

March 18, 2011

EA-11-033  
NMED No. 110028 (Closed)

Mr. Stanley D. Hampton, M.S.  
Corporate Radiation Safety Officer  
Eli Lilly and Company  
Lilly Corporate Center  
639 S. Delaware St.  
Indianapolis, Indiana 46225

SUBJECT: RESPONSE TO 30-DAY REPORT DATED FEBRUARY 14, 2011, - ELI LILLY  
AND COMPANY

Dear Mr. Hampton:

The U.S. Nuclear Regulatory Commission (NRC) conducted an in-office review of your 30-day report dated February 14, 2011, describing a loss of licensed material from your Indianapolis, Indiana facility. In your letter, you identified the root cause for the loss of 16 generally licensed tritium exit signs, a statement of probable disposition of the licensed material, actions that you have taken to recover the material, and procedures or measures that you have, or will, adopted to ensure against a recurrence of the loss of licensed material. A telephone meeting between yourself and Andrew Bramnik of my staff was conducted on March 14, 2011, to discuss the event and the NRC's findings.

Based on a review of your report, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation of Title 10 Code of the Federal Regulations (CFR) 31.5(c) involved the failure to transfer or dispose of generally licensed devices 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 devices.

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 and the date when full compliance will be achieved is already adequately addressed on the docket in your 30-day report. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your positions.

Because this issue was self-identified, non-repetitive, non-willful, and your company took prompt and effective corrective actions, this violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2 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,

S. Hampton

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with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region III; and (2) the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

*/RA/*

Tamara E. Bloomer, Chief  
Materials Inspection Branch  
Division of Nuclear Materials and Safety

Docket No. 030-04330  
License No. 13-01133-02

CC: State of Indiana

S. Hampton

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*/RA/*

Tamara E. Bloomer, Chief  
Materials Inspection Branch  
Division of Nuclear Materials and Safety

Docket No. 030-04330  
License No. 13-01133-02

CC: State of Indiana

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