

PDR

DESIGNATED ORIGINAL

Standard Form 83

(Rev. September 1983)

Request for OMB Review

Paul H. Smith

Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—(three copies of the supporting statement, to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department, agency and Bureau/office originating request U.S. Nuclear Regulatory Commission	2. Agency code 3 1 5 0
--	--------------------------------------

3. Name of person who can best answer questions regarding this request Loren Bush	Telephone number (301) 492-0944
---	---

4. Title of information collection or rulemaking
10 CFR 26, Fitness for Duty Programs

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)
42 USC 2201(o) or _____

6. Affected public (check all that apply)

1 <input type="checkbox"/> Individuals or households	3 <input type="checkbox"/> Farms	5 <input type="checkbox"/> Federal agencies or employees
2 <input type="checkbox"/> State or local governments	4 <input checked="" type="checkbox"/> Businesses or other for-profit	6 <input type="checkbox"/> Non-profit institutions
		7 <input type="checkbox"/> Small businesses or organizations

PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN) _____, or, None assigned

Classification	Stage of development	Type of review requested
1 <input type="checkbox"/> Major	1 <input type="checkbox"/> Proposed or draft	1 <input type="checkbox"/> Standard
2 <input type="checkbox"/> Nonmajor	2 <input type="checkbox"/> Final or interim final, with prior proposal	2 <input type="checkbox"/> Pending
	3 <input type="checkbox"/> Final or interim final, without prior proposal	3 <input type="checkbox"/> Emergency
		4 <input type="checkbox"/> Statutory or judicial deadline

9. CFR section affected
_____ CFR _____

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320? Yes No

11. If a major rule, is there a regulatory impact analysis attached? Yes No
If "No," did OMB waive the analysis? Yes No

Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official	Date
-------------------------------	------

Signature of authorized regulatory contact	Date
--	------

12. (OMB use only)

PART III.—Complete This Part Only if the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.

13. Abstract—Describe needs, uses and affected public in 50 words or less **"Nuclear Facility Safety, Drug Abuse"**
Operators of nuclear power plants are to implement programs to assure that personnel operating the plants are not under the influence or mentally or physically impaired due to the use of any chemical substance.

14. Type of information collection (check only one)

Information collections not contained in rules

- 1 Regular submission 2 Emergency submission (certification attached)

Information collections contained in rules

- 3 Existing regulation (no change proposed) 6 Final or interim final without prior NPRM
 4 Notice of proposed rulemaking (NPRM) A Regular submission
 5 Final, NPRM was previously published B Emergency submission (certification attached) 7. Enter date of expected or actual Federal Register publication at this stage of rulemaking (month, day, year): _____

15. Type of review requested (check only one)

- 1 New collection 4 Reinstatement of a previously approved collection for which approval has expired
 2 Revision of a currently approved collection 5 Existing collection in use without an OMB control number
 3 Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

16. Agency report form number(s) (include standard/optional form number(s))

NA

22. Purpose of information collection (check as many as apply)

- 1 Application for benefits
 2 Program evaluation
 3 General purpose statistics
 4 Regulatory or compliance
 5 Program planning or management
 6 Research
 7 Audit

17. Annual reporting or disclosure burden

1 Number of respondents	81
2 Number of responses per respondent	604
3 Total annual responses (line 1 times line 2)	48,924
4 Hours per response	.14
5 Total hours (line 3 times line 4)	6,952

23. Frequency of recordkeeping or reporting (check all that apply)

- 1 Recordkeeping
 Reporting
 2 On occasion
 3 Weekly
 4 Monthly
 5 Quarterly
 6 Semi-annually
 7 Annually
 8 Biennially
 9 Other (describe) _____

18. Annual recordkeeping burden

1 Number of recordkeepers	81
2 Annual hours per recordkeeper	313
3 Total recordkeeping hours (line 1 times line 2)	25,353
4 Recordkeeping retention period	3,5, life years

19. Total annual burden

1 Requested (line 17-5 plus line 18-3)	32,305
2 In current OMB inventory	1
3 Difference (line 1 less line 2)	+32,304
Explanation of difference	
4 Program change	+32,304
5 Adjustment	

20. Current (most recent) OMB control number or comment number

3150-0146

24. Respondents' obligation to comply (check the strongest obligation that applies)

- 1 Voluntary
 2 Required to obtain or retain a benefit
 3 Mandatory

21. Requester's expiration date

Three years from approval

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? Yes No

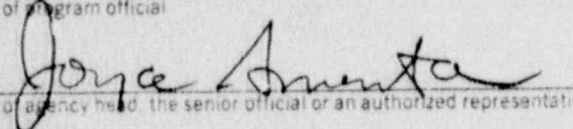
25. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? Yes No

27. Regulatory authority for the information collection

10 CFR 26 ; or FR ; or Other (specify) _____

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with

Signature of program official:  Date: 10/5/89
 Signature of agency head, the senior official or an authorized representative: _____ Date: _____

Joyce A. Amenta, DSO for Information Resources Management

SUPPORTING STATEMENT FOR FINAL RULE
10 CFR PART 26
FITNESS-FOR-DUTY PROGRAMS
and the Related Changes to 10 CFR Part 2 (Enforcement Policy)

DESCRIPTION OF THE INFORMATION COLLECTION

a. Information to be Collected and Maintained

- (1) All licensees authorized to operate nuclear power reactors shall establish, implement, and retain on file for 5 years the records described below. Where there is a retention requirement different from 5 years it is so stated in the applicable section.

Section 26.20 requires that each licensee subject to this part establish and implement written policies and procedures designed to meet the general performance objectives and specific requirements of this part.

This requirement is necessary to inform affected individuals with sufficient detail on licensee rules, what is expected of them, and what consequences may result from lack of adherence to the policy. It also provides a description of programs which are available to personnel desiring assistance in dealing with drug problems that could adversely affect their performance and outlines procedures to be utilized in testing for drugs.

These records will be maintained until the license is terminated. Superseded records will only be retained for 3 years.

Section 26.21(b) requires that appropriate records of policy communications and awareness training are documented.

This ensures that persons assigned to activities within the scope of this part are provided with appropriate training so that they understand the methods that will be used to implement the policy, the personal and public health and safety hazards associated with abuse of drugs, the effects of prescription and over-the-counter drugs and dietary conditions on drug test results, and the role of the Medical Review Officer.

Section 26.22(c) provides for records of training for supervisors and other personnel to document the conduct of such training. This ensures the understanding of their role in the implementation of the fitness-for-duty program, to ensure that they are sufficiently skilled to detect conditions that arise from abuse or presence of drugs, and to ensure that the proper action is initiated.

Sections 26.23 and 25.70(b) These sections require that contractor personnel be subject to, and abide by, a fitness-for-duty program. Written agreements between licensees and their contractors will clearly show that the licensee is responsible to the Commission for maintaining an effective fitness-for-duty program. This section also permits the NRC to inspect, copy, take away any copies of any licensee or contractor documents related to implementation of the licensee's or contractor's fitness-for-duty program under the scope of the contracted activities.

The records applicable to these sections must be maintained for the life of the contract.

Section 26.24 requires chemical testing to provide the licensee a means to deter and detect substance abuse. In this regard the licensee shall implement chemical testing programs that will require:

- (1) Testing within 60 days prior to granting of unescorted access to protected areas;
- (2) Unannounced tests imposed in a random manner;
- (3) Testing for cause, i.e., as soon as possible following any observed behavior indicating possible substance abuse.
- (4) Follow-up testing on an unannounced basis to verify continued abstention from the use of substances covered under Part 26.

There are no reporting or recordkeeping requirements associated with Section 26.24.

Section 26.27(a) requires licensee prior to the initial granting of unescorted access to a protected area or the assignment to activities within the scope of this part to any person, to obtain a written statement from the individual as to whether activities within the scope of this part were ever denied the individual. This is accomplished by checking a few boxes on a form and signing the individual's name. A suitable inquiry is then conducted to verify the information. This will assist the licensee to determine if persons should be granted or denied unescorted access in accordance with a fitness-for-duty policy.

Section 26.27(d) requires licensee to notify NRC when an NRC employee may be under the influence of any substances, or otherwise unfit for duty. This ensures that the NRC can take appropriate actions as necessary.

Section 26.29(a) requires that each licensee subject to 10 CFR 25, who collects personal information on an employee for the purpose of complying with 10 CFR 26, shall establish and maintain a system of files and procedures for the protection of the personal information.

In order to ensure the protection of information the licensee shall not disclose the personal information collected and maintained to persons other than assigned medical review officials, other licensees legitimately seeking the information as required by this part for employment decisions and who have obtained a release from current or prospective employees or contractor personnel, NRC representatives, appropriate law enforcement officials, the subject or his or her representative, or to those licensee personnel who have a need to have access to the information in performing assigned duties.

These records are maintained until the license is terminated.

Section 26.71(a) requires each licensee to retain records of inquiries that result in the granting of unescorted access (i.e., background checks). These records must be maintained for 5 years because individuals can be denied unescorted access to the protected area or removed from activities within the scope of this rule for period of up to 5 years.

Section 26.71(b) requires that each licensee retain records of confirmed positive test results and the subsequent personnel actions. This permits the evaluation of program performance and to correct any program weaknesses so identified. These records also must be retained for 5 years for the same reasons provided above with Section 26.71(a).

Section 26.71(c) requires records of persons made ineligible for assignment to activities within the scope of this part who have been involved in the sale, use, or possession of illegal drugs while within a protected area of any nuclear power plant. This requires licensees to retain records of persons made ineligible for three years or longer until the Commission terminates each license under which the records were created. These records are needed to facilitate inquiries from other licensees to determine if a person had been made ineligible for assignment to activities within the scope of 10 CFR 26.

Section 26.71(d) requires each licensee to collect and compile fitness-for-duty program performance data. This data includes statistics pertaining to drug testing and management actions. This data will enable proper analysis and assist NRC staff in determining what actions need to be taken to correct program weaknesses. This data must be retained for 3 years.

Section 26.73 requires licensee to inform the NRC Operations Center by telephone within 24 hours of discovery of significant fitness-for-duty events. This will enable the NRC staff to evaluate the event and determine whether immediate actions by the staff are warranted.

Section 26.73(d) requires licensee to certify to NRC that their fitness-for-duty programs are implemented. This one time reporting requirement will provide to NRC the necessary background information that all programs are in place and implemented on schedule.

Section 26.80 requires licensee subject to this section to conduct an audit of their fitness-for-duty program nominally every 12 months and to retain audit report for 3 years. This audit will help ensure resolution of program weaknesses and help NRC determine what corrective actions are necessary.

Appendix A sets forth the minimum standards for alcohol and drug testing; it emphasized the procedures and records (chain-of-custody, quantity controls, etc.) for ensuring the integrity of the test results, and the process for reporting and evaluating test results. The Appendix is an adaptation of the HHS Testing Guidelines (53 FR 11970).

b. Numbers and Types of Respondents

The information collection requirements apply to sites* for licensees authorized to operate nuclear power reactors and plants under active construction, currently 81 sites. This is different from the 76 sites stated in the proposed rule because the NRC expanded the rule to cover the sites that are under active construction. That number is currently a total of five.

c. Reasonableness of the Schedule for Collecting Information

The information collections related to the 10 CFR Part 26 (Final Rule) are necessary to properly manage fitness-for-duty programs. The collection of information pertaining to significant fitness-for-duty events is necessary to permit timely evaluation of events that might become problems and that may require urgent response by the NRC staff so that the health and safety of the public will not be threatened.

A. JUSTIFICATION

1. Need for the Information Collections

The regulations in 10 CFR Part 26 (Enclosure 2) establish requirements for licensees authorized to operate nuclear power reactors to implement a fitness-for-duty program, the general objective of which is to provide a reasonable assurance that nuclear power plant personnel will perform their tasks in a reliable and trustworthy manner and are not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely affects their ability to safely and competently perform their duties. Included in this general objective is the goal of achieving a drug-free workplace and a workplace free of the effects of such substances.

The NRC is adopting pertinent parts of the Health and Human Services (HHS) Guidelines concerning drug testing programs for application to the nuclear industry. These guidelines are stated in Subpart A of the rule.

This supporting statement is designed to provide a comprehensive overview of the information collection requirements contained in 10 CFR Part 26, Final Rule, and the provisions of the related Enforcement Policy. The information collection requirements fall into three categories:

- a. Written policies and procedures and associated records to facilitate proper management of the fitness-for-duty program. Included are records of training, program audits, contract provisions and certain protected information used to ensure that persons tested positive, removed for cause, or whose fitness for duty has been questioned, are not returned to safety sensitive positions until they have corrected their problem.
- b. Telephonic reports of significant fitness-for-duty events made within 24 hours of the event.

- c. Collection and analysis of fitness-for-duty program performance data.

Enforcement Policy (10 CFR Part 2, Appendix C)

The NRC is modifying its General Statement of Policy and Procedure for NRC Enforcement Actions, 10 CFR Part 2, Appendix C (Enforcement Policy) to reflect the Final Rule on Fitness-For-Duty Programs, 10 CFR Part 26. The changes to the Enforcement Policy are being published concurrently with the final rule. There are no reporting and recordkeeping burden involved with these changes. They are merely to put the licensee on notice about the enforcement policy associated with the fitness-for-duty programs.

The modifications to the Enforcement Policy are being made in Supplement VII "Miscellaneous Matters" to provide examples of violations of fitness-for-duty requirements. As with the examples in the other Supplements to the Enforcement Policy, the new examples are neither controlling nor exhaustive; nor do they establish new requirements. The examples are to be used as guidance in considering the severity levels of violations of requirements.

In developing the examples, the NRC notes that it is not the unfit person that establishes the violation but rather the licensee's failures, including those of its contractors and vendors, that create violation. For example, if the licensee has effectively implemented its fitness-for-duty program meeting NRC requirements and, based on behavior observation, identifies and removes a person not fit for duty, there may not be a regulatory violation.

2. NRC Response to OMB Questions stated on the February 3, 1989 OMB Clearance Approval Statement for the 10 CFR Part 26 Proposed Rule.

Question 1

"How these requirements conflict and conform to the Drug Free Workplace Act of 1988."

NRC Response

The Commission has compared the requirements of the Drug-Free Workplace Act to the requirements of its rule on Fitness-for-Duty and finds no inconsistency. Any licensee implementing 10 CFR Part 26 who may also be subject to Subtitle D should have no difficulty meeting the supplemental provisions of the latter concerning notification of the contracting agency of convictions of onsite criminal drug activities [Section 5152(a)(1)(D) of the Anti-Drug Abuse Act] for those employees within the scope of a program meeting the provisions of 10 CFR 26.

Question 2

"Could the testing rate be targeted according to the sensitivity of an individual's position.

NRC Response

The Commission considered several alternative testing rates and sampling procedures for the workforce to be tested. However, due to the sensitivity of all positions with unescorted access within the protected area of the plant, the Commission selected a testing method whereby about two-thirds of these workers are tested during the course of a given year on a random basis.

Question 3

"Could the testing rate be reduced following a prolonged period of negative test results."

NRC Response

The Commission cannot currently support reducing the testing rates, however, it will consider reducing the rates after several years based upon positive experience in the industry.

Question 4

"How will the NRC protect individuals from false-positive test results."

NRC Response

The NRC has adopted the provisions of the HHS Guidelines with some modifications to ensure the integrity and accuracy of test results using appropriate scientific methods and rigid chain-of-custody procedures at the site and in the testing laboratory. To protect the worker from inappropriate sanction due to any errors in the testing process, cross-reacting substances, or legitimate medical use of controlled substances, a Medical Review Officer (MRO) screens all presumed positive test results and may interview those individual who have tested positive with the GC/MS confirmatory test. To further limit the possibility of subversion of the integrity of the testing process, the NRC Guidelines require licensees to carefully select persons responsible for administering the testing program based upon the highest standards for honesty and integrity and to implement measures appropriate to ensure that these standards are maintained.

Additionally, for OMB's statistical records, please provide the data and analysis NRC used to choose the alternative testing rates."

The following alternatives rates and sampling procedures approaches were considered in the development of the final rule:

- ° Alternative A sets the two goals that at least 90 percent of the workforce be tested and that the testing rate for the already-tested population during a year not be set lower than a rate equal to 30 percent of the workforce. The disadvantage of this alternative is its complexity of administration and the provision of a lesser deterrent during part of the year.
- ° Alternative B requires testing at a rate equal to 300 percent of the workforce. The disadvantage of this alternative is the possible excessive disruption of work activities and the testing of a few individuals at a very high rate which may impact morale. The cost of this rate may be excessive given the reported low number of positive tests for testing rates at 100 percent per year or lower in the nuclear industry.
- ° A method whereby each worker is randomly assigned a day during the next 365 days on which to be tested, and then is randomly reassigned to a day in the following 365-day period. The worker could be tested several times in one year, but is guaranteed at least one test per year. This allows for testing of the entire workforce during any 365-day period and reduces the testing rate in comparison to Alternative B (estimated rate: 200 percent). However, there is a possibility that more workers may be selected for testing on a given day than the licensee has a capacity to test. The disadvantage of this alternative is the need to select testing dates well in advance and the security problems which may result.
- ° A method whereby all workers are subjected to unannounced testing once during the year, and random testing at a low rate (e.g., 25 percent, 50 percent) is also used during the year to assure ongoing deterrence.
- ° A method whereby random testing is conducted at a rate equal to approximately 100 percent of the workforce, resulting in about two-thirds of the workers being testing during the course of a given year. This is the alternative selected by the Commission and is reflected in the final rule.

3. Agency Use of Information

The NRC will use the required records and reports for one or more of the following purposes:

- a. To determine if there are problems requiring timely action by the NRC staff. NRC responses vary depending upon the circumstances but could include immediate telephone contact with the licensee to discuss event or travel to the site.
- b. To monitor compliance with 10 CFR Part 26.

c. To perform empirical evaluations of this evolving discipline in support of any future considerations. This would include analysis of trends and lessons learned.

4. Reduction of Burden through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. Licensees are encouraged to provide the information by the most modern technique available.

5. Duplication With Other Collection of Information

The collection of information required by the final rule does not duplicate any other requirements for collection of information. It does replace NRC staff interpretation of 10 CFR 73.71 requirements for reporting safeguards events to include fitness-for-duty events (Regulatory Guide 5.62, Revision 1). See Office of Management and Budget Clearance Number 3150-0002.

6. Effort To Use Similar Information

Current reporting requirements contained in 10 CFR 73.71 do not provide the information necessary to gauge reliability of licensee's fitness-for-duty programs. The final rule supersedes and relaxes the 1-hour reporting period now required in 10 CFR 73.71 and provides clarification as to what incidents need to be reported.

7. Effort to Reduce Small Business Burden

The information collection required does not affect any small businesses.

8. Consequences of Less Frequent Collection

The reporting of significant events is limited to telephone reports on an "as-needed" basis. A frequency of approximately 6 months is established for collection, analysis and reporting of program performance data. These records are necessary to enable the licensee and the NRC to analyze and take appropriate actions necessary to correct program weaknesses and to take other corrective actions.

9. Circumstances Which Justify Variations From OMB Guidelines

Telephonic reports of significant events are to be made within 24-hours and are, therefore, a variation from OMB guidelines. This requirement is intended to provide further assurance that an event within the purview of the fitness-for-duty rule will not adversely affect the public health and safety.

10. Consultation Outside the NRC

The NRC received 378 comment letters on all aspects of the proposed rule, including the recordkeeping and reporting. These comments are addressed in the "Summary of Comments Section" of the final rule and in NUREG-1354 (Enclosure 4). Many commenters stated that the 24-hour reporting requirement is excessive. Other commenters posed minor questions on retention period for records documenting fitness-for-duty incidents. The NRC has maintained the 24-hour reporting deadline for fitness-for-duty events. This provision supersedes and relaxes the 1-hour reporting period required for the fitness-for-duty categories of events included in the safeguards events reported under 10 CFR 73.71. The retention period documenting confirmed positive test results and subsequent personal actions and records of inquiries that result in the granting of unescorted access (i.e., background checks) was increased from 3 to 5 years. The reason for 5 years is that individuals can be denied unescorted access to the protected areas or be removed from activities encompassed within the scope of this rule for periods of up to 5 years. Therefore, records must be maintained for proper administration of fitness-for-duty programs.

11. Confidentiality of Information

Section 26.29(a) requires each licensee to collect personal information for the purpose of complying with 10 CFR 26. However, the licensee is required to maintain a system of files and procedures for the protection of the personal information. Personal and sensitive information will not be reported to the NRC by the licensee. Under Section 26.25, Employee Assistance Program staff will provide confidential assistance except where safety considerations must prevail and when the Employee Assistance Program counselor believes that a worker's condition poses a hazard to himself or herself or others. Otherwise, voluntary self-referrals to the Employee Assistance Programs are treated confidentially and are not reported to management. Therefore, that information would not be available for disclosure in response to an inquiry of previous employers.

12. Sensitive Questions

Section 26.29(a) requires each licensee to collect personal information for the purpose of complying with 10 CFR 26. However, the licensee is required to maintain a system of files and procedures for the protection of the personal information.

Individual names are not required in reports submitted to the NRC in accordance with 10 CFR 26.73(a) and (b), and 26.71(d).

13. Estimate of The Cost To The Federal Government

The total estimated annual cost to the Federal Government is expected to be \$125,145 as shown in Enclosure 1.

14. Estimate of Industry Burden and Costs

- a. The burden of information collection and reporting is described below.

The costs associated with compliance with 10 CFR Part 26 are provided in Enclosure 1. Note that, three line items have been identified as one time only incremental costs.

Licensees currently have fitness-for-duty programs in place that adhere to industry guidance. These programs include written policies and procedures and contract provisions which establish fitness-for-duty agreements between the licensee and contractor; the minor changes to contracts that may be needed in a few instances are deemed insufficient to quantify as a burden.

- b. Source of Burden Data And Method for Estimating Burden.

Burden estimates are based, in part, upon previous discussions with nuclear utility employees and NRC personnel familiar with those types of records and reports.

15. Reasons for Change in Burden

Sections 26.2(b) and 27.73(d) were added to the final rule to cover plants under active construction and to require licensees to certify to the NRC that their fitness-for-duty programs are implemented. Hence, the number of respondents will increase from what was projected in the proposed rule. Record retention requirements were increased from 3 to 5 years and appropriate modifications made to 25.71(a) and (b). The discussion in Item 10 pertaining to NRC action resulting from comments received on the proposed rule documents the reason for the burden change.

16. Publication for Statistical Use

The NRC does not plan to publish any information for statistical use.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not required in the 10 CFR Part 26 information collection provisions.

Enclosures:

1. Table - Estimate of Burden Required of Industry/Cost to Federal Government
2. Final Rule, 10 CFR Part 26
3. Regulatory Guide 5.62, Revision 1
4. NUREG-1354, Fitness-for-Duty in the Nuclear Power Industry: Responses to Public Comments

ENCLOSURE 1

10 CFR 26
FINAL RULE
 FITNESS-FOR DUTY PROGRAMS
 AND THE RELATED ENFORCEMENT POLICY

Estimate of Burden Required of Industry

Record	Subsection	Time/Record	Number of Records	Estimated Annual Record Burden Per Site	Estimated Cost** Per Site Per Year
<u>Recordkeeping</u>					
Written policies and procedures	26.20	320* hours	one time*/site	107 hrs.	\$5,350
Training Records	26.21(b) and 26.22(c)	5 min/ind. + 20 hrs. to establish records system	1500 ind/site one time*	125 hrs. 7 hrs.	\$6,250 350
Contract provisions	26.23(b) and 26.70	N/A*	12 contracts	0 hrs.	NONE
Audits	26.80	4 hrs/audit of licensee	1	4 hrs.	\$200
		4 hrs/audit of contractor	12	48 hrs.	\$2,400
Records concerning persons testing positive, removed for cause, and related matters	26.24, 26.29 and 26.71(a)(b)(c)(d)	30 mins/ind +20 hrs. to establish records systems	30 ind/site/year one time*	15 hrs. 7 hrs.	750 350
<u>Subtotal for Records:</u>				313 hrs./site	\$15,650
Industry Burden (81 sites) =				25,353 hrs.	\$1,267,650

*One time only incremental cost. Burden per response is divided by three to distribute time over the OMB clearance period.
 **NRC's analysis of Industry Labor Rates is available in NUREG/CR-4627, Generic Cost Estimates; Abstract 6.3, Industry Labor Rates, June 1986 (\$50 per hour).

10 CFR 26
FINAL RULE
 FITNESS-FOR DUTY PROGRAMS
 AND THE RELATED ENFORCEMENT POLICY

Estimate of Burden Required of Industry

Report	Subsection	Time/Report	Number of Reports	Estimated Annual Record Burden Per Site	Estimated Cost** Per Site Per Year
<u>Reporting</u>					
Written statement from applicant	26.27(a)	1/2 minute	600 applicants/yr	5 hrs.	\$250
Fitness of NRC employees	26.27(d)	1/2 hours	None anticipated	0 hrs.	0
Program performance data	26.71(d)	40 hours	2 reports/site/yr.	80 hrs.	\$4,000
Reports of significant events	26.73	15 min/event	2 reports/site/yr.	1/2 hr.	\$25
Certify implementation of program	26.73(d)	1 hr.	One time*/site	1/3 hr.	\$16.50
				Subtotal for Reports:	85.83 hrs/site \$4,291.50
				Industry Burden (81 sites)	= 6,952.2 hrs. \$347,610
				Total Industry Burden	= 32,305.2 hrs. \$1,617,975

10 CFR 26
FINAL RULE
 FITNESS-FOR DUTY PROGRAMS
 AND THE RELATED ENFORCEMENT POLICY

Estimate of Cost to the Federal Government

Record/Report	Subsection	Time/Year	Number of Records/Reports	Staff Hours
Written policies and procedures	26.20	6 hours/site	1/site	6.0 hrs.
Training records	26.21(b) and 26.22(c)	2 minutes/ individual	1500 ind./site x 5%	2.5 hrs.
Contract provisions	26.23 and 26.70(b)	10 minutes/ contract	12 contracts/site x 25%	0.5 hr.
License certification	26.73(d)	1 time	1/site	0.5 hr.
Audits	26.80	30 minutes/ report	13/site x 50% sample	3.25 hrs.
Records concerning persons tested positive, removed for cause, and related matters	26.29 and 26.71	10 minutes/ person	30 persons/site/ year	5.0 hrs.
Program performance data	26.71(d)	30 minutes/report	2/site	1.0 hr.
Reporting significant events	26.73	4 hours/event	2 reports/site/ year	8.0 hrs.
				<u>26.75 hrs/site</u>

Annual cost = 26.75 hrs./site x 81 sites x \$60/hr. = \$130,005