

SUPPORTING STATEMENT
FOR INFORMATION COLLECTIONS CONTAINED IN RISK-INFORMED,
TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR ADVANCED REACTORS
FINAL RULE

NRC FORM 398, "PERSONAL QUALIFICATION STATEMENT – LICENSE"

(3150-XXXX)
NEW

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) is establishing an optional technology-inclusive regulatory framework for use by applicants for new commercial nuclear plant designs. The regulatory requirements in this rulemaking use methods of evaluation, including risk-informed and performance-based methods, that are flexible and practicable for application to a variety of new reactor technologies. The NRC's goals in amending these regulations are to continue to provide reasonable assurance of adequate protection of public health and safety and the common defense and security at reactor sites at which new nuclear reactor designs are deployed to at least the same degree of protection as required for current-generation light-water reactors; protect health and minimize danger to life or property to at least the same degree of protection as required for current-generation light-water reactors; provide greater operational flexibilities where supported by enhanced margins of safety that may be provided in new nuclear designs; and promote regulatory stability, predictability, and clarity.

The final rule covers a wide range of topics, including the following that result in recordkeeping and reporting requirements:

- Fitness for duty,
- Physical security,
- Cybersecurity,
- Access authorization.
- Plant design and analysis,
- Siting,
- Construction and manufacturing,
- Facility operations,
- Programs,
- Staffing,
- Decommissioning,
- Applications,
- Licensing basis information, and
- Quality assurance.

To apply to receive an operator or senior operator license, 10 CFR 53.775, "Applications for operators and senior operators," requires that NRC Form 398, "Personal Qualification Statement— Licensee," be completed by applicants for an operator or senior operator license under 10 CFR Part 53, "Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Plants." In addition, under 10 CFR 53.775, an applicant whose application for a license has been denied because of failure to pass the examination may file a new application on NRC Form 398 when the applicant is ready for re-examination. Under

10 CFR 53.780, “Training, examination, and proficiency program,” the Commission may waive any or all requirements for an examination. Under 10 CFR 53.795, “Expiration and renewal of operator and senior operator licenses,” applicants for renewal of an operator or senior operator license must complete NRC Form 398.

Currently, NRC Form 398 is used by a facility licensee under 10 CFR Part 50, “Domestic Licensing of Production and Utilization Facilities,” and 10 CFR Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” to transmit information on each applicant applying under 10 CFR Part 55 for new and upgraded operator or senior operator licenses or license renewals to operate the controls at a nuclear reactor facility. NRC Form 398 is the mechanism by which the NRC is advised of the applicant/operator qualifications.

As a result of the Part 53 rulemaking, the applicability of NRC Form 398 is being modified to include references to applicable requirements under 10 CFR Part 53 and the instructions for NRC Form 398 are being modified to include submittal instructions for Part 53 applicants, differentiate between instructions for Part 53 and Part 55 applicants, and describe modified sections of the form. In addition, the form is being modified to include checkboxes for Part 53 operator docket numbers, Part 53 facility docket numbers, Part 53 as the part under which the facility is licensed, and references to Part 53 in the certification/signature section of the form and the Privacy Act Statement. The power reactor operator training program portion of the form is also being modified to include simulation facilities under 10 CFR 53.725 and Commission-approved SAT-based training programs instead of operator training programs accredited by the Institute of National Nuclear Accrediting Board.

The information requested includes the applicant/operator identifying information, type of application and license applying for, license held, position at the facility, education, power reactor operator training program, significant control manipulations, nuclear experience details, applicant/operator signature and facility certification.

For the purposes of this supporting statement, the NRC staff estimates that there will be 2 respondents during the three-year period covered by this clearance (2027–2029). During this period, the NRC staff assumes that the respondents will prepare and submit application materials for an operating license (OL).

This supporting statement describes how the final rule is impacting the information collections in NRC Form 398. Due to the recent submission of the renewal of this form under the clearance number 3150-0090, the changes to these forms as a result of the final rule are being submitted as a request for a new clearance. The NRC staff intends to transfer the burden associated with this final rule to the 3150-0090 clearance at a later date.

A. JUSTIFICATION

1. Need for the Collection of Information

The information is needed in order to determine facility licensee’s compliance with the regulations in 10 CFR Part 53. Details of these regulations can be found at the end of this supporting statement in “Description of Information Collection Requirements.”

2. Agency Use of Information

The information assists the Commission in basing its finding upon the certification by facility licensees as detailed on NRC Form 398. NRC Form 398 is the mechanism by which NRC is advised of the information that the applicants or operator licensees has met the qualification requirements to become or continue to be licensed reactor operators or senior reactor operators. The information collected on the form includes details of the applicant's qualifications, courses administered by the facility, and the startup and shutdown experience received. This information is required under the Atomic Energy Act of 1954, as amended, in order for the NRC to ensure that uniform conditions for licensing individuals, as well as determining the qualifications of those individuals, is met.

3. Reduction of Burden through Information Technology

The NRC has issued [*Guidance for Electronic Submissions to the NRC*](#), which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. The Electronic Submittals application allows electronic transmission of information to the NRC pertaining to licensing actions, associated hearings, and other regulatory matters. The application ensures that information sent to the NRC via the Internet is secure and unaltered during transmission. It operates 24 hours a day, except when it is taken down for scheduled maintenance. It is estimated that approximately 99% 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.

5. Effort to Reduce Small Business Burden

The NRC is currently not aware of any known small entities as defined in 10 CFR 2.810 that are planning to apply for a commercial nuclear plant early site permit, construction permit, operating license, manufacturing license, or combined license under 10 CFR Part 53 that will be impacted by this final rule.

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 53.775, 53.780, and 53.795 which would increase the potential for endangering public health and safety. Collection of this form for initial operators is not performed at a specified frequency but instead is collected when an individual desires to be licensed at a facility. The NRC cannot make the determination that the individual possesses

the necessary qualifications as required by the Atomic Energy Act of 1954 without the information provided on this form, therefore the NRC would be unable to license new individuals. For specifically licensed operators under 10 CFR Part 53, their licenses would expire, per 10 CFR Part 53.795, after six years. This length of time was previously evaluated in the context of operators under 10 CFR Parts 50 and 52 (whose licenses also expire after six years) and determined to be appropriate to ensure that licensed operators periodically be reevaluated by the NRC to ensure that their qualifications are still valid. If the information is collected less than every six years, a rule change, including a cost-benefit analysis to determine the safety impact of an increased license term, would need to be performed. Under 10 CFR 53.795, if the form is not received on time, then an operator's license would expire and the individual would either have to re-apply, which would also require submission of the form, or would no longer be licensed. If the individual reapplies, there is no change in the burden as the form would still need to be completed. If the individual is no longer licensed, then the total number of operators at the site would lower adding workload to the remaining operators. Additionally, all the operators at the site would have their licenses expire after six years, at which time there would be no licensed operators if this form is not collected.

7. Circumstances which Justify Variation from OMB Guidelines

Not applicable.

8. Consultations Outside the NRC

The NRC published a proposed rule in the *Federal Register* for public comment on October 31, 2024 (89 FR 86918). Public comments on the proposed rule recommended that the NRC prepare an OMB Supporting Statement for changes to the information collection burden of Form 396 resulting from the final rule; in response, the NRC developed this Supporting Statement. The NRC prepared a summary and analysis of public comments received on the proposed rule, which totals two volumes (ML26042A229, ML26042A228). The public comment submissions are available from the Federal e-Rulemaking website at <https://www.regulations.gov> under Docket ID NRC-2019-0062.

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).

The information is required to uniquely identify the individual for recordkeeping purposes and to ensure that a license, if issued, is issued to the correct individual. Because individuals can have the same name, the date of birth is also requested in order to ensure that each person can be uniquely identified. Additionally, an e-mail address can be voluntarily provided so that the NRC can communicate with that individual electronically regarding the application. A home

mailing address is also requested for two purposes. It can also help to uniquely identify a person but is primarily used as a means of communication with the person regarding the application, especially if an e-mail address is not voluntarily provided. This is a mechanism to inform the individual of the outcome of their application, either to issue the license or deny it. If denied, the home address, or e-mail address if voluntarily provided, is used to communicate the process to request an administrative hearing if the applicant so chooses. For licensed operators, the home address, or e-mail address if voluntarily provided, is used to send any updates to the license, such as a new license condition due to a new medical condition.

This information is maintained as part of a system of records designated as NRC-16, "Facility Operator Licensees Records" described at 87 FR 64270 (October 24, 2022).

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

As a result of the final rule, the list of potential respondents to NRC Form 398 has been expanded to include Part 53 licensees and applicants. The estimated time to complete the form is similar for Part 53 licensees/applicants as for Part 50 and 52 licensees/applicants:

- 6.5 hours for applicants (initial and upgrade),
- 9.5 hours for applicants with waiver or excusal requests, and
- 2.5 hours for renewals and re-applications

The NRC anticipates that there will be initial one-time reporting burdens for new applications for operator and senior operator licenses by applicants (including applicants with waiver or excusal requests) at Part 53 facilities. In addition, the NRC anticipates that there will be ongoing reporting burdens associated with operator and senior operator license renewals and re-applications. During the clearance period, the NRC anticipates there being 2 OL applications and 0 COL applications for Part 53 facilities that are required to submit NRC Form 398, and estimates that each facility seeking an OL will have 25 operators submitting NRC Form 398. As a result, the number of respondents for the clearance period increases by 2, and the number of initial NRC Form 398 submissions increases by 50 during the clearance period (16.67 submissions annually).

Total Burden and Cost

Total Annual Burden (16.67 x 6.5 hours) = 108.4 hours

Total Burden Hour Cost = \$16,694 (108.4 hours x \$154/hour)

The NRC's average labor rate of \$154 per hour for FY 2026 was used to calculate burden costs to the public because it aligns with 2024 Bureau of Labor Statistics data showing comparable hourly mean wages across five key

occupational groups (executives, management, technical staff, licensing staff, and physicists) within the nuclear industry.

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience, historical data and subject matter expertise and include the estimated burden needed to review, analyze, and process the collected information and any relevant operational expenses. It is estimated that 16.67 NRC Forms 398 will be submitted annually during the clearance period as a result of the final rule.

Processing the NRC Form 398 takes approximately 1.0 hour per application without a waiver, 1.5 hours per application with a waiver, 0.5 hour per renewal, and 0.5 hour per re-application. All submissions during this clearance period are expected to be initial submissions without a waiver, so the total annual burden anticipated is 16.67 hours. 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. Alternatively, re-applications and renewals only require data updates to the existing docket file. At the hourly cost of \$154, the total increase in annual cost to the NRC is \$2,567 (16.67 hours x \$154 per hour).

15. Reasons for Changes in Burden or Cost

As a result of the final rule, NRC Form 398 has been updated to include Part 53 licensees and applicants. Due to the addition of applications for and licensees with operating or combined licenses under Part 53, the total annual burden is expected to increase by 108.4 hours due to an increase in the number of respondents.

16. Publications for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of information does not employ statistical methods.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN

NRC FORM 398, "PERSONAL QUALIFICATION STATEMENT – LICENSE,"
10 CFR PART 53, SECTIONS 53.775, 53.780, AND 53.795
(3150-XXXX)

10 CFR 53.775(a) requires that an applicant for an operator or senior operator license complete NRC Form 398 and file the form with the appropriate Regional Administrator.

10 CFR 53.775(c)(1) states that an applicant whose application for a license has been denied because of failure to pass the examination may file a new application submitted on NRC Form 398, and include a statement signed by an authorized representative of the facility licensee by whom the applicant will be employed that states in detail the extent of the applicant's additional training and remediation since the denial and certifies that the applicant is ready for re-examination. 10 CFR 53.775(c)(2) states that an applicant who has passed a portion of the examination and failed another may request in a new application on Form NRC 398 to be excused from re-examination on the portions of the examination that the applicant has passed.

10 CFR 53.780(f) requires that the applicant, on application, certify all applicable information in support of a requested waiver of examination.

10 CFR 53.795 requires that an applicant for renewal of an operator or senior operator license complete and sign NRC Form 398, include the number of the license for which renewal is sought, and file the form as specified in 10 CFR 53.775.

GUIDANCE DOCUMENTS FOR INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN
NRC FORM 398, "PERSONAL QUALIFICATION STATEMENT – LICENSE,"
(3150-XXXX)

Title	Accession number
DRO-ISG-2023-01, "Operator Licensing Programs"	ML25232A011
NUREG-1220, "Training Review Criteria and Procedures"	ML102571869