

DE-07  
PUBLIC

MAY 20 1994

American Radiolabeled  
Chemicals, Inc.  
ATTN: Dr. Senendra Gupta  
President  
11624 Bowling Green Drive  
Maryland Heights, MO 63146

License No. 24-21362-01  
Docket No. 030-20567

Dear Dr. Gupta:

This refers to the special safety inspection conducted by Mark Mitchell of this office on April 13-14, 1994, of activities authorized by NRC Byproduct Material License No. 24-21362-01, and to the discussion of our findings with you and members of your staff at the conclusion of the inspection. This also refers to the management meeting on May 2, 1994.

The inspection was an examination of activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations and with the conditions of your license. The inspection consisted of a selective examination of procedures and representative records, observations, independent measurements, and interviews with personnel.

During this inspection, certain of your activities were found to be in violation of NRC requirements, as specified in the enclosed Notice. A written response is required.

On May 2, 1994, Don Soldan, Karen Gupta, and yourself attended a management meeting in Region III. Present at the meeting representing the NRC were Don Funk, John Jones, Mark Mitchell and myself. The discussion centered on the apparent violation and your proposed corrective action, your investigation of several unexplained contamination events in unrestricted areas and the perceived chilling effect.

During this meeting, you stated that following the inspection the Radiation Safety Committee met to discuss the preliminary findings of the NRC. A majority of the production staff was present at the special meeting. Also in attendance was Mr. Richard Greenberg, Legal Counsel to American Radiolabeled Chemicals, Inc. Mr. Greenberg presented a discussion on the legal rights and responsibilities of the employees. He also conducted interviews of selected personnel regarding several unexplained contamination events in unrestricted areas in the production facility. A copy of his formal report and the Committee minutes were submitted to the NRC during that meeting.

Further, you stated that changes in the procedures for selecting and training new personnel, transporting material between buildings, guidelines for supervision of Class 2 personnel by Class 1 personnel were currently being drafted. Finally, you anticipate adding a sales manager/laboratory supervisor in the near future.

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The NRC stated a concern that actions toward current and former employees may have had a chilling effect on other licensee or contractor personnel.

While we recognize that American Radiolabeled Chemical, Inc. appears to have settled its differences with specific individuals, the NRC must review this matter to determine whether personal and public interactions with this and other individuals could have a chilling effect on other licensee or contractor personnel in that it might deter them from identifying any nuclear safety related concerns they may have.

Therefore, you are requested to provide this office, within 30 days of the date of this letter, a response which describes the actions, taken or planned to assure that there does not exist a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns.

Please indicate in your response whether any of the information that you provide should be withheld from public disclosure based on the provisions of 10 CFR 2.790(a). Please cite the specific provisions of this regulation that is applicable or other basis for nondisclosure.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter, the enclosure, and your response to this letter will be placed in the NRC Public Document Room.

The response directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

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

Sincerely,

Original Signed by B.J. Holt for

Roy J. Caniano, Chief  
Nuclear Materials Safety Branch

Enclosure: Notice  
of Violation

bcc w/enclosure:  
PUBLIC

RIII  
MMW  
Mitchelle/jaw  
5/6/94

RIII  
Jones  
5/11/94

Yes  
RIII  
DSC  
Funk  
5/17

Yes  
RIII  
Caniano  
5/18/94