

DCD

June 27, 1997

EA No. 97-291

John Nevin, Plant Manager
Anheuser-Busch, Inc.
One Busch Place
St. Louis, MO 63118-1852

SUBJECT: NRC INSPECTION REPORT NO. 999-90003/97006(DNMS)

Dear Mr. Nevin:

This refers to the special safety inspection conducted on May 16 through June 23, 1997, of activities authorized by the general license in 10 CFR 31.5. The inspection was conducted to review the reported inadvertent disposal of two industrial gauging devices, each containing a nominal 100 millicuries (3.7 Gbq) of americium-241 in sealed form, and the resultant loss of one source containing 100 millicuries (3.7 Gbq) of americium-241. At the conclusion of the site inspection, the preliminary 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.

Based on the results of this inspection, two apparent violations were identified. The apparent violations are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (60 FR 34381; June 30, 1995). The NRC expects its general licensees to maintain control and accountability of their generally licensed devices so as to preclude improper disposition and possible unnecessary radiation exposure to members of the general public. The circumstances surrounding the apparent violations, the significance of the issue, and the need for lasting and effective corrective action were discussed with members of your staff at the site exit meeting on May 23, 1997. As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. However, a Notice of Violation is not presently being issued for these inspection findings. Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violations addressed in this inspection report within 30 days of the date of this letter, or (2) request a predecisional enforcement conference.

Your response should be clearly marked as a "Response to The Apparent Violation in Inspection Report No. 999-90003/97006 (DNMS)" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation, (2) the corrective steps that have been taken and the results achieved,

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(3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response should be submitted under oath or affirmation and may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

If you choose not to provide a response and would prefer participating in a predecisional enforcement conference, please contact Mr. Monte Phillips of my staff at (630) 829-9806 within 5 days of receipt of this letter.

In addition, please be advised that the number and characterization of the apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response (if you choose to provide one) will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Sincerely,

Original signed by
Thomas J. Kozak for
Roy J. Caniano, Acting Director
Division of Nuclear Materials Safety

Docket No. 999-90003

- Enclosures: 1. Inspection Report
No. 999-90003/97006(DNMS)
2. Enforcement Policy: Section V,
"Predecisional Enforcement Conferences"
3. IN 96-28

bcc w/encl 1: J. Goldberg, OGC
D. Cool, NMSS
T. Simmons, EICS
J. Caldwell, RIII
Office of Enforcement
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DATE	06/26/97		06/26/97		06/27/97		06/27/97 <i>for</i>		

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