

Responses to Public Comments on Draft Regulatory Guide DG-1415
“Dedication of Commercial-Grade Items for Use in Nuclear Power Plants”
Proposed Revision 1 to Regulatory Guide 1.164

On November 17, 2023, the U.S Nuclear Regulatory Commission (NRC) published a notice in the *Federal Register* (88 FR 80195) that Draft Regulatory Guide (DG)-1415 (Proposed Revision 1 to Regulatory Guide (RG) 1.164) was available for public comment. The public comment period ended on December 18, 2023. The NRC received comments from the individual listed in the table below. This document identifies how the NRC dispositioned the comments received. The comments are quoted verbatim in italics.

Comment Submission No.	Commenter	ADAMS Accession No.
1 (Two Comments)	Marc H. Tannenbaum Technical Executive, Sr. Electric Power Research Institute 1300 West W.T. Harris Boulevard Charlotte, NC 28262-7097	ML24059A008

Comment 1-1:

EPRI completed and published EPRI 3002011678, [Guidance for the Use of Reverse-Engineering Techniques: Revision 1 to EPRI TR-107372](#) in in May of 2018.

Consider including EPRI 3002011678 as a reference as indicated below:

EPRI 3002002982, Section 5.14, “Screen for Eligibility Process: Steps 5.2.1–5.2.6,” states that one option to obtain information that will help determine whether an item can be dedicated is “reverse engineering” of the component. Operating experience has revealed challenges associated with the use of reverse engineering in determining significant design and performance attributes for replacement components in nuclear power plants. Reverse engineering is not within the scope of EPRI 3002002982. EPRI ~~is preparing~~ has published a separate document, [EPRI 3002011678, Guidance for the Use of Reverse-Engineering Techniques: Revision 1 to EPRI TR-107372](#), for the use of reverse engineering to provide reasonable assurance of the capability of replacement components to perform their intended functions consistent with the design and performance of the original component.

NRC Response

The staff agrees with the comment, in part, and revised the RG to include EPRI 3002011678 as a reference. The staff revised the DG to contain the following sentences on page 5:

EPRI has published a separate document, EPRI 3002011678, “Guidance for the Use of Reverse-Engineering Techniques: Revision 1 to EPRI TR-107372,” (Ref. 11).”

The NRC staff has not reviewed or approved EPRI 3002011678 as an acceptable approach for meeting an NRC requirement.

Comment 1-2

EPRI published a document on counterfeit and fraudulent items that is referenced in NRC SECY 15-0003. It may be helpful to include reference to this document, 3002002276, [Plant Support Engineering](#):

Counterfeit and Fraudulent Items—Mitigating the Increasing Risk, Revision 1 of 1019163 and/or SECY 15-0003.

Consider including reference to SECY 15-0003 and or EPRI 3002002276

EPRI 3002002982, Revision 1 to EPRI NP-5652 and TR-102260 reference counterfeit and fraudulently marked products and state that appropriate engineering involvement is warranted during the procurement and product acceptance processes, including testing, for products used in nuclear power plants. However, no definition has been included in the guidance. In order to provide clarity and ensure consistency when addressing related agency oversight activities, for the purposes of this guidance, the NRC staff understands CFSI to mean: Items that are intentionally manufactured or altered to imitate a legitimate product without the legal right to do so (Counterfeit); intentionally misrepresented with the intent to deceive.

As discussed in NRC SECY 15-0003, in a joint effort with the Nuclear Energy Institute (NEI), the Electric Power Research Institute (EPRI) developed EPRI 3002002276, Plant Support Engineering: Counterfeit and Fraudulent Items—Mitigating the Increasing Risk, Revision 1 of 1019163 for use by licensees to aid in preventing the introduction of CFSI into nuclear facilities. The EPRI guidance was finalized in July 2014 and provides the necessary fundamental elements for detecting and preventing CFSI from affecting NRC-regulated activities.

NRC Response

The staff agrees with the comment and revised the RG to include reference to SECY 15-0003 and EPRI 3002002276 and added staff clarification 4 in Section C of the RG as follows:

As discussed in NRC SECY 15-0003, “Staff Activities Related to Counterfeit, Fraudulent, and Suspect Items,” (Ref. 28), in a joint effort with the Nuclear Energy Institute (NEI), the Electric Power Research Institute (EPRI) developed EPRI 3002002276, “Plant Support Engineering: Counterfeit and Fraudulent Items Mitigating the Increasing Risk, Revision 1 of 1019163,” (Ref. 29), for use by licensees to aid in preventing the introduction of CFSI into nuclear facilities. The EPRI guidance was finalized in July 2014 and provides the necessary fundamental elements for detecting and preventing CFSI from affecting NRC-regulated activities.