



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

April 22, 1994

Docket No. 99900271  
EA94-049

Mr. Steve M. Quist, President  
Rosemount Nuclear Instruments, Incorporated  
8200 Market Boulevard  
Chanhassen, Minnesota 55317

Dear Mr. Quist:

SUBJECT: ENFORCEMENT CONFERENCE REGARDING NRC INSPECTION REPORT  
99900271/93-01

This letter is in reply to the Rosemount Nuclear Instruments, Incorporated (Rosemount), March 23, 1994, letter to the U.S. Nuclear Regulatory Commission (NRC) regarding Rosemount's proposed schedule for response to NRC Inspection Report 99900271/93-01, issued March 4, 1994. This letter also addresses concerns identified in the Inspection Report and confirms matters discussed with Mr. Kenneth Ewald of your staff on April 18 and April 21, 1994.

Your letter requested that the Enforcement Conference to discuss the apparent violation of 10 CFR Part 21 contained in the subject NRC report be conducted in early August 1994. We believe Rosemount has extensive information on this matter, and that an earlier date would still afford Rosemount sufficient time to prepare for the Enforcement Conference. Scheduling the conference for August 1994, as proposed by Rosemount, would impose an undue delay in the resolution of this matter. During our phone conversations with Mr. Ewald, we proposed that an earlier date for the conference be chosen. As a result of those discussions, an Enforcement Conference at our White Flint office has been scheduled for June 23, 1994, at 8:45 a.m.

The Enforcement Conference will be closed to the public in accordance with Commission policy because Rosemount proprietary information and investigative matters will be discussed. We intend to transcribe the Enforcement Conference and prepare a summary to be made publicly available after a final determination on enforcement action has been made and proprietary and investigative considerations are addressed.

Additionally, it was noted that the Office of Investigations' (OI) report synopsis that was provided to you as Enclosure 4, to our March 4, 1994, letter did not adequately characterize the first conclusion. The conclusion set forth in the body of the OI report is:

Based on the documentary and testimonial evidence developed during the investigation, it is concluded that RM provided inaccurate and incomplete information to the NRC on April 13, 1989, regarding the failure experience of the RM 11E2 transmitter. However, the investigation did not substantiate that was a deliberate act on the part of Rosemount.

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The foregoing quote should therefore replace the first sentence of the second paragraph of OI Case No. 4-90-009 Synopsis. You are requested to be prepared to discuss this matter at the Enforcement Conference, as well as those items specified in our March 4, 1994, letter. If Rosemount prefers to waive participation in an NRC Enforcement Conference, the NRC staff will process this matter in accordance with NRC policy and inform Rosemount of its final conclusions when they are available.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room. If there are any additional questions please have your staff contact Mr. Gregory Cwalina at (301) 504-2984 or Mr. Joseph Petrosino at (301) 504-2979.

Sincerely,

  
Charles E. Rossi, Director  
Division of Reactor Inspection  
and Licensee Performance  
Office of Nuclear Reactor Regulation

cc: See next page

The foregoing quote should therefore replace the first sentence of the second paragraph of OI Case No. 4-90-009 Synopsis. You are requested to be prepared to discuss this matter at the Enforcement Conference, as well as those items specified in our March 4, 1994, letter. If Rosemount prefers to waive participation in an NRC Enforcement Conference, the NRC staff will process this matter in accordance with NRC policy and inform Rosemount of its final conclusions when they are available.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room. If there are any additional questions please have your staff contact Mr. Gregory Cwalina at (301) 504-2984 or Mr. Joseph Petrosino at (301) 504-2979.

Sincerely,

original signed by

Charles E. Rossi, Director  
 Division of Reactor Inspection  
 and Licensee Performance  
 Office of Nuclear Reactor Regulation

cc: See next page

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COPY	YES	YES	YES	<del>YES</del>	(YES) NO
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\* SEE PREVIOUS CONCURRENCE

OFFICIAL RECORD COPY DOCUMENT NAME: QUIST-07.ENF

Mr. Steve M. Quist

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