

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

(3150-0104)
REVISION

Description of the Information Collection

The regulations in 10 CFR Part 50 require the holder of an operating license under this part or a combined license under part 52 of this chapter (after the Commission has made the finding under § 52.103(g) of this chapter) for a nuclear power plant (licensee) shall submit a Licensee Event Report (LER) for any event of the type described in 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 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.

The information requested includes the facility identifying information, date of the event and report, other facilities involved, plant conditions at the onset of the events, applicable regulation(s) for the submission, root cause(s) of the occurrences, data on operator actions and corrective actions taken, licensee contact information and an abstract of the event.

A. JUSTIFICATION

1. Need for the Collection of Information

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

2. Agency Use of Information

NRC Forms 366, 366A, and 366B are the mechanism by which NRC determines whether action is needed to resolve a potential threat to public health and safety or the environment. This includes 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, feedback 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

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 Submittals application,

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. The Electronic Submittals application allows electronic transmission of information to the NRC pertaining to licensing actions, associated hearings, and other regulatory matters. The application ensures that information sent to the NRC via the Internet is secure and unaltered during transmission. It operates 24 hours a day, except when it is taken down for scheduled maintenance. The application serves as a secure portal that respondents may use to transmit documents to the NRC. It is estimated that approximately 99% of the potential responses are filed electronically.

4. Efforts 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 (other than security-related or proprietary information that are 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

No potential respondents are small entities as defined in 10 CFR 2.810

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

Not collecting the information, or collecting it less frequently, would degrade the NRC's 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 are required to be reported in year. Once a reportable event occurs the 10 CFR 50.73 regulation requires it to be reported within 60-days. Of the 97 reactor units of licensees in 2019 there were approximately 250 LERs reported (~3 LERs per unit).

7. Circumstances Which Justify Variation from OMB Guidelines

Not applicable

8. Consultations Outside the NRC.

Opportunity for public comment on the information collection requirements for this clearance package was published in the *Federal Register* on September 16,

2019 (84 FR 48650). Additionally, NRC staff contacted four stakeholders via email. The stakeholders were operating reactor owner/operator licensee representatives from Exelon Generation Co., LLC, Pacific Gas & Electric, Co., Southern Nuclear Operating Co. and Tennessee Valley Authority. Of the four stakeholders contacted, one of the four replied, Southern Nuclear Operating Co (SNC) and additional comments were received from the Federal Register Notice from the Nuclear Energy Institute (NEI).

Question 1: Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

NEI Comments on Question 1:

No.

The NRC, through the resident inspector and baseline inspection program, reviews events reported in the LER. These inspections focus on the causal evaluations that are used to develop the LER rather than the LER itself. Interviews are used as well to satisfy the inspectors' need for additional information. Inspection procedure 71153, "Follow-up of Events and Notices of Enforcement Discretion", allocates a nominal 65 hours to LER follow-up. COMSECY-18-0027, "Evaluation Criteria for Retrospective Review of Administrative Regulations" (RROAR), provides six screening criteria for rules to be considered for elimination. Criterion #2 states:

Requirements for reports or records that contain information reasonably accessible to the agency from alternative resources. As a result, these requirements may be candidates for elimination through a potential rulemaking.

Information contained in LERs is contained in the stations' corrective action program (CAP) Causal Evaluations and is readily available to the inspectors. The quality and quantity of information contained in CAP exceeds what is included in LERs. Therefore, the reporting of issues via LER represents an undue burden to the stations and should be considered for elimination in the (Retrospective Review of Administrative Review) RROAR review. The information provided in the LER is not providing any practical utility that is not already being provided by the licensee's CAP. The LER is of little value to other plants, even as a source of operating experience (OE). The OE function is better served by information shared with industry through the Institute of Nuclear Power Operations' OE program. For members of the public, NRC Inspection Reports and the NRC's Reactor Oversight Process website provide the public with a more comprehensive picture of plant performance than is available through the LER process.

SNC Comments:

No.

SNC does not view the collection of information via an LER necessary for the NRC to fulfill its mission and the information does not have practical utility. Specifically, the information included in an LER is redundant to that which is already well documented in multiple locations (e.g., the Corrective Action Program, NRC Performance Indicators) and is available for inspection.

NRC Response:

Concerning NEI's comment that LER information is reasonably accessible elsewhere [SNC had a similar comment]: The statements of consideration for the original rulemaking on 10 CFR Part 50.73 focus on codifying "...reporting requirements in order to establish a single set of requirements that apply to all operating nuclear power plants," and to "...define the information that must be provided in each report." The staff agrees that much of the information used to develop LERs is contained in the stations' corrective action programs (CAPs). However, these databases are not available to the public, nor are they remotely accessible by NRC staff who do not work from the resident inspectors' office onsite. In addition, there is neither a regulatory requirement for power reactor licensees to maintain a CAP nor an industry standard software system for CAPs. The timeliness of an LER (60 days from an event or condition) becoming available to the public is normally much shorter than the time it takes for the completion of a periodic inspection report, which, based on NEI's comment, would be the new method for making power reactor event information available to the public. This would result in routinely failing to meet the 10 CFR 50.73 timeliness metric for reporting, thus requiring a change to the rule. In addition, the narrative for each event reported by an NRC inspector would become the inspector's version of what occurred at the site, based on their review of the CAP and any other reporting systems used by the licensee. Licensees would thus lose the benefit of reporting events to the public in their own words.

On August 2, 2018, NEI submitted a Petition for Rulemaking (PRM) (ADAMS Accession No. ML18247A204), which proposes a rule change for 10 CFR Part 50.72, "Immediate notification requirements for operating nuclear power reactors." In its PRM, NEI states that 10 CFR 50.72 non-emergency notifications are redundant with resident inspectors' communications to the NRC and proposes to modify the rule to omit the requirement for one, four, and eight-hour non-emergency reports. In the PRM, NEI also makes the following statements:

"Indeed, the non-emergency event information is often better and more fully described in other available documents, including NRC inspection reports and LERs required by 10 CFR 50.73."

"Given that these are non-emergency events, fuller descriptions afforded by complete Licensee and NRC understandings of the event, available to the public,

are provided within the 60 days required by 10 CFR 50.73 and is [sic] sufficient for transparency purposes.”

It appears to the NRC staff that the NEI petition to amend 10 CFR 50.72 to remove non-emergency notification requirements and NEI's comments regarding this 10 CFR 50.73 LER form renewal are at cross purposes.

Concerning NEI's comment on the baseline inspection program: Attachment 1 to NRC Inspection Procedure (IP) 71153, "Follow-up of Events and Notices of Enforcement Discretion" (ADAMS Accession No. ML19197A110), is a flowchart which shows the relationship between event response and the reactor oversight process (ROP). It shows the LER as one of the notifications that begins NRC's event assessment and the LER review process. IP 71153 requires NRC inspectors to review all LERs. While causal factors are a consideration in this process, they are not the primary focus of inspector activities.

Concerning NEI's comment that the OE function is better served by information shared with industry through the Institute of Nuclear Power Operations (INPO) OE program: The staff points to the fact that like the CAP, INPO's OE database is not available to the public, and is available only to authorized NRC staff with restrictions. Information in any INPO database is considered proprietary, and NRC staff cannot make INPO information available to the public without receiving INPO's consent. Furthermore, the NRC has no regulatory jurisdiction over licensee reporting to INPO, and the details contained in INPO records do not always provide the information that the NRC needs to inform various programs. For example, in the Statements of Consideration for NRC's update to 10 CFR 50.73, published in October 2000 (65FR63774), the staff disagreed with a public commenter who proposed elimination of reporting of invalid Emergency Safety Features (ESF) actuations. Additional commenters recommended that invalid ESF actuations could be collected from the INPO database or from maintenance rule reports. The staff disagreed with these comments, stating that invalid actuations do provide information needed in estimating equipment reliability because they constitute unplanned demands, and plant response to unplanned demands may or may not differ significantly from those of planned test demands. These comparison data are one of the categories of information that the NRC uses to make equipment reliability estimates. The statements of consideration go on to say that INPO's reporting system is voluntary and does not provide a breakout of invalid actuations and their results, and the fact that ESF actuations are reported in written LERs was one of the key factors in making the determination that the NRC could work around weaknesses in the INPO data to develop reliability estimates.

Concerning NEI's comment that the information provided in the LER is not providing any practical utility that is not already being provided by the licensee's CAP; and SNC's comment that the collection of information via LER is not necessary for the NRC to fulfill its mission: The NRC staff notes several programs which use this information which would be negatively impacted if LER reports were no longer required. These include:

- The NRC reactor operating experience program, mandated in NRC Management Directive 8.7, “Reactor Operating Experience Program” (ADAMS Accession No. ML18012A156); which collects, communicates, and evaluates information from several sources, including 10 CFR 50.72 and 10 CFR 50.73 reports, to determine which safety issues may require agency attention and follow-up.
- Standardized Plant Analysis Risk (SPAR) models, which are used by NRC risk analysts to determine risk-significance of events or plant conditions. Data from LERs are fed into SPAR models in order to calculate initiating event frequencies. These numbers are used to calculate the risk significance of an event or condition and determine the outcomes of the NRC’s Reactor Oversight Process and Accident Sequence Precursor (ASP) Program.
- NRC’s ASP program, which fulfilled agency commitments following the Three Mile Island accident and helps the agency meet its Strategic Plan and Safety Performance goals, normally uses LERs as a starting point for event analysis. Risk analysts from NRC’s Office of Research screen all LERs, and flag those that are potentially risk significant for further study. The staff issues an annual report summarizing each event that qualifies as a precursor or significant precursor. ASP results also feed into the NRC’s Abnormal Occurrence report, which is required to be issued to Congress on an annual basis.
- Safety significant system and component studies performed by NRC’s Office of Research and its contractors which provide additional risk insights to plant operations.
- LERs make up the main dataset that NRC staff provides to the International Atomic Energy Agency (IAEA) Incident Reporting System. The U.S. provides more reports to this system than any other country, and our LERs present an important source of information that other countries with existing or developing nuclear power programs can use for learning and operating experience.
- Many U.S. licensees use LER data to develop system and component risk values for their own plant-specific probabilistic risk assessment (PRA) models.

The LER Search page on the NRC’s public website is visited often by internal and external stakeholders which include many visits by NRC staff, the public and state, federal and international agencies. Discontinuing LER reporting by power plant licensees would stop the flow of structured data into the LER Search database maintained by NRC. This database allows both NRC staff and members of the public to search through the last 40 years of event data for tracking and trending purposes. Removal of this information source would prevent the public from having timely access to event data affecting nuclear power plants and public safety.

In summary, the NRC staff disagrees with the comments from NEI and SNC regarding whether the proposed collection of information is necessary for the NRC to properly perform its functions and whether the information has practical

utility. This LER information certainly is used by the NRC, has practical utility to the NRC and to external stakeholders, as well.

Question 2: Is the burden estimate accurate?

NEI Comments on Question 2:

The NRC's estimate of 80 hours for completing an LER appears to be low. The number of person-hours involved in completing an LER varies greatly, depending on the complexity of the issues and corrective actions involved. It is also difficult to break out the person-hours tied to completing the LER from the hours required to address the underlying event or issue in accordance with the licensee's CAP. Among the complexities are the following:

- The contents of the LER depend on the quality and timeliness of the investigation and analysis that precedes it. Correcting the underlying problem drives the licensee's response and level of effort, not completing the LER.
- For complicated issues, the licensee may have to spend a great deal of time and resources to write the LER in a way that is understandable to the public.
- Because the LER is both an official submittal to the NRC and potentially a summary report on a significant plant issue, the LER garners additional internal reviews that the NRC might not be considering in its estimate of 80 hours. For example, most licensees require their onsite safety review committee review the proposed LER. This multi-discipline team's review and discussion, plus the processing and retention of the associated meeting minutes, can be a significant part of the burden associated with completing the LER.

SNC Comments on Question 2:

SNC has found that the amount of time to complete an LER can vary significantly based on the type and complexity of the issue. Though the estimated completion time of 80 hours may be reasonable for most LERs, SNC does not view the value gained by the regulator to be commensurate with the resources applied by the licensees.

NRC Response:

Concerning NEI's comment that the burden estimate appears to be low: This burden estimate of 80 hours represents the average amount of time spent by the licensee to complete an LER form submittal. Some complex LERs may take longer, while other LERs are relatively simple and may take far less time. NRC staff have observed licensee staff as they perform these processes including the reviews by onsite safety review committees. The NRC staff has not noted significant time increases for LER event review. Additionally, many of the licensee's activities involved are actually for the review under the licensee corrective action programs (CAP) that are then used in developing an LER input.

These hours would occur in response to these sorts of events or conditions regardless of whether the LER program existed. The NRC staff does not consider this CAP review time to be part of the LER form documentation process. This explains most likely any significant burden estimate difference.

The number of LERs industry-wide averages out to fewer than four per operating reactor in a typical year, and some plants go a year or more without being required to submit an LER.

The value gained by the regulator is explained in NRC's response to Question 1 above. Writing reports in such a way that they are understandable to the public is necessary so that external stakeholders can understand the nature of significant events that occur at nuclear power plants. The staff agrees that this and other considerations described by NEI in its comments can add to the complexity of generating an LER, but absent specific data on LER time expenditures, the NRC staff disagrees with the assertion that the 80-hour estimate appears to be low. The bulk of these hours the licensees discuss are for normal business operations, including CAP review, and not the actual LER documentation input hours.

Question 3: Is there a way to enhance the quality, utility, and clarity of the information to be collected?

NEI COMMENTS on Question 3:

The question on "quality, utility and clarity" depends on the use to be made of the information collected. From the industry's perspective, the quality and utility of information in LERs is insufficient for them to be of use for researching operating experience. INPO maintains a database that is sortable by many more variables than the NRC LER database allows, making this tool far more valuable for the industry's OE needs. In essentially all cases the clarity of LERs is acceptable. Development of the LER electronically and submittal via Electronic Information Exchange (EIE) has improved the clarity such that this historical issue has not been a recent problem.

SNC Comments on Question 3:

Yes. With respect to utility, SNC does not see value in reporting the component failure data included in Block 13 and the EISS codes in the Narrative section, as there is no way to readily retrieve the data through the NRC's LER advanced search form. Unless the utility is improved, SNC does not see the value in the continued collection of this data.

NRC Response:

NRC staff agrees that the clarity and accuracy of most LERs is acceptable.

Concerning NEI's comment that INPO maintains a database that is far more valuable: The NRC staff agrees the INPO database is useful to the industry, NRC staff, and NRC contractors who are allowed varying levels of access to the data. However, the INPO database is not publicly available, and therefore not available to external stakeholders who are not INPO members or NRC contractors. For these external stakeholders (e.g., state agencies, federal agencies, universities, international agencies, non-governmental organizations, and the public) LERs remain the primary source of event information.

Electronic submittal of LERs, and their subsequent transmittal into a searchable, publicly available database by Idaho National Laboratory, allows for external stakeholders to perform queries of the different types of reported events. These documents are searchable and the information is readily retrievable. Each publicly available LER document is also made available in the NRC Agencywide Documents Access and Management System (ADAMS).

EIIS codes are still used by some external stakeholders. Component failure data is primarily compiled from the INPO database when it is needed for specific studies. However, as stated above, members of the public who wish to compile this data do not have the benefit of access to INPO failure data, so the LERs may represent their best set of data available.

The NRC welcomes any proposals from NEI or industry or the public on how to improve the quality, utility, and clarity of the information collected in LERs. Such proposals should, however, consider the above facts regarding availability of INPO data. As a reminder, during a November 16, 2017, Reactor Oversight Process (ROP) public meeting, NRC staff demonstrated an online LER submittal tool that would allow licensees to input data directly into a form that would then be used to populate a database and generate the LER. This new database may include more readily available and user friendly data searchable fields. While industry attendees were attentive to this demonstration, at the time they indicated that such a tool would not help solve their most pressing issues related to 10 CFR 50.73 and did not wish to explore this further at that time. The NRC staff welcomes additional dialogue on this topic. Recently NRC staff has become aware that NEI/ licensees may be more open to an electronic submittal forum for LERs. These discussions can be explored at the ROP meetings with industry.

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

NEI Comments on Question 4:

When a new Form 366 is published, the licensees incur burden by having to convert the revised form to one editable by word-processing software. It would be more efficient for the NRC to provide the Form 366 in a form that licensees can complete electronically, for example as a Word file.

The burden could be reduced by eliminating the LER rule and having the inspectors collect information needed both for inspection and research purposes. This could be done under the RROAR [Retrospective Review of Administrative Requirements (RROAR) initiative] effort as this screens in under Criterion #2, which states:

Requirements for reports or records that contain information reasonably accessible to the agency from alternative resources. As a result, these requirements may be candidates for elimination through a potential rulemaking.

SNC Comments on Question 4:

SNC believes there are several enhancement opportunities that could be considered to streamline the process to reduce burden on licensees. For example, the pdf version of the LER form is cumbersome to work with and would better serve the end user in the form of a Microsoft Word file or similar freeform application. The use of automated collection techniques or other forms of information technology would be a welcome change, and SNC is open to working with the NRC to pilot such applications.

NRC Response:

Concerning NEI and SNC comments regarding difficulty adjusting to each new pdf version of the LER form: As stated in our response to question 3, the NRC is open to re-engaging industry on a pilot process for an online LER submittal tool. A more free-form method (e.g., Microsoft Word) for inputting the data could also be explored as an interim or even final step in simplifying the process. Perhaps cooperation on this tool, along with an update to some reporting requirements would help industry continue to submit information required by the NRC and its stakeholders while also alleviating some of the burden that the rule puts on licensees.

Concerning NEI's comment that eliminating the LER rule and having inspectors collect the information falls under Criterion #2 of the RROAR: The staff does not agree that the requirements of the LER rule could be fulfilled by having its inspectors collect information needed both for inspection and research purposes. As explained in previous answers, LERs are often the only source of information regarding significant operational events at nuclear power plants that are available to external stakeholders. The NRC has an obligation under our NRC public openness policy to continue to provide this important information to our external stakeholders which includes the public, and the agency has a statutory requirement to provide Abnormal Occurrence reports to Congress. More on the NRC public openness policy can be found at our NRC public website at: <https://www.nrc.gov/public-involve/open.html> and <https://www.nrc.gov/public-involve/open/philosophy.html#plan>

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. If sensitive information is provided by licensees within these submittals there are processes for appropriate marking them non-public for security reasons or marking sections as “proprietary” per 10 CFR 2.390(b).

12. Estimated Burden and Burden Hour Cost

Approximately 442 NRC Forms 366, 366A and 366B are expected to be submitted annually during the next three years, based on data from recent LER submittals and trends, as well as NRC staff knowledge about the number of licensees and potential future submissions. This estimate includes 92 forms that NRC staff anticipate will be submitted in response to reporting requirements for cyber security events.¹

The total annual estimated burden for submissions is 28,000 hours calculated as follows:

Total Reporting Burden = 442 submissions x 64 hours = 28,288hours
Total Recordkeeping = 442 submissions x 16 hours = 7,072 hours
Total Burden = 28,288 + 7,072 = 35,360hours
Responses = 542 (442 reporting responses + 100 recordkeepers)
Total annual cost to industry = 35,360 hours x \$275/hour = \$ 9,724,000

NOTE: The \$275 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission’s fee for hourly rates as noted in 10 CFR 170.20 “Average cost per professional staff-hour.” For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2018 (83 FR 29622, June 25, 2018).

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

¹ 1 Cyber security event notification reporting requirements are associated with the Cyber Security Event Notifications final rule and were approved by OMB on July 25, 2016.

maintained for a typical OMB clearance the records storage cost has been determined to be .0004 times the recordkeeping burden cost. Therefore, the storage cost for this OMB clearance is determined to be \$779 (7,072 hours x \$275/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
- Operating Experience Program

The NRC also expends about 250 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 hour of effort per LER and 350 LERs per year (1 hours per LER X 350 LERs), it is estimated that 350 hours of effort is needed per year for NRR.

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

Finally, the NRC Regional Offices are responsible for implementing NRC's inspection program. It is estimated that LER reviews called out by Inspection Procedure (IP) IP 71153, "Event Follow-up" will take a maximum of 8 hours per LER. Therefore, with 8 hours of effort per LER, and 350 LERs submitted per year (8 hours per LER X 350 LERs), it is estimated that the Regional Offices will expend approximately 2,800 hours of effort on LER disposition per year.

The total NRC effort is therefore estimated to be 3,650 hours (2,800 regional inspection hours + 350 NRR hours + 200 NRC database contract hours + 50 RES ASP program staff hours+ 250 hours for PM/COR contract management).

The total estimated annual cost for the government is \$ \$1,903,750 (\$275 x 3,650 hours + \$900K for LER database and analysis contract).

15. Reasons for Change in Burden or Cost

Improvements have been made to the NRC Form 366 to aid the submitter and ensure accuracy of information. The form is being revised in Block 11 to provide two new reporting check blocks that the Code for Federal Regulations (CFR) references to allow the reporting via this form, namely for 10 CFR 21.2(c) and 10 CFR 50.69(g). A line item entry space is now provided for the "Other" at the bottom of Block 11.

Additionally, due to a database name change by the Institute of Nuclear Power Operations (INPO) the form is being revised in Block Number 13 to now reference "Reportable to IRIS" - (instead of "Reportable to ICES"). These changes discussed above add no significant additional burden.

The NRC reviewed the number of LERs submitted over the past two clearance cycles and estimates the annual average will remain essentially constant or will decrease for the licensees reporting using NRC Forms 366, 366A and 366B in the future; therefore, there is no change in per nuclear unit burden. The NRC staff believes the licensees are conflating normal business operations, including corrective action program reviews, with filling out the LER form for submittal. The time to fill out the LER form documentation has not significantly changed and the estimated hours (burden) still appears reasonable and proper.

There was a slight increase in the fee rate from \$268/hr to \$275/hr (currently) used for this OMB clearance cycle. As a result, there was an increase in costs of \$196,000 associated with the increase in the NRC fee rate. This estimate includes submission of cyber security event notifications on the NRC Form 366.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed.

18. Exceptions to the Certification Statement

There are no exceptions.

B. Collection of Information Employing Statistical Methods

The collection of information does not employ statistical methods.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN

NRC FORMS 366, 366A, and 366B, "LICENSEE EVENT REPORT"
10 CFR Part 50.73

10 CFR 50.73 requires 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.

On October 25, 2000, the NRC published a final rule in the Federal Register which modified the event reporting requirements in 10 CFR 50.73 (65 FR 63769). The final rule better aligned event reporting requirements with the types of information the NRC needs to carry out its safety mission, including revising reporting requirements based on importance to risk and extending the required reporting times consistent with the time that information is needed for prompt NRC action. NRC Forms 366, 366A, and 366B reflect requirements contained in 10 CFR 50.73.

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

GUIDANCE DOCUMENTS FOR INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN
NRC FORMS 366, 366A, and 366B, "LICENSEE EVENT REPORT"
10 CFR Part 50.73

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