



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

Docket 09900286

September 27, 1989

Mr. Regis E. Bopp
Quality Assurance Manager
APV Gaulin, Incorporated
44 Garden Street
Everett, Massachusetts 02149

Dear Mr. Bopp:

We have reviewed your letter of March 8, 1989, where you request exemption from imposing 10 CFR Part 21 on vendors who supply calibration of measuring and test equipment.

Paragraph 21.31 of 10 CFR Part 21 requires that procurement documents for basic components impose the requirements of 10 CFR Part 21. Paragraph 21.3(a)(3) states that basic components include design, inspection, testing, or consulting services important to safety that are associated with component hardware. In addition, NUREG-0302, Revision 1, "Remarks presented (questions and answers discussed) at public regional meetings to discuss regulation (10 CFR Part 21) for reporting of defects and noncompliance," addresses this issue in questions which ask: "Does Part 21 also apply to suppliers of consumables such as welding material and services such as calibration?" The response given is: "Yes, where the consumable or calibration service is related to a basic component and a deviation from specified requirements of a procurement document or failure to comply, could create a substantial safety hazard."

Paragraph 21.3(k) defines substantial safety hazard as a loss of safety function to the extent that there is a major reduction in the degree of protection provided to public health and safety. Therefore, if APV Gaulin identified that calibration services supplied to them by a vendor could deviate from technical requirements imposed on them by APV Gaulin, and such deviation could create a substantial safety hazard in a basic component supplied by APV Gaulin, the requirements of 10 CFR Part 21 must be imposed on the vendor.

Should APV Gaulin not possess information on the basic component necessary to adequately evaluate the deviation, APV Gaulin must inform their purchaser of the deviation in accordance with 10 CFR 21.21(a)(1)(ii). As a result of the above, APV Gaulin's request for exemption is denied.

Should you have further questions concerning this subject, please feel free to contact Mr. Edward Baker of my staff on (301) 492-0959.

Sincerely,

JE09
/o

E. William Brach, Chief
Vendor Inspection Branch
Division of Reactor Inspection
and Safeguards
Office of Nuclear Reactor Regulation