



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 25, 1994

Docket No. 99900271

Mr. Paul M. Blanch
135 Hyde Road
West Hartford, Connecticut 06117

Dear Mr. Blanch:

SUBJECT: MARCH 28, 1994, 10 CFR 2.206 PETITION

I am writing to acknowledge receipt of your Petition dated March 28, 1994, filed with the Executive Director for Operations (EDO), in which you request that the Nuclear Regulatory Commission (NRC) take "prompt" action with regard to Rosemount Nuclear Instruments, Incorporated (Rosemount). Specifically, you request that the NRC (1) inform all users of Rosemount 1150 series pressure transmitters and series 510 and 710 DU trip devices of all potential problems identified by the NRC in Inspection Report 99900271/93-01, information that you assert that the NRC has had in its possession for more than one year, and (2) take "Prompt and Vigorous" enforcement action for careless disregard of the reporting requirements of Part 21 of Title 10 of the Code of Federal Regulations (10 CFR), which you assert is an example of a Severity Level II violation.

Your stated bases for your requests can be summarized as follows: (1) NRC Inspection Report 99900271/93-01 identified numerous violations and nonconformances that may affect the safe operation of nuclear plants, including (a) a defect in the manufacturing of the Rosemount series 510 and 710 DU trip calibration system instruments used for reactor protection and emergency core cooling systems; (b) failure to perform receipt inspection as required by 10 CFR Part 50, Appendix B, so that licensees have no assurance that the components used in pressure transmitters and trip units are the same components as those used in devices that were qualified for harsh environmental and seismic conditions; (c) failure to control design changes and demonstrate that redesigned devices are able to perform their designated design functions and, further, the NRC identified that Rosemount uses fill fluid in all safety-related transmitters that has expired shelf life before the transmitters are placed in service; (2) a letter to Rosemount from the NRC, dated March 4, 1994, and the enclosed synopsis of the Office of Investigations Report 4-90-009, determined that Rosemount "acted in careless disregard" by failing to adequately identify and report potential defects as required by 10 CFR Part 21 and failed to inform its customers of

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an oil-loss deviation that could have resulted in undetectable degraded operation in Model 1150 series Rosemount nuclear safety-related pressure transmitters which could have caused safety limits to be exceeded or caused "substantial safety hazards in licensee facilities." Your Petition has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations.

You requested that the NRC take "prompt action" and respond to your request. With regard to your request that the NRC inform all users of Rosemount transmitters of potential problems identified in Inspection Report 99900271/93-01, the NRC will be publishing the nonproprietary version of the inspection report in the next issue of NUREG-0040, "Licensee Contractor and Vendor Inspection Status Report," which is sent to all nuclear power plant licensees. The NUREG report will be published by May 31, 1994. In addition, the nonproprietary version of the inspection report is available in the Public Document Room. As noted in your letter, the inspection report identified several instances in which Rosemount's implementation of its quality assurance program did not conform with the requirements of 10 CFR Part 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." However, none of the identified issues were considered significant enough to warrant immediate notification of the nuclear industry. Throughout the preparation of the inspection report, the NRC staff discussed and reviewed the identified issues.

With regard to your second request that the NRC take "Prompt and Vigorous" enforcement action for careless disregard of the reporting requirements of 10 CFR Part 21, the NRC has proposed an enforcement conference to address that issue. The NRC will make its determination as to enforcement action, should such enforcement action be warranted, following the enforcement conference.

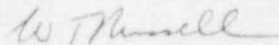
You asserted that the NRC has been aware of the violations cited in the inspection report for more than a year and has not informed the utilities of these potential safety issues. Your concern has been referred to the Office of the Inspector General.

Mr. Paul M. Blanch

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As provided by 10 CFR 2.206, action will be taken on your request within a reasonable time. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

Sincerely,



William T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc: Rosemount Nuclear Instruments, Incorporated

As provided by 10 CFR 2.206, action will be taken on your request within a reasonable time. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

Sincerely,
WILLIAM T. RUSSELL
William T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc: Rosemount Nuclear Instruments, Incorporated

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