

March 7, 2001

Ms. Amy Farrell
Office of Information and Regulatory Affairs
The Office of Management and Budget
725 17th Street, NW - Room 10202
Washington, DC 20503

Dear Ms. Farrell:

In response to OMB's memorandum to Chief Information Officers dated February 9, 2001, requesting input to OMB's report to Congress under the Consolidated Appropriations Act, 2001, the NRC submits the following information:

- In response to the requirement to provide "a statement of how implementation of the 1995 PRA has reduced burden imposed by rules issued by the NRC, including the burden imposed by each major rule," enclosed is a list of agency initiatives, starting in 1995, that have resulted in burden reductions, and a description of specific rulemakings that have reduced the burden by at least 7,500 hours.
- NRC has issued no major rules that have imposed more than 10,000,000 burden hours. However, included in the enclosure is a description of the only major rule issued since 1995 that imposes any information collections, a total of only 13 burden hours annually.

If you have any questions regarding this submittal, please contact Brenda Shelton, Chief, Records Management Branch, at 301-415-7233 or BJS1@nrc.gov.

Sincerely,
/S/ /RA/

Stuart Reiter
Chief Information Officer
U.S. Nuclear Regulatory Commission

Enclosure:
As stated

NRC RULEMAKING INITIATIVES SINCE FY 1995 INTENDED TO REDUCE UNNECESSARY BURDEN

INTRODUCTION

The NRC has undertaken a number of initiatives to reduce unnecessary burden to the public. Although some of the initiatives target specific NRC regulations to be rewritten, others address general changes in the way the NRC conducts business and have resulted in information collection burden reductions, e.g., the move towards performance-based and risk-informed rulemakings. Some of these performance-based or risk-informed rulemakings have required an initial implementation burden, usually for the license applicant or licensee to perform an analysis to ensure that the facility can be operated safely under reduced oversight. This implementation burden has, in many cases, resulted in an increase in the Information Collection Budget (ICB). Currently, most of these implementation burdens have been completed. However, any new performance-based or risk-informed rules are likely to impose new implementation burdens.

Additionally, in 1995, the NRC determined that it had not included in its OMB clearance packages the regulatory burden imposed on the Agreement States and Agreement State licensees. Approximately three-fifths of the materials licensees are under Agreement State control. This additional burden was included in the OMB clearance package renewals submitted to OMB in FYs 1996 through 1998 and, despite burden reductions for rulemakings, resulted in ICB increases for those years. Listed below are the ICBs for each year, the burden added starting in FY 1996 by including the Agreement States burden, and the ICB reductions that NRC would have achieved if we had not added more than 1,200,000 hours of Agreement States burden. Without the addition of this burden, NRC would have achieved a significant reduction in its ICB.

FISCAL YEAR	ACTUAL BURDEN HOURS	ADDED AGREEMENT STATE BURDEN	BURDEN W/O ADDED AGMT. STATE BURDEN
FISCAL 1995	8,712,066	0	8,712,066
FISCAL 1996	9,942,882	1,147,866	8,795,016
FISCAL 1997	10,271,588	37,561	9,086,161
FISCAL 1998	9,673,395	21,422	8,466,546
FISCAL 1999	9,518,110	0	8,311,261
FISCAL 2000	9,512,584	0	8,305,735
FISCAL 2001	*8,578,237	0	7,371,388

*Actual burden as of 01/31/01

Listed below are NRC general and non-rule specific initiatives that have reduced the burden and those that are expected to continue to reduce the regulatory burden on licensees. Specific examples of rulemakings that have reduced the burden for each fiscal year by at least 7,500 hours are listed after these initiatives.

INITIATIVES

Regulatory Review Group Assessment

In response to Executive Order 12866, "Regulatory Planning and Review," that requires agencies to periodically review existing regulations and to eliminate unnecessary and unproductive requirements, NRC consolidated ongoing initiatives into the "Continuing Program for Regulatory Improvement," based on NRC's fundamental principle that all regulatory burdens must be justified and that NRC's regulatory process must be efficient. In 1997, NRC's Regulatory Review Group (RRG) completed a comprehensive assessment of the requirements imposed on power reactor licensees and recommended changes to reduce the burden and improve regulatory efficiencies. As a result of the RRG's recommendations and other burden reduction initiatives undertaken since 1995, the NRC codified a number of regulations that resulted in burden reductions. Specific regulations that have resulted in a burden decrease of at least 7,500 hours are discussed below under "Specific Rulemaking Burden Reductions." Where possible, the NRC continues to implement regulatory and innovative initiatives to reduce burden, such as various electronic initiatives, consolidation of license guidance, simplified procedures, and working directly with industry and licensees to agree on requirements. However, present resources do not permit the NRC to undertake a systematic section-by-section assessment and possible revision of its regulations in an effort to further identify and implement burden reduction initiatives.

Performance Indicators and Revised Reactor Oversight Process

The NRC revised its reactor oversight process (ROP) to improve objectivity and to risk-inform the process. The objectives of these changes were to maintain safety while making more efficient and effective use of NRC resources, to improve public confidence, and reduce unnecessary burden on licensees. As part of this joint industry-NRC initiative, power reactor licensees voluntarily submit information to the NRC on certain performance attributes known as performance indicators (PIs). PIs are objective measures of the performance of licensees' systems or programs. The NRC has revised its ROP to use PI information, along with the results of selected inspections, to assess plant performance and determine the regulatory response to deficient performance.

From June 1999 through December 1999, the NRC conducted a pilot program at nine nuclear power reactor sites to test the revised ROP and to identify problems. Following the pilot, the NRC revised the ROP to incorporate lessons learned and stakeholder input.

On March 29, 2000, the staff issued Regulatory Issue Summary (RIS) 2000-08, "Voluntary Submission of Performance Indicator Data." The purpose of the RIS was to inform nuclear power plant licensees that the NRC was about to start implementing the new ROP and to tell them how to submit PI data to the NRC under the ROP. The NRC began implementing the ROP at all plants in April 2000. Since the ROP was implemented, licensees have transmitted PI data electronically to the NRC to minimize the burden on licensees. Eventually, licensees will transmit PI data via the electronic information exchange (EIE) system (a component of the Agencywide Documents Access and Management System [ADAMS]).

The NRC has established and maintains a public Web site to disseminate information to the nuclear power plant licensees, the public, and other external stakeholders. The Web site is updated at least quarterly to reflect new PI data submitted by licensees, the findings of any NRC inspections since the last update, and planned NRC actions. Inspection findings are

documented in inspection reports and the plant issues matrix. Based on one year of experience implementing ROP, the staff will evaluate and revise the ROP based on feedback, self-assessment results, and an analysis of trends in industry performance. The resources associated with implementing the ROP will be evaluated as part of this program review. The results of this one-year assessment will be shared with the industry and other public stakeholders at a public meeting in July 2001.

Risk-Informing Regulations to Reduce Unnecessary Regulatory Burden on Reactor Licensees

As part of the agency-wide Risk-Informed Regulations Implementation Plan, NRC is revising requirements with little or no safety benefit and is using less prescriptive, more risk-informed and performance-based regulatory approaches to focus more directly on safety and allow licensees more flexibility to meet regulatory requirements. The Commission's 1995 Probabilistic Risk Assessment (PRA) policy statement provides guidance on risk-informing regulatory activities. Implementation of the policy statement is improving the regulatory process in three ways: by incorporating PRA insights to focus on safety in regulatory decisions, by conserving agency resources and making the regulatory process more effective and efficient, and by reducing unnecessary burden on licensees.

NRC recently completed three risk-informed activities that have the potential to significantly reduce unnecessary regulatory burden on reactor licensees: (1) The staff issued a rule (10 CFR 50.67) and associated guidance providing an alternative source term for licensees to apply to design basis accident calculations. Voluntary implementation of the alternative source term will provide economic benefit to the licensees, rather than reducing the information collection burden. (2) NRC revised the rules on reporting of events and conditions (10 CFR 50.72 and 50.73). This rule is discussed further under "Specific Rulemaking Burden Reductions." (3) NRC revamped the inspection, assessment, and enforcement processes to consider improvements in the performance of the nuclear industry, to apply more objective, timely, safety-significant criteria in assessing performance, and to apply efficiencies in implementation.

In addition, as part of longer-term rulemaking initiatives, NRC is risk-informing two areas in 10 CFR Part 50 that may reduce unnecessary regulatory burden without compromising safety. The first rulemaking will change the scope of plant structures, systems, and components (SSCs) that require special treatment. NRC is proposing to add a new section and an appendix to 10 CFR Part 50 to let licensees focus their resources on the performance of SSCs that are safety significant. The second activity will risk-inform certain technical requirements in 10 CFR Part 50 so that the technical requirements correspond better to focus on those areas that contribute to risk and eliminate unnecessary requirements.

NRC is also assessing regulatory burden for nuclear power plants that are permanently shut down and in the process of decommissioning. Regulations in the areas of insurance requirements, emergency preparedness, safeguards, staffing levels, and training for decommissioning plants have been identified as potentially burdensome based on decommissioning risk. The staff has completed a study assessing the risk of spent fuel pool accidents at decommissioning plants (NUREG-1738, "Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants," issued January 2001). This study will be used as an input into a risk-informed rulemaking on these decommissioning regulations with a goal of reducing unnecessary burden while maintaining safety. Additionally, NRC is examining broader, long-term regulatory improvement options for decommissioning plants in

areas such as technical specifications and quality assurance that would benefit from risk information.

The use of risk information in NRC's processes and decisions focuses both the staff and licensees on those issues and SSCs that are most risk significant instead of on those issues that are not important to safety, thereby reducing unnecessary regulatory burden.

Comprehensive Assessment of the Agreement State Program

In 1998, a comprehensive assessment of NRC's Agreement State program resulted in an improved program that reduced burden to the Agreement State regulatory agencies by reducing the program evaluation frequency from biennial to every four years and by changing the scope of these reviews from 30 prescriptive program review indicators to five performance-based common review indicators and no more than four performance-based non-common review indicators.

Nuclear Material Events Database (NMED) Reporting

Under the NRC's Agreement State program, Agreement States are required to report nuclear material events when they occur. They report the events electronically through the NRC's automated Nuclear Material Events Database (NMED). NMED has significantly reduced the burden of manually collecting information on NRC Form 565, "Event Report," and NRC Form 566, "Medical Misadministration."

Section 208 of the Energy Reorganization Act of 1974 (PL93-438), as amended, requires the NRC to report abnormal occurrences (AOs) to Congress. AOs are unscheduled incidents or events that the Commission determines to be significant from the standpoint of public health and safety. In the past, NRC collected this information from the States and compiled it in a quarterly report to Congress. AO reports to Congress are no longer quarterly, but annual. Since the Agreement States enter the information electronically in NMED, NRC no longer sends Agreement States AO information requests, although it sometimes asks them for clarifying information. The result is to reduce the regulatory burden on Agreement States.

Lengthening License Terms

To reduce licensee burden to apply for license renewals and to conserve NRC resources, NRC has lengthened the license terms for materials licensees, wherever possible, through rulemakings and policy statements. From January 1996 through 1998, NRC extended the materials license term from five to ten years for almost all types of materials licenses. Certificates of Compliance for gaseous diffusion plants, previously issued for a two-year term, have been extended to a five-year term. Lengthening the license terms has almost halved the burden for license renewals.

Risk-Informed Regulatory Guides

NRC developed an overall policy on the use of probabilistic risk assessment (PRA) so that the many potential applications of PRA technology can be implemented in a consistent manner that promotes regulatory efficiency and enhances safety. Through the use of PRA, the NRC and licensees are able to allocate staff and financial resources to issues based on their safety significance, thereby reducing the information collection burden for systems and components that are of low safety significance.

In FY 1999, NRC completed a new series of regulatory guides that provide, as an alternative to the deterministically-based current licensing basis (CLB) change method, a risk-informed method that licensees may elect to use in requesting changes to their CLB. These risk-informed guides cover the areas of In-Service Inspection, In-Service Testing, Graded Quality Assurance, Technical Specifications, and an overall guide generically applicable to these four areas.

The guides specify the records, analyses, and documents that licensees are expected to prepare in support of risk-informed changes to their CLB in the specified areas. Licensees are expected to perform (and in some cases submit) analyses, and develop and maintain an implementation and monitoring plan that will include maintaining records of equipment performance. Licensees electing to use the risk-informed method will have an increased reporting and recordkeeping burden, but the burden will be more than offset by a savings in licensee resources and increased operating flexibility, with no significant change in overall plant safety.

Conversion of Individual Plant Technical Specifications to Standard Technical Specifications

When power reactors were initially licensed, individual plant technical specifications were approved and licensed for each reactor, requiring each plant to specifically address the changes and submit a license amendment each time the NRC requires a change to technical specifications. NRC worked with the Nuclear Steam Supply Systems Owner's Group to develop Standard Technical Specifications (STS) specific to each vendor. A licensee that chooses to use portions of, or completely convert to, the STS will reduce its information collection burden required to respond to changes in technical specifications. The ongoing STS initiative is reducing licensee burden by focusing attention on the more safety significant concerns, reducing the need for interpretation because of consistent requirements and language, reducing the number of amendments submitted, allowing both industry representatives and NRC staff members to jointly propose changes, and improving the quality of the inspection and enforcement processes. Out of 104 power reactors licensed to operate, all but 25 are expected to have converted to the improved STS by the end of FY2003. Each plant that converts to the STS realizes an annual burden reduction of 1,400 hours over those that have not converted. This will result in a total annual burden reduction of 110,600 hours for the 79 plants that will have converted by the end of FY 2003.

Elimination of Requirement to Report Level IV Violations

A 1999 modification to the NRC policy statement, NUREG-1600, "General Statement of Policy and Procedures for NRC Enforcement Actions," to eliminate the need for licensees to respond to the majority of Severity Level IV violations, "Non-Escalated Enforcement Actions for Reactors," has significantly reduced the financial cost to licensees for responding to a Notice of Violation (NOV). Only if the violation is not placed in a corrective action program, is willful,

compliance is not restored appropriately, or, in some cases, the violation is repetitive would the NOV require a written response. The policy statement change will reduce the burden on licensees by eliminating the need for the licensee to submit a written response to NRC, based on the licensee placing violations into corrective action programs.

Licensees previously had to provide a response to all NOVs. Licensees estimate that the cost to respond to an NOV is approximately \$10,000. Severity Level IV violations are the lowest level of cited violations, but are still of concern. In 1998, there were approximately 1,300 Level IV violations. Based on the 1998 number of cited Level IV violations, NRC estimates that about 1,200 violations annually are no longer required to be responded to, resulting in an industry savings of approximately \$4,000,000.

Consolidation of Licensing Process Requirements

NRC has developed a new materials licensing process intended to significantly reduce the regulatory burden on materials licensees. This initiative is intended to: (1) maintain or raise the level of public safety while reducing government resources necessary to issue licenses, (2) allow licenses to be issued more quickly, and (3) implement user-oriented information technology.

In FY2001, NRC replaced the current guidance with a series of comprehensive and consolidated electronically-searchable guidance documents that are specific to each use of licensed byproduct material. Each volume contains all the program-specific information needed to prepare license applications, amendments, and renewal applications; satisfy technical, recordkeeping, and reporting requirements; and prepare for NRC inspections. The recently-completed revised guidance documents are expected to reduce the regulatory burden to licensees and applicants who will be able to access through a single source, complete information on applying for and maintaining materials licenses.

SPECIFIC RULEMAKING BURDEN REDUCTIONS

FISCAL 1996:

Decommissioning of Nuclear Power Reactors, 10 CFR Part 50: The rule eliminated certain reporting requirements and codified generic requirements for reactors undergoing decommissioning, resulting in a burden decrease of 24,404 hours.

FISCAL 1997:

Domestic Licensing of Production and Utilization Facilities, 10 CFR Part 50: The 1997 clearance extension renewal eliminated or reduced various reporting and recordkeeping requirements that are no longer needed. It also incorporated the burden reduction for plants converting to standard technical specifications, which reduces the need to submit license amendment requests. NRC is also issuing fewer generic letter requests that require responses from licensees. The renewal reduced licensee burden by 607,682 hours (a 272,958 hour programmatic reduction and a 334,724 hour reduction based on a reduction in the number of licensees).

Constraint Level for Air Emissions of Radionuclides, 10 CFR Part 20: The rule decreased the burden to certain licensees regulated by EPA and NRC. The rule transferred the authority for the regulation of certain requirements from EPA to NRC. Although the rule resulted in a 240 hour burden increase for licensees under the NRC rule, it decreased the burden to those licensees under EPA's rule by 15,920 hours.

FISCAL 1998:

Physical Protection of Plants and Materials, 10 CFR Part 73: Implementation of the rule, "Reduction of Requirements for Protection Against Insider Threat," 10 CFR 73.55, consolidated two access lists and changed access reapproval requirements for vital areas from monthly to quarterly, resulting in an annual burden decrease of 7,650 hours.

FISCAL 1999:

Revision of NRC'S Acquisition Regulation (NRCAR), 48 CFR 20: The Federal Acquisition Regulation (FAR) was revised to increase the simplified acquisition threshold to \$100,000. Contracts awarded between the values of \$50,000 and \$99,000 are now being awarded using simplified acquisition procedures stated under FAR Part 13. Therefore, NRC revised 48 CFR Part 20, the NRC's acquisition regulation, to meet the requirements of the Federal Acquisition Streamlining Act, the Federal Acquisition Reform Act, and the Information Technology Management Reform Act. The revised NRCAR has reduced the burden on small businesses by streamlining burdensome competitive proposal and task order proposal submittal requirements by using oral presentations with a minimum number of evaluation criteria during the source selection process. The reduction in burden is estimated to be 93,739 hours.

Frequency of Reviews and Audits, Emergency Preparation Programs, Safeguards Contingency Plans, and Security Reviews, 10 CFR Parts 50 and 73: Licensees must review and audit Emergency Preparation Programs, Safeguards Contingency Plans, and Security Programs annually to ensure the public health and safety is protected and to meet regulatory requirements. The rule relaxed the review and audit frequency to an "as needed" basis, but no longer than every 24 months, based on an assessment by the licensee against Performance Indicators, or within 12 months after any significant changes. The reduction in burden is estimated to be 10,775 hours for Part 50 and 9,300 hours for Part 73.

Standards for Protection against Radiation, 10 CFR Part 20: The clearance extension renewal for 10 CFR Part 20 incorporated the burden reduction for two final rules, "Low-Level Waste Shipment Manifest Information and Reporting" and "Transfer for Disposal and Manifests: Minor Technical Conforming Amendment." The renewal reduced licensee burden by 44,707 hours (a 24,427 hour programmatic reduction and a 20,280 hour reduction based on a reduction in the number of licensees).

FISCAL 2000:

NRC Form 366, Licensee Event Report; and 10 CFR 50, Domestic Licensing of Production and Utilization Facilities: 10 CFR 50.72 and 50.73 have been amended to reduce or eliminate unnecessary reporting burden associated with events of little or no safety significance. The amendment better aligns event reporting requirements with the type of information NRC needs to carry out its safety mission, including revising reporting requirements based on importance to risk and extending required reporting periods consistent with the time that the information is needed for prompt NRC action. Certain initial notifications have been extended from four to eight hours. The burden for reporting on NRC Form 366 is expected to be decreased by 13,500 hours annually. There will be a minor annual burden reduction of 270 hours for 10 CFR Part 50 (50.72) after the implementation burden is complete.

10 CFR Part 55, Operators Licenses; and Reactor Operator and Senior Reactor Operator License Training and Requalifications Program: 10 CFR Part 55 establishes the requirements for licensing, maintaining and renewal of licenses for operators and senior operators of power reactors; The "Reactor Operator and Senior Reactor Operator License Training and Requalifications Program" clearance established and maintained the requirements for examination requirements for reactor operators. The separate "Reactor Operator and senior Reactor Operator License Training and Requalifications Program" was discontinued and combined with the 10 CFR Part 55 clearance, resulting in a burden reduction of 7,998 hours.

FISCAL 2001:

Fitness-for-Duty Programs, 10 CFR Part 26: 10 CFR Part 26 requires power reactor licensees and licensees authorized to possess, use, or transport formula quantities of strategic special nuclear material to implement fitness-for-duty (FFD) programs to ensure that personnel are not under the influence of any substance or mentally or physically impaired, to retain certain records associated with the management of these programs, and to provide reports concerning the performance of the programs and certain significant events.

The revision reduces the submission of program performance reports from every six months to annually, deletes the requirement to maintain a permanent record book, reduces the number of records relating to suitable inquiries, and permits prompt destruction of forms with negative test results. Minor changes include administrative changes to written policies and procedures, the requirement to keep additional records as to whether or not an individual has a history of substance abuse, and the addition of FFD personnel as employees whose negative acts would be reported. The rule reduces the annual FFD burden by 9,600 hours.

Domestic Licensing of Production and Utilization Facilities, 10 CFR Part 50: The 2001 clearance extension renewal incorporated the burden reduction for additional plants converting to standard technical specifications which require fewer reports to be submitted and also reduces the number of license amendment requests. Under Oaths and Affirmations, NRC is also issuing fewer generic letter requests, requiring action on the part of licensees. The principle programmatic burden reduction is attributable to a reduction in Generic Communications because many regulatory issues are now being resolved through industry initiatives, rather than by issuance of a Generic Letter. The renewal reduced licensee burden by 976,922 hours (a 426,620 hour programmatic reduction and a 550,302 hour reduction based on a reduction in the number of licensees).

FISCAL 2002: (Included because the rule will be published in FY 2001 with full implementation required in early 2002)

Revision to Medical Byproduct Licensing, 10 CFR Part 35: 10 CFR 35 contains recordkeeping and reporting requirements for licensees authorized to administer byproduct material, or radiation therefrom, to humans for medical use to ensure that public health and safety is protected and that possession and use of byproduct material is in compliance with the license and regulatory requirements.

The regulation has been revised in its entirety to be more performance-based and risk-informed, and thereby to reduce the information collection burden of compliance. Specifically, proposed changes include: (1) elimination of certain requirements for quality management programs; (2) elimination of prescriptive requirements for radiation safety committees, and inclusion of requirements for interdepartmental/disciplinary coordination of the licensee's radiation protection program only for licensees with multiple modalities or multiple users; (3) allowing licensees to revise their radiation protection program without Commission approval under specified circumstances; and (4) elimination of prescriptive general technical requirements and their recordkeeping requirements. Because of significant changes made to the final rule, the information collection requirements must be resubmitted to OMB. The rule is expected to be published in the Federal Register by May 2001 with full implementation required within six months. NRC projects a burden reduction of 441,923 hours as a result of the comprehensive revision to eliminate prescriptive requirements.

MAJOR RULES

The NRC has not issued a major rule that imposes 10M burden hours. In FYs 1995 through 2000, the NRC has only issued one major rule that contains any information collection requirements.

In FY 2000, NRC issued a 10 CFR Part 50 major rule to revise the 10 CFR Part 50, Appendix K, "ECCS Evaluation Models." The amendment allows operating nuclear power plant licensees to reduce the assumed reactor power level used in their evaluations of emergency core cooling system (ECCS) performance. Licensees may apply a reduced margin for the ECCS evaluation or maintain the reactor power value currently mandated in the regulation. This action allows interested licensees to pursue small, but cost-beneficial, power uprates and reduces unnecessary regulatory burden without compromising the plant's margin of safety. A licensee pursuing a power uprate could realize a significant economic benefit. Depending upon the number of licensees that pursue power uprate, the annual economic benefit for the industry could range from \$50 to \$135 million. Licensees opting to use a reduced power level assumption must include the change in their annual report required under section 50.46(a)(3)(ii). Total annual industry burden for inclusion of the change in the report is estimated at 13 hours (25 licenses at .5 hours per update).

March 7, 2001

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Sincerely,
/S/ /RA/
Stuart Reiter
Chief Information Officer
U.S. Nuclear Regulatory Commission

Enclosure:
As stated

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*See previous concurrence

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