



NUCLEAR ENERGY INSTITUTE

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Rulemaking and Directives Branch  
 Office of Administration  
 U.S. Nuclear Regulatory Commission  
 Washington, DC 20555

**Subject:** Comments on Draft Regulatory Guides DG-1215, Quality Assurance Program Requirements (Design and Construction)

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**Project Number: 689**

The Nuclear Energy Institute (NEI)<sup>1</sup> appreciates the opportunity to provide the enclosed comments on Draft Regulatory Guide DG-1215, (Proposed Revision 4 of Regulatory Guide 1.28, dated August 1985), Quality Assurance Program Requirements (Design and Construction).

The draft regulatory guide describes methods the U.S. Nuclear Regulatory Commission (NRC) staff considers acceptable for complying with the provisions of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Facilities." However, the NRC has also endorsed NEI 06-14A, "Quality Assurance Program Description," which provides a generic template for use in developing an applicant-specific quality assurance program description required a part of an early site permit (ESP) and combined license (COL) application. The template is based on the requirements of ASME NQA-1-1994, "Quality Assurance Requirements for Nuclear Facility Applications," Parts I and II, which at the time was the latest NRC-approved standard for a Quality Assurance Program as referenced in the Standard Review Plan (NUREG-0800). The draft regulatory guide endorses a later version of later version of NQA-1.

10 CFR Part 52 requires COL applicants to conform to the latest approved NRC Regulatory Guides. If a COL applicant cannot conform, justification is required. In this regard, we recommend that Draft Regulatory Guide 1215 include a statement that NEI 06-14A is an acceptable product for use in future COL and ESP applications, and that no additional justification is necessary in the application.

<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

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Template = ADM-013

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Absent such a clarification, applicants will have to justify why they are not conforming to the newer NQA -1 standard endorsed in the regulatory guide.

If you have any questions, please contact James Fiscaro (202-739-8018; jjf@nei.org) or me.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas J. Walters". The signature is written in a cursive, flowing style.

Douglas J. Walters

Enclosure

Enclosure

**COMMENTS - DRAFT REGULATORY GUIDE DG-1215****Proposed Revision 4 of Regulatory Guide 1.28, dated August 1985, Quality Assurance  
Program Requirements (Design and Construction)**

1. DG-1215 1<sup>st</sup> paragraph seems to imply that the only document being endorsed is the 2009 Addenda and not the 2008 edition of NQA-1 with the 2009 Addenda. If it is the NRC's intent to endorse NQA-1-2008 with the additions and modifications of NQA-1a-200[9], then this should be clarified. The correct reference for the Addenda is NQA-1a-2009 and not NQA-1a-2008.
2. Based on the intent of the guidance document to endorse Parts I and II of NQA-1-2008 with NQA-1a-2009, we are concerned that SRP-17.5 and the NEI template do not require us to use Subpart 2.3, however, this will now be a part of the standard endorsed by Reg. Guide and COL applicants will need to justify an alternative to that information, or we will need to include it as part of the QAPD.
3. Regulatory Position 1.a.(3) (starts with "Revision 3 of this regulatory guide provided guidance on the retention"), is not clear as to whether or not the Regulatory Guide is invoking Part III, Non-mandatory Appendix 17A-1 as part of the requirements. We do not believe the NRC should invoke non-mandatory appendices. The NRC should clarify the intent of this position.
4. The value in providing all the historical information contained within the document is not clear.
5. We are concerned that SRP-17.5 and the NEI template do not require industry to use Subpart 2.18; however, this will now be a part of the standard endorsed by Reg. Guide, and COL applicants will need to justify an alternative to that information. Part II, Subpart 2.18 addresses requirements for Maintenance. This does not appear to be appropriate for application to the Design and Construction of a Nuclear power Facility.
6. In section C.1, delete paragraph "a. Lifetime and Nonpermanent Records" in its entirety. This section, along with its subsections, simply restates NQA-1-2008 Requirement 17 Paragraphs 401 and 402. Rewrite Paragraph b. to provide supplemental guidance for electronic records and make it Regulatory Position C.1.