



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

September 3, 1997

EA 97-291

Mr. John Nevin, Plant Manager  
Anheuser-Busch, Inc.  
One Busch Place  
St. Louis, MO 63118-1852

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
- \$2,750 (NRC INSPECTION REPORT NO. 999-90003/97006(DNMS))

Dear Mr. Nevin:

This refers to the special safety inspection conducted from May 16 through June 23, 1997, at Anheuser-Busch, Inc. (ABI) in St. Louis, Missouri to review the circumstances surrounding the disposal of two industrial gauging devices which contained 100 millicuries (3.7 GBq) of americium-241 in sealed form and the resultant loss of one source. The details of the incident are discussed in NRC Inspection Report No. 999-90003/97006(DNMS), dated June 27, 1997. By letter dated July 24, 1997, ABI responded to the apparent violations described in the inspection report and did not request a predecisional enforcement conference.

Based on the information developed during the inspection and the information that ABI provided in response to the inspection report, the NRC has determined that violations of NRC requirements occurred. The violations involving the failure to properly transfer or dispose of generally licensed material and unauthorized dismantling of devices containing licensed material are cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty.

Incumbent upon each company possessing byproduct material is the responsibility to protect public health and safety by ensuring that radioactive materials are controlled at all times. These violations are of significant regulatory concern because ABI personnel overlooked tags attached to the devices which specified that removal from service was to be performed only by authorized individuals. Furthermore, the failure to effectively control material is a significant safety concern because it can lead to the inadvertent release of radioactive material to the public domain. The violation represents a failure to control access to licensed materials for radiation purposes and is categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, at Severity Level III.

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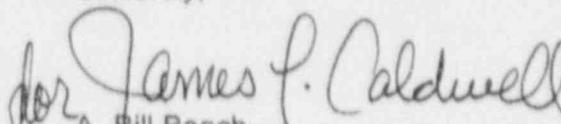
In accordance with the Enforcement Policy, a base civil penalty in the amount of \$2,750 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for Corrective Action in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit was warranted in that your actions were prompt and comprehensive. The NRC recognizes that application of the civil penalty assessment process would normally not result in a civil penalty in this case. Nevertheless, the NRC is exercising discretion in accordance with Section VII.A.1(g) of the Enforcement Policy and is proposing a civil penalty of \$2,750. Discretion is being exercised because licensed material was not controlled and was released to the public domain.

Therefore, to emphasize the need to strictly control licensed material, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$2,750 for the Severity Level III violation.

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 on the docket in an ABI letter dated July 24, 1997. Therefore, you are not required to provide any additional statement or explanation pursuant to 10 CFR 2.201 unless the description already provided does not accurately reflect your corrective actions or your position. You are required to respond to the proposed civil penalty pursuant to 10 CFR 2.205 and for that response, you should follow the directions specified in the enclosed Notice.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without a redaction.

Sincerely,

  
A. Bill Beach  
Regional Administrator

Docket No. 999-90003  
General License

Enclosure: Notice of Violation and  
Proposed Imposition  
of Civil Penalty

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