

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 3150-0090)

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 operator a nuclear reactor.

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's need for an operator or senior operator to performed assigned licensed duties; and the applicant, as a trainee has successfully manipulated the controls of either 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 allows that 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 a waiver of 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 or test parts previously passed, 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 an operator licensee to operate, or senior operator to direct operators at the facility.

A. JUSTIFICATION

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

The regulations in 10 CFR Part 55, as described above, requires a licensee/license applicant (initial/upgrade, re-application and renewal), to submit an NRC Form 398 to certify the non-medical qualifications of applicants for operator/senior operator licenses for operating nuclear reactors, and the facility's need for licensed operators.

2. Agency Use of Information

The NRC uses the information for determining that the applicants or operator licensees meet the qualification requirements to become a licensed reactor operator or a reactor senior operator. The Commission bases its finding upon the certification by facility licensees as detailed on NRC Form 398.

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. NRC estimates that fewer than 25% 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. 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

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

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 the information collection requirements for this clearance package has been published in the Federal Register.

The staff contacted licensed operator training personnel at 1 non-power and 3 power facilities for their recent burden experiences preparing the NRC Form 398. Responses indicated an average annual reporting burden of 4.0 hours for a new application, 1.0 additional hour for an application with a waiver request, .75 hours for a reapplication and 1.0 hour for a license renewal.

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

The NRC uses the information for determining that the applicants or operator licensees meet the non-medical qualification requirements to become a licensed reactor operator or a reactor senior operator. The Commission bases its finding upon the certification by facility licensees as detailed on NRC Form 398.

12. Estimated Industry Burden and Burden Hour Cost

Approximately 1,436 NRC Form 398s are expected to be submitted annually (600 applicants (includes upgrades), 100 applicants with waivers, 653 renewals, 52 renewals with waivers and 31 re-applications). The estimated reporting burden varies depending upon the type submitted. The average reporting burden is 4.0 hours per applicant submittal for a total of 2,400 hours. The average reporting burden is 5.0 hours per waiver processed with an application submittal for a total of 500 hours. The average reporting burden for a renewal submittal is 1.0 hour per renewal for a total of 653 hours. The average reporting burden is 2.0 hours per waiver processed with a renewal submittal for a total of 104 hours. The average reporting burden for a reapplication submittal is .75 hour per reapplication processed for a total of 23.25 hours. The total annual average reporting hours for all submissions is 3,680.25 hours. Estimates are based on industry experience.

600 applicants x 4.0 hours = 2,400 hours x \$274/hour = \$657,600.00 annually

100 applicants with waivers x 5.0 hours = 500 hours x \$274/hour = \$137,000.00 annually

653 renewal applicants x 1 hour = 653 hours x \$274/hour = \$178,922.00 annually

52 renewal applicants with waivers x 2 hours = 104 hours x \$274/hour = \$28,496.00 annually

31 re-applicants x .75 hour = 23.25 hours x \$274/hour = \$6,370.50 annually

Total respondents = 1436 (600 + 100 + 653 + 52 + 31)

Total responses = 1436 (600 + 100 + 653 + 52 + 31)

Total burden = 3,680.25 hours (2400 + 500 + 653 + 104 + 23.25)

Total Burden per response = 2.56 hours (3,680.25 hours divided by 1436 respondents)

Total annual cost to industry = 3,680.25 x \$274 per hour = \$1,008,388.50

13. Estimate of Other Additional Costs

The NRC has determined that the records storage cost is roughly proportional to the recordkeeping burden cost. Based on a typical clearance, the records storage cost has been determined to be equal to 0.0004 percent of the recordkeeping burden cost. Therefore, the records storage cost is estimated to be \$0.00 (0 recordkeeping hours x 0.0004 x \$274/hr = \$0.00).

14. Estimated Annualized Cost to the Federal Government

Approximately 600 applications, 100 applications with waivers, 653 renewals, 52 renewals with waivers, and 31 reapplications are expected to be submitted by facility licensees annually. These numbers are based on the data available from the Operator Licensing Tracking System. Processing the NRC Form 398 takes approximately .75 hour per application, 1.50 hours per application with a waiver, .50 hour per renewal, 1.25 hours per renewal with waiver and .50 hour per reapplication. 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; whereas for reapplications and renewals, the data base needs only to be updated unless a waiver is requested that requires additional processing time. Estimates are based on staff experience.

600 applicants x .75 hour x \$274/hour = \$123,300.00 annually  
100 applicants with waivers x 1.50 hours x \$274/hour = \$41,100.00 annually  
653 renewals x .5 hour x \$274/hour = \$89,461.00 annually  
52 renewals with waivers x 1.25 hours x \$274 hour = \$17,810.00 annually  
31 reapplications x .50 hour x \$274/hour = \$4,247.00 annually

Cost for Operator Licensing Tracking System = \$30,000.00 annually

Therefore, the total annual cost to the Federal Government is expected to be \$305,918.00 (\$123,300.00 + \$41,100.00 + \$89,461.00 + \$17,810.00 + \$4,247.00 + \$30,000.00).

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

15. Reasons for Changes in Burden or Cost

The overall burden increased by 395.25 hours from 3,285 hours to 3,680.25 hours because there has been and will continue to be an overall increase in the number of anticipated applicants and renewals during this clearance cycle due to the industry's need to secure qualified licensed operators to replace the expectant retirements in an aging workforce and the continuing expectant need of qualified operators for new reactor.

The per hour cost changed due to the new fee rule that increased the applicable per hour rate from \$238/hr to \$274/hr.

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.