

November 8, 1989

Ms. Nancy G. Chapman, Manager
Service For Evaluating Regulatory Changes (SERCH)
Bechtel Power Corporation
15740 Shady Grove Road
Gaithersburg, Maryland 20877-1454

Dear Ms. Chapman:

SUBJECT: 10 CFR PART 21 INQUIRY

This letter is intended to supplement our September 28, 1989 response to your August 3, 1989 inquiry letter regarding 10 CFR Part 21.

Regarding your second question, evaluating anomalies (deviations, as defined in 10 CFR Part 21.3) is also required to be performed in accordance with 10 CFR Part 21.21, "Notification of failure to comply or existence of a defect," in addition to Criterion XVI of Appendix B as previously stated. We stated that..."if from these reviews the vendor identifies a defect, as defined in 10 CFR Part 21, then the vendor is required to report it in accordance with 10 CFR Part 21." However, I should point out three additional considerations: (1) If the vendor does not have adequate information or knowledge of the specific application of the part/component at the nuclear utility, then the vendor must inform the licensee or purchaser in order that the licensee or purchaser may cause the deviation to be evaluated pursuant to 10 CFR Part 21; (2) regardless of when the part/component that contains a defect or deviation was supplied i.e., even if it predates the issuance of Part 21, the vendor is required to notify either the licensee or NRC of deviations or defects, as applicable, which were identified after date of issuance of Part 21; and (3) those records relating to evaluations, as defined in 10 CFR Part 21.3, are subject to the controls required by 10 CFR Part 21.51, "Maintenance of records."

If you have any further questions concerning this subject, please feel free to contact Mr. Edward Baker on (301) 492-0959, or Mr. Joseph Petrosino on (301) 492-0979.

Sincerely,

Original signed by E. William Brach

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

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