

FINAL SUPPORTING STATEMENT
FOR
NRC FORM 398, "PERSONAL QUALIFICATION STATEMENT – LICENSE,"
10 CFR PART 55, SECTIONS 55.31, 55.35, 55.47 AND 55.57
(3150-0090)

REVISION

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.

JUSTIFICATION

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

10 CFR 55.31 requires that the facility licensee certify that an applicant for an NRC operator or senior operator license has successfully completed the facility licensee's requirements; the facility has a need for an operator or senior operator to perform assigned licensed duties; and the applicant, as a trainee, has successfully manipulated either the controls of the facility for which a license is sought or a plant-referenced simulator that meets the requirements of 55.46(c).

10 CFR 55.35 requires the facility licensee to resubmit an application for an applicant whose application was denied because of failure to pass the written examination or operating test, or both, certifying the applicant's readiness for re-examination and or to request to be excused from taking the portion previously passed.

10 CFR 55.47 requires that the facility licensee, on application, certify all applicable information in support of a requested waiver of examination, operator experience or medical issue.

10 CFR 55.57 requires that the facility licensee, upon renewal of a license, certify the applicant's experience under the existing license; that the operator licensee is capable of continuing to competently and safely assume licensed duties, has successfully completed a requalification program, has passed the requalification examinations and annual operating tests, and there is a continuing need for the operator licensee to operate, or senior operator to direct operators at the facility.

The regulations in 10 CFR Part 55, as described above, requires facility licensees to certify their need for licensed operators and the non-medical qualifications of each applicant (initial or re-application) or operator licensee (upgrade or renewal) on an NRC Form 398. The NRC needs this information to determine applicants or operator licensees meet the qualification requirements to become, or continue to be licensed reactor operators or senior reactor operators.

2. Agency Use of Information

The Commission bases its finding that the applicants or operator licensees meet the qualification requirements to become, or continue to be licensed reactor operators or senior reactor operators upon the certification by facility licensees as detailed on NRC Form 398.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. NRC estimates that fewer than 40% of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

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 Frequency

Frequency of reporting cannot be discontinued or reduced without violating the NRC licensing requirements as described in 10 CFR 55.31, 10 CFR 55.35, 10 CFR 55.47 and 10 CFR 55.57

7. Circumstances Which Justify Variation from OMB Guidelines

This information collection does not vary from OMB Guidelines.

8. Consultations Outside of the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on August 18, 2015, (80 FR 50050).

As part of the public consultation process, in September 2015, NRC staff contacted by email two research and test reactors licensees (Pennsylvania State University and National Institute of Standards and Technology) and three operating reactor licensees (Arizona Public Service, PSEG Nuclear and NextEra Energy). No responses were received from these solicitations.

One anonymous public individual commented on the collection stating the information being requested is appropriate and the burden estimate is accurate. The same individual made additional observations and suggestions related to aesthetic changes in the NRC Form 398 for demarcation of identified boxes numbers 6, 13, 14, 18 and in the instructions for box 19. NRC accepted and incorporated all aesthetic changes to the NRC Form 398 except for those affecting box 19. Given the use of NRC Form 398 and the number of comments received on the instructions, the staff does not see a need for the suggested change to box 19.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

Confidential and proprietary information is protected in accordance with NRC Title 10 of the *Code of Federal Regulations* (10 CFR) 9.17(a) and 10 CFR 2.390 (b).

11. Justification for Sensitive Questions

NRC Form 398 does not include sensitive questions.

12. Estimated Burden and Burden Hour Cost

Approximately 1,500 NRC Form 398s are expected to be submitted annually during the next three years, based on data from the Operator Licensing Tracking system and NRC staff knowledge about the number of licensees and potential future submission. The NRC estimate the following submissions:

- 650 applicants (includes upgrades)
- 125 applicants with waivers
- 685 renewals
- 40 reapplications

The estimated reporting burden varies depending upon the type of application submitted. The average reporting burden is 6.5 hours per applicant submittal, the average reporting burden is 9.5 hours per waiver processed with an application submittal, the average reporting burden for a renewal submittal is 2.5 hours per renewal, and the average reporting burden for a reapplication submittal is 2.5

hours for a total of 100.0 hours. Burden hour estimates are based on staff and industry experience.

The total annual estimated burden for submissions is 7,225.0 hours, calculated as follows:

- 650 applicants x 6.5 hours = 4,225.0 hours x \$268/hour = \$1,132,300.00 annually
- 125 applicants with waivers x 9.5 hours = 1,187.5 hours x \$268/hour = \$318,250.00 annually
- 685 renewal applicants x 2.5 hours = 1,712.5 hours x \$268/hour = \$4,589.50 annually
- 40 re-applicants x 2.5 hour = 100 hours x \$268/hour = \$26,800.00 annually

Total respondents = 1,500 (650 + 125 + 685 + 40)

Total responses = 1,500 (650 + 125 + 685 + 40)

Total burden = 7,225 hours (4,225 + 1,187.5 + 1,712.5 + 100)

Total average burden per response = 4.82 hours (7,225 hours divided by 1500 respondents)

Total annual cost to industry = 7,225 x \$268 per hour = \$1,936,300.00

13. Estimate of Other Additional Costs

There are no additional costs.¹

14. Estimated Annualized Cost to the Federal Government

Processing the NRC Form 398 takes approximately .75 hour per application, 1.50 hours per application with a waiver, .50 hour per renewal and .50 hour per reapplication. The NRC Form 398 processing includes data input, file maintenance, and form review regarding eligibility criteria. Data input takes longer for applications because all data must be entered to initially activate an operator's docket; whereas for reapplications and renewals, the data base needs only to be updated unless a waiver is requested that requires additional processing time. Estimates are based on staff experience.

- 650 applicants x .75 hour x \$268/hour = \$130,650.00 annually
- 125 applicants with waivers/excusals x 1.50 hours x \$268/hour = \$50,250.00 annually
- 680 renewals x .5 hour x \$268/hour = \$91,120.00 annually
- 40 reapplications x .50 hour x \$268/hour = \$5,360.00 annually

Cost for Operator Licensing Tracking System = \$30,000.00 annually

¹ Note that in the previous (2012) submission, there were no additional costs to licensees reflected in the supporting statement. However, due to data entry error, the previous submission in ROCIS showed \$708,693 in additional costs on the burden worksheet. As a result, the current submission appears to show a decrease in additional costs of \$708,693. There is no actual change in additional costs to respondents.

Therefore, the total annual cost to the Federal Government is expected to be \$307,380.00 (\$130,650.00 + \$50,250.00 + \$91,120.00 + \$5,360.00 + \$30,000.00).

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

15. Reasons for Changes in Burden or Cost

The overall burden increased by 3,545 hours from 3,680 hours to 7,225 hours because the full amount of time to produce and process NRC Form 398, including facility certification as required in 10 CFR 55.31 was inadvertently not considered in the previous industry burden estimates. This increased the estimated burden per response from 2.63 hours to 4.8 hours (calculated based on the number of each type of submission and the estimated time to prepare submissions.)

The anticipated number of applicants and renewals during this clearance cycle is expected to increase by 64 from 1,436 to 1,500 due to the industry's need to secure and keep qualified licensed operators.

The per hour cost changed due to the new fee rule that increased the applicable per hour rate from \$274/hr. to \$268/hr.

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.

A. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.