



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 16, 1983

PDR - 016
Cross Reference
50-329/330

Ms. Billie P. Garde, Director
Citizens Clinic for Accountable Government
Government Accountability Project
Institute for Policy Studies
1901 Que Street, NW
Washington, DC 20009

IN RESPONSE REFER
TO FOIA-83-180

Dear Ms. Garde:

This is in response to your letter dated April 5, 1983, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of all agency records relating to the incineration of radioactive materials by Dow Chemical Company (Dow) at the Midland, Michigan, plant.

With regard to the statement in your request that our December 7, 1982, letter requested clarification regarding FOIA-82-578, please note that letter in fact fully responded to FOIA-82-578 as a result of clarification received during telephone conversations between you and Linda Robinson, as noted in that letter. Therefore, your April 5, 1983, letter has been processed as a separate FOIA request.

On May 9, 1983, Ms. Robinson telephoned you to seek clarification of the scope of this request since the staff identified records of telephone calls to NRC, and records submitted to NRC, from Andrea Wilson and you. At that time, you narrowed the scope of your request to exclude such third party records since you have copies of records submitted to NRC by Ms. Wilson and are aware of the telephone calls to NRC from Ms. Wilson and you. You limited your request to records generated by NRC or Dow relating to the incineration of radioactive materials at Dow's Midland plant.

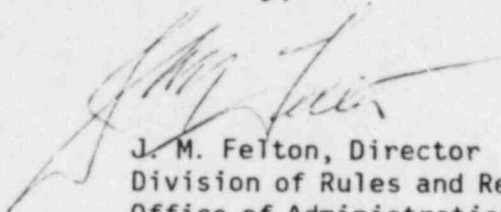
The NRC has already made certain records subject to your request available for public inspection and copying at the NRC Public Document Room (PDR). Those records are filed in PDR folders FOIA-82-223 and FOIA-82-298 under the name of Andrea Wilson. At this time, we are placing the six records identified on enclosed Appendix A in the PDR. These records will be filed in folder FOIA-83-180 under your name.

Ms. Billie P. Garde

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Additional records subject to your request are undergoing review, including review by the licensee as to proprietary information, for releasability determinations. We will notify you as soon as review is completed.

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

Appendix A

1. 12/30/81 - Letter to Dow from Sreniawski, ref: inspection.
(1 page)
2. 8/19/82 - Memo to Miller from Mallett, "License Issued to the Dow Chemical Co. to Incinerate Radioactive Waste - Public Request for Action", w/o stated enclosures (Letters dated 7/27/82 and 9/13/82 from Ms. A. Wilson) which are outside the scope of the request. (1 page)
3. 10/19/82 - License No. 21-00265-01 Amendment No. 40.
(1 page)
4. 1/6/83 - Letter to Mallett, NRC, from Parsons, DOW. (1 page)
5. 2/11/83 - Routing transmittal slip from Mallett to Smidth
ref: FOIA-82-223
6. Undated - Conversation Record re conversation between staff of NRC and the State of Michigan ref: Dow's incineration of radioactive materials.

DEC 30 1981

The Dow Chemical Company
ATTN: L. W. Rampy, Ph. D.
Manager, Industrial
Hygiene Laboratory
1803 Building
Midland, MI. 48640

License No. 21-00265-06

Gentlemen:

This refers to the routine safety inspection conducted by Messrs. W. J. Slawinski, and J. R. Madera of this office on December 14-15, 1981 of activities authorized by NRC Byproduct Material License No. 21-00265-06 and to the discussion of our findings with you and other members of your staff at the conclusion of the inspection.

The inspection was an examination of activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations and with the conditions of your license. The inspection consisted of a selective examination of procedures and representative records, observations, independent measurements, and interviews with personnel.

No items of noncompliance with NRC requirements were identified during the course of this inspection.

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

D. J. Sreniawski

D. J. Sreniawski, Chief
Materials Radiation Protection
Section 2

cc: DMB/Document Control Desk (RIDS)

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PDR
RIII
W. A.
Slawinski
12/29/81

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W. S. for
Madera

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