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UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INSPECTION AND ENFORCEMENT
WASHINGTON, D.C. 20555

December 6, 1979

IE Information Notice No. 79-30

REPORTING OF DEFECTS AND NONCOMPLIANCES, 10 CFR PART 21

Background

Section 21.1, Title 10, Code of Federal Regulations, Chapter 1, Part 21, states, "The regulations in this part establish procedures and requirements for implementation of Section 206 of the Energy Reorganization Act of 1974. That Section requires any individual director or responsible officer of a firm constructing, owning, operating or supplying the components of any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, who obtains information reasonably indicating: (a) that the facility, activity or basic component supplied to such facility or activity fails to comply with the Atomic Energy Act of 1954, as amended, or any applicable rule, regulation, order, or license of the Commission relating to substantial safety hazards or (b) that the facility, activity, or basic component supplied to such facility or activity contains defects which could create a substantial safety hazard, to immediately notify the Commission of such failure to comply or such defect, unless he has actual knowledge that the Commission has been adequately informed of such defect or failure to comply."

Discussion

Recent inspections performed by NRC Office of Inspection and Enforcement personnel reveal a general misunderstanding of 10 CFR Part 21 requirements in cases where a licensee or nonlicensee has selected to rely on other reporting requirements such as 50.55(e) and Regulatory Guide 1.16 as the means to adequately inform the Commission of a matter reportable under Part 21. In this area inspection findings have consistently shown that many activities covered by Part 21 have not been appropriately considered in procedures and other instructions currently being implemented. Specifically, the provisions of 21.21(a)(1), 21.21(a)(2), 21.21(b)(3) and 21.51 are not being adequately addressed.

Compliance with each element of the rule is necessary to assure proper handling of matters subject to consideration and reporting under Part 21. Your attention is directed to Section 21.51 which requires that each individual or organization subject to 10 CFR Part 21 prepare records sufficient to assure compliance with the requirements of that part.

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All holders of NRC licenses or permits issued pursuant to 10 CFR Part 50, architect-engineers, contractors and suppliers subject to Part 21 requirements should ensure that management control systems are established to assure that all requirements of 10 CFR Part 21 are met, with particular emphasis on the specific areas discussed above.

RECENTLY ISSUED
IE INFORMATION NOTICES

| Information Notice No. | Subject | Date Issued | Issued To |
|------------------------|---|-------------|--|
| 79-29 | Loss of NonSafety-Related Reactor Coolant System Instrumentation During Operation | 11/16/79 | All power reactor facilities holding OLs or CPs |
| 79-28 | Overloading of Structural Elements Due to Pipe Support Loads | 11/16/79 | All power reactor facilities with an OL or CP |
| 79-27 | Steam Generator Tube Ruptures At Two PWR Facilities | 11/16/79 | All power reactor facilities holding OLs and CPs |
| 79-12A | Attempted Damage To New Fuel Assemblies | 11/9/79 | All Fuel Facilities, research reactors, and power reactors with an OL or CP |
| 79-26 | Breach of Containment Integrity | 11/5/79 | All power reactor facilities holding OLs and CPs |
| 79-25 | Reactor Trips At Turkey Point Units 3 And 4 | 10/1/79 | All power facilities with an OL or a CP |
| 79-24 | Overpressurization Of Containment Of A PWR Plant After A Main Steam Line Break | 10/1/79 | All power reactor facilities with a CP |
| 79-23 | Emergency Diesel Generator Lube Oil Coolers | 9/26/79 | All power reactor facilities holding OLs and CPs |
| 79-22 | Qualification of Control Systems | 9/14/79 | All power reactor facilities with operating licenses and construction permits. |
| 79-21 | Transportation and Commercial Burial of Radioactive Material | 9/7/79 | All power and research reactors with OLs |