



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

February 9, 2017

EN 52296  
NMED 160426 (Closed)

Dr. Karl Bloss  
Plant Technical Manager-SFP  
Bayer CropScience, LP  
8400 Hawthorn Road  
Kansas City, MO 64120

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03005089/2016001(DNMS) AND  
NOTICE OF VIOLATION – BAYER CROPSCIENCE**

Dear Dr. Bloss:

On November 16, 2016, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your Kansas City, Missouri facility, with continued in-office review through January 31, 2017. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The inspection included a review of your October 14, 2016, notification of a failed shutter mechanism on one of your gauging units within the plant. Our in-office review included a review of your written report received on November 22, 2016, as well as other aspects of your radiation safety program. Ms. Deborah A. Piskura of my staff conducted a final exit meeting by telephone with Mr. Steven Scherich, of your staff on January 31, 2017, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned your facility's failure to leak test several sealed sources that had been in storage for a period of greater than 10 years, as required by Condition 13.E. of NRC License Number 24-03830-01. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the enclosed Notice because the inspector identified violation.

The inspector determined that the cause of the violation was attributed to your staff's misunderstanding of the requirements in License Condition 13.E for sealed sources in storage. As corrective action, your staff completed leak tests on these sealed sources in January 2017.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice (IN) 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the IN on the NRC's website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with Title 10 of the *Code of Federal Regulations* (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Ms. Piskura if you have any questions regarding this inspection. Ms. Piskura can be reached at 630-829-9867.

Sincerely,

**/RA/**

Aaron T. McCraw, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket No. 030-05089  
License No. 24-03830-01

Enclosure: Notice of Violation

cc w/encl: Steven Scherich, Radiation  
Safety Officer  
State of Missouri

K. Bloss

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Letter to Karl Bloss from Aaron McCraw dated February 9, 2017

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03005089/2016001(DNMS) AND  
NOTICE OF VIOLATION – BAYER CROPSCIENCE

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OFFICE	RIII-DNMS		RIII-DNMS		RIII		RIII	
NAME	DPiskura:ps		AMcCraw					
DATE	2/9/2017		2/9/2017					

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Bayer CropScience, LP  
Kansas City, Missouri

License No. 24-03830-01  
Docket No. 030-05089

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on November 16, 2016, with continued in-office review through January 31, 2017, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 13.E. of License Number 24-03830-01, states, in part, that sealed sources need not be tested (for leakage) if they are in storage and are not being used. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.

Contrary to the above, between approximately January 2004 and November 16, 2016, a period of more than 10 years, the licensee stored 20 cesium-137 sealed sources within gauging devices without testing these sources for leakage and/or contamination.

This is a Severity Level IV violation (Section 6.3.d).

Pursuant to the provisions of Title 10 of the *Code of Federal Regulations* (CFR) 2.201, Bayer CropScience, LP is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or its severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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

Dated this 9<sup>th</sup> day of February, 2017.

Enclosure