FINAL 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)
EXTENSION RENEWAL WITH BURDEN ADJUSTMENT

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 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. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means.

4. Effort to Identify Duplication and Use Similar Information

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There is no duplication of requirements. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

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

The opportunity for public comment was published in the Federal Register on May 26, 2006 (71 FR 30450). No comments were received.

The public has been provided an opportunity to comment on the burden estimates each time the clearance has been renewed. In April 2006, five different facilities were contacted. As a result of the responses, the staff has concluded that the burden has increased. The revised burden times based on the new averages are discussed in Section 12 below.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of 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

Not applicable.

12. Estimate of Annualized Industry Burden and Burden Hour Cost

Approximately 600 new, 600 renewal, 50 reapplications, and approximately 100 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.

Based on comments from the facilities contacted, the estimated burden to complete a new application without a waiver has been increased from 3 hours to 4 hours; the burden for a renewal application has been increased from .75 to 1 hour; and the burden for a reapplication has been increased from .5 hours to 1 hour. Any application that includes a waiver request increases the estimated burden by 2 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 as well as projections for upcoming exams over the next three years.

4 hours x 600 new applications = 2,400 hours x $205/hour = $492,000 annually

1 hour x 50 reapplications = 50 hours x $205/hour = $10,250 annually

1 hour x 600 renewal applications = 600 hours x $205/hour = $123,000

2 hours x 100 waivers = 200 hours X $205/hour = $41,000

Total respondents = 1,350 (600 + 50 + 600 + 100)
Total burden = 3,250 hours (2,400 hours + 50 hours + 600 hours + 200 hours)
3,250 hours ÷ 1,350 applications (new, reapplications, renewal, waiver) = 2.4 hours estimated burden per response
Total annual cost to Industry = 3,250 hours x $205/hour = $666,250

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

Approximately 600 new applications and 50 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, file maintenance, and form 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.

600 new applicants x .75 hours x $205/hour = $92,250 annually

50 reapplications x .5 hours x $205/hour = $5,125 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 100 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 $205/hour = $61,500 annually

100 waivers x 2 hours x $205/hour = $ 41,000

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

Therefore, the total annual cost to the Federal Government is expected to be $229,875 ($92,250 + $5,125 + $61,500 + $41,000 + $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 increased by 1,160 from 2,090 hours to 3,250 hours due to staff's past experience in collecting and analyzing the NRC Form 398's received during the past three-year clearance period, as well as projections for upcoming exams over the next three years. The number of responses and respondents increased by 195 from 1,155 to 1,350. The burden is estimated upwards from (2,090 hours ÷ 1,155 hours) = 1.8 to (3,250 hours ÷ 1,350 hours) = 2.4 hours per response since the last clearance renewal.

TYPE	CURRENT	PREVIOUS
New applications	600	475
Reapplications	50	30
Renewal applications	600	600
Waivers	100	50
TOTAL	1350	1155

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