

1SUPPORTING STATEMENT FOR  
INFORMATION COLLECTIONS CONTAINED IN  
RISK INFORMED, TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR  
ADVANCED REACTORS  
FINAL RULE

NRC FORMS 893, "SINGLE POSITIVE TEST FORM, 10 CFR PART 26, SUBPART M FFD  
PROGRAM," AND 894, "ANNUAL REPORTING FORM, 10 CFR PART 26, SUBPART M FFD  
PROGRAM"  
10 CFR 26.617

(3150-0272)  
NEW

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) is establishing an optional technology-inclusive regulatory framework for use by applicants for new commercial nuclear plant designs. The regulatory requirements developed in this rulemaking use methods of evaluation, including risk-informed and performance-based methods, that are flexible and practicable for application to a variety of new reactor technologies. The NRC's goals in amending these regulations are to continue to provide reasonable assurance of adequate protection of public health and safety and the common defense and security at reactor sites at which new nuclear reactor designs are deployed to at least the same degree of protection as required for current-generation light-water reactors; protect health and minimize danger to life or property to at least the same degree of protection as required for current-generation light-water reactors; provide greater operational flexibilities where supported by enhanced margins of safety that may be provided in new nuclear designs; and promote regulatory stability, predictability, and clarity.

The final rule covers a wide range of topics, including the following that result in recordkeeping and reporting requirements:

- Fitness for duty (FFD),
- Physical security,
- Cybersecurity,
- Access authorization.
- Plant design and analysis,
- Siting,
- Construction and manufacturing,
- Facility operations,
- Programs,
- Staffing,
- Decommissioning,
- Applications,
- Licensing basis information, and
- Quality assurance.

Licensees and other entities that implement FFD programs under 10 CFR Part 26, Subpart M, will be required under 10 CFR 26.617, "Recordkeeping and reporting," to annually report information to the NRC on each FFD testing violation (e.g., positive alcohol or drug test result); licensees or other entities may use NRC Form 893 for reporting the violations. These licensees and other entities also must electronically submit an annual report to the NRC on FFD program performance, testing program elements, and management actions taken; licensees or other entities may use NRC Form 894 for this report. Both NRC Forms 893 and 894 are new forms, modeled on NRC Forms 890 and 891, respectively (NRC Forms 890 and 891 are approved under OMB Clearance No. 3150-0146). However, NRC Forms 893 and 894 are to be used by Part 53 licensees, whereas NRC Forms 890 and 891 are to be used by licensees and other entities under Part 50, "Domestic Licensing of Production and Utilization Facilities," and Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

Form 893, "Single Positive Test Form, 10 CFR Part 26, Subpart M FFD Program," will be used to transmit detailed information to the NRC by a licensee or other entity on each FFD policy violation (i.e., one form will be submitted for each positive drug or alcohol test result or testing refusal). Information requested includes the facility name, date of the collection, reason for testing, employment type, labor category, type of biological specimen tested, positive substances identified, testing cutoffs used, if the FFD violation was reported to the NRC (a 24-hour reportable event under 10 CFR 26.617 or 26.719(b)), if the collection was determined to be a subversion attempt (and detail on the attempt), and management actions taken (reason for the sanction, denial period of the sanction), and the name(s) of the person(s) responsible for the information provided.

Form 894, "Annual Reporting Form, 10 CFR Part 26, Subpart M FFD Program," will be used to transmit detailed information to the NRC by a licensee on drug and alcohol testing program performance. Information requested includes the facility name, the number of tests administered by employment category for each reason for testing, and the number of positive, adulterated, substituted, and refusals to test, the random testing population and rate, information about the laboratories used for testing, any additional substances tested beyond those required by Part 26, special analyses testing results, testing cutoffs used (if different than required by rule), management actions taken to address program weaknesses or to enhance the program, and person(s) responsible for the information provided.

For the purposes of this supporting statement, the NRC staff estimates that there would be five Part 53 licensed facilities during the three-year period covered by this clearance (2027–2029). During this period, the NRC staff assumes that, of these five facilities, four apply for and receive a construction permit during the clearance period (and subsequently apply for an operating license), and one applies for and receives a combined license during the clearance period.

This supporting statement describes the information collections in NRC Forms 893 and 894 (3150-0272).

## A. JUSTIFICATION

### 1. Need for the Collection of Information

The information collections will enable effective and efficient regulatory oversight of affected licensees and other entities through the assessment of FFD program

performance to maintain public health and safety, promote the common defense and security, and to protect the environment. The NRC will use these information collections to assess licensee and other entity compliance with Part 26 and take corrective actions, as needed. The NRC also will use these information collections to evaluate the effectiveness of the regulations and to take additional actions, as needed, such as issuing guidance or amending Part 26 through rulemaking.

## 2. Agency Use of Information

The NRC will use the information submitted in NRC Forms 893 and 894 to:

- monitor licensee and other entity compliance with Part 26 requirements to ensure that each FFD program is adequate to protect public health and safety, promote the common defense and security, and protect the environment;
- be informed of FFD-related performance issues in order to evaluate the need to implement timely regulatory actions to restore compliance, verify corrective actions, implement licensing actions, conduct public outreach, or inspect NRC-licensed activities; and,
- evaluate the performance of drug and alcohol testing programs through the collection and analysis of annual program performance information to identify trends, lessons learned, and site-specific or industry-wide issues requiring NRC licensing or inspection response, generic communication, or rulemaking.

## 3. Reduction of Burden Through Information Technology

The NRC has issued [Guidance for Electronic Submissions to the NRC](#), which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g., CD-ROM, DVD), by facsimile or by e-mail. The Electronic Submissions System ensures that information sent to the NRC is secure and unaltered during transmission. It operates 24 hours a day, except when it is taken down for scheduled maintenance. The application serves as a secure portal that respondents may use to transmit documents to the NRC. It is estimated that approximately 99% of the potential responses will be filed electronically.

## 4. Efforts to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements.

5. Effort to Reduce Small Business Burden

The NRC is currently not aware of any known small entities as defined in 10 CFR 2.810 that are planning to apply for a commercial nuclear plant early site permit, construction permit, operating license, manufacturing license, or combined license under Part 53 that will be impacted by this final rule.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

If the information is not collected or collected less frequently, then the NRC will not be able to adequately:

- independently monitor licensee and other entity compliance and ensure that each FFD program adequately protects public health and safety, promotes the common defense and security, and protects the environment;
- verify the scientific accuracy and validity of test results and ensure that the rights of individuals subject to testing are protected;
- complete timely evaluations of FFD-related performance issues and implement regulatory actions to restore compliance, assess corrective actions, inform the public, and/or propose changes to regulations or guidance; and
- inform the public in a timely manner on FFD program performance trends, lessons learned, and site-specific or industry-wide issues.

7. Circumstances Which Justify Variation from OMB Guidelines

Not applicable.

8. Consultations Outside the NRC

The NRC published a proposed rule in the *Federal Register* for public comment on October 31, 2024 (89 FR 86918) as well as draft OMB Supporting Statements for Forms 893 and 894. In response to public comments, the NRC revised the draft Forms 893 and 894 to remove fields related to point of collection testing and the performance monitoring and review program; these changes did not impact the estimated burden associated with these forms. The NRC prepared a summary and analysis of public comments received on the proposed rule, which totals two volumes (ML26042A229, ML26042A228). The public comment submissions are available from the Federal e-Rulemaking website at <https://www.regulations.gov> under Docket ID NRC-2019-0062.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

No sensitive information is requested. Although the NRC Form 893 submissions detail individual drug and alcohol testing violations, they do not contain any personally identifiable information.

12. Estimated Burden and Burden Hour Cost

The 10 CFR Part 53 rule, specifically 10 CFR 26.617, makes reporting on an unexpired NRC-approved form (such as NRC Forms 893 and 894) mandatory for commercial nuclear plants licensed under 10 CFR Part 53. Five Part 53 licensed facilities are expected to be in operation during the clearance period (2027–2029). For Form 894, facilities are expected to both report their annual FFD program information at the facility/site level. The estimated annual number of respondents submitting the form is 2.3. There are 0 anticipated respondents in year 1 of the clearance, 2 respondents in year 2, and 5 respondents in year 3, for an average of 2.3 respondents annually ( $0 + 2 + 5 = 7$  divided by 3 years = 2.3).

Recordkeeping burden associated with maintaining FFD program administrative records is accounted for separately under the 10 CFR Part 26 (3150-0273) supporting statement submitted with the Part 53 final rule. The overall estimated annual burden for the clearance is 340.4 hours at an estimated annual cost of \$52,422 (340.4 hours x \$154/hour).

**Table 1. Estimated Annual Reporting Burden**

<b>Section</b>	<b>Number of Respondents</b>	<b>Responses per Respondent</b>	<b>Total Responses</b>	<b>Burden per Response (hours)</b>	<b>Total Burden Hours</b>
26.617(b)(2) – Submit Form 893, Single Positive Test Form, 10 CFR Part 26, Subpart M FFD Program	2.3	84	193.2	0.5	96.6
26.617(b)(2) – Submit Form 894, Annual Reporting Form, 10 CFR Part 26, Subpart M FFD Program	2.3	1	2.3	106	243.8
<b>Total</b>	<b>2.3</b>		<b>195.5</b>		<b>340.4</b>

The NRC’s average labor rate of \$154 per hour for FY 2026 was used to calculate burden costs to the public because it aligns with 2024 Bureau of Labor Statistics data showing comparable hourly mean wages across five key occupational groups (executives, management, technical staff, licensing staff, and physicists) within the nuclear industry.

13. Estimate of other Additional costs

No additional costs are anticipated for this form.

14. Estimated Annualized Cost to the Federal Government

The following table identifies the anticipated burden hours per form for the NRC during the clearance period as a result of the final rule.

<b>NRC ACTION</b>	<b>No. Actions/ Year</b>	<b>Burden Hours/ Action</b>	<b>Total Hours</b>
26.617(b)(2) – Submit Form 893, Single Positive Test Form, 10 CFR Part 26, Subpart M FFD Program	193.2	0.5 hours	96.6
26.617(b)(2) – Submit Form 894, Annual Reporting Form, 10 CFR Part 26, Subpart M FFD Program	2.3	12 hours	27.6
Total			124.2

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses. The estimated cost to the government for the review of required reports and records is approximately \$19,127 (124.2 hours at \$154 per hour), based on the NRC’s average labor rate of \$154 per hour for FY 2026.

15. Reasons for Change in Burden or Cost

The rule imposes new information collections for Part 53 licensees to report to the NRC following the occurrence of an FFD policy violation, such as a positive result on a drug or alcohol test, and to submit an annual report to the NRC on FFD program performance, regarding, in part, results from drug and alcohol testing. During the clearance period, licensees and permit holders will incur an annual burden of 0.5 hours per single positive test form submitted (NRC Form 893) and 106 hours to annually prepare and submit NRC Form 894, “Annual Reporting Form, 10 CFR Part 26, Subpart M FFD Program.” For this clearance period (2027–2029), the total estimated burden is 340.4 hours for the five Part 53 licensees and permit holders.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

NRC Forms 893 and 894 display the OMB clearance approval expiration date.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of information does not employ statistical methods.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS  
CONTAINED IN

NRC FORMS 893, "SINGLE POSITIVE TEST FORM, 10 CFR PART 26, SUBPART M FFD PROGRAM," AND 894, "ANNUAL REPORTING FORM, 10 CFR PART 26, SUBPART M FFD PROGRAM"  
10 CFR 26.617

Section 26.617(b)(2) requires licensees and other entities that implement FFD programs under 10 CFR Part 26, Subpart M, to submit an annual report that must include the FFD program performance data listed in 10 CFR 26.717(b). These licensees or other entities must use unexpired NRC-provided forms for the submission of FFD performance data to the NRC (such as NRC Forms 893, "Single Positive Test Form, 10 CFR Part 26, Subpart M FFD Program," and 894, "Annual Reporting Form, 10 CFR Part 26, Subpart M FFD Program").