

DRAFT SUPPORTING STATEMENT FOR  
NRC FORM 354  
"DATA REPORT ON SPOUSE"  
3150-0026  
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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., intervenor's) 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. This reporting requirement affects approximately 80 individuals annually.

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 SF-86, revised in December 2010, is used for initial investigations and periodic reinvestigations. The NRC Form 354 is 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 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 the NRC 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, NRC 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.

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: the 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 50% 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, the NRC 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 have been published in the Federal Register.

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. The information collected on NRC Form 354 is maintained in a Privacy Act System of records designated as NRC-39 and described at 81 FR 81320 (November 17, 2016).

12. Estimate of Burden and Burden Hour Cost.

It is estimated that 80 NRC Form 354s will be completed annually. The annual burden is estimated to be 16 hours (80 respondents x 1 response per respondent x 0.2 hours per response). At an hourly rate of \$265/hr, the annual cost is \$4,240 (80 respondents annually x 0.2 hr/form x \$265/hr). The NRC does not anticipate an increase in the number of responses or respondents in the next 3 years.

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 \$793. The estimate is based on staff experience in reviewing and handling NRC Form 354. The cost was computed as follows:

<b>Item</b>	<b>Amount</b>
Clerical time (80 reports x 0.2/hr x \$47)	\$752
Record holding (1.75 cu. ft x \$23.24/cu. Ft)	\$41
Total	\$793

The licensee cost is fully recovered through licensees' fee charged to the NRC pursuant to 10 CFR Parts 170 and 171.

15. Reasons for Change in Burden.

There is no change in burden. However, there has been a decrease in the cost (from \$4,352 to \$4,240) as a result of a decrease in the hourly rate from \$272 to \$265.

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.