

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

(3150-0104) Extension

Description of the Information Collection

Holders of operating licenses for commercial nuclear power plants are required to report specified events in writing using NRC Forms 366, 366A, and 366B, "Licensee Event Report."

A. JUSTIFICATION

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

Part of the NRC's function is to license and regulate the operation of commercial nuclear power plants to ensure protection of public health and safety and the environment in accordance with the Atomic Energy Act of 1954 (the Act) as amended. In order for the NRC to carry out these responsibilities, licensees must 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 or the environment. In addition, this information is needed for the NRC to carry out its responsibility to inform Congress of those events constituting "abnormal occurrences."

10 CFR 50.73 requires reporting, on NRC Forms 366, 366A, and 366B, the types of reactor 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. The forms are designed to provide the information necessary for engineering studies of operational anomalies and trends and patterns analysis of operational occurrences. The same information can be used for other analytic procedures that will aid in identifying accident precursors.

On October 25, 2000, the NRC published a final rule in the Federal Register which modified the event reporting requirements in 10 CFR 50.73 (65 FR 63769). The requirements were modified to reduce or eliminate the unnecessary reporting burden associated with events of little or no safety significance. The final rule also better aligned event reporting requirements with the type of information NRC needs to carry out its safety mission, including revising reporting requirements based on importance to risk and extending the required reporting times consistent with the time that information is needed for prompt NRC action. NRC Forms 366, 366A, and 366B were modified to reflect changes in 10 CFR 50.73. Also, NUREG-1022, Revision 2, "Event Reporting Guidelines, 10 CFR 50.72 and 50.73," was made available concurrently with the final rule.

2. Agency Use of Information

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

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

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

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

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

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

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection through the use of electronic media. The NRC encourages respondents to use information technology when it would be beneficial to them. The NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. It is estimated that approximately 24 percent of the responses provided under 10 CFR 50.73 are submitted electronically.

4. Efforts to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

5. Effort to Reduce Small Business Burden

The information collection affects only licensees of nuclear power plants. These licensees do not fall within the scope of the definition of "small entities" as given in the Regulatory Flexibility Act or the Small Business Size Standards in regulations issued by the Small Business Administration at 13 CFR Part 121.

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

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

7. Circumstances Which Justify Variation from OMB Guidelines

Not applicable.

8. Consultations Outside the NRC.

An opportunity for public comment on the information collection requirements was published in the Federal Register on April 2, 2010 (75 FR 16868). No comments were received.

9. Payment or Gift to Respondents

Not Applicable

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

No sensitive information is requested.

12. Estimated Burden and Burden Hour Cost

Licensees have submitted (on average) about 400 LERs per year (initial LERs, Supplemental LERs, and LER retractions) over the past three years. The licensees operating the 104 power reactors are expected to continue to submit a maximum of about 400 written LERs per year for the foreseeable future using NRC Forms 366, 366A, and 366B. The hourly burden associated with these LERs was revised during the last review of the information collected under this clearance. NRC staff conducted a voluntary survey of licensees to refine the burden estimate associated with the submittal of each LER. The revised burden estimate of 80 hours per LER is still valid since the reporting requirements of 10 CFR 50.73 have not changed since the last clearance. Of this hourly burden estimate, approximately 20 percent, or 16 hours per LER is estimated to involve recordkeeping activity.

Therefore, the estimated annual reporting burden is 25,600 hours (400 LER X 64 hours per LER) at a cost of \$6,579,200 (25,600 hours X \$257 per hour). The estimated annual recordkeeping burden is 6,400 hours (400 LER X 16 hours per LER) at a cost of 1,644,800 (6,400 hours X \$257 per hour). The total estimated burden for completing LERs is 32,000 hours (25,600 for reporting and 6,400 hours for recordkeeping), with an annual cost of \$8,224,000 (32,000 hours X \$257 per hour).

13. Estimate of other Additional costs

The NRC has determined that the quantity of records to be maintained is roughly proportional to the recordkeeping burden. Based on the number of pages maintained for a typical clearance the records storage cost has been determined to be .0004 times the recordkeeping burden cost. Therefore, the storage cost for this clearance is determined to be \$658 (6,400 hours x \$257/hour x .0004).

14. Estimated Annualized Cost to the Federal Government

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

- Accident Sequence Precursor Program
- Industry Trends Program
- Operating Experience Program

The NRC also expends about 200 hours per year in managing the LER database and analysis contract.

The Office of Nuclear Reactor Regulation (NRR) reviews LERs for specific issues pertaining to reactor operating experience related to safety and generic concerns. It is estimated that the resources expended in the operating experience review of LERs are about one hour per LER. Therefore with one hours of effort per LER and 400 LERs per year (1 hours per LER X 400 LERs), it is estimated that 400 hours of effort is needed per year for NRR.

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

Finally, the NRC Regional Offices are responsible for implementing NRC's inspection program. There are three Inspection Procedures (IPs) that relate to LERs: IP 71153, "Event Follow-up"; IP 71111.14, "Personnel Performance During Nonroutine Plant Evolutions"; and IP 71152, "Identification and Resolution of Problems." These Inspection Procedures allow for up to 8 hours of inspection time per LER. It is estimated that LER reviews called out by these inspection procedures will take a maximum of 8 hours per LER. Therefore, with 8 hours of effort per LER, and 400 LERs submitted per year (8 hours per LER X 400 LERs), it is estimated that the Regional Offices will expend approximately 3,200 hours of effort on LER disposition per year.

The total NRC effort is therefore estimated to be 3,850 hours (3,200 regional inspection hours + 400 NRR hours + 200 RES database contract hours + 50 RES ASP program staff hours).

The total estimated annual cost for the government is \$1,889,450 (\$257 x 3,850 hours + \$900K for LER database and analysis contract).

15. Reasons for Change in Burden or Cost

There is no change in the level of effort needed in completing, submitting and maintaining the NRC Forms 366, 366A and 366B, "Licensee Event Report." There has been an increase of \$1,280,000.00 in cost due to an increase in the fee rate from \$217/hour to \$257/hour.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed

18. Exceptions to the Certification Statement

Not applicable

B. Collection of Information Employing Statistical Methods

The collection of information does not employ statistical methods.