

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Dow AgroSciences 9330 Zionsville Rd. 306 Building, E2-1010 Indianapolis, IN 46268 REPORT 2003-001	2. NRC/REGIONAL OFFICE U. S. Nuclear Regulatory Commission Region III 801 Warrenville Road Lisle, IL 60532
--	--

3. DOCKET NUMBER(S) 030-32714	4. LICENSEE NUMBER(S) 13-26398-01	5. DATE(S) OF INSPECTION August 5, 2003
----------------------------------	--------------------------------------	--

LICENSEE:
The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, NUREG-1600, to exercise discretion, were satisfied.

_____ Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):

- 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

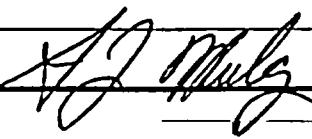
(Violations and Corrective Actions)

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 2
FOIA- 2005-0080

(CF)

STATEMENT OF CORRECTIVE ACTIONS

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE			B/k
NRC INSPECTOR	S. J. Mulay		8/5/03

**Docket File Information
SAFETY INSPECTION REPORT
AND COMPLIANCE INSPECTION**

1. LICENSEE Dow AgroSciences REPORT NUMBER(S) 2003-001		2. NRC/REGIONAL OFFICE Region III	
3. DOCKET NUMBER(S) 030-32714		4. LICENSE NUMBER(S) 13-26398-01	5. DATE(S) OF INSPECTION August 5, 2003
6. INSPECTION PROCEDURES USED 87126		7. INSPECTION FOCUS AREAS 03.01-07	

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S) 01100	2. PRIORITY F1A-3	3. LICENSEE CONTACT Amy Smith, RSO	4. TELEPHONE NUMBER 317-337-3178
------------------------------------	-----------------------------	--	--

Main Office Inspection Next Inspection Date: August 2006

Field Office _____

Temporary Job Site _____

PROGRAM SCOPE

The licensee is an active research broad scope program with ~100 committee approved principle investigators (PI) authorized to use licensed material. Individual researchers use licensed material under the supervision of the PI's. Approximately 60 overall laboratories are currently active.

Licensed material is used for research and development in the study of pesticide absorption in plant life. The licensee is authorized use and possession of

Use of The primary isotopes used in research activities are, is infrequent.

All research activities involving licensed material are conducted in _____ are principle waste collection and disposition facilities. All orders for licensed material are approved by the research PI and the RSO prior to actual purchase. Packages are received and processed by the receiving area (surveys/wipes) and delivered directly to the ordering laboratory. The RSO/HP technician perform semi-annual program audits and report to the Radiation Safety Committee. Incidents are reviewed and corrective action is appropriately implemented.

Performance Observations

The licensee's research staff demonstrated/described routine procedures which included a brief description of ongoing experiments, day of use radiation surveys, package receipt procedures, and monthly area wipe tests with no problems noted. A random review of available survey meters in laboratory areas revealed instruments that were calibrated and operable. The HP technician demonstrated an actual laboratory audit which included overall surveys, wipes, record reviews and appropriate discussions with lab personnel. Radiation safety office staff members appeared to maintain a cooperative work environment with laboratory personnel. All use and storage areas were properly posted indicating the presence of biohazard and radioactive material.

Independent surveys and wipes of selected labs performed during the review did not indicate contamination in restricted or unrestricted areas.

The licensee exchanges personnel dosimetry badges monthly through an authorized vendor. Maximum whole-body and extremity readings for 2002 were 18mR and 50 mRem respectively. YTD 2003 readings were 18mRem whole-body and 30mRem extremity.

Overall security of licensed material in use and storage areas is well maintained utilizing numerous _____ throughout the campus. Visitors must be escorted at all times.

Ex. 2

Ex 2

December 16, 2003

Amy J. Smith
Radiation Safety Officer
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268-1054

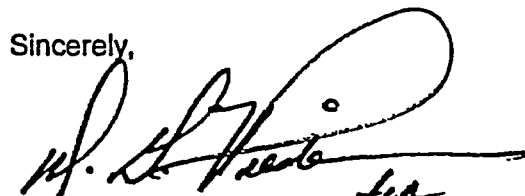
Dear Ms. Smith:

This acknowledges receipt of your letter dated October 29, 2003, notifying the NRC of the event that involved the mis-delivery of a cooler containing samples of ¹³⁷Cs that occurred on October 21, 2003. In the letter, you stated that AgroSciences staff affixed the appropriate label which identified the correct addressee. During transit, while under Federal Express control, an additional label was placed on the package. The additional label contained the incorrect addressee, and Federal Express subsequently delivered the radioactive package to an elementary school in Indiana. Ex. 2

We appreciate your notification of the events, and have no further questions at this time. We will follow up this issue during the next inspection. If you have any further questions and/or concerns, please feel free to contact Sarah Bakhsh of my staff at (630) 829-9816.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,


Kenneth G. O'Brien, Chief *for*
Materials Inspection Branch

Docket No.: 030-32714
License No.: 13-26398-01

DOCUMENT NAME: G:\SEC\IR Materials Insp\AgroSciences.wpd

To receive a copy of this document, indicate in the box: C = Copy without enclosure E = Copy with enclosure N = No copy

OFFICE	RIII	C	RIII	RIII	RIII
NAME	Bakhsh:mb <i>SB</i>		Gattone <i>B'</i>	O'Brien <i>for</i>	
DATE	12/16/03		12/16/03	12/16/03	

OFFICIAL RECORD COPY