

DRAFT 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

The information assists the Commission in basing its finding upon the certification by facility licensees as detailed on NRC Form 398. 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. According to 10 CFR 55.31(a)(4), an applicant must provide evidence of successfully completing the facility licensee's requirements to be a licensed operator, as well as shown evidence of fulfilling the facility licensee's need to perform assigned duties. An authorized representative of the facility shall certify that the objectives have been met on this form. The information collected on the form includes details of the applicant's qualifications, courses administered by the facility, and the startup and shutdown experience received. The Commission may accept the certification that the applicant has completed a Commission-approved training

program. This information is required under the Atomic Energy Act of 1954, as amended, in order for the NRC to ensure that uniform conditions for licensing individuals, as well as determining the qualifications of those individuals, is met.

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. It is estimated that approximately 95% 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. Collection of this form for initial operators is not performed at a specified frequency, but instead is collected when an individual desires to be licensed at a facility. The NRC cannot make the determination that the individual possesses the necessary qualifications as required by the Atomic Energy Act of 1954 without the information provided on this form, therefore the NRC would be unable to license new individuals and the number of licensed individuals would decrease as a result of attrition and retirements of currently licensed individuals. This would result in fewer licensed operators to operate the plant, increasing overtime and operator fatigue. At some point, the facilities would no longer have enough operators to continue to function at power and would have to shut down the facilities. For currently licensed operators, their licenses expire, per 10 CFR Part 55.55, after six years. This length of time was evaluated and determined to be appropriate to ensure that licensed operators periodically be reevaluated by the NRC to ensure that their qualifications are still valid. Prior to 1987, the operator licenses expired every two years, and the frequency was extended to every six years to reduce burden on the facility and NRC. The NRC determined that this was a sufficient frequency to minimize burden while still ensuring that the NRC met its mandate to ensure qualifications of licensed operators. If the information is collected less

than every six years, a rule change, including a cost-benefit analysis to determine the safety impact of an increased license term, would need to be performed. Under the current regulations, if the form is not received on time, then the operator's license would expire and the individual would either have to re-apply, which would also require submission of the form, or would no longer be licensed. If the individual reapplies, there is no change in the burden as the form would still need to be completed. If the individual is no longer licensed, then the total number of operators at the site would lower adding burden on the remaining operators. Additionally, all the operators at the site would have their licenses expire after six years, at which time there would be no licensed operators if this form is not collected.

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*.

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 uniquely identify the individual for recordkeeping purposes and to ensure that a license, if issued, is issued to the correct individual. Because individuals can have the same name, the date of birth is also requested in order to ensure that each person can be uniquely identified. Additionally, an e-mail address can be voluntarily provided so that the NRC can communicate with that individual electronically regarding the application. A home mailing address is also requested for two purposes. It can also help to uniquely identify a person but is primarily used as a means of communication with the person regarding the application, especially if an e-mail address is not voluntarily provided. This is a mechanism to inform the individual of the outcome of their application, either to issue the license or deny it. If denied, the home address, or e-mail address if voluntarily provided, is used to communicate the process to request an administrative hearing if the applicant so chooses. For licensed operators, the home address, or e-mail address if voluntarily provided, is used to send any updates to the license, such as a new license condition due to a new medical condition.

12. Estimated Burden and Burden Hour Cost

The NRC estimates that 1,018 NRC Form 398s are expected to be submitted annually (283 applicants (initial & upgrade), 225 applicants with waivers, 495 license renewals, and 15 re-applications). At the hourly cost of \$288, the total industry reporting requirements burden cost is \$1,512,576. (See Reporting Burden Table).

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

Total Burden and Cost

Total Annual Burden (1,839.50 + 2,137.50 + 1,237.50 + 37.5) = 5,252 hours

Total Burden Hour Cost = \$1,512,576 (5,252 hours x \$288/hour)

The \$288 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 2019 (86 FR 32146, June 16, 2021).

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, historical data and subject matter expertise and include the estimated burden needed to review, analyze, and process the collected information and any relevant operational expenses. It is estimated that 1,018 NRC Forms 398 will be submitted annually during the clearance period (283 applicants without waivers (initial & upgrade), 225 applicants with waivers, 495 license renewals, and 15 re-applications).

Processing the NRC Form 398 takes approximately 1.0 hour per application without a waiver (283x1hr=283hrs), 1.5 hours per application with a waiver (225x1.5=337.5hrs), 0.5 hour per renewal (495x0.5=247.5hrs) and 0.5 hour per re-application (15x0.5=7.5hrs), total 875.5 hours, a reduction of 73 hours from the prior cycle due to attrition and retirements of currently licensed individuals and fewer operating facilities. 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 \$288, the total cost to the NRC is \$252,144.

15. Reasons for Changes in Burden or Cost

There has been no change in the burden per specific submission application for this renewal cycle.

Due to attrition and retirements of currently licensed individuals and a reduction in operating facilities, we expect the following changes in this cycle:

Submission	2019 Cycle	2022 Cycle	Change	Fed Hour Change	Burden Hour Change
Applicants (Initial & Upgrade)	291	283	-8	-8	-52
Applicants with waiver or excusal requests	266	225	-41	-61.5	-389.5
Applicants - Renewals	494	495	+1	+1.5	+2.5
Applicants - re-applied	23	15	-8	-4	-20
Submission Change Total			-56	-73 hours	-459 hours

The expected number of submissions has been reduced by an expected 56 submissions from 1,074 to 1,018 as well as a reduction of 459 hours for this cycle.

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 regulatory changes made in NUREG 1021, Revision 12, "Operator Licensing Examination Standards for Power Reactors." These editorial changes are not expected to affect the burden associated with completing and submitting an NRC Form 398.

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"	ML21256A276
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 @ \$288/Hour
Applicants (Initial & Upgrade)	NRC Form 398	283.0	1.0	283.0	6.5	1,839.5	\$ 529,776
Applicants with waiver or excusal requests	NRC Form 398	225.0	1.0	225.0	9.5	2,137.5	\$ 615,600
Applicants - Renewals	NRC Form 398	495.0	1.0	495.0	2.5	1,237.5	\$ 356,400
Applicants - re-applied	NRC Form 398	15.0	1.0	15.0	2.5	37.5	\$ 10,800
TOTAL				1,018.0		5,252.0	\$ 1,512,576