

**Response to Public Comments on Draft Regulatory Guide (DG)-
2007
“Guidance for Implementation of 10 CFR 50.59, “Changes, Tests
and Experiments,” at Nonpower Production or Utilization
Facilities,”
Proposed new Regulatory Guide (RG) 2.8**

On November 23, 2021, the U.S Nuclear Regulatory Commission (NRC) published a notice in the *Federal Register* (86 FR 66464) that Draft Regulatory Guide, DG-2007, (Proposed new Regulatory Guide (RG) 2.8), was available for public comment. The Public Comment period ended on December 23, 2021. The NRC received one comment from the person and organization listed below. The NRC has reviewed the comment and has made changes to DG-2007 as discussed below.

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Comment:

The Nuclear Energy Institute (NEI)¹ is pleased to provide NEI 21-06, Revision 01, "GUIDELINES FOR 10 CFR 50.59 IMPLEMENTATION AT NON-POWER PRODUCTION OR UTILIZATION FACILITIES" in response to draft regulatory guide (DG), DG-2007, "Guidance for Implementation of 10 CFR 50.59, "Changes, Tests and Experiments," at Non-power Production or Utilization Facilities." The DG endorses, with clarifications and an exception, NEI 21-06. NEI 21-06 Revision 01 was developed in response to the public comment period for DG-2007. We believe NEI 21-06, Rev. 01 addresses these clarifications and exception, and is submitted herein for NRC's review and endorsement. Specifically, revisions were made to Sections 4.3.8 and 4.3.8.2. Through these proposed changes in response to DG-2007, we believe a "clean endorsement" can be achieved in the final Regulatory Guide 2.8. For ease of review, attached please find a "track-changed" version as well as a "clean" version of Rev. 01.

Revision 01, like Rev. 0, was developed with the assistance from the National Organization of Test, Research, and Training Reactors (TRTR), and other non-power production or utilization facility (NPUF)² licensees. We appreciate the NRC's expedited review of this guidance, as these efforts support greater regulatory clarity for this class of licensees. We also appreciate the Office of the Chief Financial Officer (OCFO) fee-waiver that was issued on October 15, 2021, under which NEI 21-06, Revision 0 and the attached Revision 1 is conducted.

On behalf of the NPUF community, we look forward to continued dialogue as it pertains to endorsement of NEI 21-06, Revision 1 and towards finalizing the new Regulatory Guide 2.8. Please contact me should you have any questions.

NRC Response:

The NRC has reviewed Revision 1 to NEI 21-06 as a replacement to Revision 0 of NEI 21-06. Based on that review, the NRC has found that Revision 1 to NEI 21-06 contains the appropriate changes needed for the staff to remove the clarifications and exception included DG-2007, Section C, Staff Regulatory Guidance positions d and e. Therefore, the staff agrees with the comment and final Regulatory Guide 2.8 endorses NEI 21-06, Revision 1 rather than Revision 0 without staff positions d and e from Section C of DG-2007.