

NRC Staff Responses to Public Comments on DG-1291:
“EVALUATING DEVIATIONS AND REPORTING DEFECTS AND NONCOMPLIANCE UNDER
10 CFR PART 21”
Federal Register 82 FR 36457 (August 4, 2017)

I. INTRODUCTION

This document presents the NRC’s responses to written public comments received on Draft Guide (DG)-1291, “Evaluating Deviations and Reporting Defects and Noncompliance Under 10 CFR Part 21” (ADAMS Accession No. ML16165A294), in response to a separate *Federal Register* entry (82 FR 36457, August 4, 2017).

II. OVERVIEW OF COMMENTERS AND COMMENTS

The staff received 1 comment submission and a total of 2 individual comments. Table 1 presents information on the comments submitted on DG-1291.

Table 1.

Name	Affiliation	ADAMS Accession No.	Identifier
Amanda Spaulding	Westinghouse-	ML17284A175	Westinghouse

Comment 1: DG-1291 includes several references to “licensees” and “applicants” throughout the document; for example, on the top of pages 3 and 6. Westinghouse suggests that such references should be expanded to include dedicating entities and suppliers, to cover the full range of Part 21 applicability. Footnote 2 also defines terms applicants and licensees without reference to broader categories of entities subject to 10 CFR Part 21 and 10 CFR 50.55e.

NRC Response: The NRC evaluated this comment and no changes were made to the guidance as a result of this comment. The applicability statement and background sections of DG-1291 addresses the inclusion of dedicating entities and suppliers. In addition, the DG also discusses times when a licensee and applicant may be the purchaser and supplier.

Comment 2: Section C, “Staff Regulatory Guidance” of DG-1291 states the following (definition of DCR added for clarification in this letter): “For the purposes of interactions between DCR (*design certification rule*) applicants and combined operator license (COL) holders, the DCR applicant is considered to be the supplier and the COL holder the purchaser while using the guidance of NEI 14-09.” Design certification would normally precede COL issuance; therefore, Westinghouse suggests that the cited sentence should be revised as follows: “For the purposes of interactions between DCR applicants and operator license (COL) applicants and holders, the DCR applicant is considered the supplier and the COL applicant or holder is the purchaser while using the guidance of NEI 14-09.”

NRC Response: The NRC evaluated this comment and changes were made to Section C of the guidance as a result of this comment.

Change in the Guidance: Section C, Paragraph 2, Page 5

For the purposes of interactions between DCR applicants and operator license (COL) applicants and holders, the DCR applicant is considered the supplier and the COL applicant or holder is the purchaser while using the guidance of NEI 14-09.