

DRAFT OMB SUPPORTING STATEMENT FOR

10 CFR PART 25

Access Authorization for Licensee Personnel

(3150-0046)

Revision to Extension Request

Description of the Information Collection

10 CFR Part 25 establishes procedures for granting, reinstating, extending, transferring, and terminating access authorizations of licensee personnel, licensee contractors or agents, and other persons (e.g., individuals involved in adjudicatory procedures as set forth in 10 CFR Part 2, subpart I) who may require access to classified information. There is a total of 50 licensees and other organizations in the reporting and recordkeeping requirements of this information collection. Each licensee or organization employing individuals approved for personnel security access authorization under this part, shall maintain records pertaining to the personnel access authorization, a termination, cancellation or reinstatement or a request for exemption from Part 25. These records are subject to review and inspection by Cognizant Security Agency (CSA) representatives during security reviews. Reports such as, notification of access authorization requests, NRC Form 237, and classified visits are submitted "upon occasion" as prescribed in Part 25.

A. JUSTIFICATION

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

Part 25 contains numerous reporting, recordkeeping, and application requirements, including requirements for submittal of personnel security access authorization and access authorization renewal requests, security recordkeeping requirements and security reporting and notification procedures relative to access authorizations. In all cases, the requirements are necessary to help ensure that granting individuals, covered by Part 25, access to classified information will not endanger the U. S. common defense and national security. Essentially, all of the reporting, recordkeeping and application requirements are necessary for one or more of the reasons listed below.

- a. To obtain the essential data from individuals necessary to determine their eligibility or continuing eligibility for an NRC access authorization for access to classified information. These information requirements are derived from pertinent statutes and Executive Orders which authorize background investigations on an individual's character, associations and loyalty.
- b. To obtain essential data describing normal operating procedures pertinent to personnel security and visitor control activities to ensure that regulatory requirements are being met by licensees and other organizations.

- c. To obtain essential data which serves as the basis for determining continued eligibility of an individual for an NRC access authorization when occurrences or developments arise which may affect the initial determination.

The information collection requirements of Part 25 are identified and explained below:

25.11 NRC may grant exemptions from the requirements of the regulations of this part upon application by any person 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.

25.17(b) The access authorization request must be submitted to the facility's Cognizant Security Agency (CSA). If the NRC is the CSA, the procedures in 25.17(c) and (d) will be followed. If the NRC is not the CSA, the request will be submitted to the CSA in accordance with procedures established by the CSA. The NRC will be notified of the request by a letter that includes the name, social security number and level of access authorization. If NRC is not the CSA, the burden is insignificant because the licensee must only furnish NRC with a copy of what is sent to the CSA.

This information is used to verify the identity of the employee for whom access authorization is requested and ensures that the licensee or other organization endorses the request.

25.17(c) This section requires that the access authorization request must include a completed personnel security packet (see 25.17(d)) and NRC Form 237 (OMB Clearance No. 3150-0050) signed by a licensee, licensee contractor official, or other authorized person.

The information and signature required by this section are used to verify the identity of the employee for whom access authorization is requested and ensures (through the signature of a licensee, licensee contractor, or other organization official) that the licensee or other organization official endorses the request.

25.17(d)(1) This section requires that each personnel security packet submitted must include a Questionnaire for National Security Positions (SF-86, Parts 1 and 2); two standard fingerprint cards (FD-258); Security Acknowledgment (NRC Form 176); and other related forms where specified in accompanying instructions. Only an NRC Form 176 is required from any person possessing an active access authorization, or who is being processed for an access authorization, by another Federal agency.

The information required by this section provides the pertinent data necessary to conduct an initial or update investigation to determine the respondent's trustworthiness and his/her eligibility for access to National Security Information or Restricted Data. The information submitted on the SF-86, Parts 1 and 2 (OMB Clearance No. 3206-0007 [DOE]) is reviewed by the NRC's Division of

Facilities and Security staff and forwarded to the appropriate investigating agency. In those cases where the respondent already has a security clearance granted by another Federal agency, alternative sources (other agency records) may be used to obtain this information.

25.19 This section requires that the processing of each application for access authorization or access authorization renewal must be submitted to the CSA. If the NRC is the CSA, the application and its accompanying fee must be submitted to the NRC Division of Facilities and Security. This information collection is covered in 25.17(a).

25.21(b) The CSA must be promptly notified of developments that bear on continued eligibility for access authorization throughout the period for which the authorization is active (e.g., persons who marry subsequent to the completion of a personnel security packet must report this change by submitting a completed NRC Form 354, "Data Report on Spouse" (OMB Clearance No. 3150-0026) or equivalent CSA form).

The reports and information required by this section ensure that personnel security records are kept up-to-date and that any developments or circumstances which may have an impact on an individual's continued access authorization eligibility are properly and accurately evaluated. This evaluation enables NRC to carry out the regulatory intent to safeguard NRC-classified information.

25.21(c)(1) An application for renewal must be submitted at least 120 days before the expiration of the five-year period for a "Q" access authorization and the ten-year period for an "L" access authorization. It must include a statement by the licensee or other person that the individual continues to require access to classified National Security Information or Restricted Data and also include a personnel security packet as described in 25.17(d).

25.21(c)(2) Renewal applications and the required paperwork are not required for individuals who have a current and active access authorization from another Federal agency and who are subject to a reinvestigation program by that agency that is determined by the NRC to meet the NRC's requirements. Any individual who is subject to the reinvestigation program requirements of another Federal agency who does not submit reinvestigation forms to that agency within five years of the previous submission shall submit a renewal application to the NRC using the forms prescribed in 25.17(d) before the expiration of the five-year period for a "Q" renewal and the ten-year period for an "L" renewal. If the NRC is not the CSA, reinvestigation program procedures and requirements will be set by the CSA.

25.23 Upon receipt of the notification of original grant of access authorization, the licensee or organization shall obtain an executed "Classified Information Nondisclosure Agreement" (SF-312) from the affected individual. An employee issued an initial access authorization shall execute an SF-312 before being granted access to classified information. The licensee or other organization shall

forward the executed SF-312 to the CSA for retention. If the employee refuses to execute the SF-312, the licensee or other organization shall deny the employee access to classified information and submit a report to the CSA. The SF-312 must be signed and dated by the employee and witnessed. The employee's and witness' signatures must bear the same date. The individual shall also be given a security orientation briefing in accordance with 95.33 of this chapter. Based on past experience, no individual has refused to execute the SF-312. Therefore, no burden is expected for this report. Records of access authorization grant and renewal notification must be maintained by the licensee or other organization for three years after the access authorization has been terminated by the CSA.

The reports and information required by this section ensure that only individuals who have agreed to properly protect classified information have access to such information. The maintenance of access authorization grant and renewal letters permits review and confirmation during prescribed NRC surveys that only properly authorized employees have had access to classified information. This recordkeeping requirement ensures these records are available for review by NRC inspectors and that they can be compared against records held by the NRC Division of Facilities and Security. The records under this section must be kept for three years following the access authorization termination date.

25.25 When a request for an individual's access authorization or renewal of access authorization is withdrawn or canceled, the requestor shall notify the CSA immediately by telephone so that the personnel security investigations, or other action may be discontinued. The requestor shall identify the full name and date of birth of the individual, the date of request, and the type of access authorization or access authorization renewal requested. The requestor shall confirm each telephone notification promptly in writing.

The information required by this section is necessary each time a licensee or other organization wishes to withdraw or cancel an access authorization or access authorization renewal they have requested. The information is used by NRC to terminate its processing of the individual and to notify the investigating agency that the investigation may also be canceled. This action saves the U. S. Government specific processing costs and curtails unnecessary investigations and invasions of privacy.

25.27(a) In conjunction with a new request for access authorization (NRC Form 237 or CSA equivalent) for individuals whose cases were previously canceled, new fingerprint cards (FD-257) in duplicate and a new Security Acknowledgment (NRC Form 176), or CSA equivalents, must be furnished to the CSA along with the request.

25.27(b) This section requires that if 90 days or more have elapsed since the date of the last Questionnaire for National Security Positions (SF-86), or CSA equivalent, the individual must complete a personnel security packet (see 25.17(d)). The CSA, based on investigative or other needs, may require a complete up-to-date personnel security packet in other cases as well.

These procedures and information in 25.27(a) and (b) are used by NRC to reopen and complete the access authorization processing and to determine the respondent's trustworthiness and eligibility for an access authorization.

25.29(a) An access authorization can be reinstated provided that no more than 24 months has lapsed since the date of termination of the clearance; there has been no break in employment with the employer since the date of termination of the clearance; there is no known adverse information; the most recent investigation does not exceed five years (Top Secret, Q) or ten years (Secret, L); and the most recent investigation meets or exceeds the scope of the investigation required for the level of access authorization that is to be reinstated or granted.

25.29(b) An access authorization can be reinstated at the same, or lower, level by submission of a CSA-designated form to the CSA. The employee may not have access to classified information until an up-to-date personnel security packet is furnished with the request for reinstatement of an access authorization and receipt of written confirmation of reinstatement. A new Security Acknowledgment will be obtained in all cases. Where personnel security packets are not required, a request for reinstatement must state the level of access authorization to be reinstated and the full name and date of birth of the individual. The purpose of this requirement is to provide that information which may be necessary (depending upon when the access authorization was terminated) to reinstate or reactivate the access authorization.

25.31(c) Requests for extension or transfer of access authorization must state the full name of the person, his date of birth, and level of access authorization. The NRC's Director, Division of Facilities and Security may require a new personnel security packet to be completed by the applicant.

These procedures and requirements provide the necessary information to properly identify and process an individual for an extension or transfer of their access authorization.

25.33(b) This section requires that if a representative of the licensee or other organization that employs the individual whose access authorization will be terminated shall immediately notify the CSA when the circumstances noted in paragraph (a)(1) or (a)(2) of this section exist; shall inform the individual that his access authorization is being terminated, and the reason; and shall be considered for reinstatement of access authorization if he resumes work requiring it.

25.33(c) This section requires the reporting of the content required by 25.33(b). When an access authorization is to be terminated, a representative of the licensee or other organization shall conduct a security termination briefing of the individual involved, explain the Security Termination Statement (NRC Form 136 or CSA-approved form)(OMB Clearance No. 3150-0049) and have the individual complete the form. The representative shall promptly forward the original copy of the Security Termination Statement to the CSA.

These procedures in 25.33(b) and (c) are required to ensure that an individual's access authorization is properly terminated whenever his/her need for access has expired or the individual has been found ineligible for a continuing access authorization.

25.35(a) This section requires that the number of classified visits must be held to a minimum. The licensee, certificate holder, or other facility shall determine that the visit is necessary and that the purpose of the visit cannot be achieved without access to, or disclosure of, classified information. All classified visits require advance notification to, and approval of, the organization to be visited. In urgent cases, visit information may be furnished by telephone and confirmed in writing. Notifications of visits shall consist of a Visit Authorization Letter (VAL) prepared in accordance with 25.35(c).

25.35(d) Classified visits may be arranged for a 12-month period. The requesting facility shall notify all places honoring these visit arrangements of any change in the individual's status that will cause the visit request to be canceled before its normal termination date.

These procedures ensure that only properly authorized individuals who require access to classified matter as a part of their official duties will have such access during visits to other facilities and agencies. They also require the requesting facility to notify places receiving long term visit requests of any changes in the individual's status as they occur.

Except as noted for 25.17(d), there is no duplication with any other Federal agency reporting requirements for all of the above. For each of the reporting requirements, the respondent is not required to submit more than two copies of any response.

2. Agency Use of Information.
Personal history information which is submitted by applicants for access authorizations or access authorization renewal is reviewed, evaluated by NRC's Division of Facilities and Security personnel, and provided to OPM which conducts background investigations. The NRC reviews the data from these investigations and makes determinations regarding the eligibility of applicants for access or continued access to classified information. Classified visit information is also processed and verified by NRC's Division of Facilities and Security personnel. If the information collection was not conducted, individuals would not be permitted access to NRC-classified information or be permitted to make visits involving NRC-classified information.
3. Reduction of Burden through Information Technology.
There is no significant impact upon the information collection requirement through the application of information technology. Only a small portion of other agency information [e.g., 25.17(d) and 25.21(c)(2)] is available through information technology means. Most of the information is obtained directly from the individual affected and is received by NRC in hard copy form.

4. Effort to Identify Duplication and Use Similar Information.
These requirements and procedures have been used by the Department of Energy to collect similar information. Similar requirements and procedures are used by other government agencies. Whenever possible, NRC uses these alternative sources of information. However, personal history information is time perishable and may need to be supplemented and updated.
5. Effort to Reduce Small Business Burden.
None of the licensees affected qualify as small business enterprises or entities.
6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently.
If the information is collected less frequently, the assurance that only appropriately cleared individuals have access to NRC-classified information is reduced, which may endanger the U. S. common defense and national security. Classified information may be compromised if furnished to individuals without an access authorization or an out-of-date access authorization.
7. Circumstances Which Justify Variation from OMB Guidelines.
There is no variation from OMB Guidelines in this collection of information.
8. Consultations Outside the NRC.
The opportunity for public comment on the Part 25 information collection requirements has been published in the Federal Register.
9. Payment or Gift to Respondents.
Not applicable.
10. Confidentiality of the Information.
The information collected is used to determine an applicant's eligibility for access authorization or continuation of 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 provided with or on each form.
11. Justification for Sensitive Questions.
Sensitive information collected includes questions on the SF-86 about such matters as firings from a job, criminal history record, and use of illegal drugs (authorized under OMB No. 3206-0007) and is used as the basis for an investigation; the social security number on the NRC Form 237 (authorized under OMB No. 3150-0050) is used to ensure accuracy of these records; and the name, date and place of birth of the individual's spouse and the spouse's immediate relatives on the NRC Form 354 (authorized under OMB No. 3150-0026) are used as a basis for an investigation.
12. Estimated Burden and Burden Hour Cost.
The burden estimates for Part 25 information collection requirements are based on submittals to NRC in past years. The cost to the licensees is calculated at a rate of \$60 per hour for clerical staff and \$156 per hour for professional staff for

preparation of the reports prepared in response to the Part 25 information collection requirements. These rates are based on NRC's fee rate and includes both salaries and overhead; the clerical rate is estimated.

The total annual burden and cost for complying with the information collection requirements in Part 25 is estimated to be about 267 hours at \$41,652 (see Attachment A).

13. Estimate of Other Additional Costs.

Not applicable.

14. Estimated Annualized Cost to the Federal Government.

The professional effort associated with these requirements includes reviewing the SF-86's and other personnel security forms required for access authorization processing; evaluating reports of developments which may affect continued eligibility for access authorization; and renewing, reinstating or transferring access authorizations. The estimated cost to the Federal Government for professional effort is based on current and past experience under Part 25.

1200 hrs. X \$156/hr. = \$187,200
(4 hrs. per case x 300 = 1200 hrs. x \$156 = \$187,200)

The clerical effort associated with these requirements includes requesting background investigations required for access authorizations; processing name changes; processing visit requests; and canceling and terminating access authorization requests. The estimated cost to the Federal Government for clerical effort is based on current and past experience under Part 25.

600 hrs. X \$60/hr. = \$36,000
(2 hrs. per case x 300 = 600 hrs. x \$60 = \$36,000)

The annual cost for the record holding requirements is:

1 cubic ft. X \$209/cubic ft. = \$209

Total annual cost = \$223,409
((\$187,200/professional + \$36,000/clerical + \$209/record holding = \$223,409)

The records are held in the Division of Facilities and Security, Security Branch file vault.

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

15. Reasons for Changes in Burden or Cost.

The overall burden increased by 10 hours from 257 hours to 267 hours because of an increase in the number of licensees that are being processed for security clearances. As a result of September 11, 2001, the Commission issued an Order to require additional security clearances from licensee employees, thereby increasing the number of respondents from 20 to 50, with a corresponding increase of 480 responses (450 for reporting and 30 for recordkeeping). This increased the reporting burden for Section 25.23 by 45 hours from 30 to 75 hours. Although, the September 11 event increased the number of recordkeepers by 30 under Section 25.23, the burden decreased by 35 hours for recordkeeping from 60 hours to 25 hours. This reduction is based on consultations with 9 licensees, who estimate 30 minutes per recordkeeper to meet the recordkeeping requirements instead of the initial estimate of 3 hours.

16. Publication for Statistical Use.

There is no publication of information collected.

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.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

ATTACHMENT A

10 CFR PART 25 REPORTING BURDEN ESTIMATE

| Section | Requirement | No. of Rspndnts | No. of Responses Per Rspndnt | Total Annual Responses | Burden Hours Per Response | Total Burden Hours | Cost to Rspndnt \$156/Hr |
|------------------|--|--|------------------------------|------------------------|---------------------------|--------------------|--------------------------|
| <u>Reporting</u> | | | | | | | |
| 25.11 | Exemption Request | 1 | 1 | 1 | 1.8 | 1.8 | 281 |
| 25.17(b) | Access Authorization Request | Burden included in NRC Form 237, cleared under OMB number 3150-0050. | | | | | |
| 25.17(c) | NRC Access Authorization Request NRC Form 237 | Form cleared under OMB number 3150-0050. | | | | | |
| 25.17(d)(1) | Personnel Security Packet SF-86 | Form cleared under OMB number 3206-0007. | | | | | |
| 25.19 | Processing Applications | Covered under Section 25.17(b) | | | | | |
| 25.21(b) | Reporting Personnel Security Data - NRC Form 354 | Form cleared under OMB number 3150-0026. | | | | | |
| 25.21(c)(1)&(2) | NRC Access Authorization Request NRC Form 237 | Form cleared under OMB number 3150-0050. | | | | | |
| 25.23 | Notification of grant of access authorization SF-312 | 50 | 15 | 750 | .1 | 75 | 11,700 |
| 25.25 | Access Authorization Cancellation | 12 | 10 | 120 | .25 | 30 | 4,680 |

| Section | Requirement | No. of Rspndnts | No. of Responses Per Rspndnt | Total Annual Responses | Burden Hours Per Response | Total Burden Hours | Cost to Rspndnt \$156/Hr |
|--------------|--|--|------------------------------|------------------------|---------------------------|--------------------|--------------------------|
| 25.27(a)&(b) | Reopening Canceled Requests | 6 | 4 | 24 | 2 | 48 | 7,488 |
| 25.29(a)&(b) | Access Authorization Reinstatement | 6 | 5 | 30 | 2 | 60 | 9,360 |
| 25.31(c) | Extension or Transfer of Access Authorization | 12 | 1 | 12 | 1.5 | 18 | 2,808 |
| 25.33(b)&(c) | Reporting Access Authorization Terminations - NRC Form 136 | Form cleared under OMB number 3150-0049. | | | | | |
| 25.35(a) | Classified Visits | 5 | 4 | 20 | .25 | 5 | 780 |
| 25.35(d) | Classified Visits - Changes | 5 | 3 | 15 | .25 | 3.75 | 585 |
| Totals | | | | <u>972</u> | | <u>241.55</u> | <u>37,682</u> |

ATTACHMENT A

10 CFR PART 25 RECORDKEEPING BURDEN ESTIMATE

| Section | Requirement/Record Retention | No. of Rcrdkprs | Hours Per Rcrdkpr | Total Annual Burden Hours | Cost to Rspndnt \$156/Hr |
|----------------------|---|-----------------|-------------------|---------------------------|--------------------------|
| <hr/> | | | | | |
| <u>Recordkeeping</u> | | | | | |
| 25.23 | Notification of Access Authorization Approval (3 yrs) | 50 | .5 | 25 | 3,900 |
| Totals | | | <u>.5</u> | <u>25</u> | <u>3,900</u> |

Total Overall Number of Responses = 1,022 {972 Total Responses for reporting + 50 Recordkeepers}
Total Reporting and Recordkeeping Burden Hours = 267 {242 Total Reporting hrs + 25 Total Recordkeeping hrs}
Total Number of Respondents = 50
Total Cost to Respondent = \$41,652 {267 Burden hours x \$156 per hour}

CONSULTATIONS OUTSIDE THE NRC

OMB CLEARANCE 3150-0046

“10 CFR Part 25, “Access Authorization for Licensee Personnel”

The following question was asked:

“How long does it take you to complete the requirements in 25.23?”

| | PERSON ADM/DFS/SB SPOKE WITH (Name/Number/Company) | ACTUAL ESTIMATE OF RESPONSE TIME |
|----|--|-------------------------------------|
| 1. | Calvert Cliffs Vince Williams, 410-495-2484, Constellation | 30 minutes |
| 2. | Arkansas Nuclear One Michael Higgins, 479-858-7485, Entergy | 40 minutes |
| 3. | Grand Gulf Gregory Brown, 601-437-2322, Entergy | 40 minutes |
| 4. | San Onofre Tony Llorens, 949-368-7597, Southern California Edison | 35 minutes |
| 5. | DC Cook Agapito Rodriguez, 269-466-2752, Indiana Michigan | 25 minutes |
| 6. | Callaway Luke Graessle, 573-676-8129, Ameren UE | 30 minutes |
| 7. | NEI Douglas Walters, 202-739-8000, NEI | 20 minutes |
| 8. | Progress Energy Lori Hayes, 919-546-2505, Progress Energy | 30 minutes |
| 9. | Southern Nuclear Operating Company Jerry Sims, 205-992-6165, Southern Nuclear Operating Co. | 30 minutes |

Based on the above data, the estimated average number of hours that a licensee spends to complete the recordkeeping requirements for 25.23 is about 30 minutes.

NOTE: It is required to contact more than 1 but less than 10.