

of full-time students at (1) not less than 85 percent of the applicable minimum wage or less than \$1.60, whichever is higher, in retail or service establishments or in institutions of higher education (29 U.S.C. 214(b)(1), (3); 29 CFR part 519); and (2) not less than 85 percent of the applicable minimum wage or less than \$1.30, whichever is higher, in agriculture (29 U.S.C. 214(b)(2), 29 CFR part 519). The FLSA and the regulations set forth the application requirements as well as the terms and conditions for the employment of full-time students at subminimum wages under certificates and temporary authorization to employ such students at subminimum wages. The forms used to apply for these certificates are WH-200 (retail, service, or agricultural employers seeking to employ full-time students for 10 percent or more of total monthly hours of employment), WH-201 (institution of higher learning seeking to employ its students), and WH-202 (retail, service, or agricultural employers seeking to employ six or fewer full-time students).

Under section 14(a) of the FLSA, the Secretary of Labor is required to provide, by regulation or order, a special certificate for the employment of learners, apprentices, and messengers who may be paid less than the federal minimum wage set by section 6(a) of the Act. See 29 U.S.C. 214(a). The certificates are only issued to the extent necessary to prevent the curtailment of employment opportunities. This section also authorizes the Secretary to set limitations on such employment as to time, number, proportion, and length of service. The regulations at 29 CFR part 520 contain the provisions that implement the section 14(a) requirements. Form WH-205 is the application an employer uses to obtain a certificate to employ student-learners at wages lower than the federal minimum wage. Form WH-209 is the application an employer uses to request a certificate authorizing the employer to employ learners and/or messengers at subminimum wage rates. Regulations issued by the Department's Office of Apprenticeship no longer permit the payment of subminimum wages to apprentices in an approved program; therefore, the Department has not issued apprentice certificates since 1987. See 29 CFR 29.5(b)(5). However, WHD must maintain the information collection for apprentice certificates in order for the agency to fulfill its statutory obligation under FLSA to maintain this program.

II. Review Focus: The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Enhance the quality, utility, and clarity of the information to be collected;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks approval for an extension of this information collection in order to ensure effective administration of various special employment programs.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Information Collections Pertaining to Special Employment Under the Fair Labor Standards Act.

OMB Control Number: 1235-0001.

Affected Public: Business or other for-profit, Not-for-profit institutions, Federal, State, Local, or Tribal Government.

Agency Numbers: Forms WH-226, WH-226A, WH-2, WH-46, WH-75, WH-200, WH-201, WH-202, WH-205, WH-209.

Total Respondents: 335,983.

Total Annual Responses: 1,339,779.

Estimated Total Burden Hours: 684,442.

Estimated Time per Response: Varies with type of request.

Frequency: On occasion.

Total Burden Cost (capital/startup): \$1,522.

Dated: March 8, 2021.

Amy DeBisschop,

Director, Division of Regulations, Legislation, and Interpretation.

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NUCLEAR REGULATORY COMMISSION

[NRC-2020-0220]

Information Collection: Fitness-for-Duty Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Fitness-for-Duty Programs."

DATES: Submit comments by April 16, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: INFOCOLLECTS.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2020-0220 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0220.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. Licensees and other entities can use three NRC Forms to report information under Part 26 of title 10 of the *Code of Federal Regulations* (10 CFR), "Fitness for duty programs" requirements: NRC Form 890, "Single Positive Test Form," NRC Form 891, "Annual Reporting Form for Drug and

Alcohol Tests,” and NRC Form 892, “Annual Fatigue Reporting Form.” A copy of NRC Forms 890, 891, and 892 may be obtained without charge by accessing ADAMS Accession Nos. ML20209A550, ML20209A388, and ML18214A192, respectively. The supporting statement and burden change spreadsheet are available in ADAMS under Accession Nos. ML21019A067 and ML21019A069.

• **Attention:** The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

• **NRC’s Clearance Officer:** A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: INFOCOLLECTS.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2020-0220 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, “Fitness-for-

Duty Programs.” The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on November 6, 2020 (85 FR 71109).

1. *The title of the information collection:* 10 CFR part 26, “Fitness for Duty Programs.”

2. *OMB approval number:* 3150-0146.

3. *Type of submission:* Extension.

4. *The form number if applicable:* NRC Form 890, “Single Positive Test Form,” NRC Form 891, “Annual Reporting Form for Drug and Alcohol Tests,” and NRC Form 892, “Annual Fatigue Reporting Form.”

5. *How often the collection is required or requested:* Annually and on occasion. The NRC receives reports on an annual basis that detail fitness-for-duty (FFD) program performance. The NRC also receives, on occasion, reports associated with FFD policy violations or programmatic failures. Depending on the type of violation or programmatic failure, the report would be made within 24 hours of the event occurrence, or within 30 days of completing an investigation into a programmatic failure.

6. *Who will be required or asked to respond:* Nuclear power reactor licensees licensed under 10 CFR part 50, “Domestic licensing of production and utilization facilities” and 10 CFR part 52, “Licenses, certifications, and approvals for nuclear power plants” (except those who have permanently ceased operations and have verified that fuel has been permanently removed from the reactor); all holders of nuclear power plant construction permits and early site permits with a limited work authorization and applicants for nuclear power plant construction permits that have a limited work authorization under the provisions of 10 CFR part 50; all holders of a combined license for a nuclear power plant issued under 10 CFR part 52 and applicants for a combined license that have a limited work authorization; all licensees who are authorized to possess, use, or transport formula quantities of strategic special nuclear material (SSNM) under the provisions of 10 CFR part 70, “Domestic licensing of special nuclear material”; all holders of a certificate of compliance of an approved compliance plan issued under 10 CFR part 76 “Certification of gaseous diffusion plants,” if the holder engages in activities involving formula quantities

of SSNM; and all contractor/vendors (C/Vs) who implement FFD programs or program elements to the extent that the licensees and other entities listed in this paragraph rely on those C/V FFD programs or program elements to comply with 10 CFR part 26.

7. *The estimated number of annual responses:* 366,657.

8. *The estimated number of annual respondents:* 70,561.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 597,976 (5,347 reporting + 181,158 recordkeeping + 411,471 third party disclosure).

10. *Abstract:* The NRC regulations in 10 CFR part 26 prescribe requirements to establish, implement, and maintain FFD programs at affected licensees and other entities. The objectives of these requirements are to provide reasonable assurance that persons subject to the rule are trustworthy, reliable, and not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way could adversely affect their ability to safely and competently perform their duties. These requirements also provide reasonable assurance that the effects of fatigue and degraded alertness on individual’s abilities to safely and competently perform their duties are managed commensurate with maintaining public health and safety. The information collections required by 10 CFR part 26 are necessary to properly manage FFD programs and to enable effective and efficient regulatory oversight of affected licensees and other entities. These licensees and other entities must perform certain tasks, maintain records, and submit reports to comply with 10 CFR part 26 drug and alcohol and fatigue management requirements. These records and reports are necessary to enable regulatory inspection and evaluation of a licensee’s or other entity’s compliance with NRC regulations, FFD performance, and significant FFD-related events to help maintain public health and safety, promote the common defense and security, and protect the environment.

Dated: March 12, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

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