

August 17, 2005

SUMMARY OF INFORMATION COLLECTION REQUEST

Title: 10 CFR Part 26, "Fitness for Duty Program, Complete Revision," Proposed Rule

Current Burden/Responses:

69,584 hours/1,514 responses (1,440 responses plus 74 recordkeepers [74 licensees])

Proposed Burden/Responses:

545,942 hours/5,540 responses (5,504 responses plus 36 recordkeepers [36 programs])

Reasons for Changes in Burden/Responses:

The burden has increased by 476,358 hours from 69,584 hours to 545,942 hours. Of this, 125,239 hours are for one-time recordkeeping requirements. The additional increase in burden of 351,119 hours is explained by various differences between the current regulation and the proposed rule. In particular, the proposed rule creates more detailed requirements pertaining to the fitness-for-duty (FFD) authorization process for individuals to ensure consistency with the NRC's access authorization requirements for nuclear power plants established in 10 CFR 73.56, as supplemented by orders to nuclear power plant licensees dated January 7, 2003. The proposed rule includes more detailed requirements pertaining to the specimen collection and testing process, to increase consistency with other relevant Federal rules and guidelines, including the U.S. Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Guidelines). The rule also includes a new subpart addressing requirements for HHS-certified laboratories, adds requirements for confirmatory drug and alcohol testing and verification testing, and expands and makes more explicit the requirements for licensee testing facilities. The burden estimate for the proposed rule captures significant third-party collections associated with the reporting and recordkeeping associated with the drug and alcohol testing activities that were not captured in the previous rule. Experience from the implementation of the current FFD rule, information obtained from stakeholders, and information obtained from sources such as the DHHS National Laboratory Certification Program has led the NRC to revise its estimates of the burden of certain activities. Finally, the proposed rule contains new fatigue management provisions that include reporting and recordkeeping burdens that were not part of previous estimates.

Level of Concurrence:

Director
Program Management, Policy Development and Analysis Staff
Office of Nuclear Security and Incident Response

Recordkeeping Requirements in Accordance with the Retention Periods for Records Rule:

Record retentions are in accordance with standard retention periods.

Abstract:

The complete revision to 10 CFR Part 26 contains NRC's requirements and standards for the establishment, implementation, and maintenance of FFD programs. The requirements and standards apply to the following: licensees authorized to operate a nuclear power reactor; licensees authorized to possess, use, or transport formula quantities of strategic special nuclear material (SSNM) under 10 CFR Part 70; corporations, firms, partnerships, limited liability companies, associations, or other organizations that obtain a certificate of compliance or an approved compliance plan under 10 CFR Part 76, if the entity elects to engage in activities involving formula quantities of SSNM; and contractor/vendors who implement FFD programs or program elements, to the extent that licensees and other entities rely upon those programs or program elements to meet the requirements of 10 CFR Part 26. Certain more limited information collection requirements apply to holders of a combined operating license under 10 CFR Part 52, Subpart C; combined license applicants who have received construction authorization; construction permit holders under 10 CFR Part 50; and holders of manufacturing licenses. The proposed fatigue management provisions in Subpart I would apply to a smaller group of licensees and other entities.

The mandatory recordkeeping and reporting requirements in the proposed rule include provisions requiring licensees and other entities to develop and maintain policies and procedures; retain records of training, qualification and authorization of individuals; retain records related to drug and alcohol collections and tests; retain other records related to the collection, testing and review processes; report FFD program performance and significant violations, program failures and testing errors; and retain records related to employee assistance programs. Records and reports are also required under the proposed new fatigue management component of the FFD program. The NRC would use the reports to assess the effectiveness of FFD programs for those subject to the rule, and to ensure the provisions are implemented as the NRC intends.

cc: Beth St. Mary