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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 21, 50, and 52

[NRC-2023-0167]

Regulatory Guide: Evaluating Deviations and Reporting Defects and Noncompliance

AGENCY: Nuclear Regulatory Commission.

ACTION: Final guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 1.234, “Evaluating Deviations and Reporting Defects and Noncompliance.” This RG describes methods that the staff of the NRC considers acceptable for complying with the provisions of NRC regulations.

DATES: Revision 1 to RG 1.234 is available on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Please refer to Docket ID NRC-2023-0167 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

Federal Rulemaking Website: Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0167. Address questions about Docket IDs in Regulations.gov to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

NRC’s Agencywide Documents Access and Management System (ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public

Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

NRC's PDR: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

Revision 1 to RG 1.234 and the regulatory analysis may be found in ADAMS under Accession Nos. ML24038A311 and ML23187A550, respectively.

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SUPPLEMENTARY INFORMATION:

Discussion

The NRC is issuing a revision in the NRC's "Regulatory Guide" series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The proposed Revision 1 to RG 1.234 was issued with a temporary identification of Draft

Regulatory Guide, (DG)-1416 (ADAMS Accession No. ML23187A549). This revision of this guide (Revision 1) clarifies the NRC's definition of counterfeit, fraudulent, and suspect items. In addition, the staff made several editorial changes to conform to the current format and content of RGs.

Additional Information

The NRC published a notice of the availability of DG-1416 in the Federal Register on November 17, 2023 (88 FR 80196) for a 30-day public comment period. The public comment period closed on December 18, 2023. No public comments on DG-1416 were received.

As noted in the *Federal Register* on December 9, 2022 (87 FR 75671), this document is being published in the "Rules" section of the Federal Register to comply with publication requirements under chapter I of title 1 of the Code of Federal Regulations (CFR).

Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Backfitting, Forward Fitting, and Issue Finality

Issuance of RG 1.234, Revision 1, does not constitute backfitting as defined in 10 CFR 50.109, "Backfitting," and as described in NRC Management Directive (MD) 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests"; affect issue finality of any approval issued under 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants"; or constitute forward fitting as that term is defined and described in MD 8.4, because, as explained in RG 1.234, Revision 1, licensees are not required to comply with the positions set forth in the RG.

Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC's public website at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html>. Suggestions will be considered in future updates and enhancements to the "Regulatory Guide" series.

Dated: March 21, 2024.

For the Nuclear Regulatory Commission.

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