

February 10, 2009

EA-09-021

Roben Roberts
Radiation Safety Officer
Dow AgroSciences, LLC
9330 Zionville Road
Indianapolis, IN 46268

SUBJECT: NRC REVIEW OF REPORT FROM DOW AGROSCIENCES, REGARDING
MISSING TRITIUM-POWERED EXIT SIGNS, AND NON-CITED VIOLATION

Dear Ms. Roberts:

This refers to your letter, dated December 29, 2008, regarding the loss of two generally licensed tritium-powered exit sign devices. The generally licensed devices contained an aggregate activity of approximately 10 curies of tritium gas when removed from service, with each exit sign containing approximately 5.0 curies of tritium. Your investigation concluded that these exit signs were removed from service on December 6, 2007, and the final disposal route could not be determined, as it was not documented.

Based on your report, the NRC has determined that a Severity Level IV violation of NRC requirements occurred, regarding the failure to properly dispose of approximately 10 curies of tritium contained in two exit sign devices (10 CFR 31.5(c)(8)(i), copy enclosed). To prevent recurrence of the violation, Dow AgroScience staff implemented the following corrective actions: (1) the four remaining tritium-powered exit signs were labeled with information to contact the RSO upon removal, (2) a tracking number was placed on the exit signs that tracks the owner of the device and contains special instructions, and (3) the facility Operations Leader revised the procedure to include the additional labeling and tracking information. This violation is being treated as a non-cited violation (NCV), consistent with Section VI.A of the NRC Enforcement Policy since the violation was non-repetitive, licensee-identified and corrected. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about/nrc/regulatory/enforcement/enforce.pol.html>.

If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to the Regional Administrator, Region III and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 205555-0001.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description in this letter does not accurately reflect your corrective actions or your position. In that case, or if you chose to provide additional information, you should follow the instructions specified above.

R. Roberts

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, 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. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Kenneth J. Lambert, Acting Chief,
Materials Inspection Branch

Docket No. 999-90003
License No. 10 CFR 31.5

Enclosure:
As stated

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