

NMED Item No. 080877

NRC FORM 591M PART 1
(10-2003) 10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

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| 1. LICENSEE/LOCATION INSPECTED: DowAgroSciences 9330 Zionsville Road 306 Building, E2-1010 Indianapolis, IN 46268-1054 REPORT NUMBER(S) 2010-001 | 2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region III 2443 Warrenville Road Suite 210 Lisle, Illinois 60532-4351 |
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| 3. DOCKET NUMBER(S) 030-32714 | 4. LICENSEE NUMBER(S) 13-26398-01 | 5. DATE(S) OF INSPECTION MAY 11, 2010 |
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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:

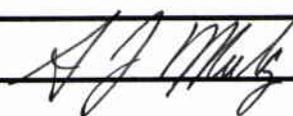
- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is 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)

Licensee's Statement of Corrective Actions for Item 4, above.

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'S REPRESENTATIVE | | | |
| NRC INSPECTOR | S. J. Mulay |  | 5/11/10 |

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SAFETY INSPECTION REPORT
AND COMPLIANCE INSPECTION

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| 1. LICENSEE Dow AgroSciences | | 2. NRC/REGIONAL OFFICE Region III 2443 Warrenville Road, Suite 210 Lisle, IL 60532 | |
| REPORT NUMBER(S) 2010-01 | | | |
| 3. DOCKET NUMBER(S) 030-32714 | 4. LICENSE NUMBER(S) 13-26398-01 | 5. DATE(S) OF INSPECTION May 11, 2010 | |
| 6. INSPECTION PROCEDURES USED 87126 | | 7. INSPECTION FOCUS AREAS 03.01-03.07 | |

SUPPLEMENTAL INSPECTION INFORMATION

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| 1. PROGRAM 3610 | 2. PRIORITY E1A-3 | 3. LICENSEE CONTACT Roben Roberts, RSO | 4. TELEPHONE NUMBER 317-337-3435 |
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Main Office Inspection Next Inspection Date: May 2013

Field Office

Temporary Job Site Inspection

PROGRAM SCOPE

The licensee is a non-medical broadscope program performing sample labeling, pesticide formulations and synthesis research in approximately 45 active laboratories utilizing licensed material as authorized. Seven authorized users supervise approximately 80 research workers, technicians, etc. All licensed material is received at a central location and distributed to the authorized lab. Waste is stored on-site prior to shipment to Dow-Midland for incineration. Short lived isotopes are held as decay in storage pending sewer disposal. Although authorized, licensed activities at a field location have not begun as of this inspection.

Performance Observations

Interviews conducted with available staff revealed an adequate level of understanding of emergency and material handling procedures and techniques. Licensed material was observed adequately secured during the review and was not readily accessible to members of the general public. Laboratory survey meters were found to be calibrated and operational and compared well in side-by-side comparison with the NRC instrument. In addition, material handling procedures were reviewed to include: on-site material receipt, usage, storage, waste handling, and overall security with no regulatory issues noted.

Independent measurements taken in select laboratories and other facility locations did not indicate readings in excess of 10 CFR Pt. 20 limits. Personal dosimetry records reviewed for 2009 and YTD 2010 did not reveal readings approaching regulatory limits.

NOTE: In a letter dated 12/29/08 (ML090270494), the licensee informed Region 3 and the NRC Operations Center that two generally licensed radioluminescent exit signs, each containing 5.02 curies of H-3 had been removed and improperly disposed of on 12/9/08. In a letter dated 01/23/09 (ML 090270978), the licensee submitted its corrective actions to prevent recurrence of this and/or similar events. The NRC reviewed the issue which subsequently resulted in a letter to the licensee dated 2/10/2009 (ML 090430322), referencing an NCV of 10 CFR 31.5 (c)(8)(i), no response required. The inspector reviewed the licensee's corrective actions which were deemed adequate. Therefore, this issue is closed.

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