

NOTICE OF VIOLATION

The Dow Chemical Company
Midland, Michigan

License No. 21-00265-06
Docket No. 030-04783

As a result of the inspection conducted on November 26-28, 1990, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990) (Enforcement Policy), the following violations were identified:

1. License Condition No. 25 requires that licensed material be possessed and used in accordance with the statements, representations, and procedures contained in certain referenced documents.

The referenced application dated October 25, 1989, states in Item 10 that owners of sealed sources of radioactive material review and sign the Certificate of Responsibility semiannually.

Contrary to the above, owners of sealed sources of radioactive material have not signed the Certificate of Responsibility at semiannual intervals for both 1989 and 1990.

This is a Severity Level IV violation (Supplement VI).

2. License Condition No. 25 requires that licensed material be possessed and used in accordance with the statements, representations, and procedures contained in certain referenced documents.

The referenced application dated September 11, 1984, requires that radiation safety personnel perform confirmatory surveys of research laboratories at various frequencies depending upon hazard classification. The application requires that low level laboratories be surveyed annually, medium level laboratories be surveyed semiannually and high level laboratories be surveyed quarterly.

Contrary to the above, six medium level laboratories were surveyed by radiation safety personnel at annual intervals rather than semiannual intervals during 1989 and 1990.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, you are required to submit to this office within thirty days of the date of this Notice a written statement or explanation in reply, including for each violation: (1) the corrective steps that have been taken and the results achieved; (2) the corrective steps that will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Consideration may be given to extending your response time for good cause shown.

DEC 17 1990

Dated _____

James L Lynch for

Roy J. Caniano, Chief
Nuclear Materials Safety
Section 2