DRAFT OMB SUPPORTING STATEMENT
FOR
NRC FORM 790
CLASSIFICATION RECORD
(3150-0052)

REVISION TO EXTENSION REQUEST

Description of Information Collection

The NRC Form 790 is completed manually or an electronic submission of the data contained on the NRC Form 790 is submitted each time a document is classified, declassified, or downgraded. This reporting requirement affects approximately eight NRC licensees and contractors and one certificate holder that are permitted to use, process, store, reproduce, transmit, or otherwise handle NRC classified information. The information contained on the completed form includes specific information which identifies the document being classified, declassified, or downgraded, as well as specific information describing the status (e.g., original or derivative classification, reason for the declassification review, future action). This information, enables NRC to conduct assessments of classification or declassification determinations made by those officials specifically authorized to make such determinations. The electronic collection system, the "NRC Record Classification Actions (RCA)" system, is housed at the NRC. This system permits collection of NRC Form 790 information electronically, through the use of a standard personal computer and modem. The requested information would be entered into the NRC RCA database system via keyboard data entry from various NRC licensee, contractor, and certificate holder sites.

A. JUSTIFICATION

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

E.O. 12958, as amended, empowers the Director, Information Security Oversight Office (ISOO), to require of each agency those reports, information, and other cooperation that may be necessary to fulfill the Director's responsibilities to oversee NRC's actions to ensure compliance with E.O. 12958, as amended, and implementing directives. This requires the NRC to report classification/declassification of all documents to ISOO. The NRC Form 790 is the means by which the NRC Division of Security Operations (DSO) collects this data from its own employees, licensees, contractors, certificate holders, and persons falling within the scope of 10 CFR Part 95 or NRC Management Directive 12.2, "NRC Classified Information Security Program". Failure to complete this form would preclude NRC from meeting its expected classification and declassification reporting responsibilities prescribed by ISOO and from evaluating classification/declassification actions during appraisals, inspections and audits. The Agency Declassification Compliance Plan for E.O. 12958, as amended, mandates that NRC identify and declassify 100 percent of their 25 year old permanent records by December 31, 2006. This action, in addition to the fact that one of NRC's regulated entities will generate forms under its uranium enrichment program, has decreased the burden estimate to 300 responses.

2. Agency Use of Information

The completed NRC Form 790 is submitted to DSO. The data provided on the form is entered into an automated data base. The data is then tabulated, stored and as needed, a report is produced. This report is used by DSO to keep track of classification and declassification decisions arrived at by authorized officials. Statistical data from this report is provided to ISOO pursuant to their responsibilities under E.O. 12958, as amended. This data is also used by NRC during inspections, appraisals, or audits of the affected facilities or persons.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. It is estimated that approximately fifty percent of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

There is no duplication of requirements. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

5. Effort to Reduce Small Business Burden

None of the licensees, organizations, or persons affected qualify as small businesses. The burden associated with this form is so minimal that there would be no significant burden on a contractor if they qualified as a small business enterprise or entity.

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

The NRC Form 790 is completed manually or an electronic data entry is made when a classification/declassification action occurs. It is not possible to have less frequent collection without eliminating the requirement completely. In that case NRC would not have the information necessary to evaluate the information security program at the facility, which would negatively impact on NRC's responsibility to ensure the proper protection of classified information and compliance with Executive Order requirements and statutory requirements.

7. Circumstances Which Justify Variation from OMB Guidelines

Not applicable.

8. Consultations Outside the NRC

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

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

NRC provides no pledge of confidentiality for this collection of information. To the extent information is business confidential, procedures are in place to protect the information from improper disclosure.

11. Justification for Sensitive Questions

No sensitive information is requested on the NRC Form 790.

12. Estimated Burden and Burden Hour Cost

300 responses are anticipated. Of these, 50% are expected to be submitted electronically. The estimated burden is calculated as follows:

150 responses per year X 6 minutes (paper copy) to process each form = 15 hours X $197 per hour = $2,955.

150 responses per year X 2 minutes (electronic) to process each form = 5 hours X $197 per hour = $985.

The burden hours are estimated to be 20 hours for a cost of $3,940.

13. Estimate of Other Additional Costs

No additional licensees, contractors, or certificate holders cost are anticipated. Those who do not have PCs or modems will probably continue to report manually. Others have the option of reporting electronically.

14. Estimated Annualized Cost to the Federal Government

The estimated annualized cost to the Federal Government in administering the program and procedures contained in 10 CFR Part 95 or NRC Management Directive 12.2 is $3,940. This was computed as follows:

150 responses per year x 6 minutes to process each form X $197 per hour = $2,955; therefore, the estimated annual cost to the Government is $2,955.

150 responses per year x 2 minutes to process each form x $197 per hour = $985; therefore, the estimated annual cost to the Government is $985.

The total cost to the Government will be $3,940, which equals a reduction in cost of $1,970.

This cost is fully recovered through fee assessments to NRC licensees and its one certificate holder~~s~~ pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes in Burden or Cost

The burden decreased by 20 from 40 to 20 hours due to a decline in the number of responses from 600 to 300, based on the number of reports actually filed by NRC's only certificate holder.

16. Publication for Statistical Use

NRC tabulates and arranges the information contained on the form, and provides it to ISOO, as needed. There is no other publication for statistical use.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed on NRC Form 790 and will be displayed on the electronic entry system.

18. Exceptions to the Certification Statement

Not applicable.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.