

DOD

November 4, 1996

EA 96-403

Dr. F. J. Palensky
Division Vice President
Medical Products Technology Division
3M Center
P.O. Box 33283
St. Paul, MN 55133-3283

SUBJECT: NRC INSPECTION REPORT NO. 030-14999/96-001(DNMS)

Dear Dr. Palensky:

This refers to the inspection conducted by Mr. Jamnes L. Cameron and Ms. Andrea Kock of this office on October 7 through 31, 1996. The inspection included a review of activities authorized for your Brookings, South Dakota facility. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed report.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements.

Based on the results of this inspection, two apparent violations were identified, one of which is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The apparent violation being considered for escalated enforcement includes the operation of your irradiator facility, on several occasions, without an authorized user on site. The other apparent violation pertains to the failure to calibrate an in-line pool water radiation monitor at least annually. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A transcribed, predecisional enforcement conference to discuss these apparent violations has been scheduled for November 15, 1996, at 10:00 a.m. (CST). The decision to hold an enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. The purposes of this conference are to discuss the apparent violations, their causes and safety significance; to provide you the opportunity to point out any errors in our inspection report; and to provide an opportunity for you to present your proposed corrective actions. In particular, we expect you to

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address the deficiencies identified in the enclosed inspection report regarding your authorized user training program, the management oversight provided to your radiation safety program, both locally and corporate, and the staffing level of your irradiator facility. In addition, this is an opportunity for you to provide any information concerning your perspectives on (1) the severity of the violations, (2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and (3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,

Original Signed by Roy J. Caniano

Roy J. Caniano, Deputy Director
Division of Nuclear Materials Safety

Docket No. 030-14999
License No. 22-00057-61

Enclosure: Inspection Report
No. 030-14999/96001(DNMS)

bcc w/encl: Office of Enforcement
J. Goldberg, OGC
D. Cool, NMSS
C. Weil, RIII
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