

DRAFT SUPPORTING STATEMENT FOR
NRC FORMS 366, 366A, and 366B
"LICENSEE EVENT REPORT"

(3150-0104)

EXTENSION

Description of the Information Collection

Part of the U.S. Nuclear Regulatory Commission's (NRC) function is to license and regulate the operation of commercial nuclear power plants to ensure protection of public health and safety and the environment in accordance with the Atomic Energy Act of 1954, as amended (AEA) for the holder of an operating license under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 or a combined license under part 52 of this chapter (licensee) a Licensee Event Report (LER) to report specific events specified in 10 CFR Parts 20, 21 and 50.

NRC Forms 366, 366A, and 366B, "Licensee Event Report" are used by licensees to transmit the detailed information to those specified events 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 protection of the environment. The NRC Headquarters Operations Officers receive the reports and enter them into an event database that is used by several NRC Offices for various programs discussed below.

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 and Practical Utility of the Collection of Information

The information is needed for the NRC to carry out its statutory responsibility to inform Congress of those events constituting "abnormal occurrences" and for licensee's compliance with the 10 CFR 50.73 rule. Section 208 of the Energy Reorganization Act of 1974, as amended (Public Law 93-438), defines an abnormal occurrence (AO) as an unscheduled incident or event that the U.S. Nuclear Regulatory Commission (NRC) determines to be significant from the standpoint of public health or safety. Specifically, the NRC reviews all LERs reported under 10 CFR 50.73 for consideration for AO reporting. Details of these LER requirements can be found at the end of this supporting statement in "Description of Information Collection Requirements."

2. Agency Use of the Information

NRC Forms 366, 366A, and 366B are 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 assessing whether follow-up actions are needed such as reactive inspections, trending of operating experience or safety

issues, performance monitoring, identifying precursors of more significant events, generic communications, or corrective actions to prevent recurrence; and may also be forwarded to other Federal agencies, as needed. In addition, the NRC uses the information obtained to inform Congress of those events constituting “abnormal occurrences.”

In addition, formal and informal methods have been developed to efficiently share operating experience with the Institute of Nuclear Power Operations (INPO). Information on events is shared in accordance with a Memorandum of Agreement between the two organizations. The NRC also cooperates with international organizations, such as the Nuclear Energy Agency (NEA) and the International Atomic Energy Agency (IAEA) Incident Reporting System (IRS) by exchanging information about operating events. Sharing of domestic nuclear operating experience provides valuable lessons learned and results in event reduction for international stakeholders.

Elimination of this data collection would seriously degrade the NRC’s ability to assess operating experience, identify negative trends, monitor industry performance, and provide information to stakeholders in a timely manner including corrective actions to prevent recurrences. Additionally, LERs 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 99 percent of the potential responses are filed electronically. The remaining are security-related submissions that contain Safeguards Information and may be submitted in paper format.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. Some of the information included by a licensee on NRC Form 366 is not available at the time of the licensee’s initial telephonic notification of a significant event (e.g., the root cause and corrective actions to prevent recurrence).

5. Effort to Reduce Small Business Burden

The NRC has determined that the companies that own the sites affected by 10 CFR 50.73 reporting requirements do not fall within the scope of the definition of “small entities” set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

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 situational awareness and its ability to take appropriate actions in a timely manner to resolve potential threats to public health and safety or the environment. Licensee Event Reports inform many NRC licensing and oversight programs, such as the Reactor Oversight Process and event response, Operating Experience Program, Generic Communication Program, Defects and Nonconformances process, NRC's independent probabilistic risk assessments for operating reactors, Standardized Plant Analysis of Risk models, and Accident Sequence Precursor program. These reports also help the NRC to inform Congress of those events constituting "abnormal occurrences," which is required under Section 208 of the Energy Reorganization Act of 1974, as amended (Public Law 93-438). The frequency of collection is dependent on the frequency of reportable event occurrences at a nuclear unit or site. If a reportable event occurs, regulations require it to be reported within 60 days. From 2019 through 2021, there were 612 LERs reported for 94 power reactor units (approximately 2.2 LERs per unit per year).

In addition, as stated in Section 2 *Agency Use of the Information*, the NRC shares this information, if appropriate, with Federal partners, INPO, and international organizations to prevent recurrence of significant events.

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 has been 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 in 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 250 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 changing number of licensees and potential future submissions.

The total annual estimated burden for submissions is 16,000 hours calculated as follows:

Total Reporting Burden = 250 submissions x 64 hours = 16,000 hours
Total Recordkeeping = 250 submissions x 16 hours = 4,000 hours
Total Burden = 16,000 + 4,000 = 20,000 hours
Responses = 344 (250 reporting responses (submissions) + 94 recordkeepers)
Total Respondents = 94 (92 operating license under 10 CFR part 50 + 2 combined license holders under 10 CFR part 52).
Total annual cost to industry = 20,000 hours x \$290/hour = \$ 5,800,000

NOTE: The \$290 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 2022 (87 FR 37214, June 22, 2022).

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 clearance the records storage cost has been determined to be .0004 times the recordkeeping burden cost. Therefore, the storage cost for this clearance is determined to be \$464 (4,000 hours x \$290/hour x .0004).

14. Estimated Annualized Cost to Federal Government

Information submitted by licensees in Form 366 is used by multiple offices within the NRC. The NRC spends on average about \$1 million 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 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 250 LERs per year (1 hours per LER X 250 LERs), it is estimated that 250 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 250 LERs submitted per year (8 hours per LER X 250 LERs), it is estimated that the Regional Offices will expend approximately 2,000 hours of effort on LER disposition per year.

The total NRC effort is therefore estimated to be 2,550 hours (2,000 regional inspection hours + 250 NRR staff hours + 50 RES ASP program staff hours).

The total estimated annual cost for the government is \$1,667,000 (\$290 x 2300 hours + \$1MM for LER database contracts).

15. Reasons for Change in Burden or Cost

The NRC reviewed the number of LERs submitted over the past two clearance cycles and estimates the annual average has decreased and will remain consistently lower than previous clearance periods for the licensees reporting using NRC Forms 366, 366A and 366B in the future. It is expected that a new lower threshold has been established. Additionally, the number of total licensees has decreased from prior clearance cycles; therefore, lower estimates for total number of units and reports per nuclear unit were used.

There was an increase in the fee rate from \$275/hr to \$290/hr used for this OMB clearance cycle.

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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not Applicable.

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 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 this paragraph within 60 days after the discovery of the event. Licensees 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.

73.71(d) requires each licensee subject to Sec. 50.73 to submit safeguards event reports about the loss of any shipment of SNM or spent fuel within 60 days of the event on NRC Form 366. Section 73.77(d) requires licensees making an initial telephonic notification of cyber security events to the NRC according to the provisions of 10 CFR 73.77(a)(1), (a)(2)(i), and (a)(2)(iii) to also submit a written security follow-up report to the NRC within 60 days of the telephonic notification using NRC Form 366, Licensee Event Report. Under section 73.77(d)(12), licensees also must maintain a copy of the written security follow-up report of an event submitted under section 73.77 as a record for a period of three years from the date of the report or until the Commission terminates the license for which the records were developed, whichever comes first.

On February 3, 2011, the NRC published in the *Federal Register* a proposed rule, "Enhanced Weapons, Firearms Background Checks and Security Event Notifications" (76 FR 6200). Part of the 2011 proposed rule would make several changes to the security event notification requirements in 10 CFR Part 73. In addition, on January 10, 2013, the NRC published a supplemental proposed rule (78 FR 2214) to add at-reactor Independent Spent Fuel Storage Installations as a class of designated facilities under 10 CFR 73.15(c).

September 22, 2015, the NRC published a second supplemental proposed rule (80 FR 57106) to incorporate changes related to the frequency of performing firearms background checks.

- Comments were received on the written follow-up reports from licensees subject to 10 CFR 50.73 (power reactor licensees). Proposed 10 CFR 73.71(m)(5) required such licensees to use NRC Form 366 to submit a written follow-up report. However, the proposed rule did not specify the content of the abstract, if NRC Form 366 is used. The commenter recommended that the requirement be clarified or left to the licensee's discretion. The NRC added a new 10 CFR 73.1205(c), which describes the contents of these follow-up reports and added new language in paragraph (c) which specifies the content requirements for written follow-up reports under 10 CFR 73.1205.

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