

FINAL SUPPORTING STATEMENT
FOR
NUCLEAR REGULATORY COMMISSION FORM 790
CLASSIFICATION RECORD

(3150-0052)

EXTENSION

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) Form 790, "Classification Record," is completed by NRC licensees, licensees' contractors, or certificate holders delegated classification or declassification authority. The submission of the data contained on the NRC Form 790 is required each time an authorized classifier makes a classification determination to classify, declassify, or downgrade a document.

The information contained on the completed form includes specific information that identifies the document being classified, declassified, or downgraded, as well as specific information describing the status (e.g., original or derivative classification, the reason for the declassification review, or future action) of the classified document. This information is needed to comply with Executive Order (E.O.) 13526, "Classified National Security Information," effective June 25, 2010, and enables the NRC to conduct assessments of classification or declassification determinations made by those officials specifically authorized to make such determinations and to prepare accurate input for a report to the President. Additionally, this information is required for employees, contractors, licensees, licensees' contractors, certificate holders, and persons that fall within the scope of Title 10 of the *Code of Federal Regulations* (CFR) Part 95 to comply with the rule.

This reporting requirement currently affects two NRC licensees that are permitted to use, process, store, and reproduce, transmit, or otherwise handle NRC classified information.

The respondents complete the form and may provide it by email or in hard copy format. Once the information is submitted, it is maintained per NRC record retention policy.

JUSTIFICATION

1. Need for the Collection of Information

Under E.O. 13526, the National Archives' Director of the Information Security Oversight Office (ISOO) is responsible for overseeing NRC actions to ensure compliance with the Order and the associated implementing directives. In fulfilling this oversight function, and in accordance with the authorities outlined in E.O. 13526, the Director of ISOO requires agencies, including the NRC, to report statistics related to its security classification program on an annual basis. The NRC Form 790 is the means by which the NRC collects this data from its employees, contractors, licensees, licensees' contractors, certificate holders, and persons that fall within the scope of 10 CFR Part 95 or NRC Management Directive 12.2, "NRC Classified Information Security Program." Failure to complete this form would preclude the NRC from meeting its expected classification and declassification reporting responsibilities.

prescribed by ISOO and from evaluating classification and declassification actions during appraisals, inspections and audits.

2. Agency Use and Practical Utility of Information

The completed NRC Form 790 is submitted to the NRC. The data is then stored, and as needed, a report is produced. This report is used by the NRC to keep track of classification and declassification decisions made by authorized officials. Statistical data from this report is provided to ISOO pursuant to the NRC's responsibilities under E.O. 13526. This data is used by the NRC during inspections, appraisals, and audits of the affected facilities or persons.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with the information collection. The NRC encourages respondents to use information technology when it is beneficial to them. 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 by the following avenues: the Electronic Information Exchange process, which is available from the NRC's "Electronic Submittals" webpage, by Optical Storage Media (e.g., CD-ROM, DVD), or by email.

Licensees choose the method of submission they prefer, either by email or hard copy. The affected licensees and licensees' contractors complete the form electronically as of approximately July 1, 2023, onward 100 percent of the time. In 2023, there were 72 total forms; 22 were sent by U.S. mail, and 50 were emailed. During the time period of October through December 2022, four were emailed and four were mailed.

The NRC evaluated the feasibility of developing an electronic submission capability for NRC Form 790. Given the scale of the Form 790's the agency receives over the course of a year, it was decided at the time not to pursue an electronic submission due to costs of implementation.

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

Not applicable.

6. Consequences to Federal Program or Policy Activities if the Collection is not Conducted or is Conducted Less Frequency

A data entry is made when a classification or declassification action occurs. It is not possible to have less frequent collection without eliminating the requirement completely. In that case, the NRC would not have the information necessary to evaluate the Information Security Program at the facility, which would negatively

impact the NRC responsibility to ensure the proper protection of classified information and compliance with E.O. 13526 requirements and statutory requirements.

7. Circumstances that Justify Variation from Office of Management and Budget Guidelines

Not applicable.

8. Consultations Outside of the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published In the *Federal Register* on December 11, 2025 (90 FR 57491).

The NRC contacted three potential respondents by email to request feedback on the information collection. The three potential respondents at URENCO, GLE-US, and ICP/DOE were licensees that fall within the scope of 10 CFR Part 95. 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 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

Approximately 60 responses are anticipated on an annual basis. In 2025, there were 47 responses, all sent by email. In 2024, there were 88 responses, all sent by email. Although licensees are not required to submit hard copies of the form, burden estimates account for the time to submit hard copies, as some licensees preferred in the past to send via hard copy submission. The estimated burden is calculated as follows:

(60 responses per year x 5 minutes to complete each form = 5 hours) x \$317 per hour = \$1,585

Total burden = 5 hours to submit electronically)

Cost = 5 hours x \$317/hour = \$1,585

The \$317 hourly rate used in the burden estimates is based on the NRC's fee for hourly rates as noted in 10 CFR 170.20, "Average cost per professional staff-hour." For more information based on this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2024 (89 FR 51789, June 20, 2024).

13. Estimate of Other Additional Costs

There are no other additional costs.

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 estimated annual cost to the Federal Government to administer the program and procedures contained in 10 CFR Part 95 or NRC Management Directive 12.2 is \$2,111.22.

This was computed as follows:

Licensees and licensees' contractor submissions: (60 responses per year x 5 minutes to process each form = 5 hours) x \$317 per hour = \$1,585.

The total cost to the Government is \$1,585.

15. Reasons for Changes in Burden or Cost

The burden decreased from 8.33 hours to 5 hours, a change of 3.33 hours. The number of responses decreased from 100 to 72 total in 2023, 88 total in 2024, and 47 total up through 2025, for the 3-year period this form covers.

The reason for the changes in the estimate for the upcoming clearance period is based on recent data and staff experience with the program. The staff attributes the decrease to the lack of new classified information being generated because of the maturity of the licensees' programs. In addition, the respondent cost increased due to the increase in the fee rate from \$288 to \$317/hour. While there is an anticipated increase in reactor applications from a number of new applicants and licensees over the next 3 years, it is not known how soon actual original or derivative classification will be occurring. There is also less information being classified.

16. Publication for Statistical Use

NRC staff tabulates the information contained on the form and provides it to the National Archives and Records Administration's 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.

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.