

U.S. NUCLEAR REGULATORY COMMISSION

Docket No. 99900271

ROSEMOUNT NUCLEAR INSTRUMENTS, INCORPORATED

RECEIPT OF PETITION FOR DIRECTOR'S DECISION
UNDER 10 CFR § 2.206

Notice is hereby given that by Petition dated March 28, 1994, Paul M. Blanch (Petitioner) has requested that the Nuclear Regulatory Commission (NRC) take "prompt" action with regard to Rosemount Nuclear Instruments, Inc. Specifically, the Petitioner requests 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 which the Petitioner asserts 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 the Petitioner asserts is an example of a Severity Level II violation. The Petitioner's stated bases for his requests can be summarized as follows: (1) NRC Inspection Report 9990271/93-01 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; and (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 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."

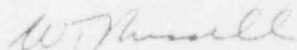
The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of Nuclear Reactor Regulation. The Petitioner requested that the NRC take "prompt" action and respond to his Petition. With regard to the Petitioner's request that the 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. The Petitioner was also notified that none of the identified issues were considered significant enough to warrant immediate notification of the nuclear industry.

With regard to the Petitioner's request that the NRC take "Prompt and Vigorous" enforcement action for careless disregard of the reporting requirements of 10 CFR Part 21, the Petitioner has been notified that 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, after the enforcement conference.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW, Washington, DC 20555.

FOR THE NUCLEAR REGULATORY COMMISSION



William T. Russell, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland

This 2nd day of April 1994.