

FINAL SUPPORTING STATEMENT
FOR
“PART 55 EXEMPTION REQUEST” AND “PART 55 RESEARCH and TEST REACTOR
EXEMPTION REQUEST”

(3150-0018)

EXTENSION

DESCRIPTION OF THE INFORMATION COLLECTION

The U.S. Nuclear Regulatory Commission (NRC) requires licensed facilities to comply with requirements in Title 10 of the Code of Federal Regulations (CFR) Part 55, “Operators’ Licenses” as they relate to the licensing of operators and senior operators of utilization facilities (which are licensed pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 50, and 10 CFR Part 52). The ability of licensed facilities to comply with these requirements may be negatively impacted by the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (PHE) due to staffing challenges resulting from the PHE’s impact on operator requalification program scheduling, licensed operator active status for research and test reactors, and delays in completion of biennial medical examinations of licensed operators and senior operators.

Currently, licensees may request, and the NRC will approve, exemptions from the above requirements when they are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. To facilitate and streamline licensees’ requests for exemptions to these requirements, the NRC is providing two new online forms to submit the required information for a specific exemption request. One form is for power reactor licensees and the second is for research and test reactor licensees to submit their exemption requests. These online forms will supplement the existing reporting mechanisms for requests for exemption.

In April 2020, the NRC requested emergency review of the information collection because this information is essential to the mission of the agency and was needed before the expiration of the normal time limits under the Office of Management and Budget’s regulations at 5 CFR 1320 that implement the provisions of the Paperwork Reduction Act of 1995. The NRC could not reasonably comply with the normal clearance procedures because an unanticipated event (COVID-19 PHE) has occurred.

The NRC requested and received OMB approval to add this form to the previously approved information collection OMB Control Number 3150-0018 for a period of 6 months. Under the existing collection under OMB Control No. 3150-0018, licensees are already able to seek exemptions from the requirements of Part 55, “Operators’ Licenses.”

With the current submission, the NRC is seeking to extend the expiration date for this form to match the expiration date for the Part 55 clearance (July 31, 2022). The current submission describes the burden associated with the form but does not make additional changes to the Part 55 clearance.

This information collection applies to all holders of, and certain applicants for, nuclear power plant construction permits and operating licenses under the provisions of 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities" who seek exemptions from the requalification requirements specified in 10 CFR 55.59 as allowed by 10 CFR 55.11, "Specific Exemptions."

This information collection only addresses the burden to complete and submit the online form.

A. JUSTIFICATION

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

10 CFR Part 55 contains specific requirements for the licensing of utilization facility operators and senior operators. In response to the unforeseen impacts of the COVID-19 PHE, the NRC is prepared to expedite the review and approval of requested exemptions from requirements in these rules as allowed by 10 CFR 55.11, "Specific Exemptions." Through this emergency request, NRC is introducing two new online forms to simplify filing because the existing system may be burdensome for licensees under current conditions.

The information collected by the online form is the minimum needed by NRC to make a determination on the acceptability of the licensee's request for an exemption. In addition to the online form, licensees can submit their exemption requests through the NRC's Electronic Information Exchange or by email in accordance with NRC's OMB-approved information collections regarding such exemptions.

2. Agency Use of Information

The NRC uses the information collected by this form to determine that licensees' exemption requests are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

3. Reduction of Burden through Information Technology

The requested information will be submitted via a web-based electronic form. The NRC staff estimates that 100 percent of the responses will be filed electronically. Respondents can submit exemption requests outside of the portal under the clearance for Part 55, OMB Control No. 3150-0018.

4. Efforts 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 use of an online form will reduce the burden related to the submission of an exemption request for all respondents, including small businesses. The information collected is the minimum necessary to for NRC staff to make a determination regarding an exemption request and cannot be further reduced for small businesses. NRC staff estimates that 2% of respondents will be small businesses.

6. Consequences to Federal Programs or Policy Activities if the Collection is Not Conducted or is Collected Less Frequently

If the collection were not conducted, licensees would not be able to submit exemption requests in a timely manner, reducing the NRC's staff's ability to make a timely determination of the acceptability of a licensee's exemption request.

7. Circumstances which Justify Variation from OMB Guidelines

Not applicable

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the *Federal Register* on April 23, 2020, (85 FR 22757). Additionally, NRC staff contacted seven stakeholders via email. The stakeholders were operating reactor owner/operator licensee representatives from Duke Energy Progress, LLC, Entergy Corporation, NextEra Energy, Inc., Omaha Public Power District, PSEG Nuclear, LLC, Southern Nuclear Company and Talen Energy. No responses or comments were received as a result of the FRN or the staff's direct solicitation of comment.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the 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

No sensitive information is requested. If sensitive information is provided by licensees within these submittals there are processes for appropriate marking them non-public for security reasons or marking sections as "proprietary" per 10 CFR 2.390(b).

12. Estimate of Industry Burden and Costs

The estimate to prepare and submit the exemption request form is 2 hours. The NRC estimates 40 requests annually from power reactor licensees and 20 requests annually from research and test reactor licensees, a total of 60 requests. The total annual burden for NRC licensees is 120 hours (60 requests x 2 hours per request) at a cost of \$33,360 (120 hours x \$278/hr).

The \$278 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019 (84 FR 22331, May 17, 2019).

13. Estimates of Other Additional Costs

There are no additional costs associated with the online form. The Part 55 cost burden remains unchanged at \$7,459.

14. Estimated Annualized Cost to the Federal Government

The estimated annual cost to the Federal Government in reviewing the technical and regulatory adequacy of the exemption request is 60 requests x 20 hours/report x \$278 per hour = \$333,600. This total cost in ROCIS remains \$7,972,961

15. Reasons for Change in Burden or Cost

The estimated burden for Part 55 remains unchanged at 173,035 hours and 509 responses. The estimated 120 hours and 60 responses associated with the online "Nuclear Materials Exemption Request," and "Part 55 Research and Test Reactor Exemption Request" Form were previously added to the Part 55 totals in April 2020. Any burden associated with the use of the form beyond the expiration date of July 2022 will be included in the renewal of the information collection to be submitted in early 2022.

16. Publication for Statistical Use

None.

17. Reasons for Not Displaying the Expiration Date

The expiration date is displayed on the online form.

18. Exceptions to the Certification Statement

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

Statistical methods have not been used in this collection of information.

APPENDIX A
DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN
10 CFR PART 55
OPERATORS' LICENSES
3150-0018

The following CFR references specify the type of information that is collected under this OPM clearance.

§55.11: Application for exemption from the requirements of the regulations in 10 CFR 55. Facility licensees are expected to comply with the regulations unless they provide sufficient information for the Commission to determine that a specific exemption is authorized by law, will not endanger life or property, and is otherwise in the public interest.

§55.31(a) and (d): Application that a written examination and operating test be administered and certification on NRC Form 398, "Personal Qualification Statement - Licensee," that the applicant has completed the facility licensee's requirements for licensing (currently approved under OMB Clearance No. 3150- 0090). In practice, per NUREG-1021, power reactor facility licensees must also submit a written request for the NRC to administer the generic fundamentals examination (GFE) in advance of the formal license application.

§55.31(b): Additional information as necessary for the NRC to determine whether to grant or deny the license application or revoke, modify or suspend the license.

§55.40(a) and (d): Information regarding exam content for operators. This information is needed for the NRC to prepare the site-specific written and operating tests that applicants must pass in order to obtain an operator's license.

§55.40(b) (1) and (3): The written examinations required by §55.41 and §55.43 and the operating tests required by §55.45. In lieu of submitting information from which the NRC will prepare the licensing examinations, power reactor facility licensees may prepare the examinations themselves and submit them to the NRC for review and approval.

§55.40(c): Written request for the NRC to prepare, proctor, and grade the required licensing examinations. Preparing a site-specific power reactor licensing examination requires significantly more resources than reviewing and approving a facility-prepared examination; therefore, a written request provides the basis to budget and schedule the resources. NRC Form 536 (currently approved under OMB Clearance No. 3150-0131) can be used for this purpose.

§55.46(b): Power reactor facility licensees that propose to use a simulation facility, other than a plant-referenced simulator, or the plant in the administration of operating tests under §55.45(b) (1) or (3) shall request approval from the Commission. This is necessary to ensure the consistency and validity of the operating tests upon which licensing decisions are based.

§55.59(a)(2)(iii): In lieu of the Commission accepting a certification by the facility licensee that the licensee has passed written examinations and operating tests administered by the facility licensee within its Commission-approved program developed by using a systems approach to training under paragraph (c) of this section, the Commission may administer a comprehensive requalification written examination and an annual operating test.

§55.59(c): Have a requalification program and, upon request, submit to the Commission a copy of comprehensive requalification written examinations or annual operating tests. This improves efficiency by enabling the NRC staff to review these materials before traveling to the site for a licensed operator requalification program inspection.

Facility licensees are required to maintain the following documentation:

§55.40(b)(2): Establish, implement and maintain procedures to control examination security and integrity and have them available during facility inspections.

§55.46(d)(1): The results of the simulation facility performance tests are required to be retained for four years after completing the tests or until superseded by updated test results. The NRC staff will review uncorrected performance deficiencies to ensure that the operating tests administered per §55.45(b) are valid.

§55.53(f): Certification that the qualifications and status of a licensee who has not been actively performing the functions of an operator are current and valid. This certification, which, in practice, is not submitted to the NRC but subject to inspection on-site, ensures that licensed operators who have not maintained their watch-standing proficiency are fully qualified before they are allowed to resume licensed duties.

§55.59(b): Evidence of successful completion of additional training, if necessary. Licensed operators are required to complete a requalification training and examination program to maintain the knowledge, skills, and abilities needed to safely perform licensed duties. This is included with 55.59(c)(5)(i) reporting.

§55.59(c)(5)(i): Maintain records of operator participation in the requalification program until the operator's license is renewed. This enables the facility licensee to certify, pursuant to §55.57(a)(4), that a license renewal applicant has satisfactorily completed the requalification program during the 6-year term of the license.

GUIDANCE DOCUMENTS FOR INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN
10 CFR PART 55
REQUIREMENTS FOR RENEWAL OF OPERATORS' LICENSES
3150-0018

Title	Accession number
Regulatory Guide 1.134 - Medical Evaluation of Licensed Personnel at Nuclear Power Plants (Revision 4), September 2014	ML14189A385
Regulatory Guide 1.149 – Nuclear Power Plant Simulation Facilities for Use in Operator Training and License Examinations (Revision 4), April 2011	ML110420119
Regulatory Guide 1.8 - Qualification and Training of Personnel for Nuclear Power Plants (Revision 3), May 2000	ML003706932
NUREG-1021 - Operator Licensing Examination Standards for Power Reactors (Revision 11), February 2017	ML17038A432
NUREG-1478 – Operator Licensing Examiner Standards for Research and Test Reactors (Rev.2), June 2007	ML072000059