

" PDR "

### PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: **Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request <b>U.S. Nuclear Regulatory Commission</b>	2. OMB control number <input checked="" type="checkbox"/> a. <b>3150 - 0047</b> <input type="checkbox"/> b. None
3. Type of information collection (check one) <input type="checkbox"/> a. New collection <input checked="" type="checkbox"/> b. Revision of a currently approved collection <input type="checkbox"/> c. Extension of a currently approved collection <input type="checkbox"/> d. Reinstatement, <b>without change</b> , of a previously approved collection for which approval has expired <input type="checkbox"/> e. Reinstatement, <b>with change</b> , of a previously approved collection for which approval has expired <input type="checkbox"/> f. Existing collection in use without an OMB control number	4. Type of review requested (check one) <input checked="" type="checkbox"/> a. Regular <input type="checkbox"/> c. Delegated <input type="checkbox"/> b. Emergency - Approval requested by (date): 5. Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> a. Yes <input checked="" type="checkbox"/> b. No
	6. Requested expiration date <input checked="" type="checkbox"/> a. Three years from approval date <input type="checkbox"/> b. Other (Specify):

7. Title **10CFR Part 95--Facility Security Clearance and Safeguarding of National Security Information and Restricted Data**

8. Agency form number(s) (if applicable)

N/A

9. Keywords

**Classified, reporting and recordkeeping requirements**

10. Abstract

**NRC-regulated facilities and other organizations are required to provide information and maintain records to ensure that an adequate level of protection is provided to NRC-classified information and material.**

11. Affected public (Mark primary with "P" and all others that apply with "X") <input type="checkbox"/> a. Individuals or households <input type="checkbox"/> d. Farms <input checked="" type="checkbox"/> b. Business or other for-profit <input type="checkbox"/> e. Federal Government <input type="checkbox"/> c. Not-for-profit institutions <input type="checkbox"/> f. State, Local or Tribal Government	12. Obligation to respond (mark primary with "P" and all others that apply with "X") <input type="checkbox"/> a. Voluntary <input type="checkbox"/> b. Required to obtain or retain benefits <input checked="" type="checkbox"/> c. Mandatory
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13. Annual reporting and recordkeeping hour burden a. Number of respondents <u>8</u> b. Total annual responses <u>153</u> 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested <u>443</u> d. Current OMB inventory <u>551</u> e. Difference <u>(108)</u> f. Explanation of difference 1. Program change _____ 2. Adjustment <u>(108)</u>	14. Annual reporting and recordkeeping cost burden (in thousands of dollars) a. Total annualized capital/startup costs <u>0</u> b. Total annual costs (O&M) <u>0</u> c. Total annualized cost requested <u>0</u> d. Current OMB inventory <u>0</u> e. Difference <u>0</u> f. Explanation of difference 1. Program change _____ 2. Adjustment _____
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15. Purpose of information collection (Mark primary with "P" and all others that apply with "X") <input type="checkbox"/> a. Application for benefits <input type="checkbox"/> e. Program planning or management <input type="checkbox"/> b. Program evaluation <input type="checkbox"/> f. Research <input type="checkbox"/> c. General purpose statistics <input checked="" type="checkbox"/> g. Regulatory or compliance <input type="checkbox"/> d. Audit	16. Frequency of recordkeeping or reporting (check all that apply) <input checked="" type="checkbox"/> a. Recordkeeping <input type="checkbox"/> b. Third-party disclosure <input checked="" type="checkbox"/> c. Reporting <input checked="" type="checkbox"/> 1. On occasion <input type="checkbox"/> 2. Weekly <input type="checkbox"/> 3. Monthly <input type="checkbox"/> 4. Quarterly <input type="checkbox"/> 5. Semi-annually <input type="checkbox"/> 6. Annually <input type="checkbox"/> 7. Biennially <input type="checkbox"/> 8. Other (describe)
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17. Statistical methods  
Does this information collection employ statistical methods?  
 Yes  No

18. Agency contact (person who can best answer questions regarding the content of this submission)  
Name: J. Keith Everly  
Phone: 301-415-7048

DFO3

## 19. Certification for Paperwork Reduction Act Submissions

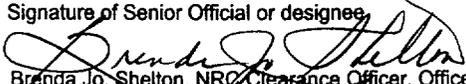
On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8 (b) (3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8 (b) (3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
  - (v) Nature of extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Authorized Agency Official	Date
Signature of Senior Official or designee  Brenda Jo. Shelton, NRC Clearance Officer, Office of the Chief Information Officer	Date 2/5/2001

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR Part 95 - Facility Security Clearance and Safeguarding of National Security Information and Restricted Data.
2. Current OMB approval number: 3150-0047

3. How often the collection is required: On occasion
4. Who is required or asked to report: NRC-regulated facilities and other organizations requiring access to NRC-classified information.
5. The number of annual respondents: 8
6. The number of hours needed annually to complete the requirement or request: 443 hours (333 hours reporting and 110 hours recordkeeping) or approximately 3 hours per response.
7. Abstract: NRC-regulated facilities and other organizations are required to provide information and maintain records to ensure that an adequate level of protection is provided to NRC-classified information and material.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by  
(insert date 30 days after publication in the Federal Register). Comments received after  
this date will be considered if it is practical to do so, but assurance of consideration  
cannot be given to comments received after this date.

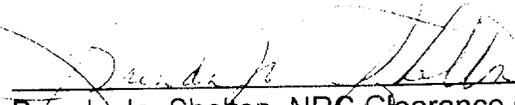
Amy Farrell  
Office of Information and Regulatory Affairs (3150-0047)  
Office of Management and Budget  
Washington, DC 20503

Comments can also be submitted by telephone at (202) 395-7318.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 5<sup>th</sup> day of January, 2001.

For the Nuclear Regulatory Commission.

  
Brenda Jo. Shelton, NRC Clearance Officer  
Office of the Chief Information Officer

Comments and questions should be directed to the OMB reviewer listed below by (insert date 30 days after publication in the Federal Register). Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Amy Farrell  
 Office of Information and Regulatory Affairs (3150-0047)  
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The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 5<sup>th</sup> day of February, 2001.

For the Nuclear Regulatory Commission.

IRA  
 Brenda Jo. Shelton, NRC Clearance Officer  
 Office of the Chief Information Officer

DOCUMENT NAME: A:\Final SS & FRN.wpd

To receive a copy of this document, indicate in the box:

"C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

**\*SEE PREVIOUS CONCURRENCE**

OFFICE	INFOSEC	INFOSEC	D/DFS	OCIO
NAME	JKEverly*	ALSilvious*	TOMartin*	BShelton
DATE	01/23/01	01/23/01	01/29/01	02/5/01

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FINAL OMB SUPPORTING STATEMENT FOR

10 CFR Part 95

Facility Security Clearance and Safeguarding of  
National Security Information and Restricted Data

3150-0047

Revision to Extension Request

Description of Information Collection

The reporting requirements of 10 CFR Part 95 affect approximately seven licensees, one certificate holder, and other organizations regulated by the Commission. The licensees, certificate holder, or other organizations make reportable information available at their places of business or send the reports to NRC at its Headquarters or Regional Offices. Reports or applications are only required as occasioned by the occurrence of specific events such as the request for a facility clearance, a modification to an existing security Standard Practice Procedures Plan (SPPP), a cancellation or termination of a facility clearance, or a report of loss of classified information. Other requirements for recordkeeping are necessary for checking the licensees'/certificate holder's and other organizations' procedures for maintaining acceptable security education, facility, and classification/declassification programs. The limited amount of personal information submitted in connection with facility clearance requests, classification/declassification actions, and other areas within these requirements is handled and protected in accordance with NRC directives and the provisions of the Privacy Act of 1974. Other information submitted to NRC in response to the application, recordkeeping, and reporting requirements is available for public inspection in accordance with 10 CFR Part 9. This clearance extension incorporates changes in information collections contained in the final rule, "Conformance to National Policies for Access to and Protection of Classified Information," which OMB approved on November 29, 1999.

A. JUSTIFICATION

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

10 CFR Part 95 contains numerous reporting, recordkeeping and application requirements, including requirements for submittal of information, plans and procedures for the protection of classified information, automatic data processing (ADP) and telecommunications security plans, security recordkeeping requirements for compliance purposes and security reporting and notification procedures for compliance and response purposes. In all cases, the requirements are necessary to help ensure that an adequate level of protection is provided for information determined to be classified. Essentially, all of the

reporting, recordkeeping, and application requirements are necessary for one of the reasons listed below:

- a. To obtain essential descriptive data concerning the content and planned operation of the licensees', certificate holder's, or other organizations' information security program which is necessary for NRC to determine the adequacy of planned methods and procedures for safeguarding classified information and material that is used, stored, transmitted, reproduced, or destroyed.
- b. To obtain essential data describing the licensees', certificate holder's, or other organizations' planned program for ensuring employee indoctrination and continued awareness of their security responsibilities so as to preclude unauthorized disclosure of classified information or material and to ensure compliance with E.O. 12958 and the National Industrial Security Program Operating Manual.
- c. To obtain essential data that will permit NRC review and inspection of the licensees', certificate holder's, or other organizations' classification procedures and compliance with regulatory requirements for classification and procedures concerning release of classified information to International Atomic Energy Agency (IAEA) representatives.
- d. To obtain essential data that will permit NRC review and appraisal of the licensees', certificate holder's or other organizations' degree of foreign ownership, control or influence to prevent unauthorized international transfer or disclosure of classified information or material and to ensure that classified activities are not adversely affected.

The currently effective information collection requirements of Part 95 are identified and explained below:

95.11 The NRC may grant exemptions from the requirements of the regulations of Part 95 upon application by any interested person (licensee or certificate holder) or upon its own initiative provided the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

95.15(a) A licensee shall request an NRC facility clearance to store or handle classified information in connection with NRC-related activities.

95.15(b) This section requires the reporting of the content required by 95.15(a). If there is no existing facility clearance, the request must include a security SPPP that outlines the facility's proposed security procedures and controls for the

protection of classified information, a floor plan of the area in which the matter is to be used, processed, stored, reproduced, transmitted, transported or handled; and foreign ownership, control or influence information.

The request for facility clearance and accompanying security SPPP provides pertinent data including information concerning foreign ownership, control or influence which enables the NRC Division of Facilities and Security to assess the licensees', certificate holder's, or other organizations' eligibility for a facility clearance. Facilities are inspected to ensure their compliance with the procedures outlined in their security SPPP and the reporting requirements contained within Part 95.

95.18(a) This section requires that licensees/certificate holders submit documentation when excluding key management officials from access to classified information. These individuals may not occupy positions that would enable them to adversely affect the organization's policies or practices in the performance of activities involving classified information. A record must be made concerning the lack of clearance for all such personnel and a copy forwarded by the organization's executive body to the Cognizant Security Agency (CSA).

This list of key personnel is expected to be forwarded to the CSA annually. The burden for developing the list of employees, reviewing and filing it, and forwarding a copy to the CSA is estimated to require a maximum of 15 hours.

95.18(b) This section requires that licensees/certificate holder submit documentation when excluding key management officials from access to higher-level classified information. These individuals may not occupy positions that would enable them to adversely affect the organization's policies or practices in the protection of classified information. A record must be made concerning the lack of clearance for all such personnel and a copy forwarded by the organization's executive body to the CSA.

95.19(a) This section requires that each licensee, certificate holder, or other person shall obtain prior CSA approval for any proposed change to the name, location, security procedures and controls, or floor plan of the approved facility. These substantive changes to a security SPPP are reported to the CSA with copies to the NRC Division of Facilities and Security and the NRC Regional Administrator. The substantive changes to the SPPP that affect security of the facility must be submitted to the NRC Division of Facilities and Security, or CSA, 30 days prior to the change.

95.19(b) This section requires that a licensee or other person may effect a minor, non-substantive change to an approved SPPP for the safeguarding of classified information without receiving prior CSA approval. These minor changes that do not affect the security of the facility may be submitted to the addressees noted in paragraph (a) of this section within 30 days of the change.

95.21 This section requires the reporting of withdrawal or cancellation requests for facility clearances to the NRC Division of Facilities and Security by the requestor in the most expeditious manner so that processing for these clearances may be terminated. The requestor shall confirm the notification promptly in writing.

The information required by this section is necessary each time a licensee, certificate holder, or other organization wishes to withdraw or cancel a facility clearance request. This information will be used by the NRC Division of Facilities and Security as a basis for discontinuing further processing of the application and, if no access to classified information or material is needed, would indicate that pending personnel security access authorization requests should also be canceled.

95.25(d) If a record is made of a classified combination to an authorized storage container, the record must be marked with the highest classification of material authorized for storage in the container. Superseded combinations must be destroyed. This record should be kept as long as the classified storage container is in use.

This information and recordkeeping requirement helps ensure that written lock combinations are properly classified and safeguarded in accordance with the provisions of E.O. 12958 and its implementing directives.

95.25(g) A record of names of persons having knowledge of the combination must be posted inside the container to ensure that responsible personnel may be contacted in the case of an emergency. This record should be kept as long as the classified storage container is in use.

95.25(i) If an unattended security container housing classified matter is found unlocked, the custodian or an alternate must be notified immediately, and the container must be secured by appropriate personnel. Incidents such as these are entered into a written log that is provided to the NRC on a monthly basis (see section 95.57(b)).

This information collection and recordkeeping requirement assures: (1) that the licensee, certificate holder, or other organization complies with the Information Security Oversight Office (ISOO) directive to report the loss or possible compromise of classified information; and (2) that the NRC may evaluate such occurrences and corrective actions which have been taken.

95.25(j) This section requires that a key and lock register be maintained, and that a monthly audit of keys and locks and a key inventory be performed with each change of custody. This recordkeeping requirement permits the NRC inspection and review of lock and key accountability records to determine that

proper individuals with appropriate level of access authorization are issued keys and locks.

95.33(d) Facility Security Officers must submit SF-312, "Classified Information Nondisclosure Agreement" forms to the CSA for retention. Facility Security Officers must also submit a report to the CSA in the event that an employee refuses to sign the SF-312.

The SF-312 is a required agreement with the United States not to disclose classified information. Submission of forms to the CSA and reports to the CSA in the event that an employee refuses to sign the SF-312, will allow verification through inspection that Section 25.23 requirements are being met before access to classified information is granted.

95.33(h) All cleared employees must be provided with security training and briefings commensurate with their involvement with classified information. The facility may obtain defensive security, threat awareness, and other education and training information and material from their CSA or other sources. Records reflecting an individual's initial and refresher security orientations and security termination must be maintained for three years after termination of the individual's access authorization.

Since NRC does not conduct inspections annually, this requirement provides reasonable assurance that records are available when NRC conducts an inspection. This recordkeeping requirement permits verification through NRC inspection that individuals granted access authorizations are appropriately indoctrinated as to their individual security responsibilities and duties relative to the protection of classified information.

95.34(b) Licensees, certificate holders, or others subject to Part 95 shall take measures as may be necessary to preclude access to classified information by foreign visitors. The licensee, certificate holder, or others shall retain records of visits for five years beyond the date of the visit.

95.36(d) Records of International Atomic Energy Agency (IAEA) or other international organization visits, and records of inspections and disclosure authorizations must be maintained for five years. This recordkeeping requirement and its inspectability through NRC inspections ensures that licensees, the certificate holder, or other persons maintain the proper procedures and controls over the release of classified information to IAEA or other international representatives in accordance with the disclosure authorization granted by NRC's Division of Facilities and Security.

95.37(a) A licensee or other person must appropriately mark classified information in accordance with provided guidance.

This section requires licensees and others who possess classified material which is not conducive to markings (e.g., equipment) to request approval for exemption from marking requirements for such material. This requirement provides assurance that: (1) only those officials delegated classification authority are classifying material; (2) classified material is not downgraded or declassified without proper authority; and (3) there is accountability for future classification, downgrading and declassification actions.

95.37(c) A licensee or other person is responsible for applying classification markings for National Security Information and Restricted Data.

These marking and labeling requirements, which require an authorized classifier to place the appropriate classification markings on the document and sign his/her name, will be used whenever an NRC licensee, certificate holder, or contractor authorized derivative classifier generates a classified document or the classification of an existing document is to be changed (e.g., declassified or downgraded). A file or record copy must be maintained of the derivatively classified document as long as the document remains classified. These requirements provide assurance that: (1) only those officials delegated classification authority are classifying documents; (2) documents are not downgraded or declassified without proper authority; and (3) there is accountability for future classification, downgrading, and declassification actions.

95.37(g) If a document transmitting classified information contains no classified information or the classification level of the transmittal document is not as high as the highest classification level of its enclosures, then the document must be marked at the top and bottom with a classification at least as high as its highest classified enclosure.

95.37(h) Persons authorized possession of classified National Security Information who in good faith believe a classification status is too high or too low shall refer the document to the originator or authorized classifier for review. The classifier shall review the document and render a written classification decision to the holders of the information.

This is a required procedure for document custodians to assure that any questions regarding proper classification are referred to the originator and that appropriate steps to safeguard the document are taken. The recordkeeping requirement permits verification through NRC inspections of actions taken when unauthorized disclosures may have occurred.

95.37(j) Drafts of documents and working papers contain or are believed to contain, classified information must be marked as classified information.

This requirement ensures there is accountability for future classification, downgrading, and declassification actions.

95.39(b)(4) This is a requirement when preparing Secret documents for external transmission. It requires document receipts signed by the recipient be included with the document as a way to officially transfer a Secret document to another person.

This requirement permits verification through inspection that Secret documents that have been transferred to another person are properly accounted for.

95.39(e) Licensees/certificate holder that have classified matter that, because of the nature of the material, cannot transmit the classified material via conventional means, must submit a classified matter transportation security plan to the CSA for approval.

The requirement to submit the classified transportation security plan for review ensures that licensees'/certificate holder's procedures meet minimum security requirements in Part 95.

95.41 Each licensee, certificate holder or other person possessing classified information shall maintain records of the date of the material, receipt or dispatch, classification, an unclassified description of the material, and the identity of the sender for two years after receipt or dispatch.

Since NRC does not conduct annual inspections, this procedure and a two-year recordkeeping requirement provides assurance that records are available when NRC conducts an inspection.

95.43(a) This section requires that each licensee, certificate holder or other person possessing classified information establish a reproduction control system to ensure that reproduction of classified material is held to a minimum consistent with operational procedures.

95.43(c) The licensee/certificate holder is required to mark classified reproductions with the same classification markings as the original classified document.

This requirement assures that classified reproductions receive the same protection as other hard-copy classified documents.

95.45(a) Requests for downgrading or declassifying any NRC-classified information should be forwarded to the NRC Division of Facilities and Security. Requests for downgrading or declassifying Restricted Data should be

forwarded to the NRC Division of Facilities and Security for coordination with the Department of Energy.

95.45(b) If a change of classification or declassification is approved, the previous classification marking must be canceled and a statement to that effect must be placed on the first page of the document.

95.45(d) Any persons making a classification change shall forward a notice of classification change to all known holders of the document.

These reporting and marking procedures in 95.45(a), (b), and (d) ensure that documents which may warrant downgrading or declassification are reviewed by the NRC Division of Facilities and Security or are referred to the Department of Energy, as may be appropriate, and that all known holders are notified of the action.

95.49 This section requires the licensee or other person to submit an ADP security proposal to the CSA for approval before classified data or information may be processed or produced on an ADP system. The proposal may be submitted as part of the licensee's or other person's request for facility clearance or submitted as an amendment to its existing SPPP for the protection of classified information.

95.53(a) If a facility clearance is terminated, the facility shall submit a certification of nonpossession of classified information to the NRC Division of Facilities and Security within 30 days of termination.

These procedures and notifications ensure that the facility clearance is terminated, suspended or revoked when no longer needed or when continuation would not be in the interest of national security. The certificate of nonpossession provides assurance that all classified information and material has been returned to the NRC or destroyed in accordance with NRC security requirements.

95.57(a) Each licensee or other person having a facility clearance shall report to the CSA and the Regional Administrator of the appropriate NRC Regional Office listed in Part 73, Appendix A, any alleged or suspected violation of Federal acts or statutes, related to classified information (e.g., deliberate disclosure of classified information to persons not authorized to receive it, theft of classified information) within one hour of the event followed by written confirmation within 30 days of the incident.

95.57(b) Any infractions, losses, compromises, or possible compromises of classified information not falling within paragraph (a) of this section must be entered into a written log and provided to the NRC on a monthly basis.

The procedures in 95.57(a) and (b) are necessary to ensure that possible losses, compromises, violations of law, and disclosures of classified information are investigated and assessed in a timely manner.

95.57(c) An authorized classifier of a licensee, certificate holder or other organization subject to Part 95 shall complete and submit to the NRC either on an "as completed" or monthly basis, an NRC Form 790, "Classification Record," whenever matter containing classified information is generated, its classification changed, or it is declassified. The information may also be submitted electronically by an on-line system (NRC prefers the use of a dial-in automated system connected to the NRC Division of Facilities and Security). This requirement is cleared under OMB approval number 3150-0052.

2. Agency Use of Information.

The reports, security plans and other security information are submitted to the NRC's Division of Facilities and Security. The information is used to help determine whether a licensee, certificate holder, or other organization is eligible to use, process, store, transmit or handle NRC-classified information. The information is also used for periodic reviews and inspections to ensure appropriate regulations are continuously followed. If the information collection was not conducted, these determinations could not be made and the licensees, certificate holder, or other organizations would not be permitted to maintain this classified information which is pertinent to their activities.

3. Reduction of Burden Through Information Technology.

There are no information technology applications which would impact (e.g., reduce) the burden of these information collection requirements. No responses are submitted electronically at this time.

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

Except as noted in Section 95.57 (CSA could be another Federal agency), there is no duplication with any other Federal agency reporting requirements since the nature of the information being requested is unique to NRC's activity at the facility. For the few cases where another agency, normally the Department of Energy, also has an interest at the facility, this regulation specifically reduces or eliminates duplication through acceptance of the other agency's security program to protect the NRC-classified information and material.

5. Effort to Reduce Small Business Burden.

No licensees, certificate holder, or other organizations effectively qualify as a small business enterprise or entity.

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

Required reports and information are collected and evaluated on a continuing basis as events occur. Applications for new facility clearances may be submitted at any time. If not submitted, approval to store NRC-classified information will not be processed. Other information collection requirements ensure that once placed at the facility, that information continues to receive the required protection. Less frequent collection of this information may impact negatively on NRC's responsibility to ensure proper protection and may endanger the U.S. common defense and national security.

7. Circumstances Which Justify Variation from OMB Guidelines.

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

8. Consultation Outside the NRC.

The regulation was revised in conformance to the requirements for the protection of and access to classified information to new national security policy documents. These national requirements were revised by the issuance of the National Industrial Security Program Operating Manual (NISPOM), Executive Order 12958, "Classified National Security Information," and Executive Order 12968, "Access to Classified Information." NRC's requirements and procedures are similar to those of other government agencies involved with programs requiring the protection of National Security Information. Opportunity for public comment was published in the Federal Register on November 6, 2000 (65FR66569). There were no comments received.

9. Payment or Gift to Respondents.

Not applicable.

10. Confidentiality of Information.

This 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.

11. Justification for Sensitive Questions.

No sensitive information is requested under these regulations.

12. Estimate of Burden.

The annual cost to the respondents is reflected on Attachment A. The hour rates have increased from \$125/hr. to \$143.00/hr. for professional effort and from \$45/hr. to \$60/hr. for clerical effort in accordance with Part 170.

13. Estimate of Other Additional Costs.

Not applicable.

14. Estimated Annualized Cost to the Federal Government.

The estimated annual cost to the Federal Government in administering the program and procedures contained in these requirements is:

Annual cost - professional effort (1,543 hrs. X \$143/hr.)	=	\$220,649
Annual cost - clerical effort (269 hrs. X \$60/hr.)	=	\$16,140
Annual cost - record holding requirement for ongoing program (3/4 cubic ft. X \$209/cubic ft.)	=	\$157
Total annual cost	=	\$236,946

These costs are recovered through fee assessments to NRC licensees and the one certificate holder pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes in Burden or Cost.

The overall burden estimate for Part 95 has decreased from 551 hours to 443 hours for a net reduction of 108 hours as a result of a re-estimate of burden based on the last 3 years' experience that included revisions of requirements under Sections 95.11, 95.25(i), 95.34(b), 95.47, and 95.57(a) and (b). The burden hours for Section 95.11 were 2 hours; 1.8 hours for reporting and two-tenths of an hour for recordkeeping. The revised burden has increased to 10 hours for reporting and none for recordkeeping because NRC grants exemptions from the requirements of

the regulations and no longer requires recordkeeping by the licensee/certificate holder. The burden for Section 95.25(i) was 21 hours; 20 hours for reporting and 1 hour for recordkeeping. The revised burden is decreased to none as the effort has been combined under Section 95.57(b) because the contents of a security container are no longer required to be inventoried when found open or unattended. Section 95.34(b) is added to show a 1 hour recordkeeping increase because licensees, certificate holders, or others subject to Part 95 are required to retain records of foreign visits for 5 years beyond the date of the visit. The burden hours for Section 95.47 were 40 hours for recordkeeping. The revised burden is decreased to none as whatever effort might have been necessary has been combined in the monthly log provided to the CSA under Section 95.57(b) because the records of destruction of classified information are no longer required to be retained. The burden hours for Section 95.57(a) and (b) were 105 hours for reporting. The revised burden is 36 hours of recordkeeping because the number of 1 hour reports made under Sections 95.25(i), 95.47, and 95.57(a) have been combined into the monthly log provided to the CSA under Section 95.57(b). Based on the last 3 years' experience, the number of responses has been re-estimated from 202 to 145 for a net reduction of 57 responses for the next clearance period.

The burden cost has increased for professional staff-hour rates from \$125 to \$143 in accordance with Part 170 and for clerical staff-hour rates from \$45 to \$60.

16. Publication for Statistical Use.

There is no application of statistics in the information collected. There is no publication of this information.

17. Reason for Not Displaying the Expiration Date.

The requirement will be contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

ATTACHMENT A

10 CFR PART 95 BURDEN ESTIMATE

Section	Requirement	No. of Rspndnts	Annual Response	Total Response	Hours per Response	Total Burden Hours	Cost to Rspndnt 143/hr
<u>Reporting</u>							
95.11	Specific Exemptions	1	1	1	10	10	1,430
95.15(a)& (b) /95.49	Facility Clearance Requests	1	1	1	60	60	8,580
95.18(a)&(b)	Key Personnel	1	15	15	15	225	32,175
95.19(a)&(b)	Changes in Security Practices and Procedures	2	2	2	4	8	1,144
95.21	Cancellation of Facility Clearance Requests	1	1	1	1	1	143
95.25(i)	Unattended Security Container Found Open (See 95.57(b) for burden cost)	0	0	0	0	0	0
95.33(d)	Security Education	8	15	120	.1	15	2,145
95.37(a)	Classification	1	1	1	5	5	715
95.45(a)&(d)	Changes in Classification	3	1	3	2	6	858

95.53(a)&(b)	Facility Clearance Terminated	1	1	1	3	3	429
95.57(a)	Event Reporting (See 95.57(b) for burden cost)	0	0	0	0	0	0
95.57(c)	Completion of NRC Form 790. (Form cleared under OMB control number 3150-0052)						
Totals		<u>19</u>		<u>145</u>		<u>333</u>	<u>47,619</u>

ATTACHMENT A

10 CFR PART 95 BURDEN ESTIMATE

Section	Requirement/Record Retention	No. of Rcrdkprs	Annual Hours per Rcrdkpr	Total Rcrdkpng Hours	Cost to Respondnt
<u>Recordkeeping</u>					
95.18(a)	Key Personnel	1	1	1	143
95.25(d)	Records of Combinations	8	1	8	1,144
95.25(g)	Posted Information	8	.4	3.2	457.60
95.25(i)	Unattended Security Container Found Open (See 95.57(b) for burden cost)	0	0	0	0
95.25(j)	Key and Lock Accountability Records	5	4	20	2,860
95.33(h)	Security Education Training Records	8	1	8	1,144
95.34(b)	Foreign Visitors	1	1	1	143
95.36(d)	IAEA Visit Records (5 yrs)	1	5	5	715
95.37(c), (g)&(j) /95.45(b)	Marking Requirements	8	.25	2	286

95.37(h)	Classification Challenges	2	1	2	286
95.39(b)(4)	External Transmission	5	1	5	715
95.39(e)	Classified Information in Transit	2	1	2	286
95.41	External Receipt and Dispatch of Records (2 years)	5	.25	1.25	178.75
95.43(a)	Reproduction	8	1	8	1,144
95.43(c)	Marking Classified Reproductions	8	1	8	1,144
95.57(b)	Maintenance of Log	3	<u>12</u>	<u>36</u>	<u>5,148</u>
Totals			30.9	110.45	15,794.35

Total Overall Number of Responses = 153 {145 total responses for reporting + 8 recordkeepers}  
Total Reporting and Recordkeeping Burden Hours = 443 {110 total recordkeeping hrs + 333 total burden hrs}  
Total Number of Respondents = 8  
Total Cost to Respondent = \$63,349 {443 burden hours x \$143 per hour}