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November 23, 1981

Richard C. DeYoung, Director
Office of Inspection and Enforcement
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555



Subject: 10CFR21 Inquiry and Request for Ruling

Reference: Southern California Edison Deficiency
Evaluation Report AD12-IR(81-20)

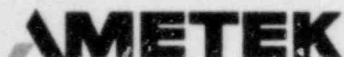
Gentlemen:

We hereby request a specific ruling on the applicability-to a supplier-of the notification requirements of 10CFR21.21(b). The facts in this specific case are as follows:

- 1) We, AMETEK, Straza Division, were notified by our customer, Bechtel Power Corporation, that certain of the Wrapper Plates we supplied to them for pipe support installation at San Onofre Unit 3 were found to have been fabricated from Inconel 718 alloy in lieu of the required 304 Stainless Steel.
- 2) Bechtel's investigation provided us with a determination of the total amount of discrepant material supplied to them.
- 3) AMETEK's investigation verified that all discrepant material came from one (1) misidentified sheet of material, all parts and remnants from that specific sheet have been accounted for, no similarly discrepant material has been supplied to any other customer or plant site, and suitable corrective actions have been taken or planned to preclude recurrences.
- 4) Bechtel has furnished us with documentation attesting to Southern California Edison's confirmation that this condition has been reported to the NRC in accordance with the requirements of 10CFR50.55(e).

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AMETEK, Straza Division has reviewed the requirements of 10CFR21, NUREG-0302, and our internal 10CFR21 reporting procedure. We believe from this review that the facts as set forth above satisfy the conditions stated in the last sentence of 10CFR21.21(b)(1): "The above notification is not required if such individual has actual knowledge that the commission has been adequately informed of such defect or such failure to comply". Accordingly, we have determined that, in this case, duplicate reporting is not required. We will, of course, respond to any requests from the NRC for additional information as required by 10CFR21.21(c).

However, since reasonable and knowledgeable men tend to disagree on 10CFR21 notification requirements, and since we, as a responsible supplier of nuclear power plant items, wish to at all times comply with the official interpretation of these requirements, we respectfully request a ruling on the following question:

"Is it the position of the Nuclear Regulatory Commission that the notification requirement of 10CFR21.21(b) does not apply to a supplier provided that (1) he has actual knowledge that the purchaser or licensee has notified the NRC of the defect or failure to comply pursuant to 10CFR50.55(e), and (2) his evaluation confirms that the defect or failure to comply does not affect any nuclear power plant site for which a 10CFR50.55(e) notification has not been submitted?"

Respectfully,

AMETEK, Straza Division

Wendell J. Peele, PE
Director of Quality Assurance

Approved:

S. A. Walker,
President