

State of Mississippi. The NRC reserves the right to revoke digital certificates at any time.

#### V. MSDH General Responsibilities

A. MSDH, through its DRH, will, in cooperation with the NRC, establish a capability to receive ERDS data. To this end, MSDH will provide the necessary computer hardware and commercially licensed software required for ERDS data transfer to users.

B. MSDH will provide the NRC with an initial, and periodically updated, list of designated persons serving as holders of ERDS digital certificates.

C. MSDH will use ERDS only to access data, at the Alert level or higher, from nuclear power plants for which all or a portion of the 10-mile EPZ falls within the boundaries of the State of Mississippi.

D. For the purpose of minimizing the impact on plant operators, the State of Mississippi will seek clarification of ERDS data through the NRC.

#### VI. Implementation

A. MSDH and the NRC agree to work in concert to assure that the following communications and information exchange protocol regarding ERDS are followed:

a. MSDH and the NRC agree in good faith to make available to each other information within the intent and scope of this MOU.

b. The NRC and MSDH agree to meet as necessary to exchange information on matters of common concern pertinent to this MOU. Unless otherwise agreed, such meetings will be held in the NRC Headquarters Operations Center. The affected utilities will be kept informed of pertinent information covered by this MOU.

c. The NRC will protect sensitive information to the extent permitted by the Freedom of Information Act, 5 U.S.C. 552, Title 10 of the *Code of Federal Regulations*, Section 2.390, and all other applicable authority. MSDH and its DRH will protect sensitive information to the extent permitted by the Mississippi Freedom of Information Act Mississippi Code Ann. § 25–61, and all other applicable authority.

d. The NRC will conduct periodic tests of licensee ERDS data links. The NRC will provide a copy of the test schedule to the MSDH through its DRH. The DRH may test its ability to access ERDS data during these scheduled tests, or may schedule independent tests of the State link with the NRC.

e. The NRC will provide MSDH with access to ERDS for emergency exercises at nuclear power plants that have implemented an ERDS interface, for

which any portion of a plant's 10-mile EPZ lies within the State of Mississippi, and that are capable of transmitting exercise data to ERDS. For exercises in which the NRC is not participating, the MSDH, through its DRH, will coordinate with the NRC in advance to ensure ERDS availability. The NRC reserves the right to preempt ERDS use for any exercise in progress in the event of an actual event at any licensed nuclear power plant.

#### VII. Contacts

A. The principal senior management contacts for this MOU will be the Director, Division of Preparedness and Response (DPR), Office of Nuclear Security and Incident Response (NSIR) for the NRC, and the Director, Division of Radiological Health, for MSDH. These individuals may designate appropriate staff representatives for the purpose of administering this MOU.

B. Identification of these contacts is not intended to restrict communication between the NRC and MSDH staff members, in particular those within the DRH, on technical and other day-to-day activities.

#### VIII. Resolution of Disagreements

A. If disagreements arise about matters within the scope of this MOU, the NRC and MSDH will work together to resolve these differences.

B. Differences between MSDH and the NRC staff over issues arising out of this MOU will, if they cannot be resolved in accordance with Section VIII.A, be resolved by the Director of the NRC's DPR, NSIR.

C. Differences which cannot be resolved in accordance with Sections VIII.A and VIII.B will be reviewed and resolved by the Director of NRC's NSIR.

D. The NRC's General Counsel has the final authority to provide legal interpretation of the Commission's regulations.

#### IX. Effective Date

This MOU will take effect after it has been signed by both parties.

#### X. Duration

This MOU will be subject to periodic reviews and may be amended or modified upon written agreement by both parties, and may be terminated upon 30 days written notice by either party.

#### XI. Separability

If any provision(s) of this MOU, or the application of any provision(s) to any person or circumstances is held invalid, the remainder of this MOU and the application of such provisions to other

persons or circumstances will not be affected.

For the U.S. Nuclear Regulatory Commission  
Dated: November 2, 2018.

Margaret M. Doane,  
*Executive Director for Operations.*

For the State of Mississippi, Mississippi State  
Department of Health

Dated: January 11, 2019.

Thomas E. Dobbs III, MD, MPH,  
*State Health Officer.*

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BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

[NRC–2019–0045]

### Information Collection: Survey of NRC Materials Licensees To Support Rulemaking for NRC's Small Entity Size Standards

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed information collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed collection of information. The information collection is entitled, "Survey of NRC Materials Licensees to Support Rulemaking for NRC's Small Entity Size Standards."

**DATES:** Submit comments by May 20, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2019–0045. Address questions about NRC dockets IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** David Cullison, Office of the Chief

Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Obtaining Information and Submitting Comments

#### A. Obtaining Information

Please refer to Docket ID *NRC-2019-0045* when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website*: Go to <http://www.regulations.gov> and search for Docket ID *NRC-2019-0045*. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID *NRC-2019-0045* on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Document collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML19058A132. The supporting statement and title of document is Survey of NRC Materials Licensees to Support Rulemaking for NRC's Small Entity Size Standards are available in ADAMS under Accession No. ML19058A130.

- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Clearance Officer*: A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

#### B. Submitting Comments

Please include Docket ID *NRC-2019-0045* in the subject line of your comment submission, in order to ensure that the NRC is able to make your

comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

### II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection*: Survey of NRC materials licensees to support rulemaking for NRC's small entity size standards.
2. *OMB approval number*: An OMB control number has not yet been assigned to this proposed information collection.
3. *Type of submission*: New.
4. *The form number, if applicable*: Not applicable.
5. *How often the collection is required or requested*: Once.
6. *Who will be required or asked to respond*: Current materials users licensees.
7. *The estimated number of annual responses*: 457.
8. *The estimated number of annual respondents*: 457.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request*: 151 hours.

10. *Abstract*: The NRC has its own standards for categorizing small business size entities that are noted in section 2.810 of title 10 of the *Code of Federal Regulations*, "NRC size standards." The agency's standards differ from those used by the Small Business Administration (SBA) because it is difficult to align NRC licensees with Small Business Administration size

standards and the Omnibus Budget Reconciliations Act of 1990 requirement for NRC to recover 90 percent of the annual budget through fees. Since the agency has not surveyed its materials licensees since 1993, the staff will conduct a survey to gather financial data to determine if a change to the size standards is needed. Without conducting a survey, the NRC staff does not have the data needed to determine the impact of shifting from the current nuclear industry-specific standards. The results of the analysis will be used to provide a recommendation to the Commission that is backed with sound empirical data.

### III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 14th day of March 2019.

For the Nuclear Regulatory Commission.

**Kristen E. Benney,**

*Acting NRC Clearance Officer, Office of the Chief Information Officer.*

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## NUCLEAR REGULATORY COMMISSION

[NRC-2018-0145]

### Branch Technical Position 5-3, Fracture Toughness Requirements

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Standard review plan-final section revision; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a final revision to Branch Technical Position (BTP) 5-3, "Fracture Toughness Requirements," of NUREG-0800, "Standard Review Plan (SRP) for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition."

**DATES:** March 20, 2019.

**ADDRESSES:** Please refer to Docket ID NRC-2018-0145 when contacting the