

FINAL SUPPORTING STATEMENT  
FOR  
NRC FORM 398, "PERSONAL QUALIFICATION STATEMENT - LICENSEE,"  
10 CFR PART 55, §55.31, 55.35, 55.47 AND 55.57

(OMB Clearance No. 3150-0090)  
Revision/Extension

DESCRIPTION OF THE INFORMATION COLLECTION

NRC Form 398 standardizes the essential information needed to apply or reapply for, or to renew an operator's license to operate a nuclear reactor.

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection of Information

The regulations in 10 CFR Part 55, §55.31, 55.35, 55.47 and 55.57, specify the use of NRC Form 398 to collect information from licensees/applicants seeking to obtain licenses to operate nuclear reactors.

2. Agency Use of Information

The completed NRC Form 398 is reviewed against the licensing criteria to ensure that licensees/applicants meet all the requirements for taking the written examination or operating test; reapplying because of failure to pass the written examination or operating test, or both; or renewing an existing license. The NRC Form 398 also provides certification by the authorized facility representative that the licensees/applicants meet their requirements to be licensed as operators and that the facility needs these individuals to be licensed as operators.

The information provided on the NRC Form 398 is extracted by the NRC regional/headquarters offices and keyed into the Operator Licensing Tracking System data bank for tracking operator licenses and can be used for generating reports on licensing actions and issuing license and denial letters.

3. Reduction of Burden Through Information Technology

There is no legal obstacle to the use of information technology. Moreover, NRC encourages its use; however, at the current time, no responses are submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

This information is available only from the licensee/applicant and does not duplicate or overlap other information collections made by the NRC or other government agencies. The Information Requirements Control Automated System was searched and no duplication was found.

5. Effort to Reduce Small Business Burden

This information collection does not involve any small businesses.

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

The collection of information is occasional and is collected as needed.

7. Circumstances which Justify Variation from OMB Guidelines

This information collection does not vary from OMB guidelines.

8. Consultations Outside the NRC

Notice of opportunity for public comment on NRC Form 398 was published in the Federal Register on June 6, 2000 (65 FR 35965). No comments were received.

There have been no formal consultations outside the NRC regarding this form.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

The NRC Form 398 is filed in the licensee's/applicant's docket file and in an NRC data base (Operator Licensing Tracking System). The information is not available for public inspection.

11. Justification for Sensitive Questions

No sensitive information normally considered private is requested on NRC Form 398.

12. Estimated Industry Burden and Burden Hour Cost

Approximately 600 new, 900 renewal, 40 reapplications, and approximately 70 applications with waivers are expected to be submitted annually.

Applications for new licenses are submitted one time only, and there is no pre-specified reporting period. If the applicant fails the licensing examination, the first reapplication can be filed at least 2 months after the date of the denial letter. The second reapplication can be filed 6 months after the date of the second denial letter. Successive reapplications can be filed 2 years after the date of the third denial letter.

Renewal applications are to be submitted no fewer than 30 days prior to the expiration of the existing license.

The estimated burden to complete a new application without waiver is 2 hours; a reapplication .5 hours, a renewal application .5 hours, and an application with waivers 4 hours.

New applications take longer to complete, as it is the first time the appropriate information is collected on one form. After the initial application, the reapplication and renewals update specific relevant items. However, if the applicant requests a waiver of all or part of the license examination pursuant to 10 CFR 55.47, the eligibility requirements specified in 10 CFR 55.31(a) or the medical standards specified in 10 CFR 55.23, the NRC may require additional information pursuant to 10 CFR 55.31(b) to determine whether to grant or deny the application.

The estimated number of responses is based on staff's past experience in collecting and analyzing the NRC Form 398's received during the past three-year clearance period.

2 hours x 600 new applications = 1,200 hours x \$144/hour = \$172,800 annually

.5 hours x 40 reapplications = 20 hours x \$144/hour = \$2,880 annually

.5 hours x 900 renewal applications = 450 hours x \$144/hour = \$64,800

4 hours x 70 waivers = 280 hours X \$144/hour = \$40,320

Total respondents/responses = 1,610 (600 + 40 + 900 + 70)

Total burden = 1,950 hours (1,200 hours + 20 hours + 450 hours + 280 hours)

Total annual cost to Industry = 1,950 hours x \$144/hour = \$280,800

13. Estimate of Other Additional Costs

None.

14. Estimated Cost to the Federal Government

Approximately 600 new applications and 40 reapplications are expected to be submitted by licensees/applicants annually. These numbers are based on the data available from the Operator Licensing Tracking System. Processing the NRC Form 398 takes .75 hours per new application and .5 hours for each reapplication. The NRC Form 398 processing includes data input, files maintenance, and forms review regarding the eligibility criteria. Data input takes longer for new applications because all data must be entered initially, whereas for reapplication and renewals, the data base needs only to be updated. Estimates are based on staff experience.

600 new applicants x .75 hours x \$144/hour = \$64,800 annually

40 reapplications x .5 hours x \$144/hour = \$2,880 annually

The renewal period of operators' licenses is 6 years. Approximately 900 renewal applications are expected annually. Processing the NRC Form 398 for renewals takes .5 hours for each application. As stated above, renewal applications take less time to complete than new applications because the data need only be updated. Based upon past experience, approximately 70 waivers can be expected per year and the processing of a waiver takes an average of 2 hours per waiver. This estimate is based on staff experience.

900 renewals x .5 hours x \$144/hour = \$64,800 annually.

70 waivers x 2 hours x \$144/hour = \$20,160

Cost for Operator Licensing Tracking System = \$30,000 annually

Therefore, the total annual cost to the Federal Government is expected to be \$182,640 (\$64,800 + \$2,880 + \$64,800 + \$20,160 + \$30,000).

Cost to the government is fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes in Burden or Cost

The overall burden has increased from 1,730 hours to 1,950 hours for a net change of 220 hours. This is due to the first time capture of burden (280 hours) for applications with waivers under 10 CFR 55.47 (70 waivers x 4 hours per response) and because of the reduction in the number of reapplications from 60 to 40 (20 x .5 hours per response) and number of renewals from 1,000 to 900 (100 x .5 hours per response).

16. Publications for Statistical Use

This information is not published for statistical use.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this information collection.

Enclosure:  
NRC Form 398 (XX/2000)

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). 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.

1. Type of submission, new, revision, or extension: Revision
2. The title of the information collection: NRC Form 398, "Personal Qualification Statement - Licensee"
3. The form number if applicable: NRC Form 398
4. How often the collection is required: On occasion and every six years

(at renewal)

5. Who will be required or asked to report: Individuals requiring a license to operate the controls at a nuclear reactor.
6. An estimate of the number of responses: 1,610 (one per respondent)
7. The estimated number of annual respondents: 1,610
8. An estimate of the total number of hours needed annually to complete the requirement or request: 1,950, on approximately 1.2 hour per response
9. An indication of whether Section 3507(d), Pub. L. 104-13 applies: Not applicable
10. Abstract: NRC Form 398 requests detailed information that should be submitted by a licensing applicant and facility licensee when applying for a new or renewal license to operate the controls at a nuclear reactor facility. This information, once collected, would be used for licensing actions and for generating reports on the Operator Licensing Program.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (<http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by (insert date 30 days after publication in the Federal Register). Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Amy Farrell  
Office of Information and Regulatory Affairs (3150-0090)  
NEOB-10202  
Office of Management and Budget  
Washington, DC 20503

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 23rd day of August 2000.

For the Nuclear Regulatory Commission.

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Beth St. Mary, Acting NRC Clearance Officer  
Office of the Chief Information Officer

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Beth St. Mary, Acting NRC Clearance Officer  
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Accession Number: ML003737225

*\*See Previous Concurrence*

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