

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment request

AGENCY: U. S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: NRC Form 790, "Classification Record"
2. Current OMB approval number: 3150-0052
3. How often the collection is required: On Occasion

140005

CER-8
X BAF-4A

DY03 0/1

4. Who is required or asked to report: NRC employees, NRC contractors, NRC licensees and others who classify and declassify NRC information.
5. The number of annual respondents: 175
6. The number of hours needed annually to complete the requirement or request: 147
7. Abstract: The NRC Form 790 is being revised to add three additional fields and revise several existing fields for easier completion. In addition, an electronic reporting format is being made available for those wishing to use it. Completion of the NRC Form 790 is a mandatory requirement for contractors, license applicants, certificate holders, and others who classify and declassify NRC information in accordance with Executive Order 12958, "Classified National Security Information," the Atomic Energy Act, and implementing directives.

Submit, by (insert date 60 days after publication in the Federal Register), comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC. Members of the public who are in the Washington, DC, area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1-800-303-9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1-800-397-4209, or within the Washington, DC, area at 202-634-3273.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo Shelton, U. S. Nuclear Regulatory Commission, T-6 F33, Washington, DC, 20555-0001, or by telephone at (301) 415-7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 12th day of May, 1997.

For the Nuclear Regulatory Commission.



Arnold E. Levin, Acting Designated Senior Official
for Information Resources Management

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OMB SUPPORTING STATEMENT FOR

NRC FORM 790

Classification Record

(3150-0052)

Revision To Extension Request

Description of Information Collection

This clearance is being revised to allow use of a new electronic reporting system and to cover the revision of NRC Form 790 data required by E.O. 12958. This reporting requirement affects approximately 8 NRC licensees and contractors and one certificate holder that are permitted to use, process, store, reproduce, transmit, or otherwise handle NRC classified information. 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. 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. 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 licensee, contractor, and certificate holder sites.

A. JUSTIFICATION

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

The NRC Form 790 has been revised to comply with the new Executive Order (E.O.) 12958, "Classified National Security Information." The form has been revised to make the completion of the form user friendly. Three additional fields (Event, Number of Pages Declassified, and Name of Individual Completing the Form) have been added and several fields have been revised to comply with the requirements outlined in existing E.O. 12958. The Event field will provide another means to specify when to declassify a document; the Number of Pages Declassified field will be used to calculate the percentage of pages that have been declassified; and the Name of Individual Completing Form field will provide a contact when there are questions concerning the information on the NRC Form 790. E.O. 12958 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's actions to ensure compliance with E.O. 12958 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 (SEC) collects this data from its own employees, licensees, contractors, and other organizations and persons falling within the scope of 10 CFR Part 95 or NRC Management Directive 12.2. 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. The Agency Declassification Compliance Plan for E.O. 12958 mandates that NRC identify and declassify 100 percent of its permanent records by FY 2001. This action, in addition to the fact that one of NRC's regulated entities will generate 2,000 forms under its uranium enrichment program, has increased the burden estimate and overall will involve about 175 respondents.

2. Agency Use of Information

The completed NRC Form 790 is submitted to SEC. 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 SEC 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. This data is also used by NRC during inspections, appraisals, or audits of the affected facilities or persons.

3. Reduction of Burden Through Information Technology

Within the next several months, classifiers will be able to electronically enter the data now captured on NRC Form 790 for all their classification actions. This new uniform system for classifying, declassifying, and downgrading National Security Information fulfills NRC requirements under E. O. 12958. Fifty percent of the responses are expected to be submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

The information collection requirement does not duplicate information the affected licensee, organization, or person must submit for other purposes since the nature of the information requested/collected is unique to NRC's activity at the facility. Similar information cannot be used since no similar information exists. The Information Requirements Control Automated System (IRCAS) was searched and no duplication was found.

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 Frequently

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

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

8. Consultations Outside the NRC

No consultations have been held since the submittal of the last clearance package since this form is unique to NRC and collects a minimal amount of information. Notice of opportunity for comment will be published in the **Federal Register**.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

The information is used to ensure proper classification, declassification, and accountability of classified information. The information compiled on the NRC Form 790 is not itself, classified or sensitive unclassified information. There is no confidentiality of the information, nor is confidentiality of the information expressed or implied.

11. Justification for Sensitive Questions

No sensitive information is requested on the NRC Form 790.

12. Estimated Burden and Burden Hour Cost

2200 responses are anticipated. Of these 50% are expected to be submitted electronically. The estimated burden is calculated as followed:

1,100 responses per year X 6 minutes (paper copy) to process each form
= 110 hours X \$128 per hour = \$14,080.

1,100 responses per year X 2 minutes (electronic) to process each form
= 37 hours X \$128 per hour = \$4,736.

The burden hours are estimated to be 147 hours for a cost of \$18,816.

13. Estimate of Other Additional Costs

No additional licensee cost is anticipated. Licensees who do not have PC's 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 in administering the program and procedures contained in 10 CFR Part 95 or NRC Management Directive 12.2 is \$28,160. This was computed as follows:

1,100 responses per year X 6 minutes to process each form X \$128 per hour = \$14,080; therefore, the estimated annual cost to the Government is \$14,080.

1,100 responses per year x 2 minutes to process each form x \$128 per hour = \$4,693; therefore, the estimated annual cost to the Government is \$4,963.

The total cost to the Government will be \$19,043, which equals a reduction in cost of \$9,117.

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

15. Reasons for Changes in Burden or Cost

The change in burden estimate is due to the increase in the number of reports (2,000) that one of NRC's regulated entities will generate under its uranium enrichment program and NRC's declassification plan to identify and declassify 100 percent of permanent records by FY 2001. It should be noted that if the NRC Form 790 information was collected solely by paper the cost would be \$28,160, but with the estimated fifty percent electronic submission the cost is only \$18,816.

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.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.