

FINAL SUPPORTING STATEMENT FOR
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"

(3150-XXXX)
New Request

Description of the Information Collection

NUREG -1022, Rev. 3, "Event Report Guidelines, 10 CFR 50.72 and 50.73" provides guidance to licensees for meeting the requirements of 10 CFR 50.72 "Immediate notification requirements for operating nuclear power reactors" and 10 CFR 50.73 "Licensee event report systems." Specifically, Section 4.2.4 of NUREG-1022 references the Event Notification Worksheet (NRC Form 361) as a tool to facilitate easier communication between the U.S. Nuclear Regulatory Commission (NRC) Headquarters Operations Officers and licensees during event notifications. The use of the form is voluntary but the form provides the usual order of questions and discussion to enable a licensee to prepare answers for a more clear and complete telephonic notification. The NRC has prepared different versions of NRC Form 361 as described below for each type of licensees with reportable events.

Holders of operating licenses for commercial nuclear power plants are required to report specified events per 10 CFR 50.72 and other requirements (10 CFR 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, 10 CFR 70.50 or 10 CFR 72.75 and other requirements (10 CFR 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 73 and 74) to the NRC Operations Center. While each version of NRC Form 361 contains unique information with respects to reference to different sections of the 10 CFR above, the information requested for all three forms generally include time of event, name and location of the facility, plant conditions at the onset of the events, detailed event descriptions, effect to other or facilities on site, and status of the affected facilities.

A. JUSTIFICATION

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

The NRC licenses and regulates the Nation's civilian use of radioactive materials to protect public health and safety, promote the common defense and security, and protect 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."

10 CFR 50.72 requires commercial nuclear power plants 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 for reactors, the NRC developed Form 361 as a vehicle to record the information in a templated fashion. Similarly, the NRC also created other NRC Forms (361A, 361N) to allow for efficient collection of information for Fuel Cycle licensee, Material Licensee, and Non-Power Reactor events with potential significance and impact to public health and safety. Without the templated format of the NRC Forms 361, 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.

2. Agency Use of Information

The NRC staff uses the information reported using these forms 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.

3. Reduction of Burden Through Information Technology

The NRC has issued *Guidance for Electronic Submissions to the NRC* which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. It is estimated that approximately 0% of the potential responses are filed electronically.

The information collections related to the requirement to make an initial event report telephonically are covered under OMB Clearance Number 3150-0011. NRC Forms 361 provide a tool that allows licensees to relay by phone specific details in a templated and sequenced fashion to minimize follow up questions for additional details and repeat-backs for confirmation. The form also provides a template for licensee's follow-on event reports, if required, to be written in a manner consistent with their event reporting procedures.

It is estimated that approximately 97% of reactor licensees use the format of NRC Form 361 to prepare their event report notification, and these licensees also typically follow telephonic notifications with electronic confirmation via email or facsimile.

It is estimated that 1 Fuel Cycle Facility use the NRC Form 361 format and approximately 20% of the 31 Non-Power Reactor licensees use the format. Approximately 3 Fuel Cycle Facilities, and Non-Power Reactors licensees follow

their required telephonic notifications with electronic confirmation via email or facsimile.

4. Efforts to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements.

5. Effort to Reduce Small Business Burden

Efforts have been made to keep the requirements for information to a minimum. However, since the health and safety consequences of the events being reported are likely to be the same for large and small entities, it is not possible to further reduce the burden on small businesses by less frequent or less complete recordkeeping or reporting.

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

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

7. Circumstances Which Justify Variation from OMB Guidelines

Not applicable.

8. Consultations Outside the NRC.

Opportunity for public comment on the information collection requirements for this clearance package has been published in the Federal Register on September 25, 2018 (83 FR 48472). Three nuclear power reactor licensees and one fuel cycle facility licensee were contacted via electronic mail. No comments were received from the three nuclear power reactor licensees. One comment was received from the fuel cycle facility licensee. The fuel facility licensee's comment referred to Form 361A, "Fuel Cycle and Materials Event Notification Worksheet" and stated that the, "Bulletin 91-01 was superceded by 10 CFR 70 Appendix A." The NRC agrees with this comment. The NRC will review and consider updating the form to remove this reference.

In addition, the NRC received two comments from members of the public, the Nuclear Energy Institute and Energy Compliance Consultants, LLC.

In response to the *Federal Register* Notice (FRN), the Nuclear Energy Institute (NEI) addressed the four questions contained in the FRN. In response to the first question, NEI agrees with the use of Form 361, to expedite the communication of information to the NRC's operations center and is appropriate for emergency events under 10 CFR 50.72, "Immediate notification requirements for operating

nuclear power reactors.” NEI submitted a Petition on August 2, 2018, for Rulemaking to Amend 10 CFR 50.72. NEI is questioning the need for telephonic reporting of non-emergency events under 10 CFR 50.72. The NRC is currently reviewing this petition.

The NRC agrees, in part, with NEI’s response to question one. While the NRC understands that industry may feel that there is duplication in filling out Form 361 and providing the information on the form via telephone, NRC’s requirement is for licensees to report this information via phone, per 10 CFR 50.72, and there is no regulatory requirement for filling out Forms 361, 361A and 361N.

In response to the second question, NEI stated “that the NRC’s burden estimate is low, primarily because there is much more effort involved in gathering and verifying data and determining whether use of Form 361 (or 361A or 361N) applies to a given situation.” The NRC disagrees with this response. The NRC previously stated that the amount of time spent to fulfill the obligation of filling out and submitting Form 361 for power reactor licensees is approximately 30 minutes. NEI submitted comments indicating that the number should include the time involved in recognizing the situation, deliberating, and gathering pertinent information for such reports as well as the time spent to document events on the Form 361. However, the requirement for gathering and submitting information related to emergency reporting for power reactor licensees is already considered under 10 CFR 50.72, “Immediate notification requirements for operating nuclear power reactors.” Licensees have to gather and submit the information under Part 50 (3150-0011). The NRC developed NRC Form 361 to assist licensees in submitting accurate information. The information requested in the form is the same information licensees have to provide if they make a voice report, so the burden to complete a Form 361 is additional burden to licensees not covered by 3150-0011. Therefore, the actual burden for completing Form 361 is separate from the information gathering and notification required by regulation and should not be included as suggested by NEI.

In response to the third question, NEI states “there are fields on the NRC Forms that are not in accordance with present reporting requirements or where additional clarity could be added.” The NRC agrees, in part, with this response. The NRC will review and consider updating NRC Form 361 as needed. However, it should be noted that these forms 361, 361A and 361N are voluntary and NRC does not require the licensee to fill out the forms.

In response to the fourth question, NEI states “the true burden of Form 361 (and its variants) is not the form itself, but the underlying need to notify NRC by telephone.” While the NRC agrees that the form itself does not impose a burden, as it is voluntary, the NRC disagrees with this response. The underlying need of the notification is to inform the Commission of events described in 10 CFR 50.72. The NRC is reviewing NEI’s Petition for Rulemaking on 10 CFR 50.72.

In response to the *Federal Register* Notice (FRN), Energy Compliance Consultants, LLC provided an overall comment on Form 361. This organization recommends, “that a note be applied to the Event Classification section that once an Emergency Plan activation be selected, stop collecting [Event Notification System] ENS form information and transmit the State/Local Form to complete the initial notification. This provides the NRC staff with a timely notification, minimizes burden on the on-shift staff, and ensures the NRC is aware of information communicated to State/Local Emergency Response Organizations

should those agencies communicate directly with the NRC.” The NRC agrees, in part, with this response. However, it should be noted that the NRC Form 361, “Reactor Plant Event Notification Worksheet” is voluntary and NRC does not require the licensee to fill out the form.

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

There are no record keeping or third party disclosure burden associated with licensees' telephonic reporting requirement.

Table 1 reflects the estimated annual burden to different types of licensee to provide a written event report; whereas Table 2 is total burden. The estimate includes the time to complete and submit the form since the reporting requirements have not changed. However, the estimates include only additional time needed above those already expended by licensees to comply with regulatory notification requirements, such as the requirements of 10 CFR 50.72.

Operating reactor licensees have submitted (on average) approximately 500 telephonic reactor event report notifications per year (initial event reports, updated event reports, and retractions) over the past three years. The licensees operating the 99 power reactors are expected to continue to submit a maximum of about 500 telephonic event reports per year for the foreseeable future. The hourly additional licensee burden associated with these event reports is estimated at 0.5 hour per report. The burden estimate of 0.5 hours per each event report is valid since the reporting requirements of 10 CFR 50.72 have not changed. Therefore, the estimated annual reporting burden is 250 hours (500 event reports x 0.5 hours per event report) at a cost of \$65,750 (250 hours x \$263 per hour).

Fuel Cycle Facility licensees have submitted (on average) approximately 20 telephonic reactor event report notifications per year (initial event reports, updated event reports, and retractions) over the past three years. The licensees are expected to continue to submit a maximum of about 20 telephonic event reports per year for the foreseeable future. The hourly additional licensee burden associated with these event reports is estimated at 0.5 hour per report. The

burden estimate of 0.5 hours per event report is valid since the reporting requirements for Fuel Cycle Facilities have not changed. Therefore, the estimated annual reporting burden is 10 hours (20 event reports x 0.5 hours per event report) at a cost of \$2,630 (10 hours x \$263 per hour).

Non-Power Reactor licensees have submitted (on average) approximately 7 telephonic reactor event report notifications per year (initial event reports, updated event reports, and retractions) over the past three years. The licensees are expected to continue to submit a maximum of about 7 telephonic event reports per year for the foreseeable future. The hourly additional licensee burden associated with these event reports is estimated at 0.5 hour per report. The burden estimate of 0.5 hours per event report is valid since the reporting requirements of Non-Power Reactor licensees have not changed. Therefore, the estimated annual reporting burden is 3.5 hours (7 event reports x 0.5 hours per event report) at a cost of \$920.50 (3.5 hour x \$263 per hour).

Materials licensees have submitted (on average) approximately 366 telephonic materials event report notifications per year (initial event reports, updated event reports, and retractions) over the past three years. The licensees are expected to continue to report a maximum of about 366 events per year for the foreseeable future. However, only a small number of the reports (approximately 10) are estimated to have NRC Form 361A follow the telephonic reports. The hourly additional licensee burden associated with these event reports is estimated at 0.5 hour per report. The burden estimate of 0.5 hours per event report is valid since the reporting requirements of Materials licensees have not changed. Therefore, the estimated annual reporting burden is 5 hours (10 event reports x 0.5 hours per event report) at a cost of \$1,315 (5 hours x \$263 per hour).

The \$263 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the *Federal Register* notice at: (82 FR 30682; June 30, 2017).

13. Estimate of other Additional costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

Operating reactor licensees represent the bulk of required event reports processed by the NRC. These licensees have submitted (on average) approximately 500 telephonic reactor event report notifications per year (initial event reports, updated event reports, and retractions) over the past three years.

The licensees operating the 99 power reactors are expected to continue to submit a maximum of about 500 telephonic event reports per year for the foreseeable future. The burden associated with processing each event report by the NRC Headquarters Operations Officers is reduced by the licensee voluntary use of the NRC Forms 361 format to provide event descriptions via telephonic notification. Without the use of the NRC Form 361 event description information, the Headquarters Operations Officers would be required to take slower notes of the event description, keeping the licensee on the phone longer, and rely on use of telephonic notification audio recordings to transcribe the detailed event description information into the HOO database for processing and distribution. It is estimated that the use of the NRC Forms 361 saves the NRC Headquarters Operations Officers approximately 0.5 hours of processing time per report. The burden estimate of 0.5 hours per written submission of each event report is valid since the reporting requirements of 10 CFR 50.72 have not changed. Therefore, the total estimated annual reporting burden reduction is 250 hours (500 event reports x 0.5 hours per event report) at a cost of \$65,750 (250 hours x \$263 per hour).

15. Reasons for Change in Burden or Cost

This is a new OMB Clearance.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The expiration date will be 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.

TABLE 1: ANNUAL REPORTING BURDEN

Description	No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Cost at \$263/hr
Operating reactor licensees	500.0	1.0	500.0	0.5	250.0	\$65,750
Fuel Cycle Facility licensees	20.0	1.0	20.0	0.5	10.0	\$2,630
Non-Power Reactor licensees	7.0	1.0	7.0	0.5	3.5	\$921
Materials licensees	10.0	1.0	10.0	0.5	5.0	\$1,315
TOTAL			537.0		268.5	\$70,616

TABLE 2: BURDEN TOTALS

Total Annual Burden: 268.5 (537 event reports x 0.5 hours per event report)
Total Burden Hour Cost: \$70,616 (268.5 hours x \$263/hour)
Total Responses: 537 event reports