

DRAFT 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 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, renew, transfer, or change access level for individuals requiring access to special nuclear material (10 CFR 11.15(a), (b), (c), and (d), and for individuals requiring an access authorization to classified information (10 CFR Part 25). The signature of the authorizing official and the approval of the NRC sponsoring official must appear on the form. 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 name of the applicant, the level of access authorization requested, the applicant's date of birth, 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

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. Because this form requires a signature by the requesting agency (authorizing official), there is currently no electronic means for submission. It is estimated that approximately 0% of the potential 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. 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 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

The opportunity for public comment on the information collections requirements has been published in the Federal Register.

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).

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 430 responses are estimated annually, resulting in a total annual burden to the public of 86 hours (430 responses X 12 minutes ÷ 60). The estimated annual cost shared among the 85 licensees/contractors is \$ 23,048 (86 hours X \$268 per hour for professional effort).

13. Estimate of Other Additional Costs

Not applicable.

14. Estimated Annualized Cost to the Federal Government

The annual cost to NRC is estimated to be \$15,566. The cost was computed as follows:

Annual professional effort = \$11,524

Annual clerical effort = \$4,042

Annual clerical effort 430 X 12 minutes = 5160 min. ÷ 60 = 86 hrs. X \$47 per hr. (\$4,042).

Annual professional effort 430 X 6 minutes = 2580 min. ÷ 60 = 43 hrs. X \$268 per hr. (\$11,524).

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

15. Reasons for Change in Burden or Cost

The burden has decreased from 770 responses and 154 hours to 430 responses and 86 hours, a decrease of 340 responses and 68 hours. The decrease is due to a correction in the method used to estimate burden. In the last submission, burden estimates were based on the total number of forms anticipated during the clearance period, rather than an annual average. As a result, the estimate was approximately three times too high (770 forms rather than 257 forms).

In estimating the burden for the current submission, NRC staff queried the database and determined the number of licensee personnel who were due to resubmit NRC Form 237 during the upcoming clearance period (2017 – 2019) based on the expiration date of their security clearances (reinvestigations). Starting in 2017, reinvestigations will be conducted every 5 years rather than every 10 years. In addition, staff added in the expected number of new investigations. Using this information, the NRC staff estimated that 430 forms will be submitted annually during the upcoming clearance period, which results in a burden of 86 hours.

In addition, the annual fee rate has decreased from \$274/hr to \$268/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.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.