

FINAL 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 email. 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 was published in the Federal Register on April 7, 2023, (88 FR 20921). Additionally, NRC staff contacted five stakeholders via email. The stakeholders were Nuclear Energy Institute, Entergy Nuclear Operations, Inc., Florida Power & Light Co., Southern Nuclear Operating Co., and Tennessee Valley Authority.

Comment from the Nuclear Energy Institute:

Question #4 “How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?” For the previous renewal of this information collection (Docket ID: NRC-2019-0085), in a letter dated November 15, 2019, NEI recommended the NRC staff provide Form 366 in a form that licensees can

complete electronically, preferably a Word file. As noted previously, when a new Form 366 is published, the licensees incur burden by having to convert the revised form to one editable by word-processing software. For this renewal, NEI repeats the recommendation to provide a Word version of Form 366.

Additionally, NEI understands that the NRC staff are developing an online tool for submitting Licensee Event Reports (LERs) through its Mission Analytics Portal - External (MAP-X). As part of this effort, NEI recommends the NRC staff include the capability to import data from a fillable form. For example, a licensee could complete an LER as a Word document and upload the file to the online tool which could extract the required data and finalize the report for submittal. This capability would allow licensees to use existing processes for preparing, validating, and reviewing LERs while encouraging adoption of the online tool and meeting the NRC staff's data analytics goals.

NRC Response:

The NRC staff is taking the comments into consideration and exploring options. While the NRC is unable to create forms in multiple formats (i.e., all NRC forms are in the Adobe Acrobat format), the NRC is seeking to include the capability to import data from a fillable form as part of the MAP-X capability.

No additional comments were received as a result of the FRN publication or staff direct solicitation.

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

The reporting burden for both the fillable-fileable PDF forms and the online forms in MAP-X is expected to be the same.

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 estimated burden has decreased from 35,360 hours to 20,000 hours, a decrease of 15,360 hours. 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. The number of estimated LERs has decreased from 442 to 250, a decrease of 192 responses. 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.

10 CFR 73.77 requires that licensees subject to the provisions of § 73.54 who make an initial telephonic notification of cyber security events to the NRC according to the provisions of paragraphs 73.77(a)(1), (a)(2)(i), and (a)(2)(ii) must also submit a written security follow-up report on NRC Form 366 to the NRC within 60 days of the telephonic notification in accordance with § 73.4.

10 CFR 73.1205 requires that licensees making a telephonic notification of a physical security event under § 73.1200 must also submit a written follow-up report on NRC Form 366 to the NRC within 60 days of such notifications, in accordance with § 73.4 of this part.

In addition, the following also apply to this form:

10 CFR 20.2201(b) requires licensees to follow-up telephone reports with written reports of the incident within 30 days of the telephone report. This is needed to ensure that the proper follow-up actions were taken by the licensee.

10 CFR 20.2201(d) requires the licensees to report any additional information relevant to the loss of radioactive material, discovered subsequent to the written report, be submitted within 30 days of discovery. This is needed to ensure that the actions were taken to protect the health and safety of workers and the public are based on complete information regarding the event.

10 CFR 20.2203(a) establishes that, in addition to the notification required by 10 CFR 20.2202, each licensee is required to submit a written report within 30 days after learning of specific incidents involving doses or concentrations of radioactive materials in excess of limits. This is needed to ensure that there are appropriate follow-up actions to avoid a recurrence.

10 CFR 20.2203(b) contains the requirements for the content of reports required by 10 CFR 20.2203(a).

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