

AC01-2
PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCT 16 1991

MEMORANDUM FOR: Michael T. Lesar, Chief
Rules Review Section
Regulatory Publications Branch
Division of Freedom of Information and
Publications Services
Office of Administration

FROM: Brenda Jo. Shelton, Chief
Information and Records Management Branch
Division of Information Support Services
Office of Information Resources Management

SUBJECT: REQUEST FOR COMMENT AND CONCURRENCE ON THE FINAL
RULE, 48 CFR 20, NUCLEAR REGULATORY COMMISSION
ACQUISITION REGULATION

In response to your subject memorandum, the Information and Records Management Branch (IRMB) provides the following:

- ☐ The Paperwork Reduction Act Statement (PRAS) is correct.
- ☒ Change the PRAS to the enclosure.
- ☐ N/A The "Information Collection Requirements: OMB Approval" section is correct.
- ☐ Add the enclosed "Information Collection Requirements: OMB Approval" section.
- ☐ Do not publish the "Federal Register Notice" until further notice.
- ☒ The "Federal Register Notice" can be published.
- ☐ Enclosed is a copy of the IRMB memorandum to the program office addressing our concerns.
- ☐ A copy of the IRMB memorandum to the program office addressing our concerns will be forwarded at a later date.
- ☒ An IRMB memorandum to the program office is not required.

A handwritten signature in cursive script, reading "Brenda Jo. Shelton".

Brenda Jo. Shelton, Chief
Information and Records Management Branch
Division of Information Support Services
Office of Information Resources Management

cc: W. Foster, ADM
D. Demarco, ADM
9307130289 930608
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Therefore, neither an environmental impact statement nor an environmental assessment is required for this rule.

Paperwork Reduction Act Statement

11/19/80
16-7
The information collection requirements were submitted to OMB at the proposed rule stage. At that time, OMB denied approval. OMB believed that rather than promulgating an NRC regulation, NRC should forward those provisions appropriate for inclusion in the FAR to the FAR Councils for consideration in accordance with FAR 1.304(c). They further requested that publication relating to Conflict of Interest Policies Applicable to Consultants await implementation in the FAR. It is the agency's position that since we are required by law to have separate procurement regulations implementing the FAR and these provisions only apply to special circumstances of the NRC, they would be inappropriate for inclusion in the FAR for government wide usage. In addition, in accordance with Sec. 8, Pub. L. 95-601, adding Sec. 170A to Pub. L. 83-703, 68 Stat. 919, as amended (42 U.S.C. 2210a) NRC's organizational conflicts of interest takes precedence over the FAR 9.5, "Organizational and Consultant Conflicts of Interest." However, where non-conflicting guidance appears in FAR 9.5, that guidance shall be followed. With these considerations, NRC is therefore requesting OMB approval of the information collection requirements at the final rule stage.

This final rule amends information collection requirements that are subject to the paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq).

→ This rule ~~has been~~ ^{will be} submitted to OMB for review and approval of the paperwork

requirements. The information collections will not become effective until after OMB approval. Notice of OMB approval will be published in the Federal Register.

The public reporting burden for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOF-3019, (3150-0018), Office of Management and Budget, Washington, DC 20503.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The final rule establishes the procedures and requirements necessary to implement and supplement the FAR which will govern the acquisition of goods and services by the NRC. To the extent that the final rule affects a small entity, it sets out provisions applicable to small business and to small, disadvantaged business concerns.

Backfit Analysis

NRC ACQUISITION REGULATION - RECORD OF RESPONSES - MAY 11, 1992

Raymond F. Fraley, Executive Director of Operations
Advisory Committee on Reactor Safeguards

Respondent: Mabel F. Lee

Comments: No Comments - verbal 10/28/91

B. Paul Cotter, Jr. Chairman
Atomic Safety and Licensing Board Panel

Respondent: Elva Lions

Comments: No Comments - verbal 10/28/91

David C. Williams, Inspector General

Respondent: T. Barchi

Comments: Received 10/16/91

William C. Parler, General Council

Respondents: Donald Hassell, Hudson Ragan, & Brian Kildee

Comments: Received 11/6/91

Recommended Revision in that the SEP limit its role to evaluation of the technical merits of proposals w/o a recommendation. NRCAR Sec. 2015.608 & 611.

Lloyd J. Donnelly, Administrator

Office of Licensing Support System Administrator

Respondent: Lynn Scatolini

Comments: Received 10/11/91

Substantial comments. Several were incorporated. Accepted.

Samuel J. Chilk

Secretary of the Commission

Respondent: S. Joosten

Comments: Received verbal - no comments 10/16/91

Ben B. Hayes, Director

Office of Investigations

Respondent: Joyce Weddle

Comments: No comments - verbal 10/29/91

Harold R. Denton, Director

Office of Governmental and Public Affairs

Respondent: F. Tobler

Comments: Received written memo - no comments 10/8/91

Michael Springer, Director
Office of Consolidation
Comments: No comments - verbal 10/28/91

James Lieberman, Director
Office of Enforcement
Respondents: Ed Baker, Betty Summer
Comments: Verbal- no comments 10/04/91

Edward L. Jordan, Director
Office for Analysis and Evaluation of
Operational Data
Respondent: G. Thompson
Comments: Received verbal - no comments, concurrence 10/16/91

William B. Kerr
Office of Small and Disadvantaged Business
Utilization and Civil Rights
Comments: Received 10/8/91
Recommended that task-order-type contracts be subject to COI.

Paul E. Bird, Director
Office of Personnel
Respondent: F. Shields
Comments: Received verbal - no comments, concurrence 10/8/91

Robert M. Bernero, Director
Office of Nuclear Material Safety and Safeguards
Respondent: David T. Kinski
Comments: Written Comments 12/12/92
Request that the interpretation of COI be reconsidered.

Frank Gillespie, Director
Office of Nuclear Reactor Regulation
Respondent: H. Polk
Comments: Received 10/4/91
Written comments concerning: COI; timely billing of Contractor Services,
Access to Facilities and Fitness for Duty. (Language on Access facilities and
Fitness for Duty was removed from Regulation See 5 - 92. Memo from Foster to
Schwink.)

Eric S. Beckjord, Director
Office of Nuclear Regulatory Research
Respondent: A. Burda
Comments: Received 10/17/91
Received written comments - concerned with application of UCOI restrictions to
task order contracts, concurrence.

Gerald F. Cranford, Director
Office of Information and Resources Management
Respondents: B. Shelton, Cranford
Comments: Received 10/16/91 and 10/18/91

Ronald Scroggins, Controller

Respondents: Sharon Hudson, Lars Solander

Comments: Written Memo 11/01/91 no comments and concurrence.

Larry P. Cooper, Director

Management Support Staff

Office of Administration

Comments: Received 10/21/91

Written comments suggesting that the designation AC01-2 be placed in the upper right-hand corner for each document to be placed in the Nuclear Document System.

Thomas T. Martin, Regional Administrator

Region II

Respondent: R.J. Gross

Comments: Received written memo, no comments 10/15/91

E. Bert Davis, Regional Administrator

Region III

Respondent: E. Wiggins

Comments: Received 10/16/91

Written Memo, no comments and concurrence.

Robert D. Martin, Regional Administrator

Region IV

Respondent: G. Benoit

Comments: Received 10/16/91

Written memo, no comment and concurrence.

John B. Martin, Regional Administrator

Division of Resource Management and Administration

Region V

Respondent: K. Hamill

Comments: Received 10/16/91

Written memo, no comments and concurrence.