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NRC PROPOSES \$4,400 CIVIL PENALTY FOR STROH BREWERY COMPANY
FOR UNAUTHORIZED DISPOSAL OF GAUGES HOLDING RADIOACTIVE MATERIAL

The Nuclear Regulatory Commission staff has proposed a \$4,400 fine for the Stroh Brewery Company for a violation of agency requirements at the firm's Fogelsville, Pa., plant. The violation stems from the unauthorized disposal of generally licensed radioactive material contained in measuring devices used at the brewery.

While a significant regulatory concern to the NRC, the unauthorized disposal was at no time a threat to the safety of beer manufacturer's customers. The radioactive material, americium-241, was contained in fill-level gauges designed to check the level of beer in cans, bottles and kegs.

Stroh was also cited, but not fined, for a second violation: a failure to perform required leak tests of its fill-level gauges at the required interval -- every six months -- from 1981 to July 1997.

A predecisional enforcement conference to discuss the violations was held at the NRC Region 1 office in King of Prussia, Pa., on November 12.

That meeting was prompted by the discovery that on July 28, the plant, during a cleanup effort, inadvertently disposed of at least one of the gauges. The device, holding 100 millicuries of americium-241, was transferred to a recycling firm not licensed to accept it. The scrap metal hauler, in turn, delivered the device to a recycling facility, Royal Green Metal Recyclers in Temple, Pa., where it was mistakenly placed into a shredder and damaged. That resulted in isolated contamination of surrounding scrap material, though 100 millicuries of americium-241 had the potential for much more significant contamination.

The material was then shipped to a Michigan recycling company, where it caused a radiation monitor to alarm, after which it was sent back to Royal Green.

A second identical gauge that also was removed during the cleanup remains unaccounted for, with Stroh continuing to search for it.

"The first violation is of very significant regulatory concern because it not only resulted in (radioactive) material being uncontrolled in the public domain, but also, as a result of the shredding of the material, it could pose a threat to individuals if ingested or inhaled," NRC Region 1 Administrator Hubert J. Miller wrote in a letter to Stroh announcing the enforcement action.

"The NRC recognizes," Mr. Miller continued, "that the resulting americium-241 contamination was not likely to be ingested or inhaled because there was no evidence of the spread of contamination at the Royal Green facility beyond the shredded non-ferrous residue. Nonetheless, this violation could have had high potential impact on the public, such as workers handling the material at the Royal Green facility after it was shredded, as well as workers at the Michigan facility had the material been accepted there."

Stroh has 30 days to pay the fine or to request in writing that all or part of the penalty be withdrawn.

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