



EPRI JUTG

August 24, 2011

Part 21 Rulemaking Overview and Update

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Office of New Reactors

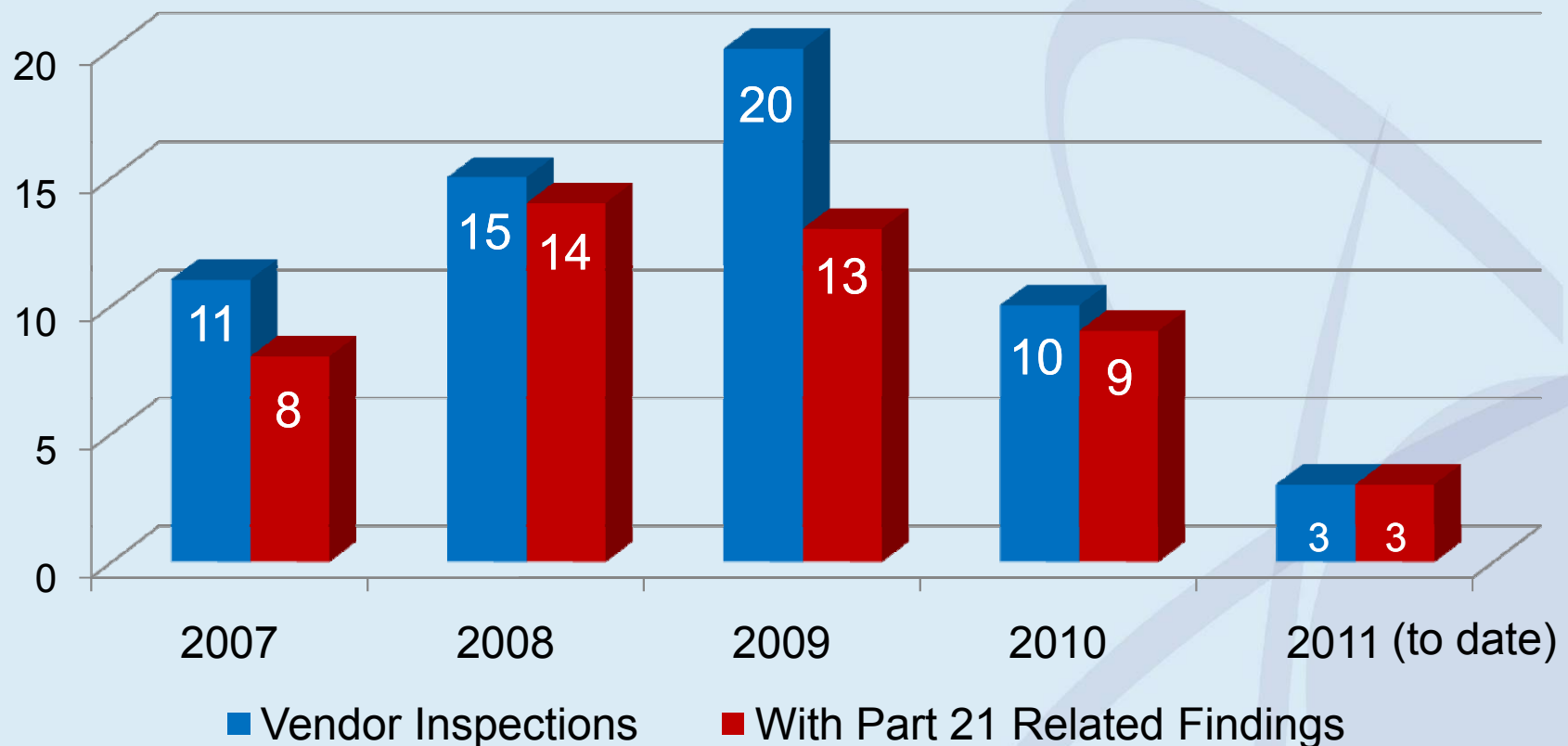


Right Time for Change

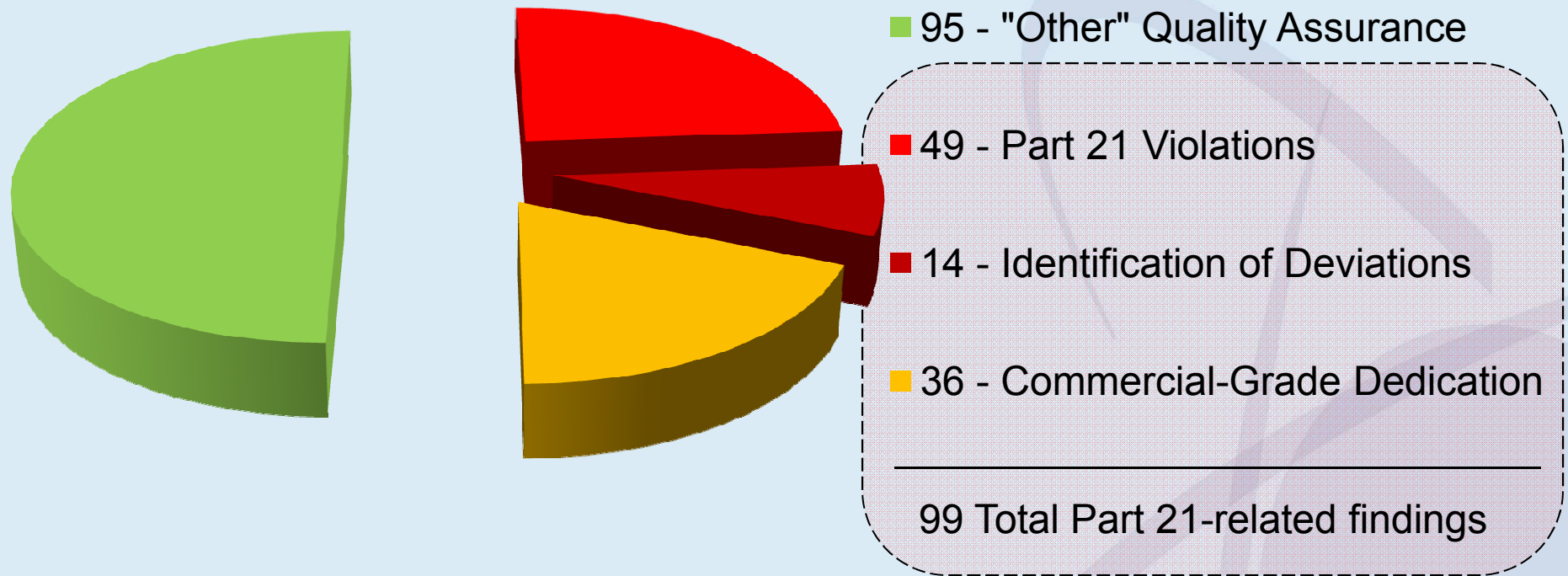
- NRC believes changes to Part 21 and associated regulations are desirable
 - Many issues despite generic communications and outreach efforts
 - Recent audits by Office of the Inspector General reiterated issues
- New plant construction is the appropriate time to consolidate guidance and clarify the NRC's expectations
- Opportunity to clarify expectations for non-reactor facilities

“Even as the final rule was published on June 6, 1977, the Commission recognized that future experience and further information might warrant clarifying or other changes to the rule.” (NUREG-0302)

Right Time for Change (cont'd)



Right Time for Change (cont'd)



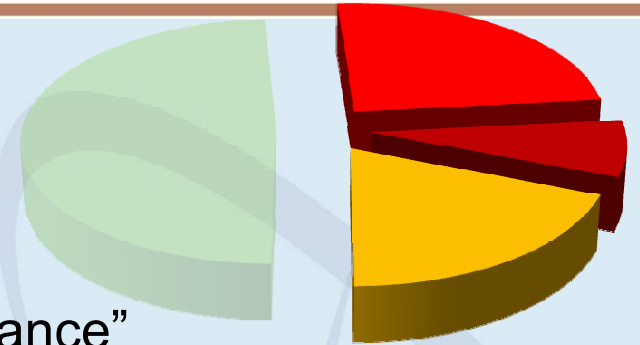
Vendor Inspection Findings (2007 to 2011)

Build on Experience

EVALUATING AND REPORTING				Requires Regulation Change	New Requirement	Additional Guidance	Endorse Industry Guidance
1. Lack of Regulatory Guidance				✓		✓	
2. Quality Requirements in Procurement Documents				✓	✓	✓	
3. Procurement language in definition of Basic Component for non-reactor facilities				✓		✓	
4. Clarify point of discovery				✓		✓	
5. Evaluating and Reporting Responsibility				✓		✓	
6. Deferral of Evaluation - 21.21(a)				✓	✓	✓	
7. Use of Licensee Event Reporting (i.e. 50.72/73)				✓		✓	
8. Acceptable forms of written notification per 21.21(2) for non-reactor facilities				✓		✓	
9. 50.55e Redundancy				✓		✓	
10. Evaluation of Counterfeit Fraudulent and Suspect Item (CFSI) under Part 21						✓	
11. Clarify Deviation and delivery				✓		✓	
12. Contemporary posting requirements						✓	
13. Training						✓	
COMMERCIAL-GRADE DEDICATION				Requires Regulation Change	New Requirement	Additional Guidance	Endorse Industry Guidance
A. Lack of Regulatory Guidance						✓	✓
B. Proper Place for Dedication				✓			
C. Definition of Dedication				✓			
D. Definition of Commercial-Grade Item				✓			
E. Clarify that Dedication is a Safety-Related activity						✓	
F. Dedication plans and the importance or safety function				✓	✓	✓	✓
G. Sampling Requirements						✓	✓
H. Use of Commercial Calibration (and Testing) Labs						✓	✓
I. Software Dedication						✓	✓
ADMINISTRATIVE CHANGES				Requires Regulation Change	New Requirement	Additional Guidance	Endorse Industry Guidance
i. Add "Part 52" to definition of Dedication				✓			
ii. Definitions for Part 76 facilities (i.e. Basic Component, Substantial Safety Hazard)				✓			
iii. Definition of Critical Characteristics for non-reactor facilities				✓			

Build on Experience (cont'd)

- Clarify the Regulations
 - Simplify when possible
 - Revisit definitions in Part 21
 - Must comply with Section 206 “Noncompliance” of the Energy Reorganization Act of 1974
- Provide Updated Regulatory Guidance
 - Benefit from over 33 years of experience
 - Opportunity to consolidate existing guidance
- Use stakeholder input to improve the Part 21 process



Milestones



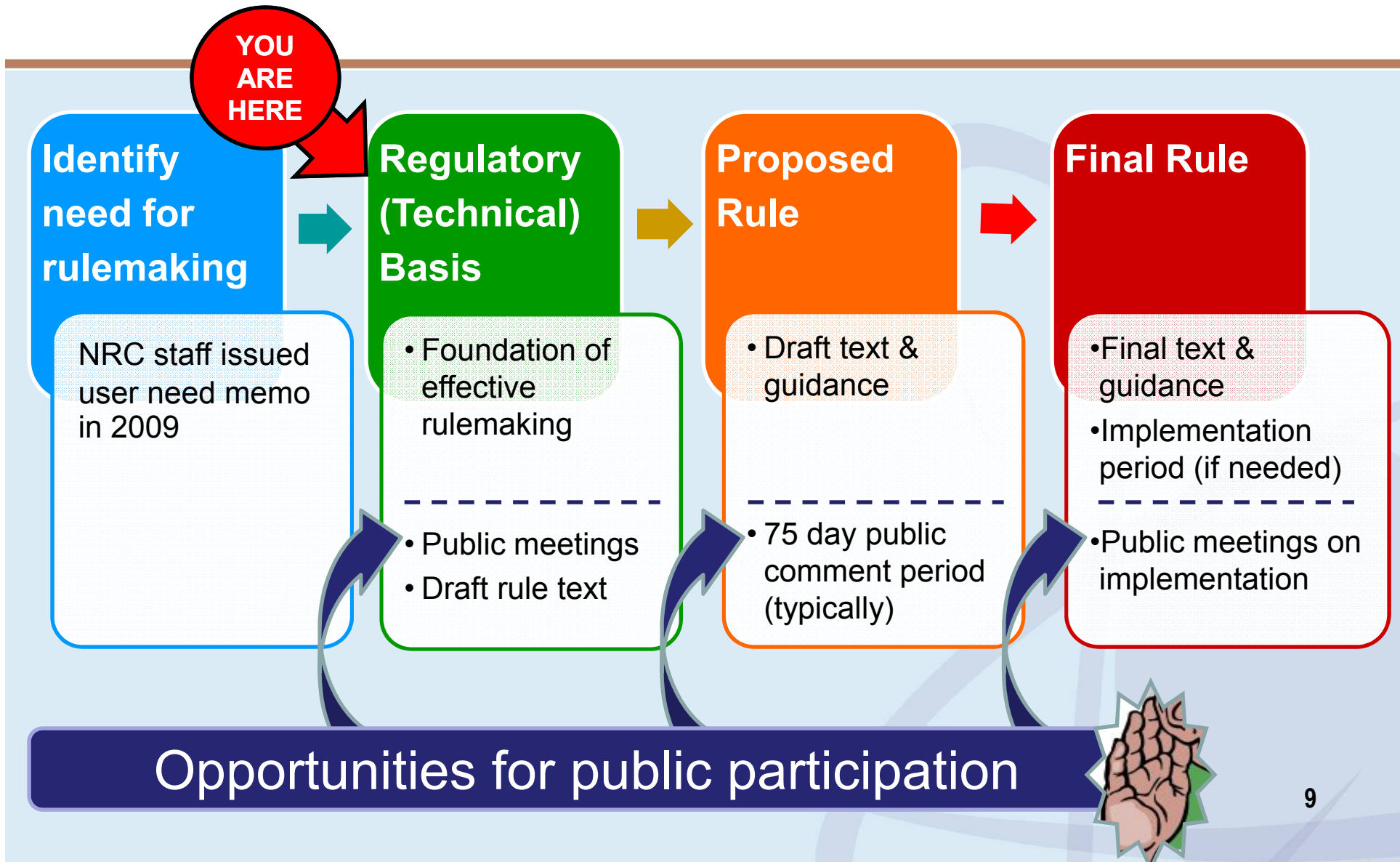
- Office of New Reactors began preliminary rulemaking activities in December 2009
- NRC agency-wide Part 21 working group formed in January 2011
 - Discussions on holistic approach to clarify Part 21
- Preliminary discussions at public meetings
 - 2011 RIC
 - NUPIC Vendor Conference
 - EPRI JUTG

Milestones (cont'd)



- August 1, 2011: Public Meeting for early stakeholder feedback
- September 2011: Commission (SECY) paper
 - Communicate the staff's plan to develop the regulatory basis for rulemaking
- Rulemaking kickoff meeting in Fiscal Year 2012

Milestones (cont'd)



How to Get Involved



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