

FINAL SUPPORTING STATEMENT FOR NRC FORM 237, "REQUEST FOR ACCESS
AUTHORIZATION" (3150-0050)

EXTENSION

Description of the Information Collection

Title 10, *Code of Federal Regulations*, Part 11, "Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material" and Part 25, "Access Authorization for Licensee Personnel," establish requirements that licensee personnel requiring access to either special nuclear material or classified information must have an investigation of their background, and NRC Management Directive 12.3, "Personnel Security Program" establishes requirements that NRC contractors, subcontractors and other non-NRC individuals requiring access to classified information must have an investigation of their background. The form is used to request the access authorization, access to special nuclear material, or access to classified information. Information on the form is to determine if the individual has a current or prior access authorization/security clearance. The reporting requirements associated with NRC Form 237 affect approximately 78 licensee facilities and 7 contractor companies.

A. JUSTIFICATION

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

A completed NRC Form 237 is required to obtain or renew access to special nuclear material (10 CFR 11.15(a) (2) and (c) (1)) or classified information (10 CFR 25.17(c) and 25.21(c) (1) and (2)) for licensee personnel. It is also used to request NRC access authorizations for personnel of NRC contractors, subcontractors, or other individuals who are not applicants for employment with NRC. The signature of the Authorizing Official in Block 4, must be signed on all requests. The approval of the NRC Sponsoring Official in Block 12, is required to be signed by all Contracting Officer Representatives (CORs) for contractors requiring an access, but not required to be signed by anyone for Licensees. The information on the form will be reviewed by NRC Division of Facilities and Security (DFS) personnel. Any questions about the validity or appropriateness of the request may be referred to the NRC office exercising contractual, licensing or regulatory authority over the requesters before processing the access authorization request.

In addition to the signatures mentioned above, the form contains the applicant's name, applicant's last four digits of social security number, the level of access authorization requested, and other appropriate remarks (e.g., previous clearance history), and an identification of enclosures (e.g., completed personnel security packet). A personnel security packet received without this form or without the authorizing official's signature will result in no action being taken on the access authorization request. This information collection for access authorizations benefits NRC and the Federal government by affording a greater degree of control over who is granted access to special nuclear material or classified information.

2. Agency Use of Information

The information on NRC Form 237 is forwarded to DFS for administrative review and processing for access authorization. If the individual for whom access is being sought currently has an active access authorization with another Federal agency, DFS may request certification of this access authorization from the agency concerned. Upon receipt of this certification, DFS will reply to the requester indicating that the requested access authorization has been granted. This process normally can be completed within 30 days. If the individual for whom access is being sought does not have an active access authorization with another Federal agency, DFS will take action to obtain the type of investigation necessary to support the level of access sought.

Upon favorable review of the completed investigation, DFS will notify the requester of the access authorization approval. If, after review of the investigation, DFS determines that there is a question of the individual's eligibility for NRC access authorization, the "due process" provisions of 10 CFR Parts 10 and 11 may be invoked.

3. Reduction of Burden Through Information Technology

The NRC has issued *Guidance for Electronic Submissions to the NRC* which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. It is estimated that approximately 5% of the responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

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

5. Effort to Reduce Small Business Burden

None of the licensees affected by the use of the NRC Form 237 qualify as small business enterprises or entities. 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

Since the collection of information is only required when one applies for access to special nuclear material or classified information, there is no established frequency for collection. 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 individuals who are properly authorized have access to classified information or special nuclear material would be reduced. Thus, less frequent collection may endanger the U.S. common defense and national security.

7. Circumstances Which Justify Variation from OMB Guidelines

Not applicable.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the *Federal Register* on May 16, 2019 (84 FR 22172). One anonymous comment was received.

Comment: To reduce the paperwork generated it would be helpful to use electronic fingerprinting versus the card and ink. Using the electronic fingerprints would allow the applicant to submit all documents through email (provided the credit card form of payment is used).

NRC Response: NRC will discuss the matter to determine if the submission of electronic fingerprints is an option for requesters.

In addition, three companies (Nuclear Energy Institute, Exelon, and Duke) were contacted by email. No comments were received in responses to these consultations.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of 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 237 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 17, 2016 (81 FR 81348).

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

An estimated 12 minutes (based on staff experience) is required to complete each NRC Form 237. A total of 250 responses are estimated annually, resulting in a total annual burden to the public of 50 hours (250 responses X 12 minutes ÷ 60). The

estimated annual cost shared among the 85 licensees/contractors is \$13,750 (50 hours X \$275 per hour).

The \$275 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2018 (83 FR 29622, June 25, 2018).

13. Estimate of Other Additional Costs

Not applicable.

14. Estimated Annualized Cost to the Federal Government

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

The annual cost to NRC is estimated to be \$20,625. The cost was computed as follows:

Total effort 250 X 15 minutes = 3,750 min. ÷ 60 = 62.50 hrs. X \$275 per hr.
(\$17,188).

15. Reasons for Change in Burden or Cost

The burden decreased by 100 responses and 20 hours from 350 responses to 250 responses and 70 hours to 50 hours. The decrease is due to revising an assumption used in calculating the burden for the last submission. The burden for the reinvestigation for a secret clearance to be conducted was calculated based on a five-year cycle; however, per the Director of National Intelligence this guidance was delayed and the reinvestigations remained on the ten-year cycle. The responses and burden hours in the upcoming clearance period are estimated to remain consistent with the staff experience from the previous clearance period.

In addition, the annual fee rate has increased from \$268/hr. to \$275/hr.

16. Publication for Statistical Use

Data from this information collection is not published for statistical purposes. Statistical methods cannot be used in the collection of information since each instance relates to an individual applying for access to special nuclear material or classified information.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed on the form.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.