



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

March 30, 2000

Docket No. 999-90001

License No. General Licensee

James A. Litten  
Plant Manager  
Bestfoods  
99 Avenue A  
P. O. Box 307  
Bayonne, NJ 07002

SUBJECT: INSPECTION NO. 999-90001/00-001

Dear Mr. Litten:

On January 24, 2000, James Bondick of this office conducted a safety inspection at the Bestfoods facility located in Bayonne, New Jersey of activities authorized by 10 CFR 31.5. The inspection was limited to an inspection of the facility, a review of selected records, and personnel interviews. The findings of the inspection were discussed with you at the conclusion of the inspection. The enclosed report presents the results of this inspection.

Based on the results of this inspection, one apparent violation of 10 CFR 31.5 was identified. This violation involved the loss of a Filtec Case inspection unit (nuclear gauge) containing a 100 millicuries sealed source of americium-241. 10 CFR 31.5(c)(6) requires that any person who acquires, receives, possess, uses or transfers byproduct material in a device pursuant to a general license shall not abandon the device containing byproduct material. The Filtec gauge is considered abandoned since it could not be located at the time of the inspection or during subsequent searches.

This is a violation of NRC requirements, however the NRC after careful consideration of the factors involved in this specific instance and in accordance the Interim Enforcement Policy for Generally Licensed Devices, 63 FR 66492, enforcement action normally will not be taken for violations of 10 CFR 31.5 if they are identified by the general licensee, and reported to the NRC if reporting is required, provided (among other things) that the general licensee takes appropriate corrective actions to address the specific violation and prevent recurrence of similar problems. This approach is intended to encourage general licensees to determine if applicable requirements have been met, to search their facilities to assure that sources are located, and to develop appropriate corrective action when deficiencies are found. Bestfoods identified the violation, notified the NRC as required by 10 CFR 20.2201(b), and stated that it will take appropriate corrective actions by providing additional security for the remaining uninstalled nuclear gauge, and will institute the same corrective actions for other gauges in the future. The NRC recognizes your cooperation in this regard. Therefore, you are not required to respond to

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J. Litten  
Bestfoods

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this letter unless the description therein does not accurately reflect your corrective actions or your position.

We are returning the ten (10) original digital photographs taken at your facility. These photographs were helpful in illustrating the exact manner in which you use nuclear gauges for controlling processes at your facility.

Your cooperation with us is appreciated.

Sincerely,

***Original signed by Francis M. Costello***

George Pangburn, Director  
Division of Nuclear Materials Safety

Enclosures:

1. Inspection Report No. 999-90001/00-001
2. Digital Photographs

cc:  
State of New Jersey

J. Litten  
Bestfoods

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Nuclear Safety Information Center (NSIC)

Region I Docket Room

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