

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.

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