

FINAL 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 nine NRC licensees and contractors and two certificate holders that are permitted to use, process, store, and 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 and to prepare accurate feeder data into a report to the President. 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 licensees, contractor and certificate holder sites.

A. JUSTIFICATION

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

Executive Order (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 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.

Lastly, the burden estimate has increased to 450 responses per year because one of NRC's regulated entities has increased its operations thus,

generating
are being constructed.

more 790 forms and new classified enrichment facilities

NRC

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

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 filled electronically.

4. Effort to Identify Duplication and 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.

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 Frequency

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 in the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on June 30, 2009 (74 FR 31316). No comments were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

Confidential and proprietary information is protected in accordance with NRC Regulations at 10 CFR 9.17 (a) and 10 CFR 2.390 (b).

11. Justification for Sensitive Questions

No sensitive information is requested on the NRC Form 790.

12. Estimated Burden and Burden Hour Cost

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

225 responses per year x 6 minutes (paper copy) to process each form
= 22.5 hours x \$238 per hour = \$5,355.00

225 responses per year x 2 minutes (electronic) to process each form
= 7.5 hours x \$238 per hour = \$1,785.00

The burden hours are estimated to be 30 hours for a cost of \$7,140.00

13. Estimate of Other Additional Costs

No additional licensees, contractors, or certificate holders costs 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 to administer the program and procedures contained in 10 CFR Part 95 or NRC Directive 12.2 is \$7,140.00.

Management

This was computed as follows:

225 responses per yr x 6 minutes to process each form x \$238 per hr =
\$5,355.00; therefore, the estimated annual cost to the Government is
\$5,355.00.

225 responses per yr x 2 minutes to process each form x \$238 per hr =
\$1,785.00; therefore, the estimated annual cost to the Government is
\$1,785.00.

The total cost to the Government is \$7,140.00, (\$5,355.00 + \$1,785.00) which
equals an increase in cost of \$3,196.00.

This cost is fully recovered through fee assessments to NRC licensees and its
two certificate holders pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes In Burden or Cost

The burden increased by 10 hours from 20 to 30 hours due to an increase
in the actual number of responses from (300 to 450) submitted by two NRC
enrichment licensees and one additional certificate holder. In addition, the cost
increased due to the increase in the fee rate from \$197/hr. to \$238/hr.

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.

A. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.