

FINAL SUPPORTING STATEMENT
FOR
NRC FORM 396, "CERTIFICATION OF MEDICAL EXAMINATION BY FACILITY LICENSEE"
10 CFR PART 55, SECTIONS 55.23, 55.25, 55.27, 55.31, AND 55.57

(OMB CLEARANCE NO. 3150-0024)

REVISION/EXTENSION

DESCRIPTION OF THE INFORMATION COLLECTION

10 CFR 55.23 requires that the facility licensee certify the medical fitness of an applicant or licensee by completing and signing NRC Form 396.

10 CFR 55.25 requires the facility licensee to notify the NRC within 30 days if a licensee develops a permanent physical or mental condition that causes the licensee to fail to meet the requirements of 55.21. For conditions where a conditional license is requested, the facility licensee must provide medical certification on NRC Form 396.

10 CFR 55.27 requires that the facility licensee document and maintain the results of medical qualifications data, test results, and each operator's or senior operator's medical history for the duration of the operator's or senior operator's tenure and to provide the documentation to the Commission upon request.

10 CFR 55.31(a)(6) requires applicants for a license to provide certification by the facility licensee of medical condition and general health on Form 396 to comply with 55.21, 55.23 and 55.33(a)(1).

10 CFR 55.57(a)(6) requires applicants for renewal of a license to provide certification by the facility licensee of medical condition and general health of the applicant on Form NRC 396.

10 CFR Parts 26 and 73 specify fitness-for-duty and safeguards requirements that licensed operators must meet. In addition to the medical examination certification, NRC Form 396 requires certification that the applicant has been found to meet the fitness-for-duty and safeguards requirements.

The clearance revision request does not amend the information collection requirements, but does increase the burden due to an increase in the number of NRC Form 396's being reviewed annually by the NRC Consultant Examination Physician, in addition to an increase in his/her hourly fee. However, the actual time to perform these reviews has decreased by 75 percent.

A. JUSTIFICATION

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

10 CFR Part 55, "Operators' Licenses," requires an applicant to be examined by a licensed physician who can use guidance provided by ANSI/ANS 3.4-1996; ANSI/ANS 3.4-1983; and ANSI/ANS 15.4-1988 (Non-Power). The licensed

physician submits his/her diagnostic report to the facility licensee. The facility licensee, based on the data provided, certifies on NRC Form 396 whether or not the applicant is fit to be licensed.

In cases where the holder of an operator's or senior operator's license develops a permanent mental or physical condition that causes the individual to fail to meet the requirements of 10 CFR 55.21, the facility licensee is required to notify the NRC so that the individual's license can be revoked.

In cases where the applicant for an operator's license or renewal does not meet the appropriate ANSI/ANS medical requirements, or after recovery from a disabling condition, the facility licensee shall submit supporting medical evidence for review by the NRC consultant examining physician. The NRC and the consultant physician will review such evidence and decide if a conditional license or reinstatement from the disability shall be approved.

Records required by 10 CFR 55.27 are retained and the documentation provided to the NRC upon request to provide assurance that operators and senior operators are physically and mentally fit.

2. Agency Use of Information

The NRC uses the information as part of the basis for determining the fitness of an individual for licensing as a Reactor Operator or Senior Reactor Operator.

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 information is submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

This information is available only from facility licensees for each applicant for an operator license, both initial and renewal, and does not duplicate nor overlap other information collections made by the NRC. The Information Requirements Control Automated System (IRCAS) 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

Information is to be provided only upon request for issuance of a license, renewal of a license (every six years) or upon notification to NRC of disability. Frequency of reporting cannot be reduced without endangering the health and safety of the public.

7. Circumstances which Justify Variation from OMB Guidelines

No variations from OMB guidelines.

8. Consultations Outside the NRC

Opportunity for public comment was published in the Federal Register (67 FR 53365) August 15, 2002. The NRC received no comments.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

NRC 16, "Privacy System of Records," specifies confidentiality of these records. These records are limited to those persons whose official duties require such access.

11. Justification for Sensitive Questions

The facility licensee must certify that an applicant for an NRC operator's license meets the facility medical fitness requirements to be licensed as an operator at the facility. The certification involves supplying medical information on applicants. NRC Form 396 also requires certification that applicants meet fitness-for-duty and safeguards requirements for unescorted access to vital areas of a nuclear power plant. This latter certification requires knowledge of an applicant's drug testing results and a facility review of the applicant's criminal history, if any.

12. Estimate of Annualized Industry Burden and Burden Hour Costs

(a) Reporting Requirements

Approximately 475 new and 600 renewal applicant certifications are expected to be completed by facility licensees annually. Approximately 25 notifications of disability are also expected annually. The estimated annual reporting burden per applicant is .25 hours.

475 New Applicants X .25 hours = 118.75 hours
600 Renewal Applicants X .25 hours = 150 hours
25 Notices of Disability X .25 hours = 6.25 hours

Total annual responses: 1100 (475 + 600 + 25) X .25 hours. Total burden = 275 hours (118.75 + 150 + 6.25).

(b) Recordkeeping Requirements

There are 140 (104 power and 36 non power) facilities that shall retain the medical documentation for 4760 reactor operator and senior reactor operators while they are employed in this capacity (10 CFR 55.27). The facility licensees retain 4760 records annually or an average of 34 records per licensee with an approximate burden of .10 hour per record. The total annual burden is 476 hours (34 records per facility licensee x 140 facility licensees x .10 hour per record).

(c) Total Industry Cost and Burden

475 New Applicants X .25 hours = 118.75 hours X \$156/hr.= \$18,525.00
600 Renewal Applicants X .25 hours = 150 hours X \$156/hr.= \$23,400.00
25 Notices of Disability X .25 hours = 6.25 hours x \$156/hr.= \$975.00
4760 Records Retained X .10 hours = 476 hours X \$156/hr. = \$74,256.00
(34 records per facility licensee x 140 facility licensees x .10 hour per record = 476 hours)

Total responses - 1,240 (1,100 responses + 140 recordkeepers)

Total annual industry burden is 751 (118.75 + 150 + 6.25 + 476 = 751) hours. Total annual industry cost is \$117,156 (\$18,525 + \$23,400 + \$975 + \$74,256 = \$117,156)

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

Estimate of annual cost to the Federal Government is based on staff experience. It is estimated that 1100 certificates (NRC Forms 396) will be submitted annually during the clearance period. Also, it is estimated that 250 of these certificates will be required to be reviewed by the NRC Consultant Physician and would require approximately 15 minutes review each. Total Federal Government cost includes the following:

NRC Consultant Examining Physician: 250 Forms 396 reviewed annually x .25 hours each = 62.5 hours @ \$55/hour (actual fee) = \$3,437.50.

Initial and final staff review: 1100 X .2 hours = 220 hours X \$156 = \$34,320.00.

Total annual cost to the government is \$37,758.00 (\$3,438.00 + \$34,320.00). This

cost is fully recovered by fee assessments to NRC licensees pursuant to 10 CFR Part 171.

15. Reasons for Change in Burden or Cost

The burden increased by 21 hours from 730 to 751 hours, because the number of new applicants and renewals increased by 125; from 1,116 to 1,241, thereby increasing the burden by 31 hours. However, the number of records retained decreased by 34 from 4,794 to 4,760, decreasing the burden by 3.4 hours (34 x .10), because of the decrease in the number of facilities by 1, from 141 to 140. However, because there was an error of 6.6 hours in the math in the previous clearance package, the submittal shows a decrease of 10 hours.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not employed in the collection of information.

Enclosure:
NRC Form 396