

December 5, 2007

EA-07-299

Chad J. Burnett, CSP
Radiation Safety Officer
Mead Johnson & Company (T-24)
2400 West Lloyd Expressway
Evansville, IN 47721

SUBJECT: NRC REVIEW OF REPORT OF LOST SOURCES AND NOTICE OF VIOLATION – MEAD JOHNSON & COMPANY

Dear Mr. Burnett:

This refers to your telephone notification to the NRC Operations Center on October 25, 2007, and your written report dated November 1, 2007, received by the NRC on November 8, 2007, regarding four nickel-63 sources missing from your facility in Evansville, Indiana. The sources each contained a nominal 15 millicuries of nickel-63. Your report indicated that the three specifically-licensed sources were most likely donated to academic or not-for-profit organizations, and the one generally-licensed source was most likely packaged for shipment and disposed as undeliverable.

Based on our review of your report, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforcement-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice).

The first violation involved the failure to secure licensed material authorized on your specific license from unauthorized access in accordance with 10 CFR 20.1801. Specifically, Mead Johnson & Company did not secure the three specifically-licensed nickel-63 sources from unauthorized access and subsequently lost the sources sometime between approximately 1992 and October 11, 2007.

The second violation involved the failure to transfer the generally-licensed nickel-63 source to an authorized recipient in accordance with 10 CFR 31.5(c)(8). Specifically, Mead Johnson & Company cannot verify to whom they transferred the source at some time between February 2, 2001, and October 11, 2007.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence and the date when full compliance was achieved is already adequately addressed in your report dated November 1, 2007. Therefore, you are not required to respond to the Notice unless the description in your report does not accurately reflect your response.

C. Burnett

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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>.

We will gladly discuss any questions you have concerning this issue.

Sincerely,

/RA/

John R. Madera, Chief
Division of Nuclear Materials Safety

License No. 13-00772-02
Docket No. 030-04328

Enclosure:
Notice of Violation

cc: State of Indiana

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Letter to Chad J. Burnett, CSP from John R. Madera dated December 5, 2007

SUBJECT: NRC NOTICE OF VIOLATION – MEAD JOHNSON & COMPANY

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NOTICE OF VIOLATION

Mead Johnson & Company
Evansville, Indiana

Docket No. 030-04328
License No. 13-00772-02
EA-07-299

As a result of a telephone notification to the NRC Operations Center on October 25, 2007, and a written report dated November 1, 2007, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

1. Title 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Contrary to the above, between approximately 1992 and October 11, 2007, the licensee did not secure from unauthorized removal or limit access to two Hewlett-Packard Model 18803-60520 gas chromatographs and one Hewlett-Packard Model 18713A gas chromatograph, each gas chromatograph containing 15 millicuries of nickel-63, located at the licensee's facility in Evansville, Indiana, which is a controlled area, and the licensed material was determined to be lost.

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

2. Title 10 CFR 31.5(c)(8) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall, except as provided in 10 CFR 31.5(c)(9), transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license pursuant to 10 CFR Parts 30 and 32 or from an Agreement State to receive the device.

Contrary to the above, between February 2, 2001, and October 11, 2007, the licensee transferred a Hewlett-Packard Model 19312 gas chromatograph containing 15 millicuries of nickel-63. The licensee cannot verify that this transfer was made to a person holding a specific license pursuant to 10 CFR Parts 30 and 32 or from an Agreement State to receive the device, and the exception in 10 CFR 31.5(c)(9) does not apply. Subsequently, the material was determined to be lost.

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

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to be taken to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in your letter dated November 1, 2007. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description in your letter 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-07-299," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

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.

Enclosure

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 personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

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

Dated this 5th day of December 2007