

DRAFT SUPPORTING STATEMENT FOR
NRC FORM 354
“DATA REPORT ON SPOUSE”
3150-0026
Extension Request

Description of Information Collection. This reporting requirement affects approximately 60 individuals annually. The respondents are NRC employees, contractors, licensees, applicants and others (e.g. intervenors) who marry after completing the Personnel Security Forms, or after having been granted an NRC access authorization or employment clearance. Several fields on the form were realigned and two additional blocks were added, Date and place of birth and social security number for the spouse or cohabitant. The blocks for the petition number and date were eliminated.

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 ...”

10 CFR Part 10, Subpart B, “Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance,” provides criteria to assist in making this determination. In order for 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 after applying for NRC access authorization; and (4) spouses of NRC contractors, licensees and others who marry after having been granted NRC access authorization. The SF-86, revised in September 1995, which is used for initial investigations and reinvestigation, will collect the required information at these times. The NRC Form 354 will be submitted only as needed, e.g., at any other time marriage occurs 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, certificate number, and Place) or c) by naturalization (including petition number, date, certificate number, and place). If alien, alien registration number, date of entry, port of entry and present citizenship; and (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 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. Copies of the completed forms are sent to the FBI where a name check of FBI files is completed. 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. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. There are currently no means available for respondents to electronically sign the NRC Form 354. Hence, there are no electronic submissions for this clearance.

4. Effort to Identify Duplication and to use Similar Information.

Elements on the NRC Form 354 are duplicative of those on the SF-86 (i.e., name of employee or applicant, other names used by employee or applicant, employment, date and place of marriage, present name of spouse, other names used by spouse, date and place of birth of spouse, present address of spouse). This duplication is necessary because the NRC Form 354 is normally completed independently of the SF-86 (i.e., when an individual marries subsequent to an

initial investigation or five or ten year reinvestigation depending on the level of security clearance). No similar information, already available, exists. All such personal information required from an individual applying for or possessing an NRC access authorization, must be supplied by the individual. No alternative sources are available.

5. Effort to Reduce Small Business Burden.

The licensees and others affected by this information collection are not small entities or businesses as those terms are used in the Regulatory Flexibility Act.

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 after completing Personnel Security Forms or marries 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 five or ten 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. Two copies of NRC Form 354 must be submitted to DFS. The original copy is forwarded to the FBI. The second copy is then destroyed upon the return of the original from the FBI.

8. Consultations Outside of the NRC.

The opportunity for public comment has been published in the Federal Register.

9. Payment or Gift to Respondents.

Not Applicable

10. Confidentiality of the Information.

The information is used for determining initial and continuing eligibility for access authorization. The information is protected from public disclosure under the Privacy Act of 1974 and is handled in accordance with routine uses specified in the Privacy Act Statement contained on the form.

11. Justification for Sensitive Questions.

The NRC Form 354 requests information regarding the applicant's or employee's marriage and identifying information regarding his/her spouse and spouse's parents. This information is essential for identification purposes and to permit NRC to make its determination regarding continued eligibility for access

authorization in accordance with appropriate statutes, executive orders, and regulations.

12. Estimate of Burden and Burden Hour Cost.

It is estimated that 60 NRC Form 354s will be completed annually. The annual burden is estimated to be 12 hours (60 respondents x 1 response per respondent x .20 hour per response). At a professionally hourly rate of \$156/hr, the annual cost is \$1,872 (60 respondents annually x .20 hr/form x \$156/hr/form). DFS/SB does not anticipate an increase in the number of responses or respondents in the near future.

NOTE: There is no record keeping requirement for respondents to maintain a copy of the NRC Form 354.

13. Estimate of Other Additional Costs.

There are no additional costs.

14. Estimate of Annualized Cost to the Federal Government.

The annual cost to NRC of receiving and processing the form is estimated at \$540.01. The estimate is based on staff experience in reviewing and handling NRC Form 354. The cost was computed as follows:

COST:

Annual clerical effort (60 reports x .20/hr x \$45)	= \$540.00
Annual record holding (1.75 cu. ft. X \$23.24/cu. ft.)	= <u>40.67</u>
Total estimated annual cost	= \$580.67

This cost is fully recovered through license fees charged to NRC licensees pursuant to 10 CFR Parts 170 and 171.

15. Reasons for Change in Burden.

There is no change in burden. However, there has been an increase in the cost (from \$1,728 to \$1,872) as a result of an increase in the hourly rate from \$144 to \$156.

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

Not Applicable.