

R. Browning HL4

MAY 8 1987

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MEMORANDUM FOR: 11 P3:55

Edward L. Jordan, Director
Office for Analysis and Evaluation of Operational Data

FROM: Richard E. Cunningham, Director
Division of Fuel Cycle, Medical, Academic, and
Commercial Use Safety, NMSS

SUBJECT: REVIEW OF PROPOSED AMENDMENTS TO 10 CFR PART 21, "REPORTING
DEFECTS AND NONCOMPLIANCE," AND 10 CFR SECTION 50.55(e),
"REPORTING OF DEFECTS IN DESIGN AND CONSTRUCTION"

The Office of Nuclear Material Safety and Safeguards has reviewed the Commission Paper and draft Federal Register Notices forwarded by your memorandum of April 22, 1987, and agrees with the recommendation that Alternative B be adopted. Minor comments of an editorial nature are marked on the enclosed pages. In addition, we have the following comments:

1. Alternative B would restrict the period allowed for evaluating a deficiency to 30 days for either a licensee or a vendor. However, it appears that the maximum time between initial discovery by a vendor and initial NRC notification by a licensee could actually be 67 days. This includes the vendor's initial 30-day evaluation period, the 5 days allowed to notify the licensee in the event the vendor is unable to complete the evaluation, an additional 30-day evaluation period for the licensee, and the 2 days allowed for initial NRC notification. This possibility of a 67-day period between discovery of a potential defect and initial notification to NRC appears to be at variance with the general time-restrictive scheme of Alternative B. It should be highlighted and brought to the Commission's attention.
2. In Alternative A, the amendment to Section 21.21(b)(2) refers in both subparagraphs to "the director or responsible officer under paragraph (a)(3) of this section." The wording of this amendment was clearly taken from Alternative B, but the corresponding amendment to Section 21.21(a) from Alternative B is not part of Alternative A, hence there is no paragraph (a)(3) to refer to. The reference to paragraph (a)(3) should be deleted.

The Division of High-Level Waste Management will consider the need to extend Part 21 to preapplication activities of DOE, its contractors, and its suppliers in the future.

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Edward L. Jordan

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If you have questions regarding our comments, please call me or have a member of your staff call Robert O'Connell (x79025).

Original signed by
Glen L. Sjoblom FOR

Richard E. Cunningham, Director
Division of Fuel Cycle, Medical,
Academic, and Commercial Use Safety

Enclosures: As stated

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