

OCT 29 1992

SGTB:CEM
71-0397

Teledyne Energy Systems
ATTN: Mr. John F. Vogt
Program Manager
110 W. Timonium Road
Timonium, MD 21093

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Dear Mr. Vogt:

I am responding to your letter of May 22, 1992, and the additional information provided concerning the transfer of certificates of compliance.

As stated in 10 CFR Part 171, quality assurance program approvals are divided into two major groups: (1) those activities including design, fabrication and use of packaging, and (2) those activities for use only of packaging. Together, these programs, when properly implemented within their respective scope of activities, meet the requirements of 10 CFR §71.101. The former program approval is held by the certificate holder (usually a packaging owner) and includes the maintenance of all quality-related documents. The certificate holder may also provide certifications to other licensee-users for activities conducted which were not within the licensee-user's immediate control. In any event, it remains the responsibility of each licensee-user that its transportation activities meet the requirements of 10 CFR Part 71.

In view of the above, I would agree that fabrication need not be included in a certificate holder's quality assurance program provided fabrication activities are not conducted, or are completed and the quality records are maintained for each packaging. However, each certificate holder's quality assurance program must address design. This is necessary in order to request renewals or modifications that may be required and for cases where a certificate of compliance is transferred. Transferring a certificate requires that the new certificate holder accept the statements and representations for which the certificate was issued. Under this arrangement all the provisions for use of an existing package under the general license provisions of 10 CFR Part 71 may be satisfied.

I trust that this information will be helpful.

Sincerely,

Original Signed By

Charles E. MacDonald, Chief
Transportation Branch
Division of Safeguards
and Transportation, NMSS

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NAME: JJankovich/ij	:EEaston	:RChappell	:CMacDonald
DATE: 10/19/92	:10/19/92	:10/19/92	:10/10/92

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