

February 7, 2002

Tom Andorfer
Senior Process Engineer
Central Soya Company
1946 West Cook Road
Fort Wayne, IN 46818

SUBJECT: NRC REVIEW OF REPORT OF MISSING TRITIUM EXIT SIGNS

Dear Mr. Andorfer:

This refers to your report (Attachment A) dated January 4, 2002, regarding the loss of 28 exit signs containing a total nominal quantity of 388.2 curies (14.4 Terabecquerels) of tritium. You reported the loss of the devices to the NRC Operations Center on December 19, 2001, in accordance with 10 CFR 31.5(c)(10) and 10 CFR 20.2201 "Reports of theft or loss of licensed material." A list of the missing devices and pertinent information regarding those devices was sent to the NRC on December 19, 2001 (Attachment B). It is our understanding that the facility where the tritium exit signs were located was damaged in an explosion and fire in 1994, and the facility was demolished in 1996.

Our review of this matter included a telephone conversation with you on January 31, 2002. In the telephone conversation, you expanded your response to sections IV and V of the written report. Specifically, you indicated that exposures to individuals could not be determined at this time because of: 1) the time lapse between the disposal of the devices and the identification by Central Soya Company that the devices were missing; 2) the solubility of tritium in the environment; 3) the relatively short biological half-life of tritium in the human body; and 4) the amount of non-radioactive material involved in the demolition of the buildings, diluting the tritium and reducing potential exposure to individuals in the area. In addition, you indicated that there are no plans to attempt to recover the devices because of the: 1) physical and biological danger involved in searching a landfill after four (4) years; and 2) the small probability of exposure to members of the general public after such disposal in a landfill. The NRC concurs with your assessment as stated above.

Based on our review of the incident, the NRC determined that a violation of 10 CFR 31.5 occurred when Central Soya Company disposed of the generally licensed devices at a landfill in 1996. This regulation provides that generally licensed devices may only be disposed of by transfer to a person with a specific license that authorizes possession of the devices or waste collection. Although a violation of 10 CFR 31.5 was identified, we also determined that your actions were not willful. Further, you identified and reported the violation to the NRC, and took appropriate corrective action to address the violation and prevent recurrence of similar problems. Therefore, we are exercising enforcement discretion in accordance with the NRC's Interim Enforcement Policy for Generally Licensed Devices (May 1, 2000; 65FR 25368), and no enforcement action will be issued for this violation. However, any future violations of 10 CFR 31.5 may be considered for enforcement action.

We have no further questions regarding this matter at this time. Thus, no response to this letter is required.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures 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/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Bruce Jorgensen, Chief
Decommissioning Branch

Docket No. 9990003
General Licensee 10 CFR 31.5

Enclosures: As stated

bcc: PUBLIC IE-07
DEG

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Attachment A

CENTRAL SOYA COMPANY, INC.

PO BOX 1400

FORT WAYNE, INDIANA 46801-1400

1946 WEST COOK ROAD

FORT WAYNE, INDIANA 46818

TELEPHONE: (219) 425-5816

@ **central**
soya

OFFICIAL RECORD COPY

January 4, 2002

Regional Administrator Region III
801 Warrenville Rd.
Lisle, IL 60532-4351

Subject : EN 38583 Written Report per 20.2201 (b)

(i) A description of the licensed material involved, including kind, quantity, and chemical and physical form.

The following General Licensed material was reported missing on December 19, 2001.

19 Exit signs manufactured by Self-Powered Lighting Inc. as follows:

- 8 Model 700c containing 4700 mCi of H3 each
- 11 Model 710 containing 25000 mCi H3 each

9 Exit signs manufactured by NRD, LLC as follows:

- 9 Model T-4001 containing 8400 mCi H3 each

(ii) A description of the circumstances under which the loss occurred.

Page 2

January 4, 2002

Regional Administrator Region III

An explosion and fire that occurred on June 29, 1994, led to the demolition of the plant in 1996. Only a portion of the plant remains in operation at that location

(iii) A statement of disposition, or probable disposition, to the licensed material involved.

If units were not damaged in the explosion and fire, it is probable that they were destroyed in the demolition and disposed of with demolition debris.

(iv) Exposures of individuals to radiation.

No known exposure

(v) Actions that have been taken, or will be taken, to recover the material.

No planned actions at this time.

(vi) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed material.

All company locations will be advised of the need to track the purchase and disposal of general licensed materials of this nature. Any purchase of generally licensed material should be reported to the corporate Radiation Safety Officer for Inventory, tracking and disposal.

If additional information is needed please contact me at 219-425-5806

Sincerely,

CENTRAL SOYA COMPANY, INC.

Tom Andorfer
Senior Process Engineer

MtnGen-40-TDA(rs)