

August 23, 2001

John Newfeld, Vice President
Operations
ADM Milling Company
8000 West 110th Street
Overland Park, KS 66210

**SUBJECT: REPORT OF UNAUTHORIZED ACTIVITIES PERFORMED ON TWO GAUGES
AND EXERCISE OF ENFORCEMENT DISCRETION**

Dear Mr. Newfeld:

Thank you for your July 27, 2001 facsimile (with enclosed vendor's service report) notifying the NRC Region III office of unauthorized activities involving the removal of two gauges from installation at your St. Louis, Missouri plant. The devices, Kay-Ray/Sensal Model 7062BP (Serial Nos. 24651 and 59861), each contained a nominal 50 millicurie (185 gigabecquerel) cesium-137 sealed source. You indicated that on June 23 and 30, 2001, employees at your St. Louis plant removed the gauges from their respective installation locations, and these individuals failed to close the source shutter mechanism prior to performing this activity. Discussions with the individuals revealed that neither had received any training in gauge removal or lock-out procedures, however, they were aware that the devices contained radioactive material and required secure storage.

Failure to assure that removal of certain gauging devices containing radioactive material from installation is performed by a person holding a specific license pursuant to Parts 30 and 32 or from an Agreement State to perform such activities is a violation of 10 CFR Part 31.5. Further, the failure to close the shutter prior to removing the gauges from service raised a concern regarding the individuals' potential radiation exposure received during this activity. Based on the information provided by your staff, we calculated the radiation levels at various points where the individuals would have likely worked around the gauge unit. We determined that each individual received a dose of approximately 0.1 millisievert (10 millirem) (the NRC's dose limit is 1.0 millisievert (100 millirem) per year for members of the public). We have confirmed that the gauge units were transferred to an authorized firm for disposal on July 26, 2001, and the St. Louis plant does not possess any other radioactive materials. We have reviewed your facsimile and have no further questions at this time.

Although a violation of 10 CFR 31.5 was identified, since your actions were not willful, and because you identified and reported the violation to the NRC, and took appropriate corrective action to address the violation and prevent recurrence of similar problems, we are exercising enforcement discretion in accordance with the Interim Enforcement Policy for Generally Licensed Devices (May 1, 2000; 65 FR 25368). Therefore, we are not issuing any enforcement action for this violation. However, any future violations of 10 CFR 31.5 may be considered for enforcement action.

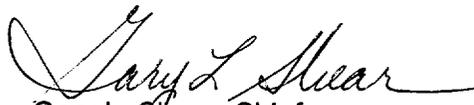
J. Newfeld

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

Sincerely,


Gary L. Shear, Chief
Materials Inspection Branch

Docket No. 99990003
General Licensee 10 CFR 31

cc: Mike Sampson, Plant Manager
ADM Milling
5020 Shreve Avenue
St. Louis, MO 63115

bcc: PUBLIC IE-07

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