

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 (OLTS) 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. NRC estimates that 20% of reports are submitted 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

If the information were not collected, the NRC would not be able to ensure that licensees/applicants have met all the requirements for taking the written examination or operating test, nor could the NRC provide certification by the authorized facility representative that the licensees/applicants meet their requirements to be licensed as operators.

7. Circumstances which Justify Variation from OMB Guidelines

This information collection does not vary from OMB guidelines.

8. Consultations Outside the NRC

The staff contacted licensed operator training personnel at 4 nuclear power facilities, and 1 non-power facility with recent experience preparing NRC Form 398. Results are discussed in Section 12 below.

The opportunity for public comment on the information collections requirements for this clearance package was published in the *Federal Register* on July 1, 2009 (74 FR 31469). No comments were received

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

New Applications - Applications for new licenses are submitted one time only and there is no pre-specified reporting period. The agency estimates 600 new applications annually. This projections is based on the previous years annual average of 352 applicants + the projection for the next three years of retirement eligible operators is 65%, allowing a 40% increase or 140 new applicants (replacements for retiring operators) + the projection for new applicants for (New Reactors - new hires) of 140 = 600 new applicants annually.

Renewal Applications - Renewal applications are to be submitted no fewer than 30 days prior to the expiration of the existing license. The projected number of renewal applications for the clearance period is 3,050 or 1,020 annually. It is also projected that of that 1,020 - 360 will retire not requiring renewal (1,020 - 360) = 660 renewal applicants annually.

Reapplications - 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. The reapplication rate is between 5-10% of the total number of new applications requested annually. It is projected the number of reapplications annually is 50.

Waiver Request - 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 agency has seen an increase in request over the past three years; 2006 - 58 request; 2007 - 93 requests; 2008 - 123 requests; however between projected retirements and projected increase in new applicants, the number of waiver request is estimated at 100 annually.

Based on comments from the facilities contacted, the estimated burden to complete a new application without a waiver has not changed and remains 4 hours; the burden for a renewal application has not changed and remains 1 hour; and the burden for a reapplication has decreased by .5 hour to .5 hour.

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, specific relevant items will be updated. 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. Any application that includes a waiver request increases the estimated burden by 2 hours.

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 \$238/hour = \$571,200 annually

.5 hour x 50 reapplications = 25 hours x \$238/hour = \$5,950 annually

1 hour x 660 renewal applications = 660 hours x \$238/hour = \$157,080

2 hours x 100 waivers = 200 hours X \$238/hour = \$47,600

Total respondents = 1,410 (600 + 50 + 660 + 100)

Total burden = 3,285 hours (2,400 hours + 25 hours + 660 hours + 200 hours)

Burden per response: 2.33 hours (3,285 hours ÷ 1,410 applications
(new, reapplications, renewal, waiver)

Total annual cost to Industry = 3,285 hours x \$238/hour = \$781,830

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 approximately .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 \$238/hour = \$107,100 annually

50 reapplications x .5 hours x \$238/hour = \$5,950 annually

The renewal period of operators' licenses is 6 years. Approximately 660 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.

660 renewals x .5 hours x \$238/hour = \$78,540 annually

100 waivers x 2 hours x \$238/hour = \$ 47,600

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

Therefore, the total annual cost to the Federal Government is expected to be \$269,190 (\$107,100 + \$5,950 + \$78,540 + \$47,600 + \$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 increased by 35 hours from 3,250 hours to 3,285 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 in the need for qualified staff in the area of new reactors for the next three years. The number of responses and respondents increased by 60 from 1,350 to 1,410. There was a slight decrease in the burden per response by .08 hours from 2.41 to 2.33 hours, since the last clearance renewal.

<u>TYPE</u>	<u>CURRENT</u>	<u>PREVIOUS</u>
New applications	600	600
Reapplications	50	50
Renewal applications	660	600
Waivers	<u>100</u>	<u>100</u>
TOTAL	1410	1350

The per hour cost changed due to the new fee rule that increased the applicable per hour rate from \$205/hr to \$238/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.