

July 17, 2003

EA-03-089

Mr. Mark Puett
Manager, Environmental Affairs
Mallinckrodt Chemical, Inc.
Mallinckrodt & Second Streets
P. O. Box 5439
St. Louis, MO 63147

SUBJECT: NRC INSPECTION 04006563/2003-001(DNMS) AND
NOTICE OF VIOLATION - MALLINCKRODT

Dear Mr. Puett:

This refers to the site inspection conducted on January 7-9, 2003, at the Mallinckrodt Chemical facility located in St. Louis, Missouri. The purpose of the inspection was to determine whether decommissioning activities were conducted safely and in accordance with NRC requirements. At the conclusion of the site inspection on January 9, 2003, the NRC inspectors discussed preliminary findings with you and members of your staff. The inspection was extended in order to further review circumstances surrounding the failure to obtain appropriate review and signatures for certain decommissioning field instructions and procedures. On July 8, 2003, the inspectors contacted you to discuss the final exit results.

This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy) NUREG 1600. The current Enforcement Policy is included on the NRC's website at www.nrc.gov/OE; select **What We Do, Enforcement**, then **Enforcement Policy**. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection record.

Based upon the safety significance as documented in the inspection record, the NRC would have categorized the violation as minor. However, the violation is being documented in the Notice, in accordance with the Enforcement Policy, because the NRC determined that the violation was willful in nature. Specifically, the inspectors concluded from interviews that the licensee was aware that various management signatures were required prior to the implementation of the procedures and field instructions related to conducting final status surveys. However, managers failed to perform the necessary reviews and signatures prior to workers performing the surveys.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned in order to correct the violation and to prevent recurrence is already adequately addressed on the docket in Inspection Record No. 040-06563/2003-001. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, the inspection record, and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Christopher G. Miller, Chief
Decommissioning Branch

Docket No. 04006563
License No. STB-401

Enclosure: Notice of Violation

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NOTICE OF VIOLATION

Mallinckrodt, Inc.
St. Louis, Missouri

Docket No. 04006563
License No. STB-401
EA-03-089

During an NRC inspection conducted on January 7-9, 2003, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Condition 18 of License No. STB-401 states that the Decommissioning of the Columbian and Tantalum (C-T) process buildings shall be done in accordance with the Phase 1 Plan for C-T Decommissioning submitted on January 10, 2002.

Section 2.4.4 of the Phase 1 Plan for C-T Decommissioning requires, in part, that the decommissioning activities will be performed in accordance with written instructions. These instructions include procedures and field instructions. These procedures and field instructions are required to be reviewed and approved by the contractor operations representative, the Environmental Safety and Health (ES&H) representative, and the Mallinckrodt Project Manager or his designated representative.

Contrary to the above:

1. On December 11, 2002, through January 8, 2003, the licensee conducted a final status survey using unapproved Field Instruction number CT-FI-001.
2. On or about December 5-6, 2002, the licensee conducted a final status survey using an unapproved Final Status Survey Procedure for Survey Unit 9101.

This is a Severity Level IV violation (Supplement IV).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned in order to prevent recurrence, and the date when full compliance was achieved is already adequately addressed in Inspection Report 04006563/2003-001(DNMS). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-03-089" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Notice of Violation

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 17th day of July 2003