

**Bases for NRC Withdrawal of Regulatory Guide 10.1,
“Compilation of Reporting Requirements for Persons Subject to NRC Regulations”**

(1) What regulation(s) did the Regulatory Guide support?

[Regulatory Guide \(RG\) 10.1, Revision 4, “Compilation of Reporting Requirements for Persons Subject to NRC Regulations,”](#) was published in October 1981 to provide a list of various reports required in connection with NRC licensed activities and to assist in the timely and correct distribution of said reports.

The guide does not specify any methodology needed to meet reporting requirements or methods to ensure the specific content of related reports is adequate. The guide directs the user to review the related requirement or other published guidance to determine the reporting expectations.

(2) What was the purpose of the Regulatory Guide?

RG 10.1, Rev. 4, provides a list of various reports required in connection with NRC licensed activities that existed in October 1981.

(3) How was the Regulatory Guide used?

RG 10.1, Rev. 4, would have been used by stakeholders to identify those reporting requirements that existed at the time of issuance, i.e, October 1981. The guide did not relieve licensees of meeting reporting requirements. It was incumbent on each licensee to ensure that changes to regulations that resulted in new, deleted, or modified reporting requirements were met. The guide indicated that the regulations/requirements supersede the guide.

(4) Why the Regulatory Guide is no longer needed?

The purpose of a regulatory guide is “to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission’s regulations . . .” RG 10.1, Rev. 4, provides no guidance on the specific information that should be contained in the listed reports and generally directs licensees to the underlying regulations in Title 10 of the Code of Federal Regulations (CFR) or other publications in the regulatory guide series.

Licensees are required to meet the applicable regulatory requirements established by NRC, which change as part of its ongoing regulatory processes. As such, reliance on RG 10.1 alone would not be sufficient. For example, the NRC may publish a rule that has a reporting requirement in it. RG 10.1 is therefore only a summary of the existing reporting requirements at the time of issuance of the guide, and the guide becomes outdated upon the first change to any NRC reporting requirement after issuance.

(5) What guidance is available once the Regulatory Guide is removed?

Reporting requirements are identified within NRC regulations. In addition, there are supplemental references to these requirements in licenses, license technical specifications, and other publications in the regulatory guide series. The NRC's regulations and these other documents are readily available online or via alternate sources using either searches within various document collections such as 10 CFR Chapter I, RGs, NRC Inspection Procedures, or the "Reports" section contained in individual sections of the CFR.

A list of the NRC's reporting requirements can also be found online at the Web page for OMB's Office of Information and Regulatory Affairs, which contains data for many federal agencies on their information collection requirements under the Paperwork Reduction Act.

(6) Is the Regulatory Guide referenced in other documents and what are the "ripple effects" on these documents if it is withdrawn?

There will be no "ripple effect" due to the withdrawal of [Regulatory Guide 10.1](#). Regulatory Guide 10.1 states that "requirements specified in the regulations, conditions of license, or provisions of license technical specifications prevail if there is a conflict between the requirements and the information in this guide."

Regulatory Guide 10.1 does not contain a reference section. Therefore ADAMS and internet searches were performed to identify potential documents that reference the guide. ADAMS and internet searches identified the following examples of documents that referenced Regulatory Guide 10.1. The reasons that there is no ripple effect are provided for each document.

- [Regulatory Guide 1.16](#) , Reporting of Operating Information -- Appendix A Technical Specifications (for Comment) (**Withdrawn** -- See [74 FR 40244; August 11, 2009](#)). This guide is withdrawn. Although some operating plants may have referenced RG 10.1 to address RG 1.16 and made it a part of their licensing basis during their licensing activities in the past, withdrawal of this RG does not in any way change the requirements that may have been established in the plant's licensing basis, and this RG remains publically available for reference and use in any potential future regulatory process such as enforcement. In addition, the NRC noted that this information is available in its regulations in 10 CFR Chapter I and other regulatory guidance documents.
- [Regulatory Guide 3.55](#), Standard Format and Content for the Health and Safety Sections of License Renewal Applications for Uranium Hexafluoride Production, April 1985. RG 3.55 cites RG 10.1 as an informational listing of reporting requirements, and does not establish the reporting requirements in RG 10.1 as a staff regulatory position, so there is no ripple effect.
- [Safety Evaluation Report \(SER\) for the Dewey-Burdock Project Fall River and Custer Counties](#), South Dakota, Materials License No. SUA-1600, Docket No. 40-9075, Powertech (USA) Inc.; dated March 18, 2013. There should be no impact on meeting reporting requirements (albeit RG 10.1 is referenced in the SER) because

the SER directs the licensee to comply with 10 CFR 40.60 and the reference to RG 10.1 is purely informational.

- [Annotated List of Regulations and Guidance Applicable to Temporary Storage of Commercial Low-Level Radioactive Waste](#), Published April 1992, National Low-Level Waste Management Program, Idaho Falls, Idaho 83415. There should be no impact on meeting reporting requirements (albeit RG 10.1 is referenced in the SER) because RG 10.1 is identified as a supplemental document and not a substantive one.
- Other documents, Licensee Event Reports, and various reports were reviewed, but the staff did not identify any impact.

(7) What is the basis for believing that no guidance similar to that in the Regulatory Guide will be needed?

There is no law or rule that requires NRC to provide guidance on reporting requirements through the maintenance of a consolidated list. Although Regulatory Guide 10.1 is informational, the information provided therein is similarly provided in 10 CFR Chapter I.

The staff reviewed historical interest in RG 10.1 to assess its value, and whether the guidance will be needed in the future. The history of documenting NRC reporting requirements was reviewed to ascertain if the basis for withdrawal of RG 10.1 was also supported by prior staff positions or actions. The staff found that there has been periodic interest by both external stakeholders and NRC staff in having a consolidated list of reporting requirements. In addition, there appears to have been good faith efforts made to develop and maintain a list of reporting requirements. However, the staff concludes that these efforts were not successful because it was ultimately determined that the costs of maintenance of a list outweighed the benefits of having a current list.

- [Regulatory Guide 10.1](#), "Compilation of Reporting Requirements for Persons Subject to NRC Regulations," Revision 4, October 1981 (Last Revised).
- [NUREG/CR-4330, PNL-5809](#), Vol. 1, Review of Light Water Reactor Regulatory Requirements, April 30, 1986. "The utilities interviewed expressed a desire to see all the NRC reporting requirements contained in one regulation. While RG 10.1 attempted to summarize all the reporting requirements, it is out of date. As a step less drastic than rewriting all the regulations to consolidate the reports, RG 10.1 could be updated."
- NUREG-1460¹, "Guide to NRC Reporting and Recordkeeping Requirements," last revised in 1991 and published in November 1992. Similar to RG 10.1, NUREG-1460 was a document that provided a list of various reports required in connection with NRC licensed activities. Discussions with NRC's Office of Information Services (OIS) indicated that the manpower effort to make the last revision of NUREG-1460

¹ Due to the age of NUREG 1460 it is not available in the NRC's Agencywide Documents Access Management System (ADAMS). This NUREG can be reviewed or printed for a fee in the NRC's Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD; the mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397-4209; and e-mail pdr.resource@nrc.gov.

was approximately 1 man-year and that attempts to maintain a current, living document were FTE intensive and not cost effective.

- “Final Report of the Working Group On Event Reporting”, April 2001,² convened by the Office of Nuclear Material Safe an Safeguards to identify ways for making the reporting and assessment of material events more effective, efficient, and realistic, the Working Group examined guidance to licensees on event reporting and stated that “[t]he goal of providing an electronic index to guide users through the ‘scattered maze’ of reporting requirements may be practicable . . .” while acknowledging that “constant rulemaking activities may make maintenance of a master index difficult, particularly if it is published in hard copy.” In a subsequently released “Action Plan to Respond to the Recommendations of the Working Group on Event Reporting,” dated December 5, 2001,³ it was recommended that the NRC staff “[c]reate a dedicated web page for basic reporting requirement information with electronic links to more detailed information.” This report resulted in a change to the FY 2001, 2002, & 2003 Operating Plan information for NRC’s Office of the Chief Information Officer, currently OIS, which stated:

IRDMD.2.A.2 Update and expand NUREG-1460, Rev. 2, Guide to NRC Reporting and Recordkeeping Requirements and place NUREG on Web

- a. Create database of information collections to generate NUREG TBD
- b. Obtain Program Offices’ input to NUREG TBD
- c. Obtain Program Offices’ concurrence in proposed update TBD
- d. Place NUREG-1460 on web with ability for continuous update TBD

Thereafter, OIS discontinued this project due to both a lack of resources and funding. Additionally, in November 2013, OIS noted to the NRC’s Office of Nuclear Regulatory Research (RES) that all applicable regulations contain a section titled “Information collection requirements: OMB approval.” The “Information collection requirements: OMB approval” section of each part of Title 10 of the Code of Federal Regulations lists every *Section* relating to the *Part* that contains a reporting requirement, as well as the OMB control numbers need to perform searches on the reporting requirements. Additionally, electronic searches on reporting requirements may be completed at OMB’s [Office of Information and Regulatory Affairs](#) Web page.

- May 12, 2005, Letter to Global Nuclear Fuels⁴, March 1, 2011, and Letter to Drexel University⁵; Subject: “Reinstatement of NUREG-1460”

These correspondences recommended the use of the OMB information collection system and stated that NUREG-1460 will not be updated. These letters stating that NUREG-1460 will not be updated are relevant because NUREG-1460 was the

² Final Report of the Working Group On Event Reporting, April 2001, is publically available under ADAMS Accession Number ML011220065.

³ Action Plan to Respond to the Recommendations of the Working Group on Event Reporting, December 5, 2001, is publically available under ADAMS Accession Number ML013600312.

⁴ Response Letter to Charles Vaughan, Global Nuclear Fuel from Edward Baker, re: Update & Reactivation of NUREG-1460, "Guide to NRC Reporting & Recordkeeping Requirements," is publically available under ADAMS Accession Number ML051110198.

⁵ Letter Response to Kent Lambert, Drexel U - Update NUREG-1460, is publically available under ADAMS Accession Number ML11061A010.

successor to RG 10.1; therefore, it can be concluded that if the NUREG is not needed the regulatory guide is also not needed. Specifically the earlier correspondence indicated that: “we have decided not to update our system, but to wait until OMB deploys its system and then use it to generate the updated NUREG.” The later correspondence stated that the OMB system should be used because “[t]he data that OMB requires is the same data needed to generate and maintain this NUREG.”

- In November 2012, RES staff informally contacted the Nuclear Energy Institute (NEI) and representatives from other NRC offices relative to withdrawing RG 10.1 to determine if the guide was still needed and the response was “no.” In prior informal correspondences with NEI in September 2012, NEI indicated that “it would be beneficial if the information contained in 10.1 could be placed somewhere on the NRC website for licensees to reference when necessary.”

Ultimately, the NRC indicated in their most recent response letters to stakeholders (discussed below) that the best method for stakeholders to access this type of information was via the OMB data collections system or at the related [Office of Information and Regulatory Affairs](#) Web page on [Reginfo.gov](#). This listing includes all collections of information from the public for which a Federal agency has received prior approval from OMB, as required by the Paperwork Reduction Act. An ongoing collection must be approved by OMB at least once every three years.

Based on the information detailed above which indicated that the OMB data collection system was adequate and that maintenance or revision of existing systems was cost prohibitive relative to the benefit, the RES staff is recommending withdrawal of RG 10.1.

(8) Will generic guidance still be needed?

No. There is no law or rule requiring NRC or its licensees to provide guidance in the form of a consolidated list of reporting requirements. However, in the future if the NRC determines that it may be desirable to develop and maintain an informational list of reporting requirements, it may do so at that time. See the discussion in question 9.

(9) What is the rationale for withdrawing this Regulatory Guide instead of revising it?

Regulatory Guide 10.1 was for information purposes only, and provides no specific guidance to applicants or licensees. Instead, the reporting requirements contained within RG 10.1 are contained in the 10 CFR Chapter I and other regulatory documents, and are available by using electronic searches. A proxy for a consolidated list of the NRC’s reporting requirements can be found online at the Web page for OMB’s Office of Information and Regulatory Affairs, which contains data for many federal agencies on their information collection requirements under the Paperwork Reduction Act.

Regulatory Guide 10.1 is very outdated and cannot be relied on for accurate information. Title 10 CFR Chapter I has changed substantively since RG 10.1 was last revised in 1981 and it would require a complete review of the CFR to bring the regulatory guide up to date. The NRC staff finds that the magnitude and effort required to perform a complete assessment of the contents of the code is not warranted.

In the future it may be desirable to develop and maintain a more comprehensive informational list of reporting requirements. However, the staff believes that a regulatory guide would not be the appropriate vehicle for providing such information. The staff believes that a living document would be the most effective approach. This could be maintained by the owners of appropriate regulatory processes or a central information system, and the results could be posted on an NRC web site.

(10) Do other agencies rely upon Regulatory Guide 10.1, e.g., the Agreement States, National Aeronautical and Space Administration, Department of Energy?

The NRC staff is not aware of any agencies that rely on RG 10.1. It is possible that other agencies may have used RG 10.1 to identify reporting requirements that may be related to their activities. The RG states that the requirements contained within the regulations were only accurate at the time of issuance and that reporting requirements contained within requirements and regulations shall prevail.