

FINAL SUPPORTING STATEMENT FOR
NRC FORM 354
"DATA REPORT ON SPOUSE"
3150-0026

EXTENSION

Description of Information Collection

The United States Nuclear Regulatory Commission (NRC) Form 354 must be completed by NRC contractors, licensees, applicants and others (e.g., intervenors) who marry or cohabitate after completing the Personnel Security Forms, or after having been granted an NRC clearance/access authorization. The NRC Form 354 will ONLY be requested for individuals requiring Top Secret clearances. The information collected identifies the respondent, the marriage, and data on the spouse/cohabitant and spouse's/cohabitant's parents. This information permits the NRC to make security determinations as to whether or not any information on a specific individual's form has an impact on the respondent's initial or continued eligibility for access authorization or employment clearance.

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection of Information

Section 145 of the Atomic Energy Act (AEA) of 1954, as amended, requires, before an individual can be granted access to Restricted Data (RD), an investigation and report on the individual's character, associations and loyalty and a determination that permitting such a person access to RD will not endanger the common defense and security.

The basic security standard of Executive Order 10450, "Security Requirements for Government Employment," for employment, or retention of an individual in a sensitive position, is that such employment or retention is "clearly consistent with the interests of the national security." Executive Order 10865, "Safeguarding Classified Information within Industry," likewise permits the "head of a department or his designee" to grant access authorizations for industrial employees (NRC contractors) only upon finding that it is clearly consistent with the national interest to do so." Executive Order 12968, "Access to Classified Information," requires "Eligibility [for access to classified information] shall be granted "consistent with the national security interests of the United States"

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance," Subpart B, provides criteria to assist in making this determination.

In order for the NRC to implement this responsibility, it is essential, from a security standpoint, that NRC receive information concerning:

- (1) non-U.S. citizen spouses of NRC applicants,
- (2) non-U.S. spouses of NRC contractors, licensees, and others pending NRC access authorization processing,
- (3) spouses of NRC applicants, contractors, licensees or others who marry or cohabitate after applying for NRC access authorization, and
- (4) spouses of NRC contractors, licensees and others who marry or cohabitate after having been granted NRC access authorization.

The Standard Form 86 (SF-86), Questionnaire for National Security Positions, revised in November 2016, is used for initial investigations and periodic reinvestigations. The NRC Form 354 submitted only if marriage or cohabitation occurs after initial investigation, and periodic reinvestigations to provide the detail needed for NRC purposes. Specifically, the NRC Form 354 provides the following information concerning the spouse's citizenship and parents:

- (1) Whether the individual is a U.S. citizen, an alien or possesses dual citizenship. If a U.S. citizen, whether:
 - a) by birth;
 - b) derivative (including date, place, and certificate number); or
 - c) by naturalization (including date, place, and certificate number).

If alien, alien registration number, date of entry, port of entry and present citizenship are required.

- (2) Parents, to include name in full, date of birth, address, country of birth and present citizenship.

This level of detail is necessary to (1) permit the NRC Division of Facilities and Security (DFS) to determine whether or not any information on the form has an impact on the respondent's initial or continued eligibility for access authorization or employment clearance; and (2) permit the Federal Bureau of Investigation (FBI) to complete a name check of FBI files. Use of the NRC Form 354 will be limited to those individuals who marry or cohabitate subsequent to the completion of the SF-86 and who are not otherwise due for reinvestigation.

2. Agency Use of Information

The information supplied identifies the respondent, the marriage, and data on the spouse and spouse's parents. This information permits DFS to make initial security determinations as to whether or not any information on a specific individual's form has an impact on the respondent's initial or continued eligibility for access authorization or employment clearance. In the case of non-U.S. citizen spouses and relatives, appropriate checks at other appropriate Government agencies are also completed. Upon receipt of the completed FBI and other agency checks, DFS makes second evaluations/ determinations, based on developed information, as to whether any action is required concerning the respondent's initial or continued eligibility for access authorization or an employment clearance.

3. Reduction of Burden through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them.

The NRC has issued [Guidance for Electronic Submissions to the NRC](#) which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. It is estimated that approximately 100% of the potential responses are filed electronically.

4. Effort to Identify Duplication and to use Similar Information

No sources of similar information are available. There is no duplication of requirements.

5. Effort to Reduce Small Business Burden

The licensees and others affected by this information collection are not small entities or businesses.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

There is no established reporting frequency or period for submittal of NRC Form 354. This form is submitted only when an applicant marries or cohabitates after completing Personnel Security Forms or marries or cohabitates after receiving an access authorization. If the information is not collected at all, DFS will be unaware of marriages which have an impact on the respondent's initial or continued eligibility for access authorization or employment clearance until the next 5 or 10-year reinvestigation depending on the level of security clearance. This could have an adverse effect on the national security.

7. Circumstances Which Justify Variation from OMB Guidelines

There is no variation from OMB Guidelines in this collection of information.

8. Consultations Outside of the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the *Federal Register* on October 20, 2020 (85 FR 66588). GE-Hitachi, URENCO, and Duke Energy were contacted by email. No comments were received in responses to the Federal Register or these consultations.

9. Payment or Gift to Respondents

Not Applicable.

10. Confidentiality of the Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions

The NRC Form 354 requests information regarding the individual's marriage and identifying information regarding his/her spouse/cohabitant and spouse's/cohabitant's parents. This information is essential for identification purposes and to permit the NRC to make its determination regarding continued eligibility for access authorization in accordance with appropriate statutes, executive orders, and regulations. This information is maintained in a system of records designated as NRC-39, described at 84 Federal Register 71536 (December 27, 2019).

12. Estimate of Burden and Burden Hour Cost

It is estimated that 50 NRC Form 354s will be completed annually. The annual burden is estimated to be 12.5 hours (50 respondents x 1 response per respondent x 0.25 hours per response). At an hourly rate of \$279/hr., the annual cost is \$3,487.50(50 respondents annually x 0.25 hr./form x \$279/hr.). The NRC does not anticipate an increase in the number of responses or respondents in the next 3 years.

The \$279 hourly rate used in the burden estimates is based on the NRC's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2020 (85 FR 37250, June 19, 2020).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimate of Annualized Cost to the Federal Government

The annual cost to the NRC of receiving and processing the form is approximately 50 reports x 0.25/hr. x \$279 = \$3,487.50. The estimate is based on staff experience in reviewing and handling NRC Form 354.

The \$279 hourly rate used in the burden estimates is based on the NRC's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2020 (85 FR 37250, June 19, 2020).

15. Reasons for Change in Burden

The burden has decreased from 16 to 12.5 hours. Additionally, the number of respondents has decreased from 80 to 50 and the burden per response has changed slightly from 0.2 to 0.25 hours. Finally, there has been a decrease in the cost (from \$4,240 to \$3,487.50) these changes are a result in the decreased number of submissions received during the previous renewal cycle. In addition, the hourly rate increased from \$265/hr. to \$279/hr.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

Not Applicable.

18. Exceptions to the Certification Statement

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.