

December 13, 1996

Mr. Larry Giebelhaus
Project Manager
The Dow Chemical Company
1261 Building
Midland, MI 48667

SUBJECT: CONFIRMATORY SURVEY AND INSPECTION AT THE DOW CHEMICAL COMPANY'S
MIDLAND AND BAY CITY, MI, MAGNESIUM THORIUM REMEDIATION SITES
(NRC REPORT NO. 040-00017/96002(DNMS))

Dear Mr. Giebelhaus:

This refers to the inspection conducted November 19-20, 1996, at the Dow Chemical Company's Midland and Bay City, Michigan sites, and to the discussion of our findings with you and members of your staff at the conclusion of the inspection. The purpose of the inspection was to conduct a confirmatory survey at the Midland site and to determine whether the finding and concerns of our August 5-8, 1996, inspection have been addressed by the licensee in accordance with NRC requirements. The confirmatory survey of the Midland site was conducted at the request of Dow Chemical, to release a portion of the site which had been excavated, so the excavation could be filled in. The area in and around the excavation was found to have contamination above the NRC guidelines for release of the site for unrestricted use.

During this inspection, certain of your activities were found to be in violation of NRC requirements, as specified in the enclosed Notice. A written response is required. The violation is a repeat violation. In your response to this violation, please describe why your proposed corrective action is expected to be more successful in preventing future or similar violations than the corrective action taken in the past.

Based on the results of this inspection, the NRC has determined that Dow Chemical should continue to remediate the Midland site and send a copy of the final survey data to NRC Region III for review. NRC Region III will review the data and, if acceptable, set up a date for a confirmatory survey.

Soil and split samples were collected during this inspection. The results of these analysis of these samples and comparisons of the analysis of the split samples will be addressed under separate cover.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, the enclosure, and your response to this letter will be placed in the NRC Public Document Room (PDR).

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Larry Giebelhaus

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Should you have any questions regarding the inspection, please do not hesitate to contact Mr. Kulzer at (630) 829-9875.

Sincerely,

Original Signed by

Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

License No. STB-00527
Docket No. 040-00017

Enclosures: 1. Notice of Violation
2. Inspection Report
No. 040-00017/96002(DNMS)

cc w/encls: D. Minnaar, Michigan Department of Public Health
Bureau of Environmental & Occupational Health

bcc w/encls: J. Hickey, NMSS
J. Buckely, NMSS
J. Parrott, DWM
PUBLIC (IE07)

DOCUMENT NAME: R:\INSPRPTS\CONTAMIN\DOW96002.DNM (SEE PREVIOUS PAGE FOR CONCURRENCE)

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DATE	12/ /96		12/ /96		12/13/96			

OFFICIAL RECORD COPY

Larry Giebelhaus

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Should you have any questions regarding the inspection, please do not hesitate to contact Mr. Kulzer at (630) 829-9875 or myself at (630) 829-9800.

Sincerely,

Original Signed by

Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

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DATE	12/10/96	<input checked="" type="checkbox"/>	12/10/96	<input checked="" type="checkbox"/>	12/ /96	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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