



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

February 27, 1991

ACTION - Jordan, AEOD/  
Murley, NRR

Cys: Taylor  
Snizek  
Thompson  
Blaha  
Bernero  
Beckjord

MEMORANDUM FOR: James M. Taylor, Executive Director  
for Operations

FROM: *U. Bate*  
Samuel J. Chilk, Secretary

SUBJECT: COMSECY-91-001 - RESOLUTION OF THE OFFICE OF  
THE INSPECTOR GENERAL REPORT RECOMMENDATIONS  
CONCERNING PART 21

AA 68-2

PDR

In response to your memorandum of January 10, 1991, the Commission has reconsidered its earlier decision not to incorporate in the revision to 10 CFR Part 21 a specific time frame for the performance of an evaluation and has agreed to consider a revised final rule that includes a requirement that organizations which identify potential defects in their products either complete Part 21 evaluations within a specified period of time, or, if the licensee is unable to complete the evaluation within the specified time period, submit a report to the NRC that the evaluation of the subject defect is underway.

In preparing the rule for Commission consideration the staff should recommend an appropriate time period for the reporting, taking into consideration:

- The rule must be clear on the start-time of the evaluation period. Does it start when anyone in the organization suspects a defect or noncompliance exists, or does it start when such suspicion is documented in an established licensee/vendor deficiency reporting/evaluation system?
- The fixed time limit in the rule will undoubtedly result in some "interim" reports as more complex evaluations continue. The staff paper, or supplementary information accompanying the proposed rule, should address anticipated action by the NRC staff on receipt of interim or preliminary reports.
- The proposed rule package should address consistency with other reporting requirements (e.g., 10 CFR 50.73), and should clearly indicate that a Part 21 evaluation in progress does not excuse earlier reporting under other requirements.

Word Off. EDO

Date 2-28-91

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The staff should complete the rule and forward it for Commission review and approval.

{EDG} AEOD (SECY SUSPENSE: 5/20/91) (Due EDO: 5/13/91) 6004141

Finally, the staff should inform the Commission of its schedule for completing other actions in response to the OIG's audit report.

{EDG} (NRR)(SECY SUSPENSE: 3/8/91) 9100038

cc: Chairman Carr  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
OGC  
IG