

March 28, 2002

Dick Kiedrowski
General Manager
SPARTEK
300 Milwaukee Street
Sparta, Wisconsin 54656-2530

SUBJECT: NRC REVIEW OF LOST Polonium-210 STATIC ELIMINATOR

Dear Mr. Kiedrowski:

This refers to conversations between NRC staff and Marjorie Oaks of your staff concerning a lost static eliminator (NRD Mod P2021) containing a nominal 10 millicuries of Polonium-210.

The NRC has determined that a violation of 10 CFR 31.5 occurred when Spartek lost a Polonium-210 static eliminator which was last seen about February 1, 2002.

In accordance with the NRC's Interim Enforcement Policy for Generally Licensed Devices, the NRC is exercising discretion and therefore, is not issuing enforcement action for the violation because the violation was not willful. Spartek identified and reported the violation to the NRC, and Spartek took appropriate corrective action to address the violation and to prevent reoccurrence of similar problems. However, any future violations of 10 CFR 31.5 may be considered for enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available **electronically** for public inspection in the NRC Public Document Room **or** from the *Publicly Available Records (PARS) component of NRC's document system (ADAMS)*. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/idenx.html> (the Public Electronic Reading Room).

Should you have any questions regarding this matter, please contact George Parker of my staff at (630) 829-9869.

Sincerely,

/RA/

Gary L. Shear, Chief
Materials Inspection Branch

Docket No. 99990003
General License 10 CFR 31.5

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