

DRAFT SUPPORTING STATEMENT
FOR
NRC FORMS 366, 366A, and 366B, "LICENSEE EVENT REPORT"
10 CFR Part 50.73

(3150-0104)
REVISION

Description of the Information Collection

The regulations in 10 CFR Part 50 require the holder of an operating license under this part or a combined license under part 52 of this chapter (after the Commission has made the finding under § 52.103(g) of this chapter) for a nuclear power plant (licensee) shall submit a Licensee Event Report (LER) for any event of the type described in 10 CFR 50.73, "Licensee event report system" within 60 days after the discovery of the event.

NRC Forms 366, 366A, and 366B, "Licensee Event Report" is used to transmit detailed information to the NRC by a licensee to report specified events and problems that are believed to be significant for the NRC to determine what actions, if any, are warranted to ensure protection of public health and safety and the environment.

The information requested includes the facility identifying information, date of the event and report, other facilities involved, plant conditions at the onset of the events, applicable regulation(s) for the submission, root cause(s) of the occurrences, data on operator actions and corrective actions taken, licensee contact information and an abstract of the event.

A. JUSTIFICATION

1. Need for the Collection of Information

The information is needed for the NRC to carry out its responsibility to inform Congress of those events constituting "abnormal occurrences" and licensee's compliance with 10 CFR 50.73. Details of these requirements can be found at the end of this supporting statement in "Description of Information Collection Requirements."

2. Agency Use of Information

NRC Forms 366, 366A, and 366B is the mechanism by which NRC determines whether action is needed to resolve a potential threat to public health and safety or the environment. This includes confirming licensing bases, studying potentially generic safety problems, assessing trends and patterns of operating experience, monitoring performance, identifying precursors of more significant events, and providing operating experience feedback to the industry. In addition, the NRC uses the information obtained to inform Congress of those events constituting "abnormal occurrences."

The reported events are assessed both individually and collectively to determine their safety significance and their generic implications and to identify any safety concerns with the potential to seriously impact the public health and/or safety. The evaluation of these events provides valuable insights on improving reactor safety.

The information required includes detailed event descriptions, plant conditions at the onset of the events, root cause(s) of the occurrences, an assessment of safety consequences and implications, data on operator actions and personnel errors, and the corrective actions taken by the licensee to prevent recurrences.

The assessment and feedback of operating experience is a vital and integral prerequisite to improving reactor safety. Within the NRC, a formal and systematic program has been established for the collection, assessment, and feedback of operating experience gained from the Licensee Event Reports (LERs). This program has proven effective and resulted in an improved understanding of reactor performance, identification of important safety issues, and initiation of appropriate actions such as the issuance of generic letters, bulletins and information notices.

In addition, formal and informal methods have been developed to efficiently compare and self-assess the NRC's evaluation of operating experience with the industry's Institute of Nuclear Power Operations (INPO) by exchanging information on events in accordance with a Memorandum of Agreement between the two organizations. Furthermore, the NRC cooperates with various other nations, the Nuclear Energy Agency (NEA) and the International Atomic Energy Agency (IAEA) Incident Reporting System (IRS) by exchanging information about operating events. The worldwide sharing of nuclear operating experience provides value, particularly in the interest of incorporation of lessons learned, event reduction and accident prevention.

Elimination of data collection would seriously degrade the NRC's ability to assess operating experience, feedback the lessons learned in a timely manner, including corrective actions to prevent recurrences and monitor industry performance. Additionally, LER's are available to the public and provide more detailed information concerning relatively significant events, thereby increasing public confidence in the regulatory process.

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. It is estimated that approximately 99% of the potential responses are filed electronically.

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 information collection does not affect small businesses.

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

Not collecting the information, or collecting it less frequently, would degrade the NRC's ability to determine in a timely manner what actions, if any, may be needed to resolve potential threats to public health and safety or the environment and inform Congress of those events constituting "abnormal occurrences."

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.

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). However, no information normally considered confidential or proprietary is requested.

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. Estimated Burden and Burden Hour Cost

Approximately 350 NRC Forms 366, 366A and 366B are expected to be submitted annually during the next three years, based on data from recent LER

submittals and trends, as well as NRC staff knowledge about the number of licensees and potential future submissions.

The total annual estimated burden for submissions (64 hours reporting + 16 hours recordkeeping = 80 hours per LER) for a total of 28,000 hours for all LERs that is calculated as follows:

Total Reporting Burden = 350 submissions x 64 hours = 22,400 hours
 Total Recordkeeping Burden = 350 submissions x 16 hours = 5,600 hours
 Total Burden = 22,400 + 5,600 = 28,000 hours
 Total annual cost to industry = 28,000 x \$275/hour = \$7,700,000

NRC Form 366, 366A, 366B Burden Totals			
	Responses	Hours	Cost at \$275/hr
Reporting	350	22,400	\$6,160,000
Recordkeeping	350	5,600	\$1,540,000
TOTAL	350	28,000	\$7,700,000

The \$275 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 2018 (83 FR 29622, June 25, 2018).

13. Estimate of other Additional costs

The NRC has determined that the quantity of records to be maintained is roughly proportional to the recordkeeping burden. Based on the number of pages maintained for a typical OMB clearance the records storage cost has been determined to be .0004 times the recordkeeping burden cost. Therefore, the storage cost for this OMB clearance is determined to be \$616 (5,600 hours x \$275/hour x .0004).

14. Estimated Annualized Cost to the Federal Government

Information submitted by licensees in Form 366 is used by multiple offices within the NRC. The NRC spends on average about \$900K per year in contract costs for coding LERs, inputting event data into a LER database, and maintaining the LER database and search capabilities. The contractor also provides input into NRC programs, including:

- Accident Sequence Precursor Program
- Operating Experience Program

The NRC also expends about 250 hours per year in managing the LER database and analysis contract.

The Office of Nuclear Reactor Regulation (NRR) reviews LERs for specific issues pertaining to reactor operating experience related to safety and generic concerns. It is estimated that the resources expended in the operating experience review of LERs are about one hour per LER. Therefore, with one hour of effort per LER and 350 LERs per year (1 hours per LER X 350 LERs), it is estimated that 350 hours of effort is needed per year for NRR.

The Office of Nuclear Regulatory Research (RES) reviews LERs for the Accident Sequencer Precursor (ASP) Program. The RES ASP program staff reviews approximately 50 of the most significant LERs per year for about one hour per LER (50 LERs X 1 hour). It is estimated that 50 hours of RES effort is needed per year for the ASP program.

Finally, the NRC Regional Offices are responsible for implementing NRC's inspection program. It is estimated that LER reviews called out by Inspection Procedure (IP) IP 71153, "Event Follow-up" will take a maximum of 8 hours per LER. Therefore, with 8 hours of effort per LER, and 350 LERs submitted per year (8 hours per LER X 350 LERs), it is estimated that the Regional Offices will expend approximately 2,800 hours of effort on LER disposition per year.

The total NRC effort is therefore estimated to be 3,650 hours (2,800 regional inspection hours + 350 NRR hours + 200 NRC database contract hours + 50 RES ASP program staff hours+ 250 hours for PM/COR contract management).

The total estimated annual cost for the government is \$ \$1,903,750 (\$275 x 3,650 hours + \$900K for LER database and analysis contract).

15. Reasons for Change in Burden or Cost

Improvements have been made to the NRC Form 366 to aid the submitter and ensure accuracy of information. The form is being revised in Block 11 to provide two new reporting check blocks that the Code for Federal Regulations (CFR) references to allow the reporting via this form, namely for 10 CFR 21.2(c) and 10 CFR 50.69(g). A line item entry space is now provided for the "Other" at the bottom of Block 11.

Additionally, due to a data base name change by the Institute of Nuclear Power Operations (INPO) the form is being revised in Block Number 13 to now reference "Reportable to IRIS" - (instead of "Reportable to ICES").

The NRC reviewed the number of LERs submitted over the past two clearance cycles and estimates the annual average will remain essentially constant for the licensees reporting using NRC Forms 366, 366A and 366B in the future; therefore, there is no change in per nuclear unit burden. There was a slight increase in the fee rate from \$268/hr to \$275/hr (currently) used for this OMB clearance cycle. As a result, there was an increase in costs of \$196,000 associated with the increase in the NRC fee rate.

16. Publication 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 FORMS 366, 366A, and 366B, "LICENSEE EVENT REPORT"
10 CFR Part 50.73

10 CFR 50.73 requires licensees to use NRC Form 366, "Licensee Event Report" to report specified events and problems that are believed to be significant and useful to the NRC in its effort to identify and resolve threats to public safety. Form 366A, "Licensee Event Report, Continuation" provides a continuation page for licensees to provide a narrative of the event. Form 366B, "Licensee Event Report, Failure Continuation" is a continuation page used to document the specific component failures involved in the event. The forms are designed to provide the information necessary for engineering studies of operational anomalies and trends and patterns analysis of operational occurrences. The same information can be used for other analytic procedures that will aid in identifying accident precursors.

On October 25, 2000, the NRC published a final rule in the Federal Register which modified the event reporting requirements in 10 CFR 50.73 (65 FR 63769). The final rule better aligned event reporting requirements with the types of information the NRC needs to carry out its safety mission, including revising reporting requirements based on importance to risk and extending the required reporting times consistent with the time that information is needed for prompt NRC action. NRC Forms 366, 366A, and 366B reflect requirements contained in 10 CFR 50.73.

GUIDANCE DOCUMENTS FOR INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN
NRC FORMS 366, 366A, and 366B, "LICENSEE EVENT REPORT"
10 CFR Part 50.73

Title	Accession number
NUREG-1022 Rev. 3 "Event Report Guidelines: 10 CFR 50.72 and 50.73	ML13032A220