

DRAFT SUPPORTING STATEMENT
FOR
NRC FORM 398, "PERSONAL QUALIFICATION STATEMENT - LICENSEE,"
10 CFR PART 55, SECTIONS 55.31, 55.35, 55.47 AND 55.57

(OMB CLEARANCE NO. 3150-0090)
REVISION/EXTENSION

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.

A. JUSTIFICATION

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

The regulations in 10 CFR Part 55, Sections 55.31, 55.35, 55.47 and 55.57, specify the use of NRC Form 398 to collect information from licensees/applicants seeking to obtain licenses to operate nuclear reactors.

2. Agency Use of Information

The completed NRC Form 398 is reviewed against the licensing criteria to ensure that licensees/applicants meet all the requirements for taking the written examination or operating test; reapplying because of failure to pass the written examination or operating test, or both; or renewing an existing license. The NRC Form 398 also provides certification by the authorized facility representative that the licensees/applicants meet their requirements to be licensed as operators and that the facility needs these individuals to be licensed as operators.

The information provided on the NRC Form 398 is extracted by the NRC regional/headquarters offices and keyed into the Operator Licensing Tracking System data bank for tracking operator licenses and can be used for generating reports on licensing actions and issuing license and denial letters.

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 responses are submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

This information is available only from the licensee/applicant and does not duplicate or overlap other information collections made by the NRC or other government agencies. The Information Requirements Control Automated System 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

The collection of information is occasional and is collected as needed.

7. Circumstances which Justify Variation from OMB Guidelines

This information collection does not vary from OMB guidelines.

8. Consultations Outside the NRC

Opportunity for public comment on NRC Form 398 has been published in the Federal Register .

The public has been provided an opportunity to comment on the burden estimates each time the clearance has been renewed. On March 27, 2003, eight different facilities were contacted and all but one agreed that the estimated burden in this package is appropriate. One facility felt that the burden time for new applications should be 6 hours. Based on the responses received from the other seven facilities contacted, staff believes this estimate is too high.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

The NRC Form 398 is filed in the licensee's/applicant's docket file and in an NRC data base (Operator Licensing Tracking System). The information is not available for public inspection.

11. Justification for Sensitive Questions

No sensitive information normally considered private is requested on NRC Form 398.

12. Estimate of Annualized Industry Burden and Burden Hour Cost

Approximately 475 new, 600 renewal, 30 reapplications, and approximately 50 applications with waivers are expected to be submitted annually.

Applications for new licenses are submitted one time only, and there is no pre-specified reporting period. If the applicant fails the licensing examination, the first reapplication can be filed at least 2 months after the date of the denial letter. The second reapplication can be filed 6 months after the date of the second denial letter. Successive reapplications can be filed 2 years after the date of the third denial letter.

Renewal applications are to be submitted no fewer than 30 days prior to the expiration of the existing license.

The estimated burden to complete a new application without waiver is 2 hours; a reapplication .5 hours, a renewal application .5 hours, and an application with waivers 4 hours.

New applications take longer to complete, as it is the first time the appropriate information is collected on one form. After the initial application, the reapplication and renewals update specific relevant items. However, if the applicant requests a waiver of all or part of the license examination pursuant to 10 CFR 55.47, the eligibility requirements specified in 10 CFR 55.31(a) or the medical standards specified in 10 CFR 55.23, the NRC may require additional information pursuant to 10 CFR 55.31(b) to determine whether to grant or deny the application.

The estimated number of responses is based on staff's past experience in collecting and analyzing the NRC Form 398's received during the past three-year clearance period.

2 hours x 475 new applications = 950 hours x \$156/hour = \$148,200 annually

.5 hours x 30 reapplications = 15 hours x \$156/hour = \$2,340 annually

.5 hours x 600 renewal applications = 300 hours x \$156/hour = \$46,800

4 hours x 50 waivers = 200 hours X \$156/hour = \$31,200

Total respondents/responses = 1,155 (475 + 30 + 600 + 50)

Total burden = 1,465 hours (950 hours + 15 hours + 300 hours + 200 hours)

1,465 hours ÷ 1,155 applications (new, reapplications, renewal, waiver) = 1.3 hours estimated burden time

Total annual cost to Industry = 1,465 hours x \$156/hour = \$228,540

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

Approximately 475 new applications and 30 reapplications are expected to be submitted by licensees/applicants annually. These numbers are based on the data available from the Operator Licensing Tracking System. Processing the NRC Form 398 takes .75 hours per new application and .5 hours for each reapplication. The NRC Form 398 processing includes data input, files maintenance, and forms review regarding the eligibility criteria. Data input takes longer for new applications because all data must be entered initially, whereas for reapplication and renewals, the data base needs only to be updated. Estimates are based on staff experience.

475 new applicants x .75 hours x \$156/hour = \$55,575 annually

30 reapplications x .5 hours x \$156/hour = \$2,340 annually

The renewal period of operators' licenses is 6 years. Approximately 600 renewal applications are expected annually. Processing the NRC Form 398 for renewals takes .5 hours for each application. As stated above, renewal applications take less time to complete than new applications because the data need only be updated. Based upon past experience, approximately 50 waivers can be expected per year and the processing of a waiver takes an average of 2 hours per waiver. This estimate is based on staff experience.

600 renewals x .5 hours x \$156/hour = \$46,800 annually.

50 waivers x 2 hours x \$156/hour = \$15,600

Cost for Operator Licensing Tracking System = \$30,000 annually

Therefore, the total annual cost to the Federal Government is expected to be \$150,315 (\$55,575 + \$2,340 + \$46,800 + \$15,600 + \$30,000).

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

15. Reasons for Changes in Burden or Cost

The overall burden has decreased from 1,950 hours to 1,465 hours for a net reduction of 485 hours. This is due to a reduction of applications submitted.

<u>TYPE</u>	<u>CURRENT</u>	<u>PREVIOUS</u>
New applications	475	600
Reapplications	30	40
Renewal applications	600	900
Waivers	<u>50</u>	<u>70</u>
TOTAL	1155	1610

The number of responses and respondents decreased from 1,610 to 1,155 for a reduction of 455.

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.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this information collection.

Enclosure: NRC Form 398

CONSULTATIONS OUTSIDE THE NRC**OMB CLEARANCE NO. 3150-0090****NRC FORM 398, "PERSONAL QUALIFICATION STATEMENT--LICENSEE**

The following question was asked of the facilities:

"Do you believe the estimated burden of 2 hours to complete a new application without a waiver is an accurate amount of time spent in filling out NRC Form 398? An application with a waiver, 4 hours; A renewal application, .5 hours and a reapplication, .5 hours?"

	PERSON NRR SPOKE WITH	ACTUAL ESTIMATE OF RESPONSE TIME			
		NEW		RENEWAL .5 HOURS	REAPPLICATION .5 HOURS
		W/O WAIVER 2 HOURS	W/WAIVER 4 HOURS		
1.	Paul Whaley, Kansas State University , Reactor Manager, 785-532-6657. Looks at whole process.	6 hours	4 hours	.5 hours	.5 hours
2.	Sean O'Kelly, University of Texas @ Austin , Associate Director, 512-232-5370	2 hours	4 hours	.5 hours	.5 hours
3.	Gary Wolfe, Byron , Training Associate, License Coordinator for Licensed Operator Training, 815-406-3135. Data collection can take longer.	2 hours	4 hours	.5 hours	.5 hours
4.	Shelly Galvin, Duane Arnold Energy Center , 319-851-7573 Information for forms gathered from database. Time reduced extensively. More than adequate.	2 hours	4 hours	.5 hours	.5 hours
5.	Fritzie Flengje, Point Beach , Principal Regulatory Affairs Analyst, 920-755-6221 Has Access database. Time allowed more than adequate.	2 hours	4 hours	.5 hours	.5 hours
6.	Paul Stovall, Oconee , Nuclear Safety Review Group Manager, Training Manager for 12 years, 864-885-3307	2 hours	4 hours	.5 hours	.5 hours
7.	Frank Wilson, Indian Point 2 , Superintendent of Operations Training, 914-788-2904. From start to finish, reviews to appropriate signatures, more time	5 hours	5 hours	2.5-3 hours	NA
8.	Tom Van Wyen, Point Beach , Operations Training Manager, 717-456-3391. Uses electronic form, actual time for filling form is less, but includes several reviews and signatures--more time.	2 hours	4 hours	.5 hours	.5 hours
	AVERAGE	2 HOURS	4 HOURS	.5 HOURS	.5 HOURS