

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

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

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a Federal Register Notice with a 60-day comment period on this information collection on February 14, 2008.

1. *Type of submission, new, revision, or extension:* Extension.
2. *The title of the information collection:* Notice of Enforcement Discretion (NOEDs) For Operating Power Reactors and Gaseous Diffusion Plants (GDP) (NRC Enforcement Policy).
3. *Current OMB approval number:* 3150-0136.

4. *The form number if applicable:* N/A.
5. *How often the collection is required:* On occasion.
6. *Who is required or asked to report:* Nuclear power reactor licensees and gaseous diffusion plant certificate holders.
7. *An estimate of the number of annual responses:* Approximately 14.
8. *The estimated number of annual respondents:* Approximately 14.
9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 1,825.
10. *Abstract:* The NRC's Enforcement Policy addresses circumstances in which the NRC may exercise enforcement discretion. A specific type of enforcement discretion is designated as a NOED and relates to circumstances which may arise where a nuclear power plant licensee's compliance with a Technical Specification Limiting Condition for Operation or other license conditions would involve: (1) an unnecessary plant shutdown; (2) performance of testing, inspection, or system realignment that is inappropriate for the specific plant conditions; or (3) unnecessary delays in plant startup without a corresponding health and safety benefit.

Similarly, for a gaseous diffusion plant, circumstances may arise where compliance with a Technical Safety Requirement or other condition would unnecessarily call for a total plant shutdown, or, compliance would unnecessarily place the plant in a condition where safety, safeguards or security features were degraded or inoperable. A licensee or certificate holder seeking the issuance of an NOED must provide a written justification, in accordance with guidance provided in NRC Inspection Manual, Part 9900, which documents the safety basis for the request and provides whatever other information the NRC staff deems necessary to decide whether or not to exercise discretion.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site:

<http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 30 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by (insert date 30 days after publication in the Federal Register). Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Nathan J. Frey

Office of Information and Regulatory Affairs (3150-0136)

NEOB-10202

Office of Management and Budget

Washington, DC 20503

Comments can also be e-mailed to [Nathan J. Frey@omb.eop.gov](mailto:Nathan.J.Frey@omb.eop.gov) or submitted by telephone at 202-395-7345.

The NRC Clearance Officer is Margaret A. Janney, 301-415-7245.

Dated at Rockville, Maryland, this 27th day of May 2008.

For the Nuclear Regulatory Commission.

/RA/

Gregory Trussell
Acting NRC Clearance Officer
Office of Information Services

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ACCESSION NUMBER: Document = ML081130229 Package = ML081130213

OFFICE	NRR/DPR/PGCB/PM	C	NRR/DPR/PGCG/LA	E	NRR/DRA/D	E	OE	E
NAME	JRobinson		CHawes		MCunningham		CCarpenter	
DATE	04/22/2008		04/23/2008		04/30/2008		04/30/2008	
OFFICE	NRR/DPR/PGCB/BC		NRR/DPR/D	E	NRR/PMDA/PIIB/IM	E	OIS	E
NAME	MMurphy		MCase		LHill		GTrussell	
DATE	5/22/08		5/22/08		5/23/08		5/27/08	