



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

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MEMORANDUM FOR: Mary Lynn Scott, Chief
Policy Branch
Division of Contracts and Property Management
Office of Administration

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

SUBJECT: PAPERWORK CONCERNS ON 48 CFR 20, ACQUISITION REGULATION
(NRCAR), FINAL RULE

We have reviewed the Statements of Consideration for the subject rule as they relate to concerns submitted by the Office of Federal Procurement Policy and by the University of California. It appears that six paperwork concerns have not been addressed in the rule, and that four have not been adequately addressed. These concerns must be addressed before OMB will approve the paperwork requirements. Enclosed is a list of these concerns with our comments indicated.

Please submit an OMB clearance package that addresses all the paperwork requirements contained in the final rule. This is necessary because OMB did not approve the information collection requirements at the proposed rule stage. Please ensure that all of the requirements are addressed. The clearance package submitted for the proposed rule was incomplete, e.g., it did not include ~~§§2009.570-3(b)(1), 2009.570-5(b), 2009.570-3(4)(ii), and 2014.201-670.~~ The OMB clearance package must be submitted to OMB before the NRCAR is published in the Federal Register.

If you have any questions or wish to meet and discuss our concerns further, please call Beth St. Mary on extension 28540.

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

Enclosure:
As stated

UNADDRESSED PAPERWORK CONCERNS

<u>COMMENTOR</u>	<u>REFERENCE</u>	<u>COMMENT</u>
OFPP		Statutory citations should refer to exact codified section, where possible, in order to reduce burden on user to find authorizing provisions. (There are numerous occurrences in the rule.)
OFPP	2009.570-3(b)(1)	Does not clearly state what information is to be reported, making it impossible to calculate the information burden
OFPP	2009.570-3(c)	Contains instructional language that should be excluded from NRCAR and issued through manual chapters, directives, etc. (Inclusion in NRCAR is duplicative.)
OFPP	2009.570-3(c)(4)	Contractor is required to report all proposed usages. This is potentially very burdensome. It is sufficient to prohibit usage of the information.
OFPP	2009.570-5(b)	Recommend elimination of provision authorizing contracting officer to request information in unfair competitive advantage situations.
OFPP	2014.201-670	What is the reason and authority for requiring information on the responsibility of all prospective contractors when FAR 9.105-1 states it is normally limited to the low bidder or those in the range for award?

INADEQUATELY ADDRESSED PAPERWORK CONCERNS

<u>COMMENTOR</u>	<u>REFERENCE</u>	<u>COMMENT</u>	<u>IRM CONCERNS</u>
U. of Ca.	2027.305-3 (Addressed in rule, p. 7)	FAR as 27.305-3(a) requires that subject inventories be identified and disclosed. NRC goes beyond that and requires a negative declaration in addition.	No change was made. A negative declaration should be obvious if a positive declaration is required. No justification was provided as to why a negative declaration is necessary.
OFPP	2042.803(b) (Addressed in rule, p. 7)	It may be onerous to allow the government to take six months to resolve a disputed item, especially for small businesses. Change to 30 days.	Stated in rule, no change. Reason for "no change" is adequate, however, there is a change in wording for the worse. Government was to resolve within six months. Rule has been changed to "six months, if possible," allowing the government potentially a longer period for resolution.
OFPP	2052.209-77 (Addressed in rule, p. 8)	"Contractor shall disclose all proposed work of any type" is extremely broad and burdensome. Should be "disclosure of new work that is the same as or substantially similar to." (This should be sufficient for determination of conflict of interest.)	No change was made. Reason is insufficient. OFPP suggestion was not addressed.
OFPP & U. of Ca.	2052.212.70, 71, and 72 (Addressed in rule, p. 9-10)	Why are monthly reports required? This is very burdensome unless justified by some specific need. Is it consistent with OMB Cir. A-110? Report due date of 15 days after close of reporting period is unjustified.	No change was made. No justification for need of NRC deviation was indicated, nor of report due date.

* I can't find this as an OFPP comment. However, the comment is in the NRCAR. It is a comment from the FAR 9.105-1. The comment is: