

FINAL SUPPORTING STATEMENT
FOR
NRC FORM 850, "REQUEST FOR CONTRACTOR ASSIGNMENT(S)

(3150-0218)

REVISION

Description of the Information Collection

Title 10, *Code of Federal Regulations*, Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance," establishes requirements that individuals requiring an access authorization and/or employment clearance must have an investigation of their background. U.S. Nuclear Regulatory Commission (NRC) Management Directive 12.3, "Personnel Security Program" establishes requirements that NRC contractors, subcontractors and other non-NRC individuals requiring access to NRC Information Technology (IT) systems, sensitive information, sensitive unclassified information, classified information or access to NRC buildings shall require a background investigation.

- NRC Form 850A, "Request for NRC Contractor Building Access Authorization," Form 850B, "Request for NRC Contractor Information Technology (IT)," and Form 850C, "Request for NRC Contractor Security Clearance" have been merged into one form to make the contractor process less complicated. The new NRC Form 850, "Request for Contractor Assignment(s)," will be used to obtain information on individuals needing access to NRC buildings, information technology resources, or access to sensitive, sensitive unclassified, or classified information in order to perform their contracted work.

A. JUSTIFICATION

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

A completed NRC Form 850 is required to obtain an NRC access authorization or clearance for NRC contractors, subcontractors, or other individuals who are not applicants for employment with NRC. The name and signature of the authorizing NRC Contracting Officer's Representative (COR) must appear on the form. The information on the form will be reviewed by NRC Division of Facilities and Security (DFS) personnel.

In addition to the contracting officer name and signature mentioned above, the form contains the applicant's name, social security number, date of birth, place of birth (city, state, and country if not the United States), country of citizenship, telephone number, email address and the level of access authorization/clearance requested, and other appropriate remarks (e.g., previous clearance history). A personnel security packet received without one of these forms or without the authorizing official's signature will result in no action being taken on the access authorization/clearance request. This information collection is needed to afford the NRC a greater degree of control over who is granted access to NRC buildings, IT systems, sensitive information, sensitive unclassified information, and classified information.

2. Agency Use of Information

The NRC will use the information on this form to determine whether a contractor is eligible for access to NRC buildings, IT systems, sensitive information, sensitive unclassified information, or classified information. The form is to be completed by the NRC COR with input from the contractor, and then forwarded to DFS for administrative review and processing for access authorization/clearance. If the individual for whom access/clearance is being sought currently has an active access authorization/clearance with another Federal agency, DFS may request certification of this access authorization/clearance from the agency concerned. Upon receipt of this certification, DFS will reply to the requester indicating that the requested access authorization/clearance 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/clearance 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/clearance approval. If after review of the investigation, DFS determines that there is a question of the individual's eligibility for NRC access authorization/clearance, the "due process" provisions of 10 CFR Part 10 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.

The NRC Form 850 allows a COR to digitally sign the form for electronic submissions. The NRC Form 850 also has a "Submit" radio button on it to initiate the electronic submission. Therefore, it is estimated that approximately 80% 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

The information collected on the NRC Form 850 is the minimum necessary for the NRC to conduct background checks to ensure the security of its buildings and resources. Burden on small businesses cannot be further reduced without endangering the United

States common defense and national security. NRC staff estimates that 46% of the responses will come from small business.

6. Consequences to Federal Program or Policy Activities if the Collection Is Not Conducted or Is Conducted Less Frequently

This collection of information is only required when one applies for access authorization/clearance. In most cases, this is a one-time event and less frequent collection would mean eliminating the collection altogether. Although contractors are required to undergo a reinvestigation after 5 years, the forms will not be required for reinvestigations.

If the information is not collected, the assurance that only individuals who are properly authorized to have access to NRC IT systems, sensitive information, sensitive unclassified information, classified information or access to NRC buildings 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 October 10, 2019 (84 FR 54649). Several Contracting Officer's Representatives (CORs) were contacted for their feedback on the consolidated and revised Form 850. A Skype meeting was held to discuss the new form and the request for comments. A follow-up email was sent to all the participating CORs. No responses or comments were received as a result of the FRN or the staff's direct solicitation of comment.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC Regulations 10 CFR 9.17(a) and 10 CFR 2.390(b). The information is used for determining eligibility for a security clearance or access authorization. The information is protected from public disclosure under the Privacy Act of 1974 and is handled in accordance with routine uses specified in the Privacy Act Statement which is covered under system of records notice NRC-39, "Personnel Security Files and Associated Records."

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

An estimated 10 minutes, or 0.17 hours, (based on staff experience) is required to complete NRC Form 850, resulting in a total annual burden to the public of 85 hours. The estimated annual cost shared among the contractors is \$23,630 (85 hrs. x \$278 per hour for professional effort).

Form	Burden per Response	Number of Responses	Total Burden	Cost at \$278/hr
NRC Form 850	0.17	500	85	\$23,630

The \$278 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 2019 (84 FR 22331, May 17, 2019).

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.

NRC staff estimates that it will receive approximately 500 forms in the NRC Form 850 annually. Each form requires 10 minutes of contractor staff effort at a rate of \$52/hour resulting in a cost of \$4,420 (0.17 hours x 500 forms x \$52/hour = \$4,420), and 5 minutes of NRC staff effort at \$278/hour resulting in a cost of \$11,120 (0.08 hours x 500 forms x \$278/hour). The total annual cost to Federal Government is estimated to be \$15,540 (\$4,420 + \$11,120).

15. Reasons for Change in Burden or Cost

NRC Form 850A, Form 850B, and Form 850C, "Request for NRC Contractor Security Clearance" have been merged into one form to make the contractor process less complicated. There is no change in burden. The professional cost per hour, however, increased from \$268 per hour to \$278.

16. Publication for Statistical Use

Not applicable.

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.