



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

DEC 08 2017

James Weldy, CHP  
Radiation Safety Officer  
The Dow Chemical Company  
1803 Building  
Midland, MI 48674

SUBJECT: NRC CONSENT TO DIRECT LICENSE TRANSFER AND AMENDMENT NO. 93

Dear Mr. Weldy:

By letter dated September 1, 2017 (ML17257A076), The Dow Chemical Company, on behalf itself and its subsidiary, Dow Corning Corporation, submitted to the U.S. Nuclear Regulatory Commission (NRC) Region III Office a Request for Consent to an indirect License Transfer of NRC Materials License No. 21-00265-06. Based on the information provided, we understand that as a result of the merger between The Dow Chemical Company and E.I. du Pont de Nemours and Company, The Dow Chemical Company would be owned by a newly formed entity, DowDuPont. However, we understand that, in spite of the transaction, The Dow Chemical Company will remain an independent legal entity, with full control of itself and its subsidiary, Dow Corning Corporation. We further understand that this transfer will not result in any change to the licensed materials, persons using the licensed material, location of use of licensed material, or persons responsible for the licensee's radiation safety program. Based on information provided, we understand that the licensee intends that all oversight of its radioactive materials program will be controlled directly by the subsidiary Dow Corning Corporation, and will not result in a name change.

Enclosed is Amendment No. 93 to your NRC Material License No. 21-00265-06 in accordance with your letter, notifying our office of the pending transaction, and confirming that the transaction has been completed as described in that letter. Please note that several Conditions have been updated in accordance with NRC policy. Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we may provide appropriate corrections and answers.

Based on the above understandings and as more fully detailed in the enclosed NRC staff's Safety Evaluation Report which documents the NRC staff's review of the request, we have no objection to the proposed transfer. Please contact me at (630) 829-9892, or by e-mail at [sara.forster@nrc.gov](mailto:sara.forster@nrc.gov) if you have any questions regarding this letter.

The enclosed document contains sensitive security-related information.  
When separated from this cover letter this letter is uncontrolled.

J. Weldy

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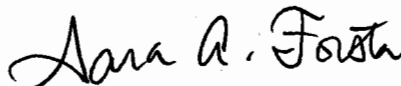
The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

NRC's Regulatory Issue Summary (RIS) 2005-31 provides criteria to identify security-related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through ADAMS, the NRC's electronic document system. Pursuant to NRC's RIS 2005-31 and in accordance with Title 10 of the *Code of Federal Regulations* (CFR) Section 2.390, the enclosed license document is exempt from public disclosure because its disclosure to unauthorized individuals could present a security vulnerability. The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/ri200531.pdf> and the link for frequently asked questions regarding protection of security related sensitive information may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/faq.html>.

A copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,



Sara A. Forster, M.S.  
Health Physicist  
Materials Licensing Branch

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

- Enclosures:
1. NRC Safety Evaluation Report (SER) concerning request for consent to Transfer of Control
  2. Amendment No. 93