

SUBJECT: INFORMATION COLLECTION MANAGEMENT PROGRAM

1. **OBJECTIVE.** To set forth Department of Energy (DOE) requirements and responsibilities for implementing the information collection management provisions of the Paperwork Reduction Act (PRA) of 1995 and the Office of Management and Budget's (OMB's) implementing regulation Controlling Paperwork Burdens on the Public, as contained in Title 5 Code of Federal Regulations (CFR), Part 1320.
2. **CANCELLATION.** None.
3. **APPLICABILITY.**
 - a. **DOE Elements.** Except for the exclusions in paragraph 3c, this Order applies to Departmental elements. (Go to <http://www.directives.doe.gov/pdfs/reftools/org-list.pdf> for the most current listing of Departmental elements. This list automatically includes Departmental elements created after the Order is issued.)

The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees and contractors comply with their respective responsibilities under this directive. Nothing in this Order will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law. (P.L.) 106-65, National Nuclear Security Administration Act (Title 32), to establish Administration-specific policies, unless disapproved by the Secretary.
 - b. **DOE Contractors.** This Order does not apply to contractors.
 - c. **Exclusions.** This Order does not apply to collections of information that are made during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.
4. **REQUIREMENTS.** The PRA of 1995 requires each Federal agency to seek and obtain approval from OMB before undertaking a collection of information directed to 10 or more persons (including operations of Government-owned, contractor-operated facilities). Under the PRA, OMB approval for each information collection instrument can last a maximum of 3 years. The following requirements must be met by each Departmental element to ensure implementation of an information collection program that meets the objectives of this Order. See Attachment 1 for a definition and examples of information collection.
 - a. Obtain OMB approval before collecting information as defined in 5 CFR 1320.

- b. Ensure that the information collected is the minimum amount necessary for the proper performance of DOE and its missions, does not duplicate information available elsewhere unnecessarily, and maximizes the usefulness of information.
- c. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).
- d. Evaluate information collection activities on an ongoing basis, at a minimum annually, to determine where the number of respondents/responses and burden hours can be reduced or eliminated (e.g., by collecting information less frequently, consolidating report instruments, or eliminating the collection in its entirety).
- e. Coordinate with the Office of the Chief Information Officer (OCIO) to develop and submit input for DOE's comprehensive report in response to OMB's Annual Data Call for the Information Collection Budget (ICB).

5. RESPONSIBILITIES.

- a. DOE Chief Information Officer, through the Departmental Records Officer.
 - (1) Develops and administers DOE policies and directives related to the requirements of the Information Collection Management Program.
 - (2) Provides overall leadership and management of the DOE Information Collection Management Program as required by Federal laws, Executive orders, regulations, DOE directives, and Departmentally-established or -accepted standards.
 - (3) Provides consultative services concerning the management and implementation of the Information Collection Management Program, as needed, including assistance to process unplanned and emergency information collection requests.
 - (4) Serves as the DOE liaison with DOE elements, OMB, other Federal agencies, and the public sector for issues concerning day-to-day communications and operations related to the information collection management program.
 - (5) Serves as the DOE Paperwork Reduction Act Clearance Officer, and coordinates, reviews, and finalizes input from DOE elements to prepare the annual information collection budget submission to OMB and other special initiatives as determined by OMB.

- b. Administrator, Energy Information Administration.
 - (1) Manages and implements an information collection management program for energy and statistical information collections.*
 - (2) Provides to the (OCIO) on an annual basis input in accordance with OMB's Information Collection Budget Bulletin.

- c. Heads of DOE Elements.
 - (1) Establish, implement, and sustain information collection management programs within their respective organizations to ensure that all information collections subject to Paperwork Reduction Act requirements are formally submitted to OCIO for review and are approved by OMB before initiating the collection instrument, record keeping requirement, and/or third-party disclosure of information in accordance with the requirements of all Federal laws and regulations, DOE directives, and accepted external standards and authoritative issuances.
 - (2) Provide resources to support information collection management programs within their respective organizations, and appoint senior-level Information Collection Clearance Managers (ICCMs) having policy oversight and signature authority for Headquarters and program field site information collections under their cognizance. The ICCM will approve information collection requests before they are submitted to OCIO for review and formal submission to OMB and will serve as the program liaison with the DOE Paperwork Reduction Act Clearance Officer.
 - (3) Provide names and contact information for the designated ICCMs to the DOE Paperwork Reduction Act Clearance Officer.
 - (4) Maintain documentation of actions related to information collection management activities in accordance with Federal laws, regulations, and DOE directives governing recordkeeping requirements.

* The Department of Energy Organization Act (P.L. 95-91, Section 205) provides the administrator of the Energy Information Administration with specific responsibilities and authorities for the collection and analysis of energy information. Section 205(d) states in part that "the Administrator shall not be required to obtain the approval of any other officer or employee of the Department in connection with the collection or analysis of energy information; nor shall the Administrator be required, prior to publication, to obtain the approval of any other officer or employee of the United States with respect to the substance of any statistical or forecasting technical report which he has prepared in accordance with law."

- d. Information Collection Clearance Managers. ICCMs are responsible for the following program activities supporting the DOE Information Collection Management Program.
- (1) Coordinate information collection management programs within their respective organizations to ensure compliance with this Order.
 - (2) Conduct only information collections that have been reviewed by OCIO and approved by OMB. Typically, based on empirical data, the OCIO review will require approximately two weeks.
 - (3) Identify, review, and submit to OCIO information collections sponsored by their respective organizations. Reviews conducted by ICCM's must meet the requirements of 5 CFR 1320.
 - (4) Ensure that information collection requests to be submitted to OCIO (for formal submission to OMB) include:
 - (a) a completed OMB 83-I, Paperwork Reduction Act Submission, signed by ICCM (in block 19) to certify that the information collections covered by this request comply with 5 CFR 1320;
 - (b) an OMB 83-I Supporting Statement;
 - (c) the instruments used to collect information and any associated manuals, guides, letters, or instructions sent to or used by the public;
 - (d) the published Federal Register Notices, any public comments received, and DOE's response to the comments; and
 - (e) copies of the relevant statutes and regulations.
 - (5) Approve information collection requests before they are submitted to OCIO for review and formal submission to OMB.
 - (6) Serve as the program liaison with the DOE Paperwork Reduction Act Clearance Officer.
 - (7) Assess information collection management activities and methods to streamline or reduce information collection burden hours.
 - (8) Create, maintain, and preserve information collection management and information collection budget records in accordance with DOE Records Schedules.

DEFINITIONS

Collection of Information. The PRA defines the collection of information as the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either; (1) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities (part of the Federal Government created by Congress through legislation), or employees of the United States; or (2) answers to questions posed to agencies, instrumentalities (part of the Federal Government created by Congress through legislation), or employees of the United States which are to be used for general statistical purposes.

Title 5 CFR 1320.3, further defines collection of information, as obtaining, causing to be obtained, soliciting or requiring a disclosure to an agency, third parties or the public information described above, in any format. Typical information includes financial loan applications, job applications, questionnaires, compliance reports, and business records, which are not required under a Federal procurement contract. Information pursuant to Federal procurement contracts are generally required and submitted on forms that have been approved by OMB. The Federal Acquisition Regulations (FAR) requiring information under the PRA are listed in FAR 1.106.

Except as provided in §1320.4, collection of information means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. Collection of information includes any requirement or request for persons to obtain, maintain, retain, report, or publicly disclose information. As used in this Part, collection of information refers to the act of collecting or disclosing information, to the information to be collected or disclosed, to a plan and/or an instrument calling for the collection or disclosure of information, or any of these, as appropriate.

A collection of information may be in any form or format, including the use of report forms; application forms; schedules; questionnaires; surveys; reporting or recordkeeping requirements; contracts; agreements; policy statements; plans; rules or regulations; planning requirements; circulars; directives; instructions; bulletins; requests for proposal or other procurement requirements; interview guides; oral communications; posting, notification, labeling, or similar disclosure requirements; telegraphic or telephonic requests; automated, electronic, mechanical, or other technological collection techniques; standard questionnaires used to monitor compliance with agency requirements; or any other techniques or technological methods used to monitor compliance with agency requirements. A collection of information either implicitly or explicitly may include related collection of information requirements.

Requirements by an agency for a person to obtain or compile information for the purpose of disclosure to members of the public or the public at large, through posting, notification, labeling or similar disclosure requirements constitute the collection of information whenever the same

requirement to obtain or compile information would be a collection of information if the information were directly provided to the agency. The public disclosure of information the Federal government originally supplied to the recipient for the purpose of disclosure to the public is not included within this definition.

DOE Paperwork Reduction Act Clearance Officer. The authorized representative responsible for certifying compliance with requirements of 5 CFR 1320 and any other applicable information policy directives. The DOE Paperwork Reduction Act Clearance Officer is also the liaison between the Office of Management and Budget and Departmental elements.

Information Collection Clearance Managers. Persons responsible for reviewing, analyzing, and clearing information collections for their respective operating units before submitting them to the DOE Paperwork Reduction Act Clearance Officer.

Normal Business Record Exclusion. The time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g., in compiling and maintaining business records) will be excluded from the burden if the agency demonstrates that the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary.

OMB-83-I, Paperwork Reduction Act Submission. Office of Management and Budget (OMB) form used (1) to request OMB review of a regulation under Executive Order 12291 and (2) to request OMB approval of collections of information, recordkeeping requirements, and third-party disclosures under the Paperwork Reduction Act and 5 CFR 1320. (DOE O 200.2 covers only requests for OMB approval of collections of information, recordkeeping requirements, and third-party disclosures.)

Person. Means an individual, partnership, association, corporation (including operations of government-owned contractor-operated facilities), business trust, or legal representative, an organized group of individuals, a State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government.

Ten or more persons refers to the persons to whom a collection of information is addressed by the agency within any 12-month period, and to any independent entities to which the initial addressee may reasonably be expected to transmit the collection of information during that period, including independent State, territorial, tribal or local entities and separately incorporated subsidiaries or affiliates. For the purposes of this definition of ten or more persons, persons does not include employees of the respondent acting within the scope of their employment, contractors engaged by a respondent for the purpose of complying with the collection of information, or current employees of the Federal government (including military reservists and members of the National Guard while on active duty) when acting within the scope of their employment, but it does include retired and other former Federal employees. Any collection of information addressed to all or a substantial majority of an industry is presumed to involve ten or more persons.