

July 10, 2001

Frederick B. Entwistle, Manager  
Corporate Health Physics  
3M Corporate Health Physics  
3M Center, Building 220-3W-06  
P.O. Box 33283  
St. Paul, MN 55133

SUBJECT: NRC REVIEW OF REPORT OF LOST NRD IN-LINE STATIC ELIMINATOR

Dear Mr. Entwistle:

This refers to your letter dated June 20, 2001, regarding the loss of a nominal 10 millicurie (approximately 6.9 millicurie at time of loss) polonium-210 NRD Model 2021 in-line static eliminator from your W. L. Gore facility in Eau Claire, Wisconsin. We have completed our review and have determined that a violation of 10 CFR 31.5 occurred when the static eliminator was shipped to an unauthorized recipient on September 6, 2000, and ultimately lost.

Although a violation of 10 CFR 31.5 was identified, 3M Company (3M) actions were not willful, 3M identified and reported the violations to the NRC, and took appropriate corrective actions to address the violation and prevent recurrence of similar problems. Therefore, we are exercising enforcement discretion in accordance with the Interim Enforcement Policy for Generally Licensed Devices (May 1, 2000; 65 FR 25368), and not issuing any enforcement action for this violation. However, any future violations of 10 CFR 31.5 may be considered for enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available **electronically** for public inspection in the NRC Public Document Room **or** from the *Publicly Available Records (PARS) component of NRC's document system (ADAMS)*. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Gary L. Shear, Chief  
Materials Inspection Branch

Docket No. 9990003  
General Licensee 10 CFR 31.5

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