

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)

EXTENSION

Description of the Information Collection

The regulations in 10 CFR Part 55, requires facility licensees to certify the qualifications and training. NRC Form 398 is the mechanism by which NRC is advised of the applicant/operator qualifications.

NRC Form 398 "Personal Qualification Statement-License" is used to transmit detailed information required to be submitted to the NRC by a facility licensee on each applicant applying for new and upgraded licenses or license renewals to operate the controls at a nuclear reactor facility.

The information requested includes the applicant/operator identifying information, type of application and license applying for, license held, position at the facility, education, power reactor operator training program, significant control manipulations, nuclear experience details, applicant/operator signature and signature of certifying facility.

A. JUSTIFICATION

1. Need for the Collection of Information

The information is needed in order to determine facility licensee's compliance with the regulations in 10 CFR Part 55. Details of these regulations can be found at the end of this supporting statement in "Description of Information Collection Requirements."

2. Agency Use and Practical Utility of Information

NRC Form 398 is the mechanism by which NRC is advised of the information that the applicants or operator licensees has met the qualification requirements to become, or continue to be licensed reactor operators or senior reactor operators. The information assists the Commission in basing its finding 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. 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. It is estimated that approximately 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.

5. Effort to Reduce Small Business Burden

Not applicable.

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 which would increase the potential for endangering public health and safety.

7. Circumstances Which Justify Variation from OMB Guidelines

Not applicable.

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 October 10, 2018 (83 FR 50970). Additionally, we contacted via email nine potential respondents in the areas of operating and non-power reactor owner/operator licensee's representatives from Dominion Generation, Exelon Generation Co., LLC, Florida Power & Light Co, Southern Nuclear Operating Co., Tennessee Valley Authority and the University of Missouri-Columbia. Of the nine potential respondents contacted, no respondent replied.

One comment was received from the published Federal Register Notice on November 7, 2018 by Ted Delaney, the comment stated the following: (1) In block 14, separate the Docket Number from this block and make it a stand-alone block. (2) The Docket Number is required regardless of the type of application (Initial or Renewal). (3) The current setup leads the user to believe it only applies if a previous license was held.

NRC Form 398 is used to transmit detailed information required to be submitted to the NRC by a facility licensee on each applicant applying for a new, upgraded license or license renewal to operate the controls at a nuclear reactor facility. This information is used to determine that each applicant or renewal operator seeking a license or renewal of a license is qualified to be issued a

license. Block 14 collects information on the Docket Number, License Number, Expiration Date and Facility Docket Number. These fields are unique identifiers that have been placed in the same location in the form to ensure ease of use for the applicant and recordkeeper. The Docket Number is required to indicate which facilities the individual is licensed.

The staff has reviewed these comments and determined that changing the title of block 14 from "Current or Previous License(s) Held" to "Docket and Licensing Information" will add clarity to the form.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions

The information is required to determine the applicant's has successfully completed the facility licensee's requirements to be licensed as an operator or senior operator and of the facility licensee's need for an operator or a senior operator to perform assigned duties. Without the information the Commission would have no bases for its findings upon the certification by facility licensees.

12. Estimated Burden and Burden Hour Cost

The NRC estimates that 1,074 NRC Form 398s are expected to be submitted annually (291 applicants (initial & upgrade), 266 applicants with waivers, 494 license renewals, and 23 re-applications). At the hourly cost of \$275, the total industry reporting requirements burden cost is \$1,570,525. (See Reporting Burden Table).

Note, there are no recordkeeping requirements imposed with this clearance.

Total Burden and Cost

Total Annual Burden (1,891.5 + 2,527 + 1,235 + 57.5) = 5,711 hours

Total Burden Hour Cost = \$1,570,525 (5,711 hours x \$275/hour)

The \$275 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2018 (83 FR 29622, June 25, 2018).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

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. It is estimated that 1,074 NRC Forms 398 will be submitted annually during the clearance period (291 applicants without waivers (initial & upgrade), 266 applicants with waivers, 494 license renewals, and 23 re-applications).

Processing the NRC Form 398 takes approximately 1.0 hour per application without a waiver, 1.5 hours per application with a waiver, 0.5 hour per renewal and 0.50 hour per re-application. 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. Alternatively, re-applications and renewals only require data updates to the existing docket file. At the hourly cost of \$275, the total cost to the NRC is \$260,838.

15. Reasons for Changes in Burden or Cost

Improvements have been made to the NRC Form 398 to aid the applicant. Instructions have been clarified, and improved formatting changes have been applied to support a future electronic submission option. These changes are not expected to increase the burden associated with completing and submitting an NRC Form 398.

The previous cycle's estimated response rate of 1,500 responses per year double counted the number of annual applications requiring a waiver. Without the double counting the applications requiring a waiver, the response rate would have been 1,375 responses per year. For this renewal, the number of estimated annual responses has been reduced to 1,074. The decrease in annual responses is due, in part, to improved data on the actual number of submitted responses in the past three years. Additionally, the estimated annual response rate is informed by the information provided by industry on NRC Form 536 (3150-0131). NRC Form 536 collects licensee estimates on the number of operator licensing exams needed for the next four calendar years.

The overall annual industry and Federal Government costs decreased by \$678,566 from \$2,249,091 to \$1,570,525 as a result of a decrease in the annual fee from \$279/hour to \$275/hour and due to re-baselining, the cycle response estimates based on improved historical data.

16. Publications for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed.

18. Exceptions to the Certification Statement

Not applicable.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN

NRC FORM 398, "PERSONAL QUALIFICATION STATEMENT – LICENSE,"
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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 the 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.

GUIDANCE DOCUMENTS FOR INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN
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Title	Accession number
NUREG-1021 "Operator Licensing Examination Standards for Power Reactors"	ML17038A432
NUREG-1478 "Operator Licensing Examiner Standards for Research and Test Reactors"	ML072000059

ANNUAL REPORTING REQUIREMENTS
(3150-0090)

Requirement	Description	Number of Respondents	Responses per Respondent	Total Number of Responses	Burden hours per Response	Total Annual Burden Hours	Cost @ \$275/Hour
Applicants (Initial & Upgrade)	NRC Form 398	291.0	1.0	291.0	6.5	1,891.5	\$ 520,163
Applicants with waiver or excusal requests	NRC Form 398	266.0	1.0	266.0	9.5	2,527.0	\$ 694,925
Applicants - Renewals	NRC Form 398	494.0	1.0	494.0	2.5	1,235.0	\$ 339,625
Applicants - re-applied	NRC Form 398	23.0	1.0	23.0	2.5	57.5	\$ 15,813
TOTAL				1,074.0		5,711.0	\$ 1,570,525