

DL-061699-02

June 16, 1999

ConAgra Pet Products, Inc.
c/o Sergeant's Pet Products, Inc.
ATTN: Mr. Bill Washburn
Product Development &
Regulatory Affairs Manager
P. O. Box 18993
Memphis, TN 38181-0993

SUBJECT: NRC LICENSE NO. 45-25104-01 AND NOTICE OF VIOLATION

Dear Mr. Washburn:

This letter refers to your request as stated in the letter and NRC Form 314 dated November 5, 1998, and April 28, 1999, respectively, to terminate your NRC license for the former ConAgra Pet Products, Inc., Plant A, located in Richmond, Virginia.

Based on a review of those documents and discussions between you and members of my staff, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Enclosure 1). The violation involved the improper transfer of licensed material; however, the NRC determined that the matter was of low safety significance because: 1) the material was found and returned to the manufacturer for proper inspection and maintenance; 2) there was a low radiation dose rate associated with the sealed source; and 3) the fact that the specifically licensed device could have been labeled and possessed as a generally licensed device.

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 letter dated April 28, 1999. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In addition, as a result of this review and in response to your request, please find enclosed termination of your NRC materials license (Enclosure 2).

In accordance with Section 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and any reply will be placed in the NRC Public Document Room.

Should you have any questions concerning this matter, please contact us.

Sincerely,

original signed by
M. Lesser for:

Thomas R. Decker, Chief
Materials Licensing/Inspection Branch 1
Division of Nuclear Materials Safety

Docket No. 030-31741
License No. 45-25104-01

- Enclosures: 1. Notice of Violation
- 2. NRC Materials License Termination

cc w/encs:
Commonwealth of Virginia

Distribution w/encs:
PUBLIC
R11 Docket Files, DNMS

OFFICE	RE:DNMS	RE:RCS					
SIGNATURE	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>				
NAME	WLoc <i>[Initials]</i>	ALM <i>[Initials]</i>					
DATE	11/17/88	11/17/88	11/17/88	11/17/88	11/17/88	11/17/88	11/17/88
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

(FOR LFMS USE)
INFORMATION FROM LTS

BETWEEN:

License Fee Management Branch, ARM : Program Code: 03123
and : Status Code: 0
Regional Licensing Sections : Fee Category: 3P
: Exp. Date: 20051031
: Fee Comments: _____
: Decom Fin Assur Req: N
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LICENSE FEE TRANSMITTAL

A. REGION II

1. APPLICATION ATTACHED

Applicant/Licensee: CONAGRA PET PRODUCTS, INC.
Received Date: 19981110
Docket No: 3031741
Control No.: 258258
License No.: 45-25104-01
Action Type: Termination

2. FEE ATTACHED

Amount: _____
Check No.: _____

3. COMMENTS

Signed Karen McCallie
Date 2/19/99

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / in)

1. Fee Category and Amount: 3P **FEE EXEMPT**
2. Correct Fee Paid. Application may be processed for:
Amendment _____
Renewal _____
License _____
Term

3. OTHER _____

Signed Rita Messier
Date 2/12/99

RECEIVED BY LFMS
<u>2/12/99</u>
Feb 4
Bin
Date Completed <u>2/12/99</u>

NOTICE OF VIOLATION

ConAgra Pet Products, Inc.
Richmond, Virginia

Docket No. 030-31741
License No. 45-25104-01

During a review of your NRC license on March 31, 1999, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 30.41(a) and (b)(5) require, in part, that no licensee transfer byproduct material except to a person authorized to receive such byproduct material under the terms of a specific or general license issued by the Commission or an Agreement State.

Contrary to the above, on or about May 1998, the licensee transferred a source containing approximately 15 millicuries of nickel 63 to Medical Excess located at 330 Allegheny, Lynchburg, Virginia, a company not authorized to receive such byproduct material under the terms of a specific or general license issued by the Commission or an Agreement State.

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

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 letter dated April 28, 1999. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein 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," and send it to the U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be placed in the NRC Public Document Room (PDR). Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

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

Dated this 16th day of June 1999