



RIC 2011 Reporting Issues Identified with Part 21 and 50.72/73

Paul Prescott
NRC/Office of Nuclear Reactor Regulation
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The Law

- **The Energy Reorganization Act of 1974, as amended, Section 206, "Noncompliance," states,**
 - "Any individual . . . which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954 as amended . . . who obtains information reasonably that such facility or activity or basic components . . .
 - (1) fails to comply . . .
 - (2) contains a defect . . ."



The Regulation

- **10 CFR Part 21**
 - The regulations in this part establish procedures and requirements for implementation of Section 206 of the Energy Reorganization Act of 1974 (§21.1)



The Issue

- **There is a perception of various interpretations of the guidance for the following part of the regulation:**
 - “For persons licensed to operate a nuclear power plant . . . evaluation of potential defects and appropriate reporting of defects . . . satisfies each person's evaluation, notification, and reporting obligation to report defects under this part, and . . . to report defects under Section 206 of the Energy Reorganization Act of 1974.” (§21.2(c))

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The Apparent Inconsistency

- **The staff reviewed licensee event reports and identified potential defects that indicated events, but were not reported as such**
- **NUREG 1022, “Event Reporting Guidelines 10 CFR 50.73 and 50.73,” states that,**
 - “As discussed in the Statements of Consideration for 10 CFR Part 21, the **only** case when a defect in a basic component of an operating reactor might be reportable under Part 21, but not under § 50.72, §50.73, or §73.71 would involve Part(s) on the shelf.”
- **The 1991 Statement of Consideration states,**
 - Thus, **one category** of defects which will still be reported . . .

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The Vision

- **Clarify Part 21 and associated guidance.**
- **Eliminate stakeholders questions:**
 - Continue outreach to industry/stakeholders
 - Ensure extensive stakeholder involvement in any rulemaking
 - Clarify licensee's Part 21 evaluation + reporting responsibilities

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Next Steps

- **Short-term**
 - Continue internal discussions to achieve a clear position
 - Develop and issue regulatory guidance to implement the staff position, as necessary

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Next Steps (continued)

- **Mid-Term**
 - Continue stakeholder interaction
 - Develop a Commission Paper (SECY) to recommend clarification of the requirements of Part 21
 - Consider the need to update guidance document (NUREG-0302)
- **Long-Term**
 - Part 21 Rulemaking
 - Update guidance

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