

August 2, 2004

EA-04-116
NMED No. 040427

Mark Bertram
Environmental Coordinator
Guardian Automotive, Inc.
601 North Congress Avenue
Evansville, IN 47716-5109

SUBJECT: NRC REVIEW OF REPORT FROM GUARDIAN AUTOMOTIVE, INC.,
REGARDING MISSING STATIC ELIMINATOR AND NON-CITED VIOLATION

Dear Mr. Bertram:

This refers to your letter dated July 30, 2004, providing additional information to your report dated June 11, 2004, which reported the loss of a static eliminator. The static eliminator, containing 1.3 millicuries of polonium-210, was lost from your Evansville, Indiana, facility on or about May 13, 2004. The NRC is retracting the Non-Cited Violation (NCV) described in our letter dated June 25, 2004. That NCV referenced 10 CFR 20.1801 and 10 CFR 20.1802.

Based on our further review of your report and your letter dated July 30, 2004, the NRC has determined that a violation of the NRC requirements concerning the transfer or disposal of generally-licensed material occurred (10 CFR 31.5(c)(8)(i), copy enclosed). The failure to transfer or dispose of the static eliminator through appropriate means is categorized in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Action," NUREG-1600, (Enforcement Policy) at Severity Level IV. Since you identified the violation and implemented appropriate corrective action, this violation is being treated as a NCV, consistent with section VI.A of the Enforcement Policy. If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator, Region III, and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in your report dated June 11, 2004 and your letter dated July 30, 2004. Therefore, you are not required to respond to this letter unless you wish to provide additional information. In that case, you should follow the instructions specified above.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, the enclosure, and your response, if you choose to provide one, 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>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

John Madera, Chief
 Materials Inspection Branch

Docket No. 99990003
 General Licensee 10 CFR 31.5

Enclosure: As stated

Distribution w/o encl:

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- K. Brock, NMSS
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