

June 13, 2002

Dimitri Kondas  
Environmental Health and Safety Coordinator  
Boston Scientific Corporation  
780 Brookside Drive  
Spencer, IN 47460

SUBJECT: NRC REVIEW OF LOST STATIC ELIMINATORS CONTAINING POLONIUM-210

Dear Mr. Kondas:

This acknowledges receipt of your letter dated May 23, 2002, describing the loss of five NRD static eliminators each containing a nominal 10 millicuries of polonium-210. This also refers to our conversations regarding this issue on May 3, 2002.

The NRC has determined that a violation of 10 CFR 31.5 occurred when Boston Scientific Corporation (BSC) lost the polonium-210 static eliminators which have not been located to date.

In accordance with the NRC's Interim Enforcement Policy for Generally Licensed Devices, the NRC is exercising discretion, and therefore, is not issuing enforcement action for the violation because the violation was not willful. Additionally, BSC identified and reported the violation to the NRC, and took appropriate corrective action to address the violation and to prevent reoccurrence of similar problems. 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/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions regarding this matter, please contact Sam Mulay of my staff at (630) 829-9837.

Sincerely,

**/RA/**

Gary L. Shear, Chief  
Materials Inspection Branch

Docket No. 99990003  
General License 10 CFR 31.5

bcc: Public IE-07

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