

**Response to a question received by Paul Harris (U.S. NRC) from Bob Kelm (Nuclear Energy Institute) via an email communication on February 22, 2014**

*“Can you tell me what the term “respondent” and “3rd party respondent” refers to? I want to insure that I am asking the industry for the right information.”*

Respondent

For this collection, a “respondent” is any member of the public (i.e., someone who is not a Federal employee) who is responding to the information collection activities within 10 CFR Part 26. A respondent is anyone who is reporting to the NRC, keeping records, or disclosing information to a third party.

Typically, the respondent is the licensee submitting required information to the NRC (e.g. Section 26.719 – annual performance reports, 24-hour event reports) – see *Table 3 Annual Reporting Burden* in the supporting statement.

Due to the complexities of Part 26, a number of additional parties may need to provide information directly to the licensee (and not NRC). For example, a respondent can be an individual who provides a self-disclosure and employment history to the licensee per 26.61(a) so that an access authorization determination can be made – see *Table 4 Annual Third-Party Burden* in the supporting statement. Another example of a respondent is an HHS-certified laboratory that provides to each licensee on an annual basis a summary of drug testing results and also provides laboratory drug test results directly to the licensee MRO for review.

3<sup>rd</sup> Party

A “third-party” disclosure is defined in 5 CFR 1350 as a requirement “for a person to obtain or compile information for the purpose of disclosure to members of the public... through posting, notification, labeling or similar disclosure requirements.” Again, “the public” refers to a person or organization other than a Federal employee or Federal entity.

An example of a disclosure of information to a third-party can be found in Section 26.53(h), in which the licensee must disclose information to the individual applying for authorization:

“The licensee or other entity to whom the individual has applied for authorization shall inform the individual that—

- (1) Withdrawal of his or her consent will withdraw the individual's current application for authorization under the licensee's or other entity's FFD program; and
- (2) Other licensees and entities will have access to information documenting the withdrawal as a result of the information sharing that is required under this part.”

Further, a 3<sup>rd</sup> party can be the licensee if the rule requires individuals to report info to licensees (i.e., 2<sup>nd</sup> party is individual, 3<sup>rd</sup> party is licensee).