



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555  
JUN 24 1988

MEMORANDUM: William T. Russell  
Regional Administrator, Region I

J. Nelson Grace  
Regional Administrator, Region II

A. Bert Davis  
Regional Administrator, Region III

Robert D. Martin  
Regional Administrator, Region IV

John B. Martin  
Regional Administrator, Region V

FROM: Hugh L. Thompson, Jr., Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: ADDITIONAL GUIDANCE ON GRANTING TEMPORARY CONTINUED  
USE OF 3M PO-210 STATIC ELIMINATION DEVICES

By memoranda dated February 23, 1988 and March 4, 1988, the Office of Nuclear Material Safety and Safeguards (NMSS) provided guidance on granting exceptions for temporary continued use of Minnesota Mining and Manufacturing Company (3M) Po-210 static eliminators. Based upon inquiries from several 3M customers and Regional staff, it appears that additional guidance would be helpful in dealing with certain general licensees.

On May 18, 1988, NRC issued a notice to general licensees (copy enclosed) that relaxed the February 18, 1988 Order and allowed most general licensees to continue using 3M Po-210 static eliminators and to return them to 3M on a delayed schedule. The May 18, 1988 notice specified that the extension of time was NOT granted to general licensees who use the devices in the production or packaging of food, beverages, pharmaceuticals, or cosmetics (FBPC).

Since May 18, 1988, several companies in the FBPC industries have indicated that temporary continued use of 3M devices is essential for workplace safety. These requests should be handled in the following manner.

Any general licensee who uses 3M Po-210 devices in the production or packaging of FBPC and who seeks authorization for temporary continued use of the devices should be advised to consult the Food and Drug Administration (FDA). The principal FDA contact is Dr. Arvin Shroff at (301) 443-6230. FDA believes that the use of 3M Po-210 devices should be discontinued as soon as possible; however, under extenuating circumstances, a temporary extension of limited duration may be entertained on a case-by-case basis. Such general licensees should be prepared to submit to FDA a written protocol detailing the actions they intend to pursue to ensure that their products are free of any contamination.

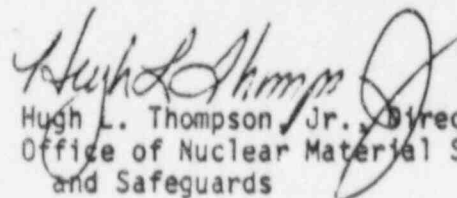
Multiple Addressees

- 2 -

If FDA approves the temporary continued use of 3M devices, the general licensee should submit FDA's determination (in writing) with its written request for temporary continued use to the appropriate NRC Regional Administrator. (If a written determination from FDA is not available, an acceptable alternative is documentation of a telephone conversation between Regional staff and Dr. Shroff or his designated alternate in which the FDA indicates its concurrence with the general licensee's request.)

In such cases, I am delegating my authority under the general relief provision of the February 18, 1988 Order to the Regional Administrators for the limited purpose of granting temporary continued use, provided FDA has concurred, the general licensee has provided the information outlined in NMSS' February 23, 1988 memorandum, and the period of temporary continued use does not extend past August 16, 1988 or the terms of the lease, whichever is shorter.

In separate correspondence, NMSS is recommending that Agreement States follow a similar course of action.

  
Hugh L. Thompson, Jr., Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
As stated

cc: Arvin Shroff, FDA

recd 28 Jun 88; 0830E

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(Signed) Hugh L. Thompson, Jr.

Hugh L. Thompson, Jr., Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
As stated

cc: Arvin Shroff, FDA

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\*See previous concurrence

:NMSS  
:RBernero  
:06/ /88

:NMSS  
:HLThompson  
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|      |                              |                    |           |             |          |           |           |
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**Applications; Notifications to Licensees; Minnesota Mining and Manufacturing Co.**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notification to licensees generally licensed pursuant to 10 CFR 31.5 to use Po-210 static eliminators manufactured and distributed by Minnesota Mining and Manufacturing Company (3M).

On February 18, 1988, an Order was issued to general licensees who possessed 3M static eliminator devices based upon numerous failures of the devices in the course of ordinary use (53 FR 5661). The Order required general licensees in possession of such devices to immediately suspend use and return them to 3M by May 18, 1988. The Order further provided that the Director, Office of Nuclear Material Safety and Safeguards, may in writing relax or rescind the restrictions imposed by the Order for good cause shown.

Between February 18, 1988 and May 18, 1988, the majority of the 3M Po-210 devices used under general license have been returned to 3M for testing and evaluations. Detectable leakage has been found in about four percent of the returned devices with only half of the four percent being greater than the reportable limit of 0.005 microcuries.

Based on information obtained since the February 18, 1988 Order, I have determined that while the 3M devices do not meet the requirements of 10 CFR 32.51(a) for distribution to general licensees, the potential health and safety hazards for those uses of the device not involved with food, beverages, pharmaceuticals, or cosmetics are not as extensive as initially considered possible. The smaller than anticipated number of failed devices, the small leakage rate associated with those failures, and the nature and location of the contamination when found indicates less hazard than originally believed to be credible. Also, replacement devices are in short supply and, consequently, in many instances, 3M devices cannot be replaced immediately with alternative devices thus causing severe hardship to the users. The latter concern has been reflected in a number of requests to the NRC and the Agreement States for continued use of the 3M devices on a temporary basis.

Based on the reasons discussed, I have determined that good cause exists for relaxing of the Order. Accordingly, I conclude that relaxation of section III A and B of the February 18, 1988 Order to general licensees for those devices not

used in the production of or packaging of food, beverages, pharmaceuticals, or cosmetics is appropriate as follows:

Section III A. of the Order is relaxed as follows: General licensees who currently possess Po-210 devices manufactured by 3M may continue to use these devices for 90 days from the date of this letter or the end of the licensee's lease date with 3M whichever is longer, provided the general licensee initially and every 30 days thereafter, has a survey performed of the area of use and a leak test of each device and the results do not indicate leakage of radioactive material in excess of 0.005 microcuries. Any devices failing the leak test shall be returned to 3M in accordance with instructions provided by 3M.

Section III B. of the Order is relaxed as follows: General licensees who currently possess Po-210 devices manufactured by 3M shall return the device within 90 days of date of this letter or the end of the licensee's lease date with 3M whichever is longer.

Nothing in this letter abrogates contractual arrangements between the general licensee and 3M concerning return dates under the lease. All other portions of the February 18, 1988 Order shall remain in effect.

Dated at Rockville, Maryland this 18th day of May, 1988.

For the Nuclear Regulatory Commission,  
Hugh L. Thompson, Jr.,  
Director, Office of Nuclear Material Safety and Safeguards.

(FR Doc. 88-11842 Filed 5-25-88; 8:45 a.m.)  
BILLING CODE 7550-01-50

(Docket Nos. 50-445-OL2, 50-446-OL2;  
ASLEP No. 79-430-76-OL and Docket No.  
50-445-CPA; ASLEP No. 86-629-02-CPA)

**Texas Utilities Electric Co. et al.;  
Comanche Peak Steam Electric  
Station, Units 1 and 2; Prehearing  
Conference**

May 20, 1988.

Before Administrative Judges: Peter B. Bloch, Chair; Dr. Walter H. Jordan; Dr. Kenneth A. McCollom.

The public prehearing conference previously scheduled for May 11, 1988, has been rescheduled to June 1, 1988. We will conduct oral argument concerning consolidation of the two captioned cases and will clarify, to the extent that is currently feasible, the order in which separate issues may be litigated.

The conference is scheduled for 9 am to 1 pm in the Gallery Ballroom of the Sheraton Dallas Hotel and Towers, 400 North Olive Street, Dallas, TX 75201.

For the Atomic Safety and Licensing Board,  
Peter B. Bloch,  
Chair, Administrative Judge.  
(FR Doc. 88-11900 Filed 5-25-88; 8:45 am)  
BILLING CODE 7550-01-50

(Docket No. 50-348)

**Toledo Edison Co.; The Cleveland  
Electric Illuminating Co.; Consideration  
of Issuance of Amendment to Facility  
Operating License and Opportunity for  
Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 located in Ottawa County, Ohio.

The proposed amendment would revise the provisions in the Davis-Besse Nuclear Power Station, Unit No. 1, Technical Specifications (TSs) relating to Refueling Operations Limiting Conditions for Operation (LCO) and Surveillance Requirements (SR), the associated Refueling Operations Basis, and facility Design Features.

The proposed amendment, specifically, would add new LCO 3.9.13 and SR 4.9.13 relating to spent fuel pool fuel assembly storage; would revise TS Section 5.3.1 to reflect a change in the allowable fuel enrichment in reload cores to 3.8 weight percent, and would revise Section 5.6 to include additional design specification related to fuel storage rack neutron multiplication. In addition, Basic Section 3.9.13 relating to Spent Fuel Pool Fuel Assembly Storage would be added.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 27, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or

recd 28 June 1988; 1345E

28 June 1988

NOTE TO 3M FILE:

In a telephone conversation with Marlene Taylor, Region I, she provided information on two locations that were in my "Survey" data base, as follows:

Standard Matrix, Inc., Attleboro, Mass. (#64) has apparently gone out of business. Region I cannot find them; neither can 3M.

3M Corporation, W. Caldwell, New Jersey (#137) is not a user; it is an office address for 3M sales personnel. However, some salesmen had received leaking devices from customers. 3M is having the homes and autos of these salesmen surveyed and will report the results of the surveys to Region I. Because no General Licensee plant was involved, I will close out this location in my files.

STATUS OF 3M STATIC ELIMINATOR FAILURE INCIDENT  
(Weekly Report for period ending June 23, 1988)

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No report was received from Region III this week concerning devices returned to 3M by General Licensees.

Region III issued Inspection Report No. 030-04971/88002(DRSS) concerning the special safety inspection conducted on April 27-29 of activities at 3M in St. Paul, Minnesota.

A report was received from Region I listing the 3M customer locations in that Region that had been inspected by Region I personnel.

The U.S. Air Force Academy reported that an unaccounted for source, previously reported as missing, actually had not been received. This finding was supported by records of the manufacturer and distributor.

*recd 29 June 88; 1315E*

29 June 1988

## NOTE TO 3M FILE:

In a telephone conversation w/Bill Fisher, Region IV, at 1315E today, he informed me that the two locations in Oklahoma on my "Survey" list had been surveyed by Region IV personnel and cleared for unrestricted use as follows:

Oklahoma Canning Co., Oklahoma City      02/12/88

Pepsi-Cola Bottling Co., Tulsa      02/10/88

This finishes the locations in Region IV except for those in Agreement States (Arkansas, Kansas, and Texas).