SUPPORTING STATEMENT FOR
INFORMATION COLLECTIONS CONTAINED IN
LICENSING REQUIREMENTS FOR MICROREACTORS AND OTHER REACTORS WITH COMPARABLE RISK PROFILES
PROPOSED RULE

10 CFR PARTS 26, 57, and 73
FORMS 361T, 366, 366A, 366B, 396, 398, 893, and 894

3150-0146, 3150-XXXX, 3150-0002, 3150-0238, 3150-0104, 3150-0024, 3150-0090, and 3150-0272

(RIN 3150-AL36)

NEW

DESCRIPTION OF INFORMATION COLLECTION

The U.S. Nuclear Regulatory Commission (NRC) is proposing to establish a risk-informed and performance-based regulatory framework for high-volume licensing of microreactors and other reactors with comparable risk profiles. The proposed rule would provide a flexible set of licensing pathways, reduce regulatory burden, and ensure that safety and security requirements remain commensurate with the potential hazards posed by these facilities. The purpose of this rulemaking is to expedite the licensing process for microreactors and other reactors with comparable risk profiles. This effort is consistent with, and implements direction in, the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act), and Executive Order (EO) 14300, “Ordering the Reform of the Nuclear Regulatory Commission.”

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

• Construction and manufacturing,
• Applications,
• Plant design and analysis,
• Facility operations,
• Decommissioning,
• Fitness for duty (FFD),
• Physical security,
• Cybersecurity,
• Siting,
• Programs,
• Staffing, and
• Quality assurance.

This supporting statement includes burden associated with proposed Part 57, “Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles,” as well as burden associated with revised information collections in Part 26, “Fitness for Duty Programs,” Part 73, “Physical Protection of Plants and Materials,” and NRC Forms 361, 366, 366A, 366B, 396, and 398. It also includes burden associated with new information collection in proposed Part 57 and proposed Forms 893 and 894.

Part 26 and Forms 893 and 894:
The rulemaking would provide two alternatives to the current FFD program requirements for nuclear power reactors licensed under Parts 50, “Domestic Licensing of Production and Utilization Facilities,” and 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants.” These alternatives would be a new proposed Subpart P to 10 CFR Part 26, and, if the licensee or other entity could meet certain criteria, a self-designed FFD program. In addition, the proposed revisions to 10 CFR Part 26 would introduce new requirements (that were principally developed from existing FFD program requirements) and terminology associated with the technology-inclusive requirements in proposed Subpart P. The principal changes to Part 26 would include proposed 10 CFR 26.3(f) that would require holders of a Part 57 manufacturing license to implement an FFD program, new and revised definitions, use of alternative biological specimens (such as oral fluid or hair), and change control and FFD program performance requirements. The information collections discussed here are based on a licensee’s or other entity’s implementation of all the requirements of Part 26, except Subpart K, “FFD Program for Construction,” of Part 26 and proposed Subpart P, or the requirements in proposed subpart P. Forms 893 and 894 would be used to satisfy the requirements to notify the NRC following the occurrence of an FFD policy violation and to submit an annual report to the NRC on FFD program performance.

Part 57 and NRC Forms 361T, 366, 366A, 366B, 396, and 398:
The rulemaking would introduce a new 10 CFR Part 57. This would establish a risk-informed and performance-based regulatory framework for high-volume licensing of microreactors and other reactors with comparable risk profiles by providing a flexible set of licensing pathways, reducing regulatory burden, and ensure that safety and security requirements remain commensurate with the potential hazards posed by these facilities. This proposed part would introduce new reporting and recordkeeping requirements for entities who wish to use Part 57. The new NRC Form 361T would be used to satisfy the requirement in proposed 10 CFR 57.435, “Reporting requirements,” to notify the NRC Operations Center of certain events. Revised NRC Forms 366, 366A, and 366B would be used to satisfy the requirement in proposed 10 CFR 57.440, “Licensee event report system,” to submit a Licensee Event Report (LER) for certain events. Revised NRC Form 396 would be used to satisfy the requirements in proposed 10 CFR 57.421, “Medical requirements,” 10 CFR 57.422, “Incapacitation because of disability or illness,” and 10 CFR 57.423, “Applications for operators and senior operators,” to certify the medical fitness of an applicant for an operator or senior operator license. Revised NRC Form 398 would be used to satisfy the requirements in proposed 10 CFR 57.423 and 10 CFR 57.424, “Training, examination, and proficiency program,” to apply to receive an operator or senior operator license.

Part 73:
The rulemaking would impact the information collections in 10 CFR Part 73 by adding new technology-inclusive requirements for protection of digital computer and communication systems and networks through proposed 10 CFR 73.110, “Cybersecurity program.” Proposed 10 CFR 73.110 outlines additional requirements for the development of a cybersecurity program using a consequence-based approach. Under this proposed requirement, licensees would develop and maintain written policies, implementing procedures, and supporting technical information that would be subject to NRC inspection. Proposed 10 CFR 73.110 introduces information collection requirements for applicants and licensees that elect to implement this section as an alternate to the cybersecurity requirements under 10 CFR 73.54, “Protection of digital computer and communication systems and networks.” These amendments would be applicable to Part 57 licensees, in addition to licensees under Part 50 or 52.

Affected Entities

Part 26:
For the purposes of this supporting statement, the NRC estimates that there would be an average of 3.7 licensees responding annually to the proposed Part 26 Subpart P requirements during the three-year period covered by this clearance (2027-2029). The information collection requirements under proposed 10 CFR Part 26 would be triggered when Part 57 licensees and other entities covered by proposed 10 CFR 26.3(f) are required to implement an FFD program. Under the proposed rulemaking, holders of manufacturing licenses would be required to implement an FFD program before commencing activities involving the assembly of a manufactured reactor. For other Part 57 licensees and entities, the FFD program would need to be implemented no later than the start of construction activities. During the period covered by this clearance (2027-2029), the information collection requirements associated with proposed 10 CFR 26.903(a) would require applicants to submit a description of the FFD program as part of a Part 57 license application.

Part 57:
For the purposes of this supporting statement, the NRC estimates that there would be 27 Part 57 applicants (an average of 9.0 annually) and an average of 3.7 licensees responding annually during the three-year period covered by this clearance (2027-2029). The information collection requirements under proposed 10 CFR Part 57 would be triggered when Part 57 licensees or applicants undertake certain actions to obtain or fulfill the terms and conditions of a construction permit (CP), operating license (OL), standard design approval (SDA), or manufacturing license (ML). Part 57 contains several reporting requirements for applicants. It also requires licensees to submit plans, reports, schedules, records, and the results of certain evaluations to the NRC. Part 57 licensees and applicants also have several recordkeeping obligations, particularly in connection with requirements to develop, implement, and maintain certain programs, policies, plans, and procedures in accordance with the proposed rule.

Part 73:
For the purposes of this supporting statement, the NRC estimates that there would be 2.7 licensees responding annually to the proposed Part 73 requirements during the three-year period covered by this clearance (2027-2029). All Part 57 licensees that elect to implement proposed 10 CFR 73.110 would be required to fulfill the information collection requirements associated with implementing a cybersecurity program.

NRC Form 361T:
For the purposes of this supporting statement, the NRC estimates that there would be an average of 3.7 annual respondents to NRC Form 361T during the three-year period covered by this clearance (2027-2029). A holder of an operating license under 10 CFR Part 57 would be required by proposed 10 CFR 57.435 to notify the NRC Operations Center of the specified events. NRC Form 361T would be a new voluntary form that could be used to satisfy such requirements. The information requested on the form would include time of event, name of the facility, plant conditions at the onset of the events, detailed event descriptions, actions taken or planned, and status of the affected facilities.

NRC Forms 366, 366A, and 366B:
For the purposes of this supporting statement, the NRC estimates that there would be an average of 3.7 annual respondents to NRC Form 366, 366A, and 366B during the three-year

period covered by this clearance (2027-2029). A holder of an operating license under 10 CFR Part 57 would be required to submit a Licensee Event Report (LER) for any event of the type described in proposed 10 CFR 57.440 within 60 days after the discovery of the event.

NRC Form 396:

For the purposes of this supporting statement, the NRC staff estimates that there will be an average of 2.3 annual respondents to NRC Form 396 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 a joint application.

NRC Form 398:

For the purposes of this supporting statement, the NRC staff estimates that there will be an average of 2.3 annual respondents to NRC Form 398 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 a joint application.

NRC Forms 893 and 894:
For the purposes of this supporting statement, the NRC staff estimates that there would be an average of 3.7 Part 57 licensed facilities during the three-year period covered by this clearance (2027-2029). Licensees and other entities that implement FFD programs under proposed 10 CFR Part 26, Subpart P, would be required under proposed 10 CFR 26.917, “Recordkeeping, reporting, and FFD program performance,” to submit NRC Form 893 to the NRC following the occurrence of an FFD policy violation, such as a positive result on a drug or alcohol test. These licensees and other entities would also be required to submit an annual report to the NRC on FFD program performance, specifically regarding the performance effectiveness of their FFD program on NRC Form 894. For example, this report would include aggregated drug and alcohol test results and communication of program weaknesses. Both NRC Forms 893 and 894 are new forms, modeled on NRC Forms 890 and 891 (approved under OMB Clearance No. 3150-0146), respectively. However, NRC Forms 893 and 894 are to be used by Part 57 licensees, whereas NRC Forms 890 and 891 are to be used by licensees and other entities under Part 50 or Part 52.

Information Collections

Part 26 and NRC Forms 893 and 894:
This supporting statement covers recordkeeping, reporting, and third-party disclosure requirements that apply to the following types of information collections. A more detailed description of each provision is provided at the end of this supporting statement in “Description of Information Collection Requirements.”

- *Information documenting the policy for the management of fatigue.* Licensees and other entities would be required to implement a policy for the management of fatigue for all individuals who are subject to the licensee’s or other entity’s FFD program.
- *Records on work hour controls.* Licensees and other entities would be required to keep records of work hours, shift schedules, shift cycles, times and dates of all averaging periods, waivers and bases for granting waivers, work hour reviews, and fatigue assessments.

- *Reports on FFD program performance.* Licensees and other entities would be required to submit annual FFD program performance reports and reports within 24 hours after the licensee or other entity discovers any intentional act that casts doubt on the integrity of the FFD program and any programmatic failure, degradation, or discovered vulnerability of the FFD program that may permit undetected drug or alcohol use or abuse by individuals who are subject to this subpart. Licensees and other entities are also required to submit reports on drug and alcohol testing errors.
- *Information about the FFD program to be submitted with the final safety analysis report.* Applicants would be required to summarize the applicability of the FFD program to individuals and its processes for drug and alcohol testing and fitness determinations.
- *Written policy statement.* Licensees and other entities would be required to distribute a copy of the written policy statement to each individual subject to the FFD program before the individual is subject to drug and alcohol testing.
- *Written procedures.* Licensees and other entities would be required to document procedures related to drug and alcohol testing, actions taken when individuals violate FFD policy or demonstrate they are not trustworthy and reliable, the process followed if behavior of an individual raises concern, operation and oversight of a collection facility, fatigue management requirements, and measures to prevent the subversion of drug and alcohol tests. If a licensee or other entity elects to use the information in an HHS Guideline, then the procedures would need to contain the name of the specific HHS Guideline and revision being implemented by the licensee or other entity and a description of the specific sections in the guideline that are being implemented.
- *Records related to drug and alcohol testing.* Licensees and other entities would be required to maintain records related to drug and alcohol testing. These records would include: the processes and procedures for collecting, storing, and testing of biological specimens for drug and alcohol testing; drug and alcohol detection instrumentation and FFD program change warranting a forensic toxicologist review; and custody-and-control forms for biological specimens that are collected (excluding specimens collected and tested in instrumentation that passively collects, analyzes, and provides results).
- *Records related to the FFD training program.* Licensees and other entities would be required to conduct periodic training on the FFD policy, procedures, and program responsibilities, which would include content on fatigue management and behavioral observation. Individuals who collect specimens would also need to be trained in specimen collector duties and responsibilities.
- *Information related to the behavioral observation program.* Licensees and other entities would be required to maintain information gathered from behavioral observation that indicates a potential FFD policy violation.
- *Records of consent.* Licensees and other entities would be required to prepare documentation of individuals' consent to be subject to the FFD program and authorization for the disclosure of information collected and maintained through the implementation of the FFD program.
- *Records related to appeals of FFD policy violations.* Licensees and other entities would be required to document their procedures for an objective and impartial review of the facts leading to a determination that an individual violated the FFD policy and a schedule for the completion of the review.
- *Records related to the FFD program.* Licensees and other entities would be required to collect FFD performance data and maintain records pertaining to the FFD program administration and FFD performance data required by existing 10 CFR 26.717, "Fitness-for-duty program performance data," of the FFD program.

- *Records related to fitness determinations.* Licensees and other entities would be required to document procedures for making suitability or fitness determinations to ensure that individuals are fit to perform the duties that make them subject to the FFD policy and maintain records that demonstrate the individual is fit for duty.

To satisfy the requirements of proposed Subpart P, licensees would be required to use two new Portable Document Form (PDF) electronic reporting forms (i.e., fillable-fileable PDFs) to report information required under 10 CFR 26.917(b)(2) and existing 10 CFR 26.717 for FFD and alcohol testing programs.

- NRC Form 893, 10 CFR Part 26, Subpart P, Single FFD Policy Violation Form, and
- NRC Form 894, 10 CFR Part 26, Subpart P, Annual Reporting Form for FFD Performance Information.

In addition, NRC Form 892, "Annual Fatigue Reporting Form," is available for licensees and other entities to annually report the information required under 10 CFR 26.202(e).

NRC Form 893, 10 CFR Part 26, Subpart P, Single FFD Policy Violation Form, would be used to transmit detailed information to the NRC by a licensee to report a violation of the FFD policy, such as positive drug or alcohol test results for each such occurrence. Information requested includes the name of the principle facility, date of the collection, reason for testing, employment type, labor category, type of test, type of biological specimen, testing cutoffs used, whether the specimen was collected at an offsite facility, whether the positive result is a 24-hour reportable event under proposed 10 CFR 26.917 or 26.719(b), whether the collection was refused, whether the collection involved a subversion attempt, detail on management actions taken, and names of the person(s) responsible for the information provided. Other reportable conditions are the identification of potentially disqualifying FFD information and prohibited FFD items, such as chemicals used to subvert a drug test.

NRC Form 894, 10 CFR Part 26, Subpart P, Annual Reporting Form for FFD Performance Information, would be used to transmit detailed information to the NRC by a licensee on drug and alcohol testing program performance. Information requested includes the facility name, the number and types of tests administered, specimen types used, the number of positive, adulterated, substituted, discrepant biomarker, and refusal to test results, the random testing population and rate, information about the laboratories used for testing, the substances tested, special analyses testing results, testing cutoffs used, management actions taken, and person(s) responsible for the information provided.

Part 57:
This supporting statement covers recordkeeping, reporting, and third-party disclosure requirements that apply to the following types of information collections. A more detailed description of each provision is provided at the end of this supporting statement in "Description of Information Collection Requirements."

- *Application information.* Part 57 applicants would be required to submit application information in accordance with the requirements of Subpart C.

- *Notifications*. Part 57 licensees would be required to provide the NRC with periodic updates of changes in analyses and reports and modifications to programs, plans,

policies, procedures, and schedules. Part 57 licensees would also be required to notify the NRC of certain emergency events.

- *Written programs, plans, policies, and procedures*. Part 57 applicants and licensees would be required to develop and document certain programs, plans, policies, and procedures in accordance with the requirements of the proposed rule. Applicants and licensees would also be required to retain records in connection with the implementation and maintenance of the required programs.

- *Analyses and reports*. Part 57 applicants and licensees would be required to conduct certain evaluations, analyses, and assessments and to document and/or report the results in accordance with the requirements of the proposed rule.

Part 73:
This supporting statement covers recordkeeping requirements that apply to the cybersecurity program in proposed 10 CFR 73.110, including written policies, implementing procedures, and supporting technical information, as well as program reviews. A more detailed description of the proposed rule changes is provided at the end of this supporting statement in "Description of Information Collection Requirements."

NRC Form 361T:
Currently, holders of operating licenses for commercial nuclear power plants are required to report specified events per 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and other requirements (10 CFR Parts 20, 21, 26, 73, and 74) to the NRC Operations Center via telephone. Holders of NRC Fuel Cycle Facility and Materials licenses are required to report specified events per 10 CFR 40.60, "Reporting Requirements," 10 CFR 70.50, "Reporting Requirements," or 10 CFR 72.75, "Reporting requirements for specific events and conditions," and other requirements (10 CFR Parts 20, 21, 26, 30, 35, 36, 37, 73, and 74) to the NRC Operations Center via telephone. Holders of NRC Non-Power Reactor licenses are required to report specified events per their respective Technical Specifications and other requirements (10 CFR Parts 73 and 74) to the NRC Operations Center.

NRC Form 361, "Reactor Plant Event Notification Worksheet"; NRC Form 361A, "Fuel Cycle and Materials Event Notification Worksheet"; and NRC Form 361N, "Non-Power Reactor Event Notification Worksheet" are currently used to transmit detailed information to the NRC by a licensee to report specified events and facilitate easier communication between the NRC and licensees during event notifications. The use of these forms is voluntary, but the forms provide the usual order of questions and discussion to enable a licensee to prepare answers for a more clear and complete telephonic notification.

As a result of the Part 57 rulemaking, a fourth form, NRC Form 361T, would be created specifically for Part 57 licensees. The form would cover an equivalent scope as the requirements in 10 CFR 50.72, but some requirements would be modified to remove light-water-reactor-specific terminology and to ensure technology-inclusiveness.

NRC Forms 366, 366A, and 366B:
Current regulations in 10 CFR Part 50 require the holder of an operating license under Part 50 or a combined license under Part 52 (after the Commission has made the finding under 10 CFR

52.103(g)) for a nuclear power plant (licensee) to 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” are currently 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.

As a result of the Part 57 rulemaking, NRC Forms 366, 366A, and 366B would be modified to include reportable events under 10 CFR Part 57. The list of reportable events under 10 CFR Part 73 would also be modified to include new provisions added to 10 CFR Part 73 through the Part 57 rulemaking.

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.

NRC Form 396:
Currently, NRC Form 396 is used by authorized facility licensees under 10 CFR Parts 50 and 52 to certify the medical condition of operators and senior operator applicants and licensees in accordance with 10 CFR Part 55, “Operators' Licenses.” NRC Form 396 is the mechanism by which NRC is advised of the applicant/licensee general health and physical condition.

As a result of the Part 57 rulemaking, the instructions for NRC Form 396 are being modified to include references to applicable requirements under 10 CFR Part 57 (in addition to the existing 10 CFR Part 55 references). In addition, the form is being modified to include a checkbox for Part 57 facility docket numbers.

The information requested includes the applicant/operator identifying information, medical examination information, applicant/operator signature, and facility certification.

NRC Form 398:
Currently, NRC Form 398 is used by a facility licensee under 10 CFR Parts 50 and 52 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 57 rulemaking, the applicability of NRC Form 398 is being modified to include references to applicable requirements under 10 CFR Part 57 and the instructions for NRC Form 398 are being modified to include submittal instructions for Part 57 applicants, differentiate between instructions for Part 57 and Part 55 applicants, and describe modified sections of the form. In addition, the form is being modified to include checkboxes for Part 57 operator docket numbers, Part 57 facility docket numbers, Part 57 as the part under which the facility is licensed, and references to Part 57 in the certification/signature section of the form and the Privacy Act Statement.

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.

A. JUSTIFICATION

1. Need for the Collection of Information

The information collections contained in the proposed Part 26 requirements would enable effective and efficient regulatory oversight of affected licensees and other entities through inspection and the assessment of FFD program performance to maintain public health and safety, promote the common defense and security, and to protect the environment. The NRC would use these information collections to assess licensee and other entity compliance with Part 26 through periodic NRC inspections, and to take corrective actions, as needed. The NRC also would use these information collections to evaluate the effectiveness of the regulations and to take additional actions, as needed, such as issuing guidance or amending Part 26 through rulemaking. The information collections also would enable NRC to inspect the due process protections (e.g., appeals) that licensees and other entities would be required to provide to each individual subject to an FFD program.

The information collection requirements contained in Part 57 would be necessary for the NRC to evaluate applications for, issue, and regulate operations under Part 57 licenses. Moreover, these requirements would enable the NRC to exercise its oversight functions in an effective and efficient manner to ensure protection of public health and safety, the promotion of the common defense and security, and the protection of the environment. The NRC would use the information collected to make decisions regarding applications and license amendments, assess licensee compliance with Part 57, and take corrective actions as needed.

Information describing the content and planned operation of the licensee's security program (e.g., cybersecurity plan) as required in Part 73 is essential to enable the NRC to make a determination about the adequacy of the licensee's program in meeting regulatory requirements.

The NRC protects public health and safety and advances the nation’s common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment. In order for the NRC to carry out these responsibilities, its regulations require licensees to report significant events so that the NRC can evaluate the events to determine what actions, if any, are warranted to ensure protection of public health and safety. In addition, this information is needed for the NRC to carry out its responsibility to inform Congress of those events constituting "abnormal occurrences." The requirements in proposed 10 CFR 57.435 would require licensees of nuclear plants licensed under 10 CFR Part 57 to report certain reactor events and emergencies that have potential impact to public health and safety. In order to efficiently process the information received through such reports, the NRC developed Form 361T as a vehicle to record the information in a templated fashion. Without the templated format of NRC Form 361T, the information exchange between licensees and NRC Headquarters Operations Officers via telephone could

result in delays due to excessive follow-on questions for additional details, repeat-backs for confirmation, as well as unnecessary transposition errors.

The information collected in NRC Forms 366, 366A, and 366B 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 proposed 10 CFR 57.440. 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 which the [NRC] determines is significant from the standpoint of public health or safety.” The NRC would review all LERs reported under 10 CFR 57.440 for consideration for AO reporting.

The information collected in NRC Forms 396 and 398 is needed in order to determine facility licensee’s compliance with the regulations in 10 CFR Part 57 for facilities that are required to license operators under the specific licensing framework (i.e., operator-dependent facilities as defined in 10 CFR 57.390). NRC Form 396 would be used to certify the medical condition of operators and senior operator applicants and licensees. NRC Form 398 would be used to transmit information on each applicant applying under 10 CFR Part 57 for new or upgraded operator or senior operator licenses to operate the controls at a nuclear reactor facility.

The information collections from NRC Forms 893 and 894 would enable effective and efficient regulatory oversight of affected licensees and other entities through the assessment of FFD program performance to maintain public health and safety, promote the common defense and security, and to protect the environment. The NRC would use these information collections to assess licensee and other entity compliance with Part 26 and take corrective actions, as needed. The NRC also would use these information collections to evaluate the effectiveness of the regulations and to take additional actions, as needed, such as issuing guidance or amending Part 26 through rulemaking.

Details of these requirements can be found at the end of this supporting statement in “Description of Information Collection Requirements.”

2. Agency Use and Practical Utility of Information

Applicants or licensees requesting approval to construct or operate nuclear plants are required by the Atomic Energy Act of 1954, as amended (the Act), to provide information and data that the NRC may determine necessary to ensure the health and safety of the public.

The NRC uses the records and reports required in proposed Part 57 to ascertain that licensing the design, manufacture, construction, operation, and decommissioning of nuclear plants is adequate to protect public health, promote the common defense and security, and protect the environment. The reports and recordkeeping requirements allow NRC to determine whether to take actions, such as to conduct inspections or to alert other licensees to prevent similar events that may have generic implications.

The NRC would use the information included in the records and reports required by

Part 26 for one or more of the following reasons:

- To monitor licensee and other entity compliance with Part 26 requirements to ensure that each FFD program meets the performance objectives of 10 CFR 26.23, “Performance objectives;”
- To be informed of FFD-related performance issues in order to evaluate the need to implement timely regulatory actions to restore compliance, verify corrective actions, implement licensing actions, conduct public outreach, and/or inspect NRC-licensed activities;
- To evaluate the performance of drug and alcohol testing programs through the collection and analysis of annual program performance information to identify trends, lessons learned, and site-specific or industry-wide issues requiring NRC licensing or inspection response, generic communication, or rulemaking; and,
- To ensure that licensees and other entities can demonstrate compliance with the regulatory requirements for establishing and implementing a fatigue management program, through the collection and analysis of waivers from work-hour controls issued by the licensee or other entity.

The NRC would use the information included in the records and reports required by Part 73 for one or more of the following reasons:

- To ensure the health and safety of the public. Applicants or licensees requesting approval to construct or operate commercial nuclear plants are required by the Atomic Energy Act of 1954, as amended (the Act), to provide information and data as required by Part 73.
- To assess the adequacy of the licensee’s plans to protect computer and communication systems and networks against cyberattacks. The proposed rule would require licensees to maintain records related to the cybersecurity program. Records related to the cybersecurity program must be maintained until the Commission terminates the license for which the records were developed and to maintain superseded portions of these records for at least three years after the record is superseded, unless otherwise specified by the Commission.

The NRC would use the information reported using NRC Form 361T for responding to emergencies, monitoring ongoing events, confirming licensing bases, studying potentially generic safety problems, assessing trends and patterns of operational experience, monitoring performance, identifying precursors of more significant events, and providing operational experience to the industry.

The NRC would use the information reported using NRC Forms 366, 366A, and 366B to determine 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 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 and feed back the lessons learned in a timely manner, including corrective actions to prevent recurrences and monitor industry performance. Additionally, LERs are available to the public and provide more detailed information concerning relatively significant events, thereby increasing public confidence in the regulatory process.

The NRC would use the information reported using NRC Form 396 as the mechanism by which NRC is advised of the information for determining that the applicant's or operator licensee's medical condition and general health will not adversely affect the performance of assigned operator job duties or cause operational errors endangering public health and safety.

The NRC would use the information reported using NRC Form 398 to assist the Commission in basing its finding upon the certification by facility licensees as detailed on this form. 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 education, training and experience. 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.

The NRC would use the information submitted in NRC Forms 893 and 894 to:

- Be informed of FFD-related performance issues in order to evaluate the need to implement timely regulatory actions to restore compliance, verify corrective actions, implement licensing actions, conduct public outreach, or inspect NRC-licensed activities; and,
- Evaluate the performance of drug and alcohol testing programs through the collection and analysis of annual program performance information to identify trends, lessons learned, and site-specific or industry-wide issues requiring NRC licensing or inspection response, generic communication, or rulemaking.

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 process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (e.g. CD-ROM, DVD), by facsimile or by e-mail. The following are the estimates for the percentage of electronic submissions for each collection:

Information collection	Percent of electronic submissions
10 CFR Part 26	99%
10 CFR Part 57	90%
10 CFR Part 73	90%
Form 361T	97%
Form 366, 366A, and 366B	99%
Form 396	100%
Form 398	99%
Form 893 and 894	99%

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. Licensees' corrective action program (CAP) documents are not made available to the public by the licensees. The vast majority of LERs are made publicly available (with the exception of security-related or proprietary information that is excludable). These licensee CAP documents often form the basis for the information that are used for filling out the LER form, but they are not duplicative since they are not publicly available.

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, "NRC size standards," that are planning to apply for a reactor construction permit, operating license, manufacturing license, or standard design application under Part 57 that would be impacted by this proposed rule.

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

If the records and reports required by the proposed requirements in Part 26 or Form 893 and 894 are not collected or collected less frequently, then the NRC would not be able to adequately:

- Independently monitor licensee and other entity compliance and ensure that each FFD program meets the performance objectives of 10 CFR 26.23;
- Verify the scientific accuracy and validity of test results and ensure that the rights of individuals subject to testing are protected;
- Complete a timely evaluation of FFD-related performance deficiencies and implement regulatory actions to restore compliance, assess corrective actions, inform the public, and propose changes to regulations or guidance, if necessary; and
- In a timely manner, inform the public and the licensees and other entities subject to Part 26 of FFD program performance trends, lessons learned, and site-specific or industry-wide issues.

If the information required by the proposed requirements in Part 57 is not collected, NRC would not be able to assess whether Part 57 licensees are operating within the specific safety requirements applicable to the licensing and operating activities for commercial nuclear plants. The information and required frequency from licensees would be essential to NRC's determination of whether the applicant has adequate equipment, training, funds and experience throughout the life of the licensee to protect the public health and safety.

If the information required by the proposed requirements in Part 73 is not collected, or collected less frequently, the NRC would not have reasonable assurance that facilities are protected from cyberattacks. Proposed 10 CFR 73.110 would require licensees to maintain records related to the cybersecurity program.

Not collecting the information required in NRC Form 361, 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."

Not collecting the information required in NRC Forms 366, 366A, and 366B, 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 also inform Congress of those events constituting "abnormal occurrences." These documents inform the NRC for various program and operating experience reviews. The frequency of collection is dictated strictly by event occurrence at a nuclear unit or site. Some licensee's performance is sufficient so that there are no LERs required to be reported in year. Once a reportable event occurs, the proposed 10 CFR 57.440 regulations would require it to be reported within 60 days.

Frequency of reporting through NRC Form 396 cannot be discontinued or reduced without violating the NRC licensing requirements as described in 10 CFR 57.421, 57.422, and 57.423, which would increase the potential for endangering public health and safety. If the information is not collected, the NRC would not be able to assess and record medical conditions, along with the critical nature of the condition, the permanence, and operational errors the conditions could cause, if any, while operating controls. While the facility is responsible for certifying the medical suitability of an operator, the NRC is responsible for assessing an operator's medical fitness. Information from this form is sent to a medical expert to review to determine if a conditional license should be issued. The collection of this information is on an as-needed basis. Collection for this information is the minimum frequency necessary to assure that licensees will continue to conduct programs in a manner that will assure adequate protection of public health and safety.

Frequency of reporting through NRC Form 398 cannot be discontinued or reduced without violating the NRC licensing requirements as described in 10 CFR 57.423 and 57.424, 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.

7. Circumstances which Justify Variations from OMB Guidelines

Requirements that would vary from OMB guidelines described in 5 CFR 1320.5(d)(2)(i) by requiring licensees and other entities to report information more often than quarterly include:

- 10 CFR 26.917(b)(1) would require licensees and other entities that implement FFD programs under Subpart P to report to the NRC Operations Center by telephone within 24 hours of discovering any intentional act that casts doubt on the integrity of the program and any programmatic failure, degradation, or discovered vulnerability of the program that may permit undetected drug or alcohol use or abuse by individuals subject to testing. This requirement would ensure that, in part, the NRC is timely informed so that appropriate regulatory actions can be initiated, as necessary.
- 10 CFR 26.917(b)(3) would require licensees and other entities to submit reports on drug and alcohol testing errors within 30 days of completing an investigation of any testing errors or unsatisfactory performance discovered at an HHS-certified laboratory or through the processing of appeals under 10 CFR 26.913, "Appeals process," or errors or matters that could adversely reflect on the integrity of the random selection or random testing process. This requirement would ensure that, in part, the NRC is timely informed so that appropriate regulatory actions can be initiated, as necessary.

Requirements that would vary from the OMB provisions described in 5 CFR 1320.5(d)(2)(ii) by requiring licensees and other entities to prepare a written response to a collection of information in fewer than 30 days after receipt include:

- 10 CFR 57.7, “Completeness and accuracy of information,” would require applicants, licensees, and holders of standard design approvals to notify the NRC within two working days of identifying information related to regulated activities that has significant implications for public health and safety or common defense and security.
- 10 CFR 57.435 would establish requirements for immediate (1-hour, 4-hour, 8-hour) notifications by Part 57 licensees.

Requirements that would vary from the OMB guidelines described in 5 CFR 1320.5(d)(2)(iv) by requiring licensees and other entities to retain records for more than 3 years:

- 10 CFR 26.202(d)(1) through (d)(5) would require that records pertaining to the fatigue management program (including records of work hours of individuals, records of shift schedules and cycles or the beginning and end times and dates of all averaging periods, documentation of waivers issued, work hour reviews, and fatigue assessments) be retained for at least 3 years, which is consistent with OMB guidance, or until the completion of all related legal proceedings, whichever is later. The latter requirement would ensure the availability of records for legal or regulatory proceedings and affords due process to individuals subject to the fatigue management program.
- 10 CFR 26.903(c)(4) would require licensees to retain a record of each change made to an FFD program implemented under proposed Subpart P for a period of at least five years from the date the change was implemented. This retention period would ensure that records are available as needed to confirm that changes to the FFD program are compliant with the provisions of Subpart P and do not diminish the effectiveness of the FFD program.
- 10 CFR 26.917(a) would require licensees and other entities that implement an FFD program under Subpart P to maintain records pertaining to the administration of the FFD program and FFD performance data until license termination. This retention period would ensure that the NRC has access to these records for inspection purposes and for any legal proceedings resulting from the administration of the program.
- 10 CFR 57.285, “Maintenance and inspection of records,” would require the retention of procurement documents to be retained for the lifetime of the facility or basic component and records of evaluations of all deviations and failures to comply for the longer of ten years from the date of the evaluation or five years from the date of the delivery of a manufactured reactor.
- 10 CFR 57.430(b) would require records under 10 CFR Part 57 to be retained until the Commission terminates the facility license, unless another retention period is specified.
- 10 CFR 73.110(e)(5) would require Part 57 licensees to retain all records and supporting technical documentation required to demonstrate compliance with the requirements of 10 CFR 73.110 until license termination, and maintain portions of superseded records for three years afterward, unless otherwise specified by the Commission.

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 at 10 CFR 9.17(a) and 10 CFR 2.390(b).

Proposed 10 CFR 26.911, “Protection of information,” would require that each licensee or other entity that collects personal information about an individual for the purposes of complying with Part 26 establish and maintain a system of files and procedures that protects the privacy of each individual’s information. Personal information collected under Part 26 is not submitted to the NRC.

NRC Form 396 does not include a Privacy Act statement because it is completed by a third party, not the individual. However, once the NRC receives the information on NRC Form 396, it is covered by NRC System of Records, “NRC 16: Facility Operator Licensee Records,” published October 24, 2022 (87 FR 64270).

The information collected in NRC Form 398 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. Information received on NRC Form 398 is covered by NRC System of Records, “NRC 16: Facility Operator Licensees Records,” published October 24, 2022 (87 FR 64270).

11. Justification for Sensitive Questions

Trade secrets, privileged, or confidential commercial or financial information is marked as proprietary information and is protected in accordance with NRC regulations in 10 CFR 9.17(a) and 10 CFR 2.390(b).

The information collected in NRC Form 396 is required to determine the applicant’s or operator's medical condition and general health. Without the information, the Commission would have no bases for its findings upon the certification by facility

licensees. Once the NRC receives the information on NRC Form 396, it is covered by NRC System of Records, "NRC 16: Facility Operator Licensee Records," published October 24, 2022 (87 FR 64270).

12. Estimated Burden and Burden Hour Cost

The table below shows the estimated number of annual respondents for each part and form.

	Respondents
Part 26	5.7
Part 57	9
Part 73	2.7
Form 361T	3.7
Form 366	3.7
Form 396	2.3
Form 398	2.3
Forms 893 and 894	3.7
Total	9

The estimated burden and responses for the proposed rule are as follows:

	Total Burden for Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles Proposed Rule (Hours)			
	Reporting	**Recordkeeping**	**Third Party**	**Total**
Part 26	113.5	6,320.3	1,024.9	7,458.7
Part 57	971,607.4	41,637.0	83.4	1,013,327.8
Part 73	0.0	3,898.2	0.0	3,898.2
Form 361T	9.0	0.0	0.0	9.0
Form 366	832.0	0.0	0.0	832.0
Form 396	34.0	8.5	0.0	42.5
Form 398	87.0	0.0	0.0	87.0
Forms 893 and 894	578.0	0.0	0.0	578.0
Total	**973,260.9**	**51,864.0**	**1,108.3**	**1,026,233.2**

	Responses for Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles Proposed Rule			
	Reporting	**Recordkeeping**	**Third Party**	**Total**
Part 26	13.0	5.7	1,557.9	1,576.6
Part 57	33.9	9.0	333.5	376.4
Part 73	0.0	2.7	0.0	2.7
Form 361T	18.0	0.0	0.0	18.0
Form 366	13.0	0.0	0.0	13.0
Form 396	34.0	34.0	0.0	68.0

Form 398	34.0	0.0	0.0	34.0
Forms 893 and 894	312.0	0.0	0.0	312.0
Total	**457.9**	**9.0**	**1,891.4**	**2,358.3**

See the supplemental burden spreadsheet titled, "Burden Tables for the Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles Rule" for detailed burden estimates.

The total burden cost for the rule is estimated to be $158,039,913 (1,026,233.2 hours x $154 per 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

The quantity of records to be maintained is roughly proportional to the recordkeeping burden and therefore can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to $0.12 per recordkeeping burden hour. Therefore, the storage cost for this clearance is estimated to be the following:

	Additional costs
Part 26	$758
Part 57	$4,996
Part 73	$468
Form 361T	$0
Form 366	$0
Form 396	$1
Form 398	$0
Forms 893 and 894	$0
Total	$6,224

14. Estimated Annualized Cost to the Federal Government

The staff has developed estimates of annualized costs to the Federal Government for conducting this information collection. These estimates are based on staff experience and subject-matter expertise and include the burden of reviewing, analyzing, and processing the collected information and any relevant operational expenses.

	Cost to the Federal government
Part 26	$21,560

Part 57	$2,748,198
Part 73	$0
Form 361T	$436
Form 366	$8,727
Form 396	$3,157
Form 398	$5,236
Forms 893 and 894	$47,740
Total	$2,835,054

See the supplemental burden spreadsheet titled, “Burden Tables for the Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles Rule” for detailed annualized cost estimates.

15. Reasons for Changes in Burden or Cost

The information collected is essential to permit the NRC to evaluate applications and issue licenses under Part 57, as well as effectively exercise its oversight functions and monitor licensee compliance with Part 57 regulations. Changes in burden for Parts 26 and 73 and NRC Forms 361T, 366, 366A, 366B, 396, 398, 893, and 894 support these goals as well.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The reporting and recordkeeping requirements for this information collection in Parts 26, 57, and 73 are associated with regulations and are not submitted on instruments such as forms or surveys. For this reason, there are no data instruments on which to display an OMB expiration date. Further, amending the regulatory text of the CFR to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

The expiration date is displayed on NRC Forms 361T, 366, 366A, 366B, 396, 398, 893, and 894.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS CONTAINED IN THE LICENSING REQUIREMENTS FOR MICROREACTORS AND OTHER REACTORS WITH COMPARABLE RISK PROFILES PROPOSED RULE
10 CFR PART 26

The proposed Part 26 requirements that would impose information collections are discussed below:

Section 26.35, "Employee assistance programs," contains requirements related to the employee assistance program (EAP). This section would be revised to require that a licensee or other entity implements the procedures and actions in 10 CFR 26.906(b)(2)(vii), if applicable, if they receive a report from EAP personnel under 10 CFR 26.35(c)(2).

- Section 26.35(a) requires licensees and other entities to maintain an EAP.
- Section 26.35(c) requires, in part, that EAP staff protect the privacy of each individual seeking assistance, which encourages use of the EAP. The EAP may release information to the licensee or other entity if the individual waives the right to privacy in writing, or if a determination is made that the individual's condition or actions pose or have posed an immediate hazard to himself or herself or others.

Section 26.202(a) through (e) would establish general provisions for fatigue-management programs and associated recordkeeping, disclosure, and reporting duties for facilities licensed under Part 57.

- Section 26.202(a) would require licensees and other entities to establish and incorporate into the written policy required by 10 CFR 26.906(a) a policy for the management of fatigue for all individuals subject to the licensee's FFD program.
- Section 26.202(b)(1) through (b)(4) would describe the program elements that licensees and other entities must include in the development and implementation of written procedures for making a self-declaration of fatigue, implementing the work hour controls required by 10 CFR 26.205, "Work hours," conducting fatigue assessments, and imposing disciplinary actions.
- Section 26.202(c) would specify knowledge and abilities (KAs) on identifying and combatting symptoms of fatigue management that must be included in the content of the training and trainee assessments required by 10 CFR 26.908, "FFD program training."
- Section 26.202(d) would require licensees and other entities to retain specific records for at least 3 years or until the completion of all related legal proceedings, whichever is later. These records include:
    - Records of work hours for individuals subject to work hours controls under 10 CFR 26.205,
    - For licensees implementing 10 CFR 26.205(d)(3), records of shift schedules and shift cycles, or, for licensees implementing 10 CFR 26.205(d)(7), records of shift schedules and records showing the beginning and end times and dates of all averaging periods, of individuals subject to work hours controls under 10 CFR 26.205,
    - Documentation of waivers required by 10 CFR 26.207(a)(4),
    - Documentation of work hour reviews required by 10 CFR 26.205(e)(3) and (e)(4), and
    - Documentation of fatigue assessments required by 10 CFR 26.211(g).
- Section 26.202(e) would specify the information licensees must include in the annual FFD program performance report required by 10 CFR 26.917. This reporting requirement would ensure that licensees and other entities provide the NRC with the

information needed to assess compliance with regulatory requirements for fatigue management and their effectiveness. The information to be included in the annual FFD program performance report would be contained in 10 CFR 26.202(e)(1) and (e)(2):

- Section 26.202(e)(1) would require a summary of all instances when the licensee waived work hour controls required by 10 CFR 26.205(d)(1) through (d)(5)(i) and (d)(7) for individuals described in 10 CFR 26.4(a). The summary should include only those waivers under which work was performed and specify the number of instances work hour controls were waived for individuals both working and not working on outage activities; and a summary showing the distribution of waiver use among the individuals applicable within each category of individuals in 10 CFR 26.4(a). NRC Form 892, "Annual Fatigue Reporting Form," would be available for licensees to log and submit the information included in the reporting requirements of 10 CFR 26.202(e).
- Section 26.202(e)(2) would require a summary of any corrective actions taken as a result of analyses of the above data, including fatigue assessments.

Section 26.903, "General provisions," would establish general FFD program provisions, with associated recordkeeping
obligations, for licensees and other entities described in proposed 10 CFR 26.3(f) that choose to establish, implement, and maintain a FFD program under proposed Subpart P of Part 26.

- Section 26.903(a) would establish recordkeeping requirements for the following types of information, which must be included in the description of the FFD program that applicants would be required to submit as part of the final safety analysis report required by proposed Subpart C of Part 57:
  - A discussion of how the FFD program applies to the individuals described in 10 CFR 26.4, "FFD program applicability to categories of individuals."
  - A description of the process used for determining fitness and implementing drug and alcohol testing, including the collection and testing facilities to be used, biological specimens to be collected, and sanctions for FFD policy violations.
- Section 26.903(c) would govern FFD program change control and related recordkeeping requirements
  - Section 26.903(c)(1)(i) would establish a recordkeeping requirement by requiring licensees and other entities that make changes to the FFD program to perform and retain an analysis demonstrating that the changes do not reduce the effectiveness of the FFD program.
  - Section 26.903(c)(4) would require licensees to retain a record of each change made under 10 CFR 26.903 for at least five years from the date the change was implemented, and to summarize each change in its annual FFD performance report.

Section 26.906, "Written policy and procedures," would provide requirements for the written FFD policy and procedures, which are accompanied by certain disclosure and recordkeeping requirements. This section would require that a copy of the written FFD policy statement be provided to each individual subject to the program before they are subject to drug and alcohol testing. The written FFD policy statement must describe the performance objectives in 10 CFR 26.23 and the minimum days off requirements in 10 CFR 26.205(d)(3) or the maximum average work hours requirements in 10 CFR 26.205(d)(7), and information on what is expected of individuals subject to the FFD program and what consequences may result from a lack of adherence to the policy, including those elements described in proposed 10 CFR 26.906(b), Part 26-required sanctions, and required medical/clinical treatment and follow-up testing for FFD policy violations. This section would also require the policy statement to describe an individual's

responsibilities to report for work in a physiological and psychological condition that enables the safe and competent performance of assigned duties and responsibilities and inform a designated representative when the individual determines that this cannot be accomplished. Proposed 10 CFR 26.906(b) would require licensees and other entities to establish, implement and maintain written procedures on the following topics:

- Implementation of drug and alcohol testing, including the methods used for collecting, testing, shipping, and storing of biological specimens; the required urine specimen volumes, techniques for split specimen collections, and acceptability of urine specimens, protecting the privacy of individuals providing specimens, protecting integrity of specimens, and ensuring test results are valid and attributable to the correct individual; and the name and date of the specific final HHS Guidelines used and descriptions of the specific sections used,
- Immediate and follow-up actions that will be taken in cases when individuals violate the FFD policy and/or demonstrate they are not trustworthy and reliable,
- The process to be followed if an individual's behavior or condition raises concern regarding possible FFD policy violations,
- Operation and oversight of an onsite or offsite collection facility,
- Fatigue management requirements, and
- Measures to prevent subversion of drug and alcohol tests conducted onsite and offsite.

Section 26.907, "Drug and alcohol testing," would establish requirements for drug and alcohol testing and contain associated recordkeeping obligations.

- Section 26.907(h)(1) and (h)(2) would establish requirements for the use of hair as the biological matrix for drug testing. Paragraph (h)(1) would require that a licensee or other entity describe the process and procedures for hair testing, as applicable, within its written FFD policy. Paragraph (h)(2) would require that the initial and confirmatory testing cutoffs must be the cutoffs established by HHS for hair testing or, if not established by HHS or the NRC, as determined by a forensic toxicologist review conducted pursuant to 10 CFR 26.31(d)(1)(i)(D).
- Section 26.907(i)(1) would require licensees and other entities that elect to use a testing instrument to screen individuals for drugs, drug metabolites, and alcohol before the individuals' entry into or exit from a protected or vital area to verify the accuracy of the portal area screening test for each substance with any positive results.
- Section 26.907(k) would require the use of a Federal custody and control form (CCF) for the collection and packaging of urine, oral fluid, and hair specimens.

Section 26.908, "FFD program training," would require that individuals must be trained in the FFD policy, procedures, and their program responsibilities, including fatigue management and behavioral observation. Individuals who collect specimens would also need to be trained in specimen collector duties and responsibilities. The training program would need to use a systems approach to training as described in 10 CFR 57.390, "Definitions," for those individuals in 10 CFR 26.4. FFD program training must include the consequences of an FFD policy violation and information disclosure and recordkeeping obligations. Licensees and other entities would be required to periodically evaluate and revise the FFD training program.

Section 26.909(b) would require all individuals subject to the FFD program to conduct behavioral observation and report any information to the licensee or other entity if they believe that the onsite or offsite behaviors or activities of any individual covered by the FFD policy pose an unreasonable risk to the safety or security of the NRC-licensed facility or special nuclear

material, may cause harm to others, or otherwise indicate that the individual cannot be relied upon to perform their duties or responsibilities or maintain access to NRC-licensed facilities, special nuclear material, or sensitive information that makes them subject to Part 26.

Section 26.911, "Protection of information," would require the protection of information. Paragraph (a) would require licensees and other entities to establish and maintain a system of files and procedures to prevent unauthorized disclosure of personal information. Paragraph (b) would require licensees and other entities to obtain a signed consent form documenting the individual's agreement to participate in the FFD program and to authorize disclosure of personal information collected and maintained under proposed Subpart P, prior to the individual becoming subject to FFD program requirements.

Section 26.913, "Appeals process," would establish an appeals process and associated recordkeeping requirements. This section would require licensees and other entities to establish and implement procedures for an objective and impartial review of the facts related to a determination that an individual has violated the FFD policy. These procedures must include a schedule for the completion of the review.

Section 26.917, "Recordkeeping, reporting, and FFD program performance," would establish recordkeeping and reporting requirements related to the administration of the FFD program.

- Section 26.917(a) would require licensees and other entities that implement FFD programs under proposed Subpart P to maintain records, electronic or otherwise, pertaining to FFD program administration. These records must be available for NRC inspections and legal proceedings. Records pertaining to the administration of the FFD program and FFD performance data would be retained until license termination.
- Section 26.917(b)(1) would require licensees and other entities to telephone the NRC Operations Center within 24 hours of discovering any intentional acts that jeopardize the integrity of the FFD program, or any programmatic failure, degradation, or discovered vulnerability of the FFD program that may permit undetected drug or alcohol use or abuse by individuals who are subject to this subpart.
- Section 26.917(b)(2) would require licensees and other entities to submit FFD program performance data for January through December to the NRC annually by March 1 of each year, using the appropriate NRC-provided forms:
    - NRC Form 893, 10 CFR Part 26, Subpart P, Single FFD Policy Violation Form, and
    - NRC Form 894, 10 CFR Part 26, Subpart P, Annual Reporting Form for FFD Performance Information.
    - Licensees and other entities can voluntarily use NRC Form 892, Annual Fatigue Reporting Form, to report information required under 10 CFR 26.717(b)(9) for fatigue management programs.
- Section 26.917(b)(3) would require licensees and other entities to submit reports on drug and alcohol testing errors within 30 days of completing an investigation of any testing errors or unsatisfactory performance discovered at an HHS-certified laboratory or through the processing of appeals under 10 CFR 26.913, or errors or matters that could adversely reflect on the integrity of the random selection or random testing process.
- Section 26.917(c) would require licensees and other entities to provide detailed descriptions of individual FFD policy violations or FFD program weaknesses to the NRC, licensees, or other entities subject to Part 26 when requested to support authorization determinations or performance monitoring. These descriptions must maintain compliance with the privacy requirements of 10 CFR 26.911.

- Section 26.917(e) would require licensees and other entities to document, trend, and correct non-reportable indicators of FFD programmatic weaknesses under the licensee's or other entity's corrective action program.

Section 26.919, "Suitability and fitness determinations," would require licensees and other entities to develop, implement, and maintain procedures for making suitability or fitness determinations to ensure that individuals are fit to perform the duties and responsibilities that make them subject to the FFD policy.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS CONTAINED IN THE LICENSING REQUIREMENTS FOR MICROREACTORS AND OTHER REACTORS WITH COMPARABLE RISK PROFILES PROPOSED RULE
10 CFR PART 57

The regulations under 10 CFR Part 57 provide an alternate framework for licensing microreactors and other reactors with comparable risk profiles.

Pre-application activities. Applicants for licenses under Part 57 would be expected to engage in pre-application activities with the NRC staff. These activities may include the development of topical reports, participation in meetings and audits, the development of white papers, activities related to the environmental review, and readiness assessments.

Section 57.7, "Completeness and accuracy of information," would provide requirements for the completeness and accuracy of information.

- Section 57.7(b) would require applicants and licensees to notify the Commission of information identified as having for the regulated activity a significant implication for public health and safety or common defense and security.

Section 57.9, "Specific exemptions," would provide requirements for licensees to request exemptions from specific regulations in Part 57.

- Section 57.9(a) would state that the Commission may grant exemptions either upon application from the interested party or upon its own initiative.
- Section 57.9(c) would state that any person may request an exemption permitting the conduct of construction activities prior to the issuance of a CP.

Section 57.15, "Agreement limiting access to Classified Information," would require applicants to agree in writing to prohibit individuals from permitting any individual to have access to or any facility to possess Restricted Data or National Security Information until the individual and/or facility has been approved for access under 10 CFR Parts 25 and/or 95. The agreement of the applicant would become part of the license or standard design approval.

Section 57.40, "Scope," would introduce requirements for joint applications for CPs and OLs.

Section 57.45, "License required; exceptions from licensing," would address required licenses and identify certain exceptions from licensing.

Section 57.55, "Contents of applications; general information," would establish the general information to be included in a joint application for a CP and associated OL(s).

- Section 57.55(f) would require applicants, except for electric utility applicants, to demonstrate their financial qualification to carry out the activities for which the permit is sought.
- Section 57.55(g) would require applicants that propose to construct or alter a facility to state the earliest and latest dates for completion of the construction or alteration.

Section 57.60, "Contents of applications; technical information," would establish the technical information to be reported in a joint application for a CP and associated OL(s). This section would require the submission of a final safety analysis report (FSAR), which includes site information, design information, a description of the quality assurance program, limitations for sites at which multiple nuclear reactors may be built, safety-related SSCs information, expected

radioactive materials information, and information related to operational programs concerning facility operation.

Section 57.95(b), when incorporated as a provision in the CP by the Commission, would require CP holders to provide periodic reports of the progress and results of research and development programs designed to resolve safety questions.

Section 57.110, "Transfer of licenses," would establish requirements for the transfer of licenses.

- Section 57.110(b) would describe what must be included in an application for the transfer of a license.

Section 57.115, "Application for renewal," would require applications for renewal of an OL to be filed in accordance with subpart A of 10 CFR Part 2, 10 CFR 57.4, "Written communications," and 10 CFR 57.7.

Section 57.145, "Scope," would introduce requirements for ML applications.

Section 57.150, "Contents of applications for manufacturing licenses; general information," would require an application for an ML to contain the information required by 10 CFR 57.55(a) through (e) and (j).

Section 57.155, "Contents of applications; technical information in final safety analysis report," would establish the technical information that must be reported in an FSAR as part of an application for an ML.

- Section 57.155(a) would require the application to include information required by 10 CFR 57.60(a)(1) through (3), (a)(6) and (7), and (a)(9) through (12) relevant to the manufactured reactor.
- Section 57.155(b) would require information on the site parameters postulated for the design of the reactor to be manufactured under proposed Part 57, including the design basis external hazard levels for the relevant external hazards, and an analysis and evaluation of the design in terms of those site parameters.
- Section 57.155(c) would require information necessary to establish that the design of the reactor to be manufactured under this subpart complies with the technical requirements in 10 CFR chapter I.

Section 57.160, "Contents of applications; additional information," would establish additional information that must be reported in an application for an ML.

- Section 57.160(b) would require information related to environmental documents.
- Section 57.160(c) would require a description of the program to protect safeguards information against unauthorized disclosure.
- Section 57.160(d) would require the FSAR to include manufacturing information, such as a description of the processes used to procure, fabricate, and assemble components of the manufactured reactor or manufactured reactor module, a description of the organizational and management structure responsible for design and manufacture of the manufactured reactor or manufactured reactor modules, a description of the inspections and tests to be performed as part of the manufacturing process, and a description of the fitness-for-duty program and its implementation.
- Section 57.160(e) would require the inclusion of information related to the deployment of the manufactured reactor or manufactured reactor module.
- Section 57.160(f) would require the inclusion of information related to factory fueling.

Section 57.190 would require applicants for a renewal of an ML to update the information contained in the previous application and to submit it between 12 months and 5 years of expiration of the current license. Applications for a license renewal would need to be filed in accordance with 10 CFR Part 2 and 10 CFR 57.19, "Filing of applications."

Section 57.197, "Manufacturing," would provide requirements related to manufacturing.

- Section 57.197(a) would require holders of MLs to develop and implement plans, programs, and procedures to manage and control the manufacturing activities within the scope of the ML.
- Section 57.197(b)(1) would require licensees to establish controls to the portions of each facility involved in the manufacturing processes governed by the ML.
- Section 57.197(b)(3) would require licensees to have a post-manufacturing inspection and acceptance process.
- Section 57.197(c) would require licensees to develop plans, procedures, and programs related to the control of radioactive materials.
- Section 57.197(d)(3)(i) would require holders of a Part 57 ML pursuing factory fuel loading to maintain a physical security plan and establish a physical security program per the requirements of 10 CFR 73.67, "Licensee fixed site and in-transit requirements for the physical protection of special nuclear material of moderate and low strategic significance," for all MLs, regardless of fuel type, enrichment, and quantity. Burden for meeting the requirements of 10 CFR 73.67 would be accounted for under OMB Clearance No. 3150-0002. An incremental recordkeeping burden associated with unique aspects of physical security and cybersecurity programs specific to Part 57 licensees (in addition to that covered under OMB Clearance No. 3150-0002) is included under this section.
- Section 57.197(e)(3) would require licensees to have procedures in place governing the preparation of the manufactured reactor or portions thereof for transport and the conduct of the transport.

Section 57.200, "Scope," would introduce requirements for standard design approval applications.

Section 57.205, "Contents of applications; general information," would require applications for a standard design approval to contain all of the information required by 10 CFR 57.55(a) through (c) and (j).

Section 57.210, "Contents of applications; technical information," would establish the technical information that must be reported in an application for a standard design approval.

- Section 57.210(a) would describe the contents of the submission of a major portion of a standard design.
- Section 57.210(b) would require the application to contain a FSAR that describes the facility, presents the design bases and the limits on its operation, and presents a safety analysis of the safety-related SSCs and of the facility, or major portion thereof.

Section 57.220(d) would require applicants to maintain records of information normally contained in engineering documents, including analyses, drawings, procurement specifications, and construction and installation specifications, and make them available for the NRC to audit upon request.

Section 57.255, “Posting requirements,” would allow licensees to post a notice describing the regulations of this section and procedures adopted pursuant under them, including the name of the individual to whom reports may be made, and states where they may be examined, if posting of the regulation and procedures themselves is not practical.

Section 57.270, “Notification of failure to comply or existence of a defect and its evaluation,” would provide requirements for notification of failure to comply or existence of a defect and its evaluation.

- Section 57.270(a)(1) would require licensees to adopt appropriate procedures for evaluating deviations and failures to comply in order to identify reportable defects of failures to comply that can create substantial safety hazards if uncorrected.
- Section 57.270(a)(2) would require that, if an evaluation of an identified deviation or failure to comply potentially associated with a substantial safety hazard cannot be completed within 60 days from its discovery, an interim report is prepared and submitted to the Commission.
- Section 57.270(a)(3) would require a director or responsible officer of a licensee to be informed as soon as practicable, and within 5 working days, of any failures to comply, defects, or breakdown in the QA program related to the construction or manufacture of a facility or activity, or a basic component supplied for such a facility or activity.
- Section 57.270(d) would require notifications to the NRC when information is received indicating a failure to comply or a defect.

Section 57.285, “Maintenance and inspection of records,” would provide record retention requirements.

- Section 57.285(b) would require procurement documents to be retained for the lifetime of the facility or basic component, and records of evaluations of all deviations and failures to comply would need to be retained for the longest of:
    - Ten years from the date of the evaluation; or
    - Five years from the date of the delivery of a manufactured reactor.

Section 57.300, “Irradiated fuel storage,” would establish requirements for irradiated fuel storage.

- Section 57.300(d) would require licensees that do not have an approved plan for storage of irradiated fuel to submit a plan describing management of irradiated fuel.

Section 57.305, “Decommissioning and license termination,” would establishes requirements for decommissioning and license termination.

- Section 57.305(a)(1) would require licensees to submit a written certification to the NRC once the licensee has determined to permanently cease operations.
- Section 57.305(a)(2) would require licensees to submit a written certification to the NRC once fuel has been permanently removed from the reactor.
- Section 57.305(c)(2) would require licensees to annually submit to the NRC a financial assurance status report after the licensee has completed its final radiation survey and demonstrated that residual radioactivity has been reduced to a level that permits termination of its license, unless otherwise noted in the licensee’s NRC-approved decommissioning plan.

Section 57.310, “Amendment of license,” would establish requirements for the contents of the application for amendment of license.

Section 57.315, “Maintenance and submittal of the final safety analysis, as updated,” would establish requirements for updating FSARs. The section would specify what is needed in an updated FSAR, how often it must be submitted, and how long it must be retained.

Section 57.317, “Updated decommissioning report,” would require holders of an operating license to update and submit to the NRC, within 3 years following issuance of an operating license, and no more than every 3 years thereafter for that operating license, a report indicating how reasonable assurance will be provided that funds will be available to decommission the facility.

Section 57.325, “Physical security requirements,” would provide requirements for physical protection of licensed activities at nuclear plants against radiological sabotage.

- Section 57.325(a)(1) and (a)(2) would provide the performance objective and criteria for physical protection programs at 10 CFR Part 57 NRC-licensed nuclear power reactor facilities. Licensees subject to 10 CFR 57.325 would have to implement the requirements of the section through its physical security plans, training and qualification plan, safeguards contingency plan, and cybersecurity plan, that each identify, describe, and account for site-specific conditions, prior to initial fuel load into the reactor (or for a fueled manufactured reactor, before initiating the physical removal of any of the features to prevent criticality required under 10 CFR 57.160(f)(1)(ii).
- Section 57.325(b)(1) would require licensees to establish, implement, and maintain a physical protection program and security organization that provides reasonable assurance that activities involving special nuclear material do not pose undue risk to common defense and security and public health and safety.
- Section 57.325(b)(7) would require licensees to document and maintain the process used to develop and identify target sets, to include the site-specific analyses and methodologies used to determine and group the target set equipment or elements.
- Section 57.325(b)(9) through (b)(12) would require licensees to establish, implement and maintain a performance evaluation program, cybersecurity program, and insider mitigation program, as well as a system to track trends and correct deficiencies in the implementation of these programs.
- Section 57.325(c) would require the licensee to retain all analyses, assessments, calculations, and descriptions of the technical basis for demonstrating compliance with the performance requirements of paragraph (b) of this section (burden for record retention included in the estimates for the specific requirements in 10 CFR 57.325(b))
- Section 57.325(e) would require licensees to establish and maintain a training and qualification program for personnel responsible for the physical protection of the facility.
- Section 57.325(f) would require licensees to perform performance evaluations.
- Section 57.325(g)(3) would require licensees to report and document the suspension of security measures in accordance with 10 CFR 73.1200 and 73.1205.
- Sections 57.325(h)(2)-(4) would require licensees to maintain records until the Commission terminates the license for which the records were developed and maintain superseded portions of these records for at least 3 years after the record is superseded, unless otherwise specified by the Commission. If a contracted security force is used to implement the onsite physical protection program, the rule would require licensees to maintain the licensee’s written agreement with the contractor for the duration of the contract. The rule would also require licensees to maintain audit reports for inspection for 3 years.

Section 57.395, “Human factors engineering requirements,” would provide requirements related to defining, fulfilling, and maintaining the role of personnel in ensuring safe operations. The section would require that the licensee develop, implement, and maintain personnel measures, including human system interface design requirements, operating experience, and staffing plan.

Sections 57.399, “Facility licensee requirements – General,” and 57.400, “Facility licensee requirements related to GLROs,” would establish facility licensee requirements.

- Sections 57.399(a) and 57.400(e) would require licensees for facilities licensed under Part 57 that have not yet certified the permanent cessation of operations and permanent removal of fuel from the reactor vessel to develop, implement, and maintain facility technical specifications that provide the necessary administrative controls to ensure the implementation of the approved staffing complement.
- Section 57.400(b) would require those licensees to develop, implement, and maintain the generally licensed reactor operator (GLRO) training, examination, and proficiency programs required under 10 CFR 57.410.
- Section 57.400(d) would require those licensees to annually report to the NRC the identity of all GLROs, including all additions and deletions since the last report.

Section 57.405(b)(7) would require a GLRO to notify the Commission within 30 days of a conviction for a felony.

Section 57.410, “Generally licensed reactor operator training, examination, and proficiency programs,” would establish recordkeeping requirements for GLRO training, examination, and proficiency programs. These requirements would specify what the programs must include, as well as the records that must be maintained relating to them.

- Section 57.410(e) would provide requirements for simulation facilities and would require facility licensees to retain records of the results of performance testing and make the results of any uncorrected performance test failures that may exist at the time of an inspection available for NRC review.
- Section 57.410(g) would provide requirements for licensees to develop, implement, and maintain a proficiency program to allow GRLOs to maintain proficiency regarding position functions and familiarity with plant status.

Section 57.424, “Training, examination, and proficiency program,” would provide requirements for training, examination, requalification, and proficiency programs for operators and senior operators. This section would specify what the programs must include, as well as the records that must be maintained relating to them. The initial examination program and requalification programs would also require licensees to submit prepared examinations to the Commission for approval before they are administered, notify the Commission in advance of examination administration to allow for a representative of the Commission to be present, and submit examination results. Section 57.424(e) would provide requirements for simulation facilities and would require licensees that wish to use a simulation facility for training purposes, for demonstrating compliance with experience requirements, or for the conduct of examinations under § 57.424(b) and (c) to request and receive approval from the Commission prior to use of the simulation facility for these purposes. Section 57.424(f) would provide for waiving of initial licensing examination requirements, which the Commission may do if it finds the applicant has demonstrated the ability to safely operate the plant.

Section 57.425, “Conditions of operator and senior operator licenses,” would provide conditions of operator and senior operator licenses. Section 57.425(h) would require licensees to notify the Commission within 30 days about a conviction for a felony.

Section 57.429, “Training and qualification for non-licensed personnel,” would establish requirements for the training and qualification for non-licensed personnel.

- Section 57.429(b) would require OL holders to, prior to initial fuel load or initiating the removal of the features to prevent criticality, establish, implement, and maintain a training program in accordance with paragraphs (c) and (d). Records related to the program would have to be maintained and kept available for NRC inspection.

Section 57.430, “Maintenance of records, making of reports,” would establish requirements for the maintenance of records and making of reports.

- Section 57.430(a) would describe general provisions for the maintenance of records and making of reports as required by the license or permit or the regulations and orders of the Commission, and the Energy Reorganization Act of 1974, as amended.
- Section 57.430(b) would require that all records must be retained until the Commission terminates the license, unless the applicable regulation, license condition, or technical specification specifies otherwise.
- Section 57.430(c) would establish that the record may be the original, or a reproduced copy or microform, under certain conditions, or be stored in electronic media. This section would also describe what must be included in certain types of records and that licensees must maintain adequate safeguards against tampering with, and loss of records.
- Section 57.430(e) would require that if there is conflict between the retention period specified in the regulations, license condition, or technical specification, or other written Commission approval or authorization, the retention period specified in the regulation applies, unless the Commission has granted a specific exemption.
- Section 57.430(f) would require licensees to notify the Commission of successfully completing startup testing within 30 days of completing it.

Section 57.435, “Reporting requirements,” would contain immediate notification requirements for operating commercial nuclear plants.

- Section 57.435(b) would detail the types of reports for non-emergency events – one-hour reports, four-hour reports, and eight-hour reports – and would specify when and for what conditions each must be made.
- Section 57.435(c) would require follow-up notifications in addition to the initial notification under paragraph (b). The burden for the notification requirements contained in this section would be covered under OMB Clearance No. 3150-0238.

Section 57.440, “Licensee event report system,” would establish requirements related to the licensee event report (LER) system. The section would describe how and when LERs must be submitted, what events must be reported, what information the LER must contain, and that reports must be of sufficient quality to permit legible reproduction.

- Section 57.440(c) would state that the Commission may also require additional information be submitted depending on the event, which licensees would have to submit as a supplement to the initial LER. The burden for submitting LERs would be accounted for under OMB Clearance No. 3150-0104.

Section 57.445, “Reports of radiation exposure to members of the public,” would require OL licensees to submit a radiological report to the NRC that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months. The report would have to include an estimate of the dose received by the maximally exposed member of the public in an unrestricted area from effluents and direct radiation from contained sources during the previous 12 months and include any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS CONTAINED IN THE LICENSING REQUIREMENTS FOR MICROREACTORS AND OTHER REACTORS WITH COMPARABLE RISK PROFILES PROPOSED RULE
10 CFR PART 73

The proposed Part 73 requirements that would impose information collections are discussed below:

Section 73.77 contains reporting and recordkeeping requirements for cyber security events. A licensees subject to the provisions of 10 CFR 73.54 or 10 CFR 73.110 must notify the NRC Headquarters Operations Center of a cyberattack that adversely impacted a safety or security function using the procedures of 10 CFR 50.72, 10 CFR 57.435 or 10 CFR 73.1200 based on the function adversely impacted (safety or security).

Section 73.110 would require protection of digital computer and communication systems and networks.

- Section 73.110(a) would require Part 57 licensees that elect to implement the requirements of 10 CFR 73.110 to establish, implement, and maintain a cybersecurity program.
- Section 73.110(e)(2) would require the cybersecurity plan to account for site-specific conditions and describe the measures that would be used to satisfy the requirements of 10 CFR 73.110.
- Section 73.110(e)(3) would require the licensee to develop and maintain written policies, implementing procedures, and other supporting technical information for the cybersecurity plan that may be subject to inspection by NRC staff.
- Section 73.110(e)(4) would require a review of the cybersecurity program to assess the effectiveness of its implementation.
- Section 73.110(e)(5) would require the licensee to maintain all records and supporting technical documentation as a record until the Commission terminates the license and to maintain superseded portions of these records for at least three years after the record is superseded, unless otherwise specified by the Commission.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN

NRC FORM 361, "REACTOR PLANT EVENT NOTIFICATION WORKSHEET,"
NRC FORM 361A, “FUEL CYCLE AND MATERIALS EVENT NOTIFICATION WORKSHEET,”
NRC FORM 361N, “NON-POWER REACTOR EVENT NOTIFICATION WORKSHEET,” AND
NRC FORM 361T, “PART 57 LICENSEE EVENT NOTIFICATION WORKSHEET”

NRC Form 361, “Reactor Plant Event Notification Worksheet,” NRC Form 361A, “Fuel Cycle and Materials Event Notification Worksheet,” and NRC Form 361N, “Non-Power Reactor Event Notification Worksheet,” are currently used by licensees to transmit detailed information to the NRC when reporting specified events and to facilitate easier communication between the NRC and licensees during event notifications. The use of these forms is voluntary, but the forms provide the usual order of questions and discussion to enable a licensee to prepare answers for a more clear and complete telephonic notification.

NRC Form 361T, “Part 57 Licensee Event Notification Worksheet,” would be a voluntary form that could be used to satisfy the information collection requirements of proposed 10 CFR 57.435. Proposed 10 CFR 57.435(b) and (c) would require the holder of an operating license under 10 CFR Part 57 to notify the NRC Headquarters Operations Center of certain events. The information requested on the form would include time of event, name of the facility, plant conditions at the onset of the events, detailed event descriptions, actions taken or planned, and status of the affected facilities. NRC Form 361T will be created specifically for Part 57 licensees as a result of the Part 57 rulemaking, and the form would cover an equivalent scope as the requirements in 10 CFR 50.72. However, the requirements of 10 CFR 57.435 would be modified to remove light-water-reactor-specific terminology and to ensure technology-inclusiveness consistent with requirements for Part 57 licensees.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN

NRC FORMS 366, 366A, and 366B, "LICENSEE EVENT REPORT"
10 CFR 57.440

Similar to 10 CFR 50.73, proposed 10 CFR 57.440 would allow 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.

The requirements in 10 CFR Part 57, specifically proposed 10 CFR 57.440, would be equivalent to those in 10 CFR 50.73, with updates to make them technology-inclusive. NRC Forms 366, 366A, and 366B currently reflect requirements contained in 10 CFR 50.73, and are being modified to reflect requirements contained in proposed 10 CFR 57.440.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN

NRC FORM 396, “CERTIFICATION OF MEDICAL EXAMINATION BY FACILITY LICENSEE"
10 CFR PART 57, SECTIONS 57.421, 57.422, AND 57.423
(3150-0024)

Proposed 10 CFR 57.421, “Medical requirements,” requires that the facility licensee certify the medical fitness of or licensee by completing and signing NRC Form 396.

Proposed 10 CFR 57.422, “Incapacitation because of disability or illness,” requires that the facility licensee notify the NRC within 30 days of learning of the diagnosis if a licensee develops a permanent physical or mental condition that causes the licensee to fail to meet the requirements of proposed 10 CFR 57.423(b)(1)(i). For conditions where a conditional license is requested under proposed 10 CFR 57.423, the facility licensee must provide medical certification on NRC Form 396.

Proposed 10 CFR 57.423, “Application for operators and senior operators,” includes the application requirements for operators and senior operators, including use of NRC Form 396 for certification of medical condition and general health and for documentation of conditional licenses.

The regulations in proposed 10 CFR Part 57, as described above, require an applicant for an operator or senior operator license to be examined by a physician or other licensed medical examiner. In general, the licensed medical examiner might use the guidance provided by the *American National Standard for Medical Certification and Monitoring of Personnel Requiring Operator Licenses for Nuclear Power Plants - ANSI/ANS 3.4 (1983, 1996 or 2013) and American National Standard for the Selection and Training of Personnel for Research Reactors (Non-Power) - ANSI/ANS 15.4 (1988, 2007, or 2016).* The licensed physician would then submit the diagnostic report to the facility licensee. Subsequently, the applicant/operator would sign the NRC Form 396 giving permissions to the facility licensee and the NRC, the facility licensee would certify on NRC Form 396 as to the applicant’s or operator’s general health and physical condition, and then the facility licensee would submit NRC Form 396 to the NRC.

In cases where the application for an operator’s license is not consistent with the ANSI/ANS guidance, if used, the facility licensee may submit recommendations for license conditions, removal of license conditions, or revocation of the license with supporting medical evidence for review by the NRC.

In cases where the holder of an operator's license develops a permanent mental or physical condition that causes the individual to fail to meet the requirements of proposed 10 CFR 57.423(b)(1)(i), the facility licensee is required to notify the NRC, within 30 days of learning of the diagnosis, with their conditional license or revocation recommendations and supporting medical evidence for review by the NRC.

Records required by proposed 10 CFR 57.421(c) are retained by the facility licensee and provided to the NRC upon request to provide documentation that the applicants and licensed operators are physically and mentally fit.

EXISTING GUIDANCE DOCUMENTS FOR INFORMATION COLLECTION REQUIREMENTS FOR

NRC FORM 396, “CERTIFICATION OF MEDICAL EXAMINATION BY FACILITY LICENSEE” (3150-0024)

Title	Accession number
NUREG-1021 “Operator Licensing Examination Standards for Power Reactors”	ML21256A276
NUREG-1478 “Operator Licensing Examiner Standards for Research and Test Reactors”	ML072000059

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN

NRC FORM 398, "PERSONAL QUALIFICATION STATEMENT – LICENSEE"
10 CFR PART 57, SECTIONS 57.423 and 57.424
(3150-0090)

Proposed 10 CFR 57.423(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.

Proposed 10 CFR 57.423(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. Proposed 10 CFR 57.423(c)(2) states that an applicant who has passed a portion of the examination and failed another may request in a new application on NRC Form 398 to be excused from re-examination on the portions of the examination that the applicant has passed.

Proposed 10 CFR 57.424(f) requires that the applicant, on application, certify all applicable information in support of a requested waiver of examination.

EXISTING GUIDANCE DOCUMENTS FOR INFORMATION COLLECTION REQUIREMENTS FOR

NRC FORM 398, “PERSONAL QUALIFICATION STATEMENT – LICENSEE” (3150-0090)

Title	Accession number
NUREG-1220, “Training Review Criteria and Procedures”	ML102571869

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN

NRC FORM 893, “10 CFR PART 26, SUBPART P, SINGLE FFD POLICY VIOLATION FORM”
NRC FORM 894, “10 CFR PART 26, SUBPART P, ANNUAL REPORTING FORM FOR FFD PERFORMANCE INFORMATION”
10 CFR 26.917

Proposed section 26.917(b)(2) would require licensees and other entities that implement FFD programs under 10 CFR Part 26, Subpart P, to submit an annual report that must include the FFD program performance data listed in 10 CFR 26.717(b). These licensees or other entities must use NRC-approved forms for the submission of FFD performance data to the NRC. These forms are NRC Forms 893, “Single FFD Policy Violation Form,” and 894, “Annual Reporting Form for FFD Performance Information.”