerable decrease in, the amount of time needed to input data.

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

This package contains no collections for which 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 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.