

DRAFT SUPPORTING STATEMENT FOR
10 CFR PART 55, OPERATORS' LICENSES

(OMB CLEARANCE NO. 3150-0018)

EXTENSION REQUEST

DESCRIPTION OF THE INFORMATION COLLECTION

The regulations in 10 CFR 55 establish: (1) procedures and criteria for the issuance of licenses to operators and senior operators of utilization facilities (which are licensed pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR 50); (2) the terms and conditions upon which the Commission will issue or modify those operators' licenses; and (3) the terms and conditions to maintain and renew those operators' licenses.

The majority of the information collection requirements related to 10 CFR 55 apply to the holders of and applicants for utilization facility operating licenses (as defined in 10 CFR 50). Several of the information collections apply to the holders of or applicants for an individual operator's license (i.e., operators and senior operators as defined in 10 CFR 55). The information collections are necessary to permit the timely examination of applicants, operators, and senior operators as well as the timely issuance and renewal of operators' licenses.

This supporting statement provides a comprehensive overview of the information collection requirements specified in 10 CFR 55. Note that the burden hours associated with NRC Form 396 (OMB Clearance No. 3150-0024), NRC Form 536 (OMB Clearance No. 3150-0131), and NRC Form 398 (OMB Clearance No. 3150-0090) are contained in the supporting statements for the associated OMB Clearances. However, all of those information collection requirements are identified in this Supporting Statement, as summarized in Table 12(a), for the sake of completeness.

In addition to the rules, three NRC Regulatory Guides provide guidance on acceptable methods of implementing the regulations. These Regulatory Guides are:

1. Regulatory Guide 1.134 - Medical Evaluation of Licensed Personnel for Nuclear Power Plants (Revision 3). This Regulatory Guide was revised in March 1998, but facility licensees may continue to use the earlier version.
2. Regulatory Guide 1.149 - Nuclear Power Plant Simulation Facilities for Use in Operator License Examinations (Revision 3). This Regulatory Guide was revised in October 2001, but facility licensees may continue to use the earlier version.
3. Regulatory Guide 1.8 - Qualification and Training of Personnel for Nuclear Power Plants (Revision 3). This Regulatory Guide was revised in May 2000, but facility licensees may continue to use the earlier version.

A. JUSTIFICATION

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

- a. Holders of facility operating licenses and applicants for such operating licenses (i.e., nuclear power, research, and test reactors) shall:

(1) submit the following items in accordance with the indicated section of 10 CFR 55:

§55.11: Application for exemption from the requirements of the regulations in 10 CFR 55. Facility licensees are expected to comply with the regulations unless they provide sufficient information for the Commission to determine that a specific exemption is authorized by law, will not endanger life or property, and is otherwise in the public interest.

§55.23, 55.31(a)(6), and 55.57(a)(6): NRC Form 396, "Certification of Medical Examination by Facility Licensee" (currently approved under OMB Clearance No. 3150-0024).

§55.25: Notification to the Commission within 30 days of learning of the diagnosis of a licensed operator's permanent physical or mental disability. Submittal of NRC Form 396 is required if a license restriction is requested (currently approved under OMB Clearance No. 3150-0024).

§55.27: Report medical qualifications data to Commission upon request (currently approved under OMB Clearance No. 3150-0024).

§55.31(a)(3) and (4): Written request that a written examination and operating test be administered and certification on NRC Form 398, "Personal Qualification Statement - Licensee," that the applicant has completed the facility licensee's requirements for licensing (currently approved under OMB Clearance No. 3150-0090).

§55.35(a): Certification on NRC Form 398 that the applicant is ready for reexamination and a statement that describes the extent of the applicant's retraining (currently approved under OMB Clearance No. 3150-0090).

§55.40(a) and (d): Information regarding examination content for operators to whom 10 CFR 55 applies. This information is necessary for the NRC to prepare the site-specific written examinations and operating tests that applicants must pass in order to obtain an operator's license.

§55.40(b)(1) and (3): The written examinations required by §55.41 and §55.43 and the operating tests required by §55.45. In lieu of submitting information from which the NRC will prepare the licensing examinations, power reactor facility licensees may prepare the examinations themselves and submit them to the NRC for review and approval.

§55.40(c): Written request for the NRC to prepare, proctor, and grade the required licensing examinations. Preparing a site-specific licensing examination requires significantly more resources than reviewing and approving a facility-prepared examination; therefore, a written request provides the basis to budget and schedule the resources. NRC Form 536 is used for this purpose; that form is currently approved under OMB Clearance No. 3150-0131.

§55.46(b): Power reactor facility licensees that propose to use a simulation facility, other than a plant-referenced simulator, or the plant in the administration of operating tests under §55.45(b)(1) or (3) shall request approval from the Commission. This is necessary to ensure the consistency and validity of the operating tests upon which licensing decisions are based.

§55.53(f): Certification that the qualifications and training of a licensee who has not been actively performing the functions of an operator are current. This certification, which, in practice, is not submitted to the NRC but subject to inspection on-site, ensures that licensed operators who have not maintained their watch-standing proficiency are fully qualified before they are allowed to resume licensed duties.

§55.57(a)(4) and (5): Certification on NRC Form 398 that the renewal applicant has competently and safely discharged the license responsibilities and satisfactorily completed the requalification program during the effective term of the current license (currently approved under OMB Clearance No. 3150-0090).

§55.59(c): Requalification program and, upon request, comprehensive requalification written examinations or annual operating tests. This improves efficiency by enabling the NRC staff to review these materials before traveling to the site for a licensed operator requalification program inspection.

(2) and keep on file:

§55.27: Retain medical qualifications data (currently approved under OMB Clearance No. 3150-0024).

§55.40(b)(2): Establish and maintain procedures to control examination security and integrity. The Commission takes examination security and integrity very seriously and incorporated this on-going requirement when it amended 10 CFR 55 to allow power reactor facility licensees to prepare their own operator licensing examinations.

§55.46(d)(1): The results of the simulation facility performance tests conducted for four years after completing the test or until superseded by updated test results. The NRC staff will review uncorrected performance deficiencies to ensure that the operating tests administered per §55.45(b) are valid.

§55.59(c)(5)(i): Maintain records of operator participation in the requalification program until the operator's license is renewed. This enables the facility licensee to certify, pursuant to §55.57(a)(4), that a license renewal applicant has

satisfactorily completed the requalification program during the 6-year term of the license.

- b. Holders of or applicants for an individual operator's license (i.e., reactor operators and senior operators) shall submit the following items in accordance with the indicated section of 10 CFR 55:

§55.11: Application for exemption from the requirements of the regulations in 10 CFR 55. Applicants and licensees are expected to comply with the regulations unless they provide sufficient information for the Commission to determine that a specific exemption is authorized by law, will not endanger life or property, and is otherwise in the public interest.

§55.31(a) and (d): NRC Form 398, "Personal Qualification Statement -- Licensee," to apply for a license (currently approved under OMB Clearance No. 3150-0090).

§55.31(b): Additional information as necessary for the NRC to determine whether to grant or deny the license application or revoke, modify or suspend the license.

§55.35: Reapplication on NRC Form 398 (currently approved under OMB Clearance No. 3150-0090).

§55.47: Request for waiver of examination and test requirements on NRC Form 398 (currently approved under OMB Clearance No. 3150-0090).

§55.53(g): Notification of conviction of a felony within 30 days. This is the only direct means by which the NRC can ensure that felony conviction cases, which may have a bearing on the operator's trustworthiness, reliability, judgment, integrity, competence, and fitness-for-duty are evaluated to determine whether the operator poses sufficient risk to public health and safety to warrant suspension or revocation of the operator's license.

§55.57(a): Application for renewal of license on NRC Form 398 (currently approved under OMB Clearance No. 3150-0090).

§55.59(b): Evidence of successful completion of additional training, if necessary. Licensed operators are required to complete a requalification training and examination program to maintain the knowledge, skills, and abilities needed to safely perform licensed duties. If an operator does not complete the program, the Commission retains the right to prescribe and review additional training to ensure the operator's competence prior to returning to licensed duties.

2. Agency Use of Information

The NRC will use the reports and records required by 10 CFR 55 for one or more of the following purposes:

- the preparation, review, and approval of the written examinations and operating tests used to determine whether the applicants for operators' licenses have learned to operate the facility competently and safely and, additionally, for senior operators, whether the applicants have learned to safely and competently direct the activities of licensed operators;
- the review and approval of operator license applications (initial and renewal);
- the review and evaluation of the licensed operator requalification programs conducted by facility licensees; and
- the review of facility licensees' plans for and performance testing of simulation facilities.

To the extent possible, the facility licensees and applicants are required to maintain documentation rather than submit reports to the NRC.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to the use of information technology, and respondents are encouraged to use modern information technologies to collect, analyze, submit, and store the information required by 10 CFR 55. However, at the current time, fewer than 25 percent of responses are submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) was searched for duplication. None was found. Similar information is not available.

5. Effort to Reduce Small Business Burden

No small businesses are affected by these information collection requirements.

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

The information collections under 10 CFR 55 are conducted "one time only" or "as required." No other frequency of collection is assigned. If the information collections were not conducted, the NRC would not be able to fulfill its statutory responsibility to determine the qualifications of applicants for operator licenses, including the preparation and approval of initial operator licensing examinations, or to oversee simulator and requalification training and examination programs.

7. Circumstances Which Justify Variation from OMB Guidelines

The record retention periods vary from the three-year period specified in OMB guidelines. It is necessary to retain these records for longer periods of time to ensure operational safety at nuclear reactor facilities.

8. Consultations Outside the NRC

During the week of September 9, 2002, the staff contacted licensed operator training personnel at three nuclear power reactor facilities and an NRC operator licensing examiner with recent facility training experience to obtain estimates of the amount of time required to develop the reports and maintain the records summarized in Table 12(a). The staff also contacted personnel at two non-power reactor facilities to obtain estimates of the amount of time required to submit the examination content information necessary for the NRC staff to prepare those examinations.

The opportunity for public comment on the information collection requirements has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

The NRC provides no pledge of confidentiality for this collection of information other than those records which are covered under NRC 16, System of Records.

The NRC will withhold from public disclosure, until after their administration, the operator licensing examinations and tests that power reactor facility licensees submit to the NRC for approval pursuant to 10 CFR 55.40(b).

11. Justification for Sensitive Questions

No sensitive information is requested for this information collection.

12. Estimated Industry Burden and Burden Hour Cost

- a. The reporting and recordkeeping burdens are summarized in Table 12(a).
- b. Those burden estimates that have changed since the last supporting statement for this clearance are identified with a parenthetic letter in the column(s) that project(s) the number of hours per response (recordkeeper) and/or the number of responses (recordkeepers). The reason for each change is discussed in the corresponding paragraph(s) in Item 15 below.

13. Estimate of Other Additional Costs

The annual cost to reproduce and transmit the material for the initial operator licensing program is estimated to be \$10,125. The estimate includes \$2,625 (35 licensees x 1000 pages per examination x \$.05 per page for reproduction costs plus \$25 per examination for packaging and shipping) for those facility licensees that write their own examinations and \$7,500 (15 licensees x 8,000 pages of reference material per examination x \$.05 per page for reproduction costs plus \$100 to package and ship the reference material) for those facility licensees at which the NRC writes the examinations.

Facility licensees may submit their materials in electronic format, which would significantly reduce the reproduction and transmittal costs.

14. Estimated Annualized Cost to the Federal Government

The total annual cost to the Federal Government is estimated to be \$2,644,707 as shown in Table 14(a). This cost is fully recovered by fee assessments to NRC licensees pursuant to 10 CFR 171.

Those cost estimates that have changed since the last supporting statement for this clearance are identified with a parenthetical letter in the column(s) that project(s) the number of hours per response and/or the number of responses. The reason for each change is discussed in the corresponding paragraph(s) in Item 15 below.

15. Reasons for Change in Burden or Cost

The following paragraphs explain the reasons for the changes in the estimated industry burden summarized in Table 12(a) and/or the estimated annual cost to the Federal Government summarized in Table 14(a). Some of the explanations apply to more than one reporting or recordkeeping requirement as indicated in the "Hours / Response" and/or "Number of Responses (or Recordkeepers)" columns of those tables.

- a. The following burden estimates have been increased based on the consultations described in Item 8 above:
 - Requests for and submittals of additional information pursuant to 10 CFR 55.31(b) are accomplished using a combination of telephone communications and written correspondence, with most transactions taking place over the phone. Increasing the average burden per response from 2 to 4 hours will accommodate a reasonable mix of written and telephonic interactions, thereby increasing the combined burden from 100 hours (2 hours per response for 50 responses) to 200 hours (an increase of 100 hours).
 - The staff had originally estimated that facility licensees who volunteered to prepare their own licensing examinations could do so in about the same amount of time (i.e., 500 hours) that the NRC had previously provided to its contractors for that purpose. However, consultations with facility personnel have revealed that the amount of time devoted to exam preparation is substantially higher and more variable than expected. Many factors that are beyond the NRC's control have a significant bearing on the facilities' resource expenditures; e.g., the expertise of the individual assigned to this activity can vary significantly since it is infrequent and often performed by a different person every time, and some facility licensees are much more attentive to quality, performing extensive reviews and validations to avoid critical comments from the NRC staff. Taking these factors into consideration, the staff has increased the estimated average burden to prepare the initial licensing examinations pursuant to 10 CFR 55.40(b)(1) and (3) from 500 to 1200

hours, which, in combination with an increase in the estimated number of facility-prepared examinations (refer to Item 15(b) below) from 30 to 35 per year, raises the overall burden estimate for this activity from 15,000 to 42,000 hours (an increase of 27,000 hours).

- Although none of the individuals surveyed had ever notified the NRC of a felony pursuant to 10 CFR 55.53(g), they opined that the previous burden estimate for this activity (0.75 hours) was too low. Based on their input, the staff has increased its estimate for this activity to four hours per response, with a total burden of 20 hours per year (an increase of 16.5 hours), assuming no change in the response rate of 5 per year.
 - The industry consultations confirmed that certifying licensee qualifications and training for reactivation pursuant to 10 CFR 55.53(f) is a simple task that should take no more than an hour to perform, but they suggested that the number of responses per year might be higher, with an average of two per facility per year, for a total of 140 hours (an increase of 100 hours over the previous clearance estimate). Note that this activity has been moved from the reporting to the record-keeping portion of Table 12(a), since these certifications are generally not submitted to the NRC but are subject to review on-site during the NRC's biennial requalification program inspections.
 - The industry consultations indicated that there is substantial variability in the effort devoted to maintaining requalification examination question banks pursuant to 10 CFR 55.59; some of the contacts considered the previous 40-hour estimate to be reasonable and others thought it was far too low. Based on their input, the staff has increased the estimate for this activity to 100 hours per record-keeper per year, which increases the total burden to 7,000 hours (an increase of 4,200 hours).
 - The industry consultations regarding the maintenance of simulator performance data pursuant to 10 CFR 55.46(d)(1) yielded fairly consistent feedback suggesting that the previous 15-hour per record-keeper burden estimate was somewhat low. Therefore, the staff has increased the estimate for this activity to 25 hours per record-keeper per year, which increases the total burden from 1,050 to 1,750 hours (an increase of 700 hours).
 - The industry consultations indicated that there is substantial variability in the effort devoted to maintaining requalification training records pursuant to 10 CFR 55.59(c)(5)(i), and all the contacts indicated that the previous estimate was too low. Based on their input, the staff has increased the estimate for this activity from 12 to 160 hours per record-keeper per year, which increases the total burden for this activity from 840 to 11,200 hours (an increase of 10,360 hours).
- b. During the past three years, the number of initial operator licensing examinations has averaged approximately 50 per year, with about 75% of the examinations

being voluntarily prepared by facility licensees and 25% of the examinations being prepared by the NRC staff. Based on facility licensee responses to an annual solicitation (per OMB Clearance 3150-0131, "NRC Form 536, 'Operator Licensing Examination Data'"), the staff expects these trends to continue. Although the estimated total number of initial operator licensing examinations is being decreased from 60 to 50 per year, the estimated number of examinations that will be voluntarily prepared by facility licensees is expected to increase from 30 to about 35, which, when combined with the 1,200 estimated burden per response (as explained in Item 15(a) above), results in a total burden of 42,000 hours (an increase of 27,000 hours over the previous estimate). The estimated number of examinations that will be prepared by the NRC staff has decreased from 30 to approximately 15 (50 total, minus 35 facility-prepared exams), but the associated industry burden remains unchanged at approximately 130 hours per examination, resulting in a total burden of 1,950 hours (a reduction of 1,950 hours from the previous clearance).

- c. The NRC staff inspects every power reactor licensed operator requalification training program every other year as part of its baseline inspection program - a rate of approximately 35 (half of 70) inspections per year. Recent consultations with the supervisors responsible for conducting these inspections indicate that they typically request power reactor facility licensees to submit their requalification examinations and tests, pursuant to 10 CFR 55.59(c), to support approximately half of the program inspections. Consequently, the staff is increasing the estimated number of responses from 8 to 16 per year, which increases the total burden for this activity to approximately 64 hours (an increase of 32 hours over the previous clearance). The NRC staff has never requested non-power reactor facilities to submit their examinations and tests; therefore, the estimated number of annual responses has been reduced from 4 to zero, resulting in a burden reduction of 2 hours.
- d. Most facility licensees that are interested in voluntarily preparing their own operator licensing examinations pursuant to 10 CFR 55.40 have already done so and, therefore, have already established examination security and integrity procedures pursuant to §55.40(b)(2). Consequently, the estimated number of record-keepers for this activity is being decreased from 25 to one per year, which at a rate of 100 hours per record-keeper, results in a total burden of 100 hours per year.
- e. Since 10 CFR 55.45 was revised in October 2001, facility licensees are no longer required to submit their simulation facility performance data to the NRC for review. However, the NRC staff will now review simulator performance data during its biennial inspection of licensed operator requalification programs. The staff expects to perform approximately 35 (half of the 70 programs) inspections per year, with about 12 hours per inspection devoted to reviewing simulator performance, yielding an estimated total burden to the government of 420 hours per year.
- f. As noted above in Item 15(a) (fourth bullet), the facility licensees' certifications conducted pursuant to 10 CFR 55.53(f) are generally reviewed during the NRC

staff's biennial licensed operator requalification program inspections. Although the estimated number of certifications has been increased substantially from 40 to 140, the number of staff responses is more accurately reflected in the number of program inspections (i.e., 35; half of the 70 programs per year). Therefore, the resultant annual burden to the government is decreased from 20 hours (0.5 hours per response for 40 responses) to 17.5 hours (0.5 hours per response for 35 responses).

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The requirements are contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

Table 12(a) Estimated Industry Burden and Burden Hour Cost

Report	Subsection	Hours / Response	Number of Responses	Burden Hours	Cost at \$156 / Hour
Apply for specific exemptions	55.11	40	4	160	\$ 24,960
Certification of medical examination	55.23(a)(b)	Currently approved under OMB No. 3150-0024			
Notification of disability	55.25	Currently approved under OMB No. 3150-0024			
Report on medical data at request of Commission	55.27	Currently approved under OMB No. 3150-0024			
Application NRC Form 398	55.31(a)(d)	Currently approved under OMB No. 3150-0090			
Submit additional information upon request	55.31(b)	4(a)	50	200	\$ 31,200
Medical Report NRC Form 396	55.31(a)(6)	Currently approved under OMB No. 3150-0024			
Reapplication procedures NRC Form 398	55.35	Currently approved under OMB No. 3150-0090			
Submit initial licensing examination content information	55.40(a) and (d)	Power Reactors: 130	15(b)	1,950	\$ 304,200
		Non-power Reactors: 4	25	100	\$ 15,600
Power reactors prepare and submit written examinations and operating tests	55.40(b)(1) and (3)	1200(a)	35(b)	42,000	\$ 6,552,000

Table 12(a) Estimated Industry Burden and Burden Hour Cost

Report	Subsection	Hours / Response	Number of Responses	Burden Hours	Cost at \$156 / Hour
Power reactors submit request for the NRC to prepare the initial licensing examinations and tests	55.40(c)	Currently approved under OMB No. 3150-0131			
Request NRC approval to use other than a plant-referenced simulator to administer tests	55.46(b)	120	0	0	0
Request for waivers of examination and test	55.47	Currently approved under OMB No. 3150-0090			
Notification of felony	55.53(g)	4(a)	5	20	\$ 3,120
Renewal application	55.57(a)	Currently approved under OMB No. 3150-0090			
Support NRC-conducted requalification examinations	55.59(a)(2)(iii)	Power reactors: 100	1	100	\$ 15,600
		Non-power reactors: 22	1	22	\$ 3,432
Evidence of retraining	55.59(b)	6(a)	20	120	\$ 18,720
Submit requalification examinations and tests	55.59(c)	Power reactors: 4	16(c)	64	\$ 9,984
		Non-power reactors: 0.5	0(c)	0	\$ 0
REPORT SUBTOTAL			172	44,736	\$ 6,978,816

Table 12(a) Estimated Industry Burden and Burden Hour Cost

Record	Subsection	Hours / Recordkeeper	Number of Record-keepers	Burden Hours	Cost at \$141 / Hour
Maintain medical qualifications data	55.27	Currently approved under OMB No. 3150-0024			
Power reactors establish (one-time) examination security and integrity procedures	55.40(b)(2)	100	1(d)	100	\$ 15,600
Power reactors maintain (biennially) examination security and integrity procedures	55.40(b)(2)	20	33	660	\$ 102,960
Certify licensee qualifications and training for reactivation	55.53(f)	1	140(a)	140	\$ 21,840
Power reactors maintain requalification examination question bank	55.59	100(a)	70	7,000	\$ 1,092,000
Maintain simulator performance testing data	55.46(d)(1)	25(a)	70	1,750	\$ 273,000
Maintain records	55.59(c)(5)(i)	160(a)	70	11,200	\$ 1,747,200
RECORDKEEPING SUBTOTAL			384	20,850	\$ 3,252,600
TOTAL INDUSTRY BURDEN			556	65,586	\$ 10,231,416

Table 14(a) Estimate of Annual Cost to the Federal Government					
Report / Record	Subsection	Hours / Response	Number of Responses	Burden Hours	Cost at \$156 / Hour
Review specific exemption applications	55.11	40	4	160	\$ 24,960
Review additional information	55.31(b)	0.25	50	12.5	\$ 1,950
Prepare initial operator licensing written examinations and operating tests	55.40(a) and (c) (power reactors)	400	15(b)	6,000	\$ 936,000
	55.40(d) (non-power reactors)	200	25	5,000	\$ 780,000
Review and approve initial operator licensing examinations prepared by power reactor facility licensees (including review of examination security / integrity procedures)	55.40(b)(1) and (4)	130	35(b)	4,550	\$ 709,800
Review requests to use other than a plant reference simulator	55.46(b)	60	0	0	\$ 0
Review/audit simulation facility performance	55.46(d)	12(e)	35(e)	420	\$ 65,520
Review training and qualification certifications for license reactivation	55.53(f)	0.5	35(f)	17.5	\$ 2,730
Review notification of felony	55.53(g)	0.25	5	1.25	\$ 195

Table 14(a) Estimate of Annual Cost to the Federal Government					
Report / Record	Subsection	Hours / Response	Number of Responses	Burden Hours	Cost at \$156 / Hour
Conduct requalification examinations	55.59(a)(2)(iii)	Power reactors: 160	1	160	\$ 24,960
		Non-power reactors: 120	1	120	\$ 18,720
Review requalification examinations	55.59(c)	Power reactors: 32	16(c)	512	\$ 79,872
		Non-power reactors: 16	0(c)	0	\$ 0
TOTAL GOVERNMENT BURDEN			221	16,953	\$ 2,644,707