

NOTICE OF VIOLATION

Dow Corning Corporation
Midland, Michigan

Licenses No. 21-08362-05;
21-08362-08; 21-08362-09;
21-08362-13;
Docket Nos. 030-06968;
030-04858; 030-04859;
030-12746

As a result of the inspection conducted on November 28 and 29, 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:

License No. 21-08362-05

1. License Condition No. 11 requires that licensed material be stored under the supervision of Michael Whelton.

Contrary to the above, licensed material has been stored under the supervision of unauthorized individuals since January 1, 1990.

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

License No. 21-08362-08

2. License Condition No. 14.C. states that the license is based upon the licensee's statements and representations in certain referenced documents.

The referenced letter dated June 3, 1986 states in Section 8 of the Operating Procedure Manual that any amount of radioactive material above levels indicated in 10 CFR Part 20, Appendix C must be stored in Room 138.

Contrary to the above, since approximately 1988, radioactive material above levels indicated in 10 CFR Part 20, Appendix C has been stored in an area other than Room 138. Specifically, 90 millicuries of carbon-14 has been stored in Room 159.

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

3. License Condition No. 14.C. states that the license is based upon the licensee's statements and representations in certain referenced documents.

The referenced letter dated June 3, 1986 states in Section 13 of the Operating Procedure Manual that areas of common usage (walk-in cold rooms, isotope storage) will be wipe tested for removable contamination by the building Radiation Safety Officer (RSO) at least bimonthly.

Contrary to the above, on numerous occasions since 1988, common use areas to include walk-in cold rooms and isotope storage have not been wipe tested for removable contamination by the building RSO at least bimonthly. Specifically, wipe tests for removable contamination were performed at approximately semiannual frequencies.

License No. 21-08362-09

4. License Condition No. 19 requires that licensed material be possessed and used in accordance with the statements, representations, and procedures contained in certain referenced documents.

The referenced letter dated September 13, 1988 states that John Moore will be the Radiation Safety Officer.

Contrary to the above, from July 1990 to the date of inspection, an individual other than John Moore, served as Radiation Safety Officer.

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

License No. 21-08362-13

5. License Condition No. 12.B states that the Radiation Protection Officer for licensed activities is Michael Whelton.

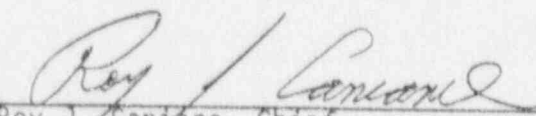
Contrary to the above, an unauthorized individual has served as Radiation Protection Officer in place of Michael Whelton since January 1, 1990.

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 of 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 28 1990

Dated _____


Roy J. Caniano, Chief
Nuclear Materials Safety
Section 2