

FINAL SUPPORTING STATEMENT FOR
NRC FORM 136
"SECURITY TERMINATION STATEMENT"

(3150-0049)

EXTENSION

Description of Information Collection

The reporting requirements associated with the U.S. Nuclear Regulatory Commission (NRC) Form 136, "Security Termination Statement," affect the NRC employees, licensees, and contractors who have been granted an NRC access authorization (security clearance). When the NRC access authorization is no longer required, the employee or contractor acknowledges and accepts his/her continuing security responsibilities, as stated on the NRC Form 136, by signing the form. The NRC Form 136 requires a minimum amount of other personal information (e.g., name, date of termination, last four digits of social security number, name the person providing the briefing). The form is countersigned by a Division of Facilities and Security (DFS) employee, or representative of the licensee or contractor who administered the completion of the form by the employee.

There is no recordkeeping requirement for the NRC employee, licensee, or contractor since the completed NRC Form 136 is to be forwarded to NRC headquarters, DFS for retention in the individual's Personnel Security File (PSF). The established retention period of the PSF is destruction upon notification of death or 5 years after termination of the last access authorization held.

The use of this form affords some assurance that classified information and knowledge gained by the respondent will be properly protected, and therefore, benefits the NRC security program and public at large.

A. JUSTIFICATION

1. Need for and Practical Utility of the Information Collection

Section 4.3 of Executive Order (E.O.) 12958 requires agencies to establish controls over the distribution of classified information to assure that it is distributed only to organizations or individuals eligible for access who also have a need-to-know the information. NRC's response to this requirement is termination of the access authorization when the circumstances cited in 10 CFR 25.33 (applicable to licensees) or in NRC Management Directive (MD) 12.3, "NRC Personnel Security Program" (applicable to NRC employees and contractors) exist. The NRC Form 136 is an integral part of reminding individuals of their continuing responsibilities after termination of service.

2. Agency Use of Information

As stated in MD 12.3 (for employees and contractors) and in 10 CFR 25.33 (for licensees), the completed NRC Form 136 is to be forwarded by the employee/licensee/contractor to NRC headquarters, DFS who utilize the

information in connection with the termination of the respondent's employment with the NRC. In addition to providing assurance of NRC compliance with E.O. 12958, the NRC Form 136 is the vehicle used by DFS to apprise the individual of his/her continuing responsibilities for protecting classified information that he/she had access to, in the course of performing official duties. The individual's signature on this form indicates his acknowledgment/acceptance of these continuing responsibilities. Failure to use the NRC Form 136 by the licensee/contractor may result in: (1) failure to terminate the NRC access authorization when circumstances dictate and, therefore, continued access to classified information; and (2) the individual not being apprized of, or officially acknowledging (by signature) his/her continuing responsibilities for protecting classified information.

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. The NRC issued a regulation (68 FR 58791) on October 10, 2003, 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 none (0%) of the potential responses are filed electronically. The NRC Form 136 requires the signatures of the person executing the form and the briefer; therefore, it must be completed as a paper copy.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. The 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

The burden associated with this form is minimal. There is no significant burden on a contractor that is 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 frequency of information collection is limited to circumstances when the respondent's NRC service is to be terminated. In most cases, this is a one time event and less frequent collection would mean eliminating the collection altogether. If the information is not collected, the assurance that only appropriately cleared individuals have access to classified information is reduced; and it is likely that individuals will be unaware of their continuing responsibility to protect classified information. Thus, less frequent collection may endanger the United States common defense and national security.

7. Circumstances Which Justify Variation from the Office of Management and Budget (OMB) Guidelines

There is no variation from OMB Guidelines in the collection of information.

8. Consultations outside the NRC

The opportunity for public comment on the information collection requirements was published in the *Federal Register* on April 16, 2013 (78 FR 22561). 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).

Personal Information provided on the NRC Form 136 is handled and protected in accordance with NRC directives and provisions of the Privacy Act of 1974, as described in the Privacy Act Statement on the form. Information is maintained in a system of records designated as NRC-39 and described in the Federal Register in NRC's "Republication of Systems of Records Notices" on November 8, 2012 (77 FR 67203).

11. Justification for Sensitive Questions

There is no sensitive information requested on the NRC Form 136.

12. Estimated Burden and Burden Hour Cost

An estimated 10 minutes (based on staff experience) is required to complete each NRC Form 136. The NRC staff estimates that 300 responses will be received annually, resulting in a total of annual burden to the public of 50 hours (300 responses x 10 minutes / 60). The estimated annual cost is \$13,700 (50 hours x \$274 per hour).

NOTE: There is no record keeping requirement for contractors/licenseses to maintain a copy of the NRC Form 136.

13. Estimate of Other Additional Costs

Not applicable.

14. Estimated Annualized Cost to the Federal Government

The estimated annual cost to the Federal Government associated with the NRC Form 136 is \$14,223. The cost was computed as follows:

COST:

Annual clerical effort:

(300 forms x 2 minutes = 600/60 = 10 hrs. X \$47.) = \$470.00

Annual professional effort

(300 forms X 10 minutes = 3000/60 = 50 hrs. X \$274hr.) = \$13,700.00

Annual record holding

(1/4 cubic (cu) foot (ft.) X \$212/cu. ft.) = \$ 53.00

Total estimated annual cost to Federal government = \$14,223

This cost is fully recovered through fee assessment to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes in Burden or Cost

There is no change in estimated burden. Costs have increased due to a change in the fee rate from \$257/hr to \$274/hr.

16. Publications for Statistical Use

There is no application of statistics in the information collections related to NRC Form 136 and no publication of the information.

17. Reason for Not Displaying the Expiration Date

Not Applicable.

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.