

Request for OMB Review

DESIGNATED ORIGINAL

Requested By

Paullette Smith

Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request U.S. Nuclear Regulatory Commission		2. Agency code 3 1 5 0
3. Name of person who can best answer questions regarding this request Sarah N. Wigginton		Telephone number (301) 492-7752
4. Title of information collection or rulemaking 10 CFR Part 9, Public Records		
5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order) 5 USC 552 and 552a, or		
6. Affected public (check all that apply)		
1 <input checked="" type="checkbox"/> Individuals or households	3 <input type="checkbox"/> Farms	5 <input type="checkbox"/> Federal agencies or employees
2 <input type="checkbox"/> State or local governments	4 <input checked="" type="checkbox"/> Businesses or other for-profit	6 <input type="checkbox"/> Non-profit institutions
		7 <input type="checkbox"/> Small businesses or organizations

PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN) _____, or, None assigned

8. Type of submission (check one in each category)		Type of review requested
Classification	Stage of development	
1 <input type="checkbox"/> Major	1 <input type="checkbox"/> Proposed or draft	1 <input type="checkbox"/> Standard
2 <input type="checkbox"/> Nonmajor	2 <input type="checkbox"/> Final or interim final, with prior proposal	2 <input type="checkbox"/> Pending
	3 <input type="checkbox"/> Final or interim final, without prior proposal	3 <input type="checkbox"/> Emergency
		4 <input type="checkbox"/> Statutory or judicial deadline

9. CFR section affected _____ CFR _____

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320? Yes No

11. If a major rule, is there a regulatory impact analysis attached? Yes No
If "No," did OMB waive the analysis? Yes No

Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official	Date
Signature of authorized regulatory contact	Date

9004250050 900417
PDR ORG EUSOMB
PDC

12. (OMB use only)

*RF02
119*

PART III.—Complete This Part Only If the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.

13. Abstract—Describe needs, uses and affected public in 50 words or less (Public Records, disclosure law, freedom of information) 10 CFR Part 9 establishes information collection requirements for individuals making requests for records under the Privacy or Freedom of Information Acts, and in response to subpoenas or demands of courts. It also contains requests to waive or reduce fees for searching for and reproducing NRC records in response to FOIA requests.

14. Type of information collection (check only one)

Information collections not contained in rules

- 1 Regular submission 2 Emergency submission (certification attached)

Information collections contained in rules

- 3 Existing regulation (no change proposed) 6 Final or interim final without prior NPRM 7. Enter date of expected or actual Federal Register publication at this stage of rulemaking (month, day, year) _____
 4 Notice of proposed rulemaking (NPRM) A Regular submission
 5 Final. NPRM was previously published B Emergency submission (certification attached)

15. Type of review requested (check only one)

- 1 New collection 4 Reinstatement of a previously approved collection for which approval has expired
 2 Revision of a currently approved collection 5 Existing collection in use without an OMB control number
 3 Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

16. Agency report form number(s) (include standard/optional form number(s))

N/A

22. Purpose of information collection (check as many as apply)

- 1 Application for benefits
 2 Program evaluation
 3 General purpose statistics
 4 Regulatory or compliance
 5 Program planning or management
 6 Research
 7 Audit

17. Annual reporting or disclosure burden

1 Number of respondents	227
2 Number of responses per respondent	1
3 Total annual responses (line 1 times line 2)	227
4 Hours per response	1.09
5 Total hours (line 3 times line 4)	247

23. Frequency of recordkeeping or reporting (check all that apply)

- 1 Recordkeeping
Reporting
 2 On occasion
 3 Weekly
 4 Monthly
 5 Quarterly
 6 Semi-annually
 7 Annually
 8 Biennially
 9 Other (describe): _____

18. Annual recordkeeping burden

1 Number of recordkeepers	
2 Annual hours per recordkeeper	
3 Total recordkeeping hours (line 1 times line 2)	
4 Recordkeeping retention period	years

19. Total annual burden

1 Requested (line 17-5 plus line 18-3)	247
2 In current OMB inventory	157.0
3 Difference (line 1 less line 2)	+90
Explanation of difference	
4 Program change	+90
5 Adjustment	

24. Respondents' obligation to comply (check the strongest obligation that applies)

- 1 Voluntary
 2 Required to obtain or retain a benefit
 3 Mandatory

20. Current (most recent) OMB control number or comment number

3150-0043

21. Requested expiration date

05/31/93

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? Yes No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? Yes No

27. Regulatory authority for the information collection

10 CFR 9 ; or FR ; or, Other (specify): _____

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official	Date
Signature of agency head, the senior official or an authorized representative Joyce A. Amenta, DSO for Information Resources Management	Date 4-17-90

PART III.—Complete This Part Only if the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.

13. Abstract—Describe needs, uses and affected public in 50 words or less (Public Records, disclosure law, freedom of information) 10 CFR Part 9 establishes information collection requirements for individuals making requests for records under the Privacy or Freedom of Information Acts, and in response to subpoenas or demands of courts. It also contains requests to waive or reduce fees for searching for and reproducing NRC records in response to FOIA requests.

14. Type of information collection (check only one)

Information collections not contained in rules

- 1 Regular submission 2 Emergency submission (certification attached)

Information collections contained in rules

- 3 Existing regulation (no change proposed) 6 Final or interim final without prior NPRM 7. Enter date of expected or actual Federal Register publication at this stage of rulemaking (month, day, year) _____
 4 Notice of proposed rulemaking (NPRM) A Regular submission
 5 Final. NPRM was previously published B Emergency submission (certification attached)

15. Type of review requested (check only one)

- 1 New collection 4 Reinstatement of a previously approved collection for which approval has expired
 2 Revision of a currently approved collection 5 Existing collection in use without an OMB control number
 3 Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

16. Agency report form number(s) (include standard/optional form number(s))

N/A

22. Purpose of information collection (check as many as apply)

- 1 Application for benefits
 2 Program evaluation
 3 General purpose statistics
 4 Regulatory or compliance
 5 Program planning or management
 6 Research
 7 Audit

17. Annual reporting or disclosure burden

1 Number of respondents	227
2 Number of responses per respondent	1
3 Total annual responses (line 1 times line 2)	227
4 Hours per response	1.09
5 Total hours (line 3 times line 4)	247

23. Frequency of recordkeeping or reporting (check all that apply)

- 1 Recordkeeping
Reporting
 2 On occasion
 3 Weekly
 4 Monthly
 5 Quarterly
 6 Semi-annually
 7 Annually
 8 Biennially
 9 Other (describe): _____

18. Annual recordkeeping burden

1 Number of recordkeepers	
2 Annual hours per recordkeeper	
3 Total recordkeeping hours (line 1 times line 2)	
4 Recordkeeping retention period	_____ years

19. Total annual burden

1 Requested (line 17-5 plus line 18-3)	247
2 In current OMB inventory	157.0
3 Difference (line 1 less line 2)	+90
Explanation of difference	
4 Program change	+90
5 Adjustment	

20. Current (most recent) OMB control number or comment number

3150-0043

24. Respondents' obligation to comply (check the strongest obligation that applies)

- 1 Voluntary
 2 Required to obtain or retain a benefit
 3 Mandatory

21. Requested expiration date

05/31/93

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? Yes No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? Yes No

27. Regulatory authority for the information collection

10 CFR 9 _____ ; or _____ FR _____ ; or, Other (specify): _____

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official	Date
Signature of agency head, the senior official or an authorized representative Joyce A. Amenta, DSO for Information Resources Management	Date 4-17-90

OMB SUPPORTING STATEMENT FOR 10 CFR PART 9, PUBLIC RECORDS

Description of the Information Collection

10 CFR Part 9, Public Records: Subpart A (Freedom of Information Act regulations) prescribes the procedures under which NRC records are made available to the public for inspection and copying pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552).

Subpart B (Privacy Act regulations) implements the provisions of section 3 of the Privacy Act of 1974 (5 U.S.C. 552a) with respect to the procedures by which individuals may determine the existence of, seek access to, and request correction of NRC records concerning themselves.

A. JUSTIFICATION

1. Need for the Collection of Information. The Freedom of Information Act (FOIA) (5 U.S.C. 552) and the implementing regulations, 10 CFR Part 9, of the NRC authorize NRC to charge certain individuals and organizations making requests for information under the FOIA a fee for searching for and producing copies of NRC records in response to a request.

10 CFR 9.40(g) requires a requester, within 10 days of receipt of NRC's notice that fees will be assessed, to notify NRC either to agree to pay the fees or to submit a request for a waiver or reduction of fees under 10 CFR 9.41.

10 CFR 9.41(b) requires that in making a request for waiver or reduction of fees, the requester shall provide certain information that will enable NRC to determine whether to grant the request. This information includes statements concerning the intended use of the information, extent to which the

requester will extract and analyze the substantive content of the agency record, nature of the specific activity or research in which the agency record will be used, specific qualifications the requester possesses to utilize information for its intended use so that it will contribute to public understanding, impact on the public's understanding compared to the level of understanding of the subject existing prior to disclosure, size and nature of the public to whose understanding a contribution will be made, means of intended dissemination to the general public, if public access to the information will be provided free of charge, and any commercial or private interest or benefits of the requested information to the requester. This information is then evaluated by the NRC's Director, Division of Freedom of Information and Publications Services, who decides whether or not to waive or reduce the fees. When fees are to be assessed, a requester is required under §9.40(g) to notify the NRC in writing that he or she agrees to bear the estimated costs, make an advance payment (§9.40(d)), or submit a request under §9.41 for a waiver or reduction of fees. The NRC, under §9.41(c), will reduce or waive fees if the information contained in the requester's initial submittal under §9.23(b) indicates that disclosure of the information would be in the public interest because it would be likely to contribute significantly to public understanding of the operations or activities of the Government and not in the commercial interest of the requester.

10 CFR 9.29(a) allows a requester who has been denied a waiver or reduction of fees under §9.41(e) to appeal that denial.

10 CFR 9.54(a)(1) allows an individual making a written request for a record about himself or herself to establish his or her identity by a signature, address, date of birth, employee identification number, if any, and one other item of identification, such as a driver's license or other document.

This provides proof that the individual requesting the record is entitled to that record. It assures that an individual will not be provided records about another person under the guise of being that person.

10 CFR 9.54(c) requires, in order to establish a requester's status as a parent or guardian of a minor and in addition to the requirements of §9.54(a)(1), that the individual provide a copy of the minor's birth certificate, showing parentage, or provide a copy of a court order establishing guardianship. This provides proof that the requester is legally responsible for the individual whose records are being requested and is entitled to those records.

10 CFR 9.55(a)(1) requires that when requesting a record, the requester, insofar as practical, provide the following information: nature of the record, approximate dates covered by the record, the Privacy Act system of records in which the record is included, system manager having custody of the record system. This information allows the NRC to identify quickly and accurately the requested record, thereby reducing Government cost while providing faster service to the public.

10 CFR 9.55(a)(2) requires that an individual, when requesting a correction or amendment of records, specify the particular record involved, state the nature of the correction or amendment sought, and furnish justification for the correction or amendment.

10 CFR 9.66(b) allows an individual, whose request for amendment or correction of a record has been refused under §9.66(a)(3), to appeal that refusal and request a final review and determination.

2. Agency Use of Information. Respondents request records at their convenience. The information required by §§9.54(a)(1), 9.54(c), 9.55(a)(1), and 9.55(a)(2) is provided by the respondent at the time the request is

made to the NRC. Under §9.40(g), the NRC requires that requests for waivers of fees (§9.41) be forwarded to NRC within 10 working days after receipt of the NRC notice that fees will be assessed. Under Subparts A and B, the information is used to process requests from the public and to keep NRC statistics.

3. Reduction of Burden Through Information Technology. The nature of the request (by an individual on a one-time basis) precludes the use of new technology.

4. Effort to Identify Duplication. There is no duplication. Each request is unique to the requester.

5. Effort to Use Similar Information. There is no way to use similar information, as each request is unique to the requester.

6. Effort to Reduce Small Business Burden. The request is made on a one-time basis, and thus would have virtually no impact on small business since most of the requesters are individuals who are acting in a personal capacity.

7. Consequences of Less Frequent Collection. Not applicable.

8. Circumstances Which Justify Variation from OMB Guidelines. The NRC is in compliance with OMB Guidelines.

9. Consultations Outside the NRC. The proposed rule amending 10 CFR Part 9 (which revised Subpart A to reflect the Freedom of Information Reform Act of 1986 including, among other things, revisions to the fee schedules) was published for public comment on August 6, 1987 (52 FR 29196). Six letters of comment were received by the NRC, some of which led to changes in the rule. The final rule was published on December 31, 1987 (52 FR 49350) and became effective on February 1, 1988.

10. Confidentiality of Information. Information released under §§9.54 and 9.55 is made available only to the requester and is not made publicly available

11. Justification for Sensitive Questions. There is no sensitive question asked.

12. Estimated Annualized Cost to the Federal Government.

The total cost to the NRC is 551 NRC staff hours times \$95/hour for labor costs or \$52,345.00 annually (see the accompanying chart).

	Total Responses	Burden Hours/ Request/NRC	NRC Staff Hours	Cost to NRC
9.29(a)	35	8	280	\$26,600.00
9.40(g)	150	1	150	14,250.00
9.41(b)	10	8	80	7,600.00
9.54(a)(1)	10	1	10	950.00
9.54(c)	10	1	10	950.00
9.55(a)(1)	10	1	10	950.00
9.55(a)(2)	1	1	1	95.00
9.66(b)	1	10	10	950.00
			TOTALS	551
				\$52,345.00

13. Estimate of Burden.

The total cost to the public is 247 hours times \$95/hour for labor/postage costs of \$23,465.00 annually (see the accompanying chart).

	No. of Respondents	Submittals/ Respondents	Total Responses	Burden Hrs/ Request	Tot. Burden Hours	Costs- Responds.
9.29(a)	35	1	35	1	35	\$ 3,325.00
9.40(g)	150	1	150	1	150	14,250.00
9.41(b)	10	1	10	3	30	2,850.00
9.54(a)(1)	10	1	10	1	10	950.00
9.54(c)	10	1	10	1	10	950.00
9.55(a)(1)	10	1	10	1	10	950.00
9.55(a)(2)	1	1	1	1	1	95.00
9.66(b)	1	1	1	1	1	95.00
					TOTALS	247 \$23,465.00

14. Reasons for Change in Burden. The change in the burden is due to the implementation of Subpart A, as discussed under item number nine.

15. Publication for Statistical Use. Internally, the NRC publishes a Weekly Information Report containing a section entitled "Significant FOIA Requests Received." A summary of Privacy Act activities is compiled annually for the Office of Management and Budget.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.