

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 U.S. Nuclear Regulatory Commission		2. OMB control number <input type="checkbox"/> a. 3150 - 0062 <input type="checkbox"/> b. None	
3. Type of information collection (check one) <input type="checkbox"/> a. New collection <input type="checkbox"/> b. Revision of a currently approved collection <input checked="" type="checkbox"/> c. Extension of a currently approved collection <input type="checkbox"/> d. Reinstatement, without change , of a previously approved collection for which approval has expired <input type="checkbox"/> e. Reinstatement, with change , 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	
7. Title 10 CFR 11, Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material		6. Requested expiration date <input checked="" type="checkbox"/> a. Three years from approval date <input type="checkbox"/> b. Other (Specify):	
8. Agency form number(s) (if applicable) NA			
9. Keywords Investigations, Nuclear Materials, Security Measures			
10. Abstract 10 CFR 11 establishes requirements for access to special nuclear material, and the criteria and procedures for resolving questions concerning the eligibility of individuals to receive special nuclear material access authorization.			
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. Burden to respondent (Mark primary with "P" and all others that apply with "X") <input type="checkbox"/> a. Primary <input type="checkbox"/> b. Required to obtain certain benefits <input type="checkbox"/> c. Burden to obtain certain benefits	
13. Annual reporting and recordkeeping hour burden a. Number of respondents <u>5</u> b. Total annual responses <u>5</u> 1. Percentage of these responses collected electronically <u>0.0</u> % c. Total annual hours requested <u>5</u> d. Current OMB inventory <u>5</u> e. Difference <u>0</u> f. Explanation of difference 1. Program change _____ 2. Adjustment _____		14. Burden to respondent and recordkeeping cost burden (in thousands of dollars) a. Total annual capital/startup costs <u>0</u> b. Total annual costs (O&M) <u>0</u> c. Total annual 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 _____	
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) _____	
17. Statistical methods Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 980118		18. Agency contact (person who can best answer questions regarding the content of this submission) Name: Frank P Cardile Phone: 301-415-6185	

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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

Date

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

OMB 83-4

10/95

SUPPORTING STATEMENT
FOR
10 CFR PART 11
CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR
ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL
(3150-0062)

EXTENSION

Description of the Information Collection

NRC regulations in 10 CFR Part 11 establish requirements for access to special nuclear material, and the criteria and procedures for resolving questions concerning the eligibility of individuals to receive special nuclear material access authorization. These requirements, criteria and procedures apply to employees (including applicants for employment), contractors, and consultants of NRC licensees and contractors whose activities involve access to or control over special nuclear material at either fixed sites or in transportation activities. The regulations are issued pursuant to the Atomic Energy Act of 1954, as amended.

A. Justification

1. Need for and Practical Utility of the Information Collection

Two levels of special nuclear material access authorization are established. The higher level, NRC-U, is based on a full field background investigation and applies to (i) all positions in the security force, (ii) certain management positions, (iii) all individuals who require unescorted access to special nuclear material or within vital areas, (iv) those jobs in which an individual, alone or in cooperation with another individual who does not possess an NRC-U special nuclear material access authorization, could act to steal or divert special nuclear material or commit sabotage, and (v) drivers of motor vehicles and pilots of aircraft transporting significant quantities of special nuclear material, those who escort road, rail, air, or sea shipments of special nuclear material, and those who are authorized to direct deviation from planned transportation routes. The lower level, NRC-R, is based on a National Agency Check and credit investigation and applies to all individuals who require unescorted access to protected areas and who are not required to possess an NRC-U special nuclear material access authorization.

Both the National Agency Check and credit investigation and the full field background investigation are conducted by the Office of Personnel Management (OPM). The National Agency Check and credit investigation consists of a check of files of the FBI (fingerprinting and central files), OPM (Security-Investigative Index), and a check of military records and records of other government agencies and a credit check. The full field background investigation consists of interviews of references, conducted by investigative agents of OPM, in addition to the records check. Sources of information developed in the course of the investigation are also interviewed. The full field background investigation conducted by OPM generally covers the 7-year period of the individual's adult life prior to the investigation.

Personal history information which is submitted on applicants for relevant jobs is provided to OPM, which conducts investigations. NRC reviews the results of these investigations and makes determinations of the eligibility of the applicants for access authorization.

Section 11.9 provides that licensees and other organizations may submit an application for an exemption from any requirement of Part 11. Applications under this section are examined by the NRC staff to determine whether the requested exemption is authorized by law and whether it will not constitute an undue risk to the common defense and security.

Documentation related to the request, notification, and processing of an exemption is required to be maintained as a record for three years after the period covered by the exemption. No licensees have requested exemptions in recent years and no requests are anticipated.

Section 11.11(a) requires that all fixed site licensees and transportation facilities submit an amendment to their security plan identifying those jobs which will require incumbents to have material access authorizations. The information is needed by NRC to determine the extent of requirements for access authorizations and to establish that such authorizations are keyed to job requirements. All existing licensees have submitted the required amendments and no new submittals are anticipated.

Section 11.13(b) requires licensees who ship special nuclear material subject to the physical protection requirements of specified sections of 10 CFR Part 73 to make a record, prior to shipment, of the name and special nuclear material access authorization number of certain individuals assigned to the shipment. The record must be retained for three years after the shipment is made. The information is needed to permit NRC inspectors to verify that the licensee is complying with requirements for access to special nuclear material in transit and to permit followup in the event of any incident. There are currently no licensed Category I shippers, hence no current burden is anticipated.

Sections 11.15 (a), (b), (c), and (d) require an employer to file an application with the NRC on behalf of the employee for special nuclear material access authorization, renewal, or change in level.

Section 11.15(a)(2) permits licensees to request certification of existing clearances of individuals from the NRC or other Federal agencies if the investigation data is equivalent to that required for NRC-U or NRC-R access authorization. Information upon which to base certifications is submitted on a Security Acknowledgement (NRC Form 176) and Request for Access Authorization (NRC Form 237, OMB Clearance No. 3150-0050). The information submitted is needed to determine the investigative basis and level of clearance. It is evaluated by NRC to determine whether access authorization should be granted.

Section 11.15(b) requires that, for individuals other than those qualified under Section 11.15(a)(2) above, licensees must submit applications for special nuclear material access authorization for individuals employed in jobs identified in Section 11.11. Applications contain personal history information which is provided to OPM, which conducts an investigation or National Agency Check. NRC then determines whether the individual should be granted the level of special nuclear material access authorization that was requested.

Section 11.15(c) provides that, with specified exceptions, access authorizations expire five years from the date of issuance, and requires that applications for renewal be filed with NRC at least 120 days prior to expiration. In addition, this section allows an exception to the NRC-U and NRC-R special nuclear material access authorization expiration date for individuals who have an active DOE-Q or DOE-L access authorization and are subject to the DOE reinvestigation program.

Section 11.15(c) requires the licensee to submit NRC renewal applications only for an individual who has not been reinvestigated by DOE or another Federal agency within a five to seven year span permitted in the regulations. The burden is attributable to and will be reported under the clearance for Standard Form 86, OMB No. 3206-0007, and NRC Form 237, OMB No. 3150-0050.

Section 11.15(d) requires that applications must be filed with NRC for a change in level of access authorization if changes in the employee's job responsibilities so require. The application must include a description of the new duties to be assigned or assumed, justified by reference to the licensee's security plan.

The information required by Section 11.15 is needed to enable NRC to make determinations concerning the eligibility of individuals for special nuclear material access authorization and to determine whether NRC licensees are in compliance with requirements for identifying and obtaining access authorization for specified types of jobs.

Section 11.16 requires that licensees wishing to withdraw or cancel a request for an individual to be granted a special nuclear material access authorization do so by supplying the identifying information on the individual and the level of authorization requested. This information must be provided immediately by telephone and confirmed in writing. This information is needed so that the full field investigation or National Agency Check may be discontinued.

2. Agency Use of the Information

Personal history information which is submitted on applicants for relevant jobs is provided to OPM, which conducts investigations. NRC reviews the results of these investigations and makes determinations of the eligibility of the applicants for access authorization. Applications for an exemption from requirements of Part 11 are examined by the NRC staff to determine whether the requested exemption is authorized by law and whether it will not constitute an undue risk to the common defense and security. Information in licensee security plans identifying those jobs which will require incumbents to have material access authorizations is needed by NRC to determine the extent of requirements for access authorizations and to establish that such authorizations are keyed to job requirements. Records of the name and special nuclear material access authorization number of certain individuals assigned to shipments of special nuclear material are needed to permit NRC inspectors to verify that the licensee is complying with requirements for access to special nuclear material in transit and to permit followup in the event of any incident. Applications for special nuclear material access authorization for individuals employed in jobs identified in Section 11.11 are provided to OPM, which conducts an investigation or National Agency Check. NRC then determines whether the individual should be granted the level of special nuclear material access authorization that was requested. Applications required by Section 11.15 for access authorization or a change in level of access authorization based on a change in the employee's job responsibilities are needed to enable NRC to make determinations concerning the eligibility of individuals for special nuclear material access authorization and to determine whether NRC licensees are in compliance with requirements for identifying and obtaining access authorization for specified types of jobs.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. However, because of the types of information and the infrequency of submission, the applications and other reports do not lend themselves readily to the use of automated information technology for submission. No requests are submitted electronically at this time.

4. Effort to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) was searched to identify duplication. None was found. Part 11 specifically provides in Section 11.15(a)(2) for the acceptance by NRC of information already collected by other Federal agencies under similar personnel security programs for incumbents in appropriate jobs. NRC will also accept for its renewal program the information collected by the Department of Energy for its renewal program.

5. Effort to Reduce Small Business Burden

The NRC has determined that none of the affected licensees are small entities as that term is defined in the Regulatory Flexibility Act.

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

If the information were not collected, NRC would not have the information needed to assure that licensees will continue to conduct programs in a manner that will assure adequate protection of the common defense and security. Applications for new access authorization are submitted only once. Applications for renewal of access authorization are submitted every five years.

7. Circumstances Which Justify Variation from OMB Guidelines

Contrary to the OMB Guidelines in 5 CFR 1320.5(d), Section 11.16 requires that licensees provide notification to NRC immediately by telephone, with prompt confirmation in writing, of the withdrawal or cancellation of any request for access authorization. This requirement is needed to allow the government to promptly terminate investigations which may be underway in order to prevent the further expenditure of extremely scarce government investigative resources on a clearance that will not be needed.

8. Consultations Outside the NRC

An invitation to comment on the information collection requirements in 10 CFR Part 11 was published in the Federal Register on March 25, 1998 (63 FR 14479). There were no comments.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

The information collected is used to determine an individual's eligibility for access to or control over special nuclear material. The information is protected from public disclosure under the Privacy Act of 1974.

11. Sensitive Questions

Sensitive information collected under this program has been previously cleared in connection with Standard Form 86, OMB Clearance No. 3206-0007.

12. Estimated Burden and Burden Hour CostReporting Requirements

<u>Section</u>	<u>Submittals Annually</u>	<u>Respondent Hrs Per Submittal</u>	<u>Total Annual Respondent Burden</u>
11.9	0	8	0
11.11(a)	0	40	0
11.15(a)(2)	- See NRC Form 237, OMB Clearance No. 3150-0050		
11.15(b)			
11.15(c)	- Personnel Security Packet, SF-86, OMB Clearance No. 3206-0007 and NRC Form 237, OMB Clearance No. 3150-0050		
11.15(d)			
11.16	5	0.25	1.25
TOTAL	<u>5</u>		<u>1.25</u>

Recordkeeping Requirements

<u>Section</u>	<u>Recordkeepers</u>	<u>Annual Hrs Per Recordkeeper</u>	<u>Total Hrs</u>	<u>Record Retention Period</u>
11.9	0	1	0	3 yrs after exemption period
11.13(b)	0	2	0	3 yrs after shipment
Total number of recordkeepers:			0	
Total recordkeeping hours annually:			0	
TOTAL BURDEN HOURS:			1.25	

Cost to Respondents to Comply

<u>Section</u>	<u>Cost</u>
11.9	0
11.11(a)	0
11.13(b)	0
11.15(a)(2)	- See OMB Clearance No 3150-0050
11.15(b)	
11.15(c)	- See OMB Clearance Nos. 3206-0007 and 3150-0050
11.15(d)	
11.16	\$ 156.25
TOTAL	\$ 156.25

Source of Burden Data and Method for Estimating Costs

The estimates are based on submittals to NRC in past years. Cost to applicants and licensees is calculated at a rate of \$125 per hour, which includes overhead.

13. Estimate of Other Additional Costs

None. For licensees under 10 CFR Part 11, it is most likely that purchases of equipment and services were made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

14. Estimated Annualized Cost to the Federal Government

The majority of the cost incurred under 10 CFR Part 11 is attributable to activities in connection with the review and handling of the following reporting forms, and has been reported to OMB in connection with the clearance of those forms:

SF 86	OMB Clearance No. 3206-0007
NRC Form 237	OMB Clearance No. 3150-0050

It is expected that there will be a small number of withdrawals and cancellations of requests for access authorization which will not be covered by the above forms clearances. The estimated cost of NRC staff processing of those withdrawals, at a rate of \$125 per hour, is \$250. These costs are fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Change in Burden or Cost

There is no change in burden. The change in estimated cost is based on a change in the fee recovery rate to \$125 per hour.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying Expiration Date

The 10 CFR Part 11 requirements are 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

None.

B. Collection of Information Employing Statistical Methods

Statistical methods are not used in this collection of information.