

May 21, 2008

## DRAFT SUMMARY OF INFORMATION COLLECTION REQUEST

Title: 10 CFR Part 9, Public Records

Current Burden/Responses: 2,120 hours/ 7,989 responses

Proposed Burden/Responses: 167 hours/ 212 responses

Frequency of Response: On occasion

Number of Respondents: 212

Reasons for Changes in Burden/Responses:

The overall burden has decreased from 2,119.5 to 167 hours (a decrease of 1,952.5 hours) because of the following:

Based on a review of the past 3 years of data the NRC has made the following burden adjustments:

Decrease in the number of respondents for Section 9.25(e) (requests for expedited processing) from 30 to 23 based on the actual number of responses received during the past 3 years which resulted in a burden decrease of 3.5 hours from 15 to 11.5 hours.

Increase in the number of respondents for Section 9.41(b) (requests for reduction or waiver of fees) from 60 to 67 based on the actual number of responses received during the past 3 years which resulted in a burden increase of 3.5 hours from 30 to 33.5.

In addition, the NRC reviewed the requirements under 10 CFR Part 9 in conjunction with the Implementing Guidance for OMB Review of Agency Information Collection (Draft issued 1999). A review of these documents suggested that some of the requirements previously included under this clearance number should not have been submitted as information collections, and are actually exempt from requirements under the Paperwork Reduction Act (PRA).

The first set of requirements that the NRC believes are exempt from PRA requirements are: Public access to records in the Public Document Room, Requests for Agency records under the FOIA, and Privacy Act requests. According to the OMB Guidance document, these requirements are exempt from the PRA because they are:

“...disclosures that require persons to provide or display only facts necessary to identify themselves, e.g., ‘they entail no burden other than that necessary to identify the respondent, the date, the respondent’s address, and the nature of the instrument.’

‘Nature of the instrument’ refers to a respondent’s request for materials, such as publications or other information from an agency. To facilitate such requests for information from an agency,

and agency may ask requesters to describe the material or information sought in detail sufficient to describe the individual desires.”

In short, these regulations simply require requestors to identify themselves and the information that they are seeking. As a result, NRC does not consider these regulations to constitute an information collection, and has removed their burden from this submission.

The second set of requirements that the NRC believes are exempt from the PRA are the identifying documents required for Privacy Act requests. This includes Identification for Privacy Act requests, the Notarized statement (submitted in lieu of documents supporting the requestor’s identity), and Documents verifying parentage of guardianship. These items fall under the exemption for certifications, which “Identify an individual in a routine, non-intrusive, non-burdensome way.” These three identification methods do not substitute for a collection of information, and are the minimum required for the NRC to verify an individual’s identity for the purpose of processing a Privacy Act request.

The NRC has removed from the total burden the hours associated with these requirements, for a total reduction of 1,952.5 hours. Following is a table summarizing the requirements and the burden reduction for each:

Section	Description	Burden reduction
9.23(a)(1)	Public access to records in the Public Document Room	-1,835
9.23(b)	Requests for agency records under the FOIA	-100
9.53(a) & (b)	Privacy Act requests, how and where presented	-5
9.54(a)(1)	Identification for Privacy Act requests	-5
9.54(b)	Notarized statement (submitted in lieu of documents supporting the requestor’s identity) for Privacy Act requests	-5
9.54(c)	Documents verifying parentage or guardianship for Privacy Act requests	0
9.55(a)(1)	Specification of records sought in Privacy Act request	-2.5
TOTAL		-1,952.5

In addition, the rate has increased from \$201 to \$258.

Level of Concurrence: Team Leader  
 IRSD/RFPSB/ FOIA and Privacy Team  
 Office of Information Services

Effort to Identify Duplication and to Use Similar Information:

No sources of similar information are available. 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. There is no way to use similar information, as each request is unique to the requester.

Abstract:

10 CFR Part 9 prescribes procedures for individuals making requests for records under the Freedom of Information Act (FOIA) or Privacy Act (PA). It contains information collection requirements for requests to waive or reduce fees for searching for and reproducing records in response to FOIA requests; appeals of denied requests; and requests for expedited processing. The information required from the public is necessary to justify requests for waivers or reductions in searching or copying fees; or to justify expedited processing. Section 9.28(b) provides that if the submitter of information designated to be trade secrets or confidential commercial or financial information objects to the disclosure, he must provide a written statement within 30 days that specifies all grounds why the information is a trade secret or commercial or financial information that is privileged or confidential.