

Industry Guidance on Part 21 Evaluation and Reporting

NUPIC Vendor Workshop

June 11, 2014



NUCLEAR ENERGY INSTITUTE

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Overview

- Industry guidance
 - Planned submittal to NRC in July 2014
 - Request endorsement through Regulatory Guide
- Purpose
 - Comprehensive guidance on Part 21 evaluation and reporting
 - Address clarity issues identified by NRC
 - Incorporate experience and lessons learned

Sources of content

- NUREG-0302 – Q&A from 1977 rulemaking
- Statements of consideration from subsequent rulemakings
 - 1977: 40FR28893
 - 1978: 43FR48622
 - 1991: 56FR36081
- SECY 91-150

Outline

- Purpose and scope
- Definitions and acronyms
- Facilities, activities and organizations subject to Part 21
- Director and responsible officers
- Interfaces with other regulations
- Organization's controls (e.g. procedures, posting)
- Discovery process
- Evaluation process
- Notification process
- Appendices: flowchart and checklist template

Issues identified by NRC

- SECY 11-0154 and Regulatory Basis identified issues that should be clarified
- Industry believes most if not all issues can be clarified through guidance without the need for rulemaking
- Proposed clarifications in NEI White Paper 2/28/14 on most issues
 - Quality requirements in procurement documents
 - Point of discovery
 - Deviation and delivery
 - Evaluation and reporting responsibility
 - Deferral of evaluation
 - Acceptable forms of written notification
 - Contemporary posting
 - Training
- Waiting for public meeting to discuss and for formal NRC feedback

Point of discovery

- Part 21 definition:
 1. Completion of documentation first identifying,
 2. the existence of a deviation or failure to comply potentially associated with a substantial safety hazard
- SECY 91-150: Discusses that discovery is a process that requires some investigation
- Guidance clarification
 - Existence of deviation may not be clear at time of entry into corrective action program
 - Point of discovery may occur some time later
 - Describes a discovery/screening process

NRC identified issues not addressed in NEI white paper

- Use of licensee event reports (50.72/50.73)
 - Will be clarified in industry guidance
 - Current rule and statement of consideration
 - 50.72/50.73 evaluation and report satisfy Part 21
 - NRC meeting May 30, 2013
 - NRC stated there may be problems using 50.72/50.73 to satisfy Part 21
 - Industry requested examples
 - Industry is still waiting for examples on how the rule does not comply with the Energy Reorganization Act of 1974, as amended
- Fuel cycle facility issues
 - Not yet determine if these will be included in guidance

Path Forward

- Finalize industry review of draft guidance
- Review NRC Regulatory Basis Revision 1
 - Determine if industry White Paper has been considered
 - Determine if NRC has provided examples on 50.72/50.73 versus Part 21 evaluation and reporting
 - Meet with NRC to discuss any differences
- Finalize draft guidance and send to NRC around July 2014
- If Rulemaking is not pursued, guidance will be implemented as soon as practical
- If Rulemaking is pursued, guidance implementation will be delayed until final rule is approved

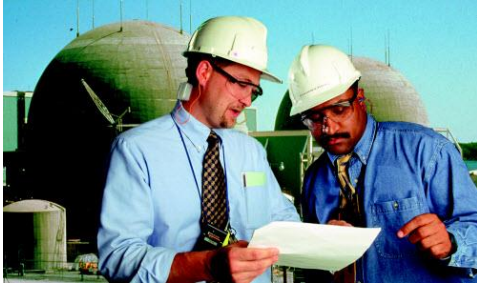
OTHER NEI ACTIVITIES



NEI/EPRI Workshop on CFI

- Date: Fall 2014 – one day
- Location: EPRI's Charlotte Offices
- Purpose: To educate utilities and suppliers about EPRI's guidance on enhanced measures to protect against CFI, and discuss implementation questions.
- Who can attend? – Anyone
- Contact: Marc Tannenbaum mtannenbaum@epri.com or Marc Nichol mrn@nei.org

Nuclear Advocacy Network – Data Enhancement Project



- Program goal: To demonstrate nuclear energy's economic value and job generation potential
- Systematic update of current utility and supplier economic data
- Data will be displayed in aggregate form on fact sheets and outreach materials to educate and mobilize
- To be part of this vital effort, please visit: www.nuclearadvocacynetwork.org/nandep

