

NOTICE OF VIOLATION

Dow Chemical Company
Midland, MI 48674

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

During an NRC inspection conducted on October 16-17, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600 (60 FR 34381, dated June 30, 1995), the violations are listed below:

1. 10 CFR 30.41(a) and (b)(5) require, in part, that no licensee transfer byproduct material except to a person authorized to receive such byproduct material under the terms of a specific or general license issued by the Commission or Agreement State.

Contrary to the above, on or about May 6, 1996, the licensee transferred a nominal 10 millicuries (0.37 gigabecquerels) of strontium-90 and a nominal 20 millicuries (0.74 gigabecquerels) of hydrogen-3 to MidMichigan Regional Medical Center, a person who was not authorized to receive such byproduct material under the terms of a specific or general license issued by the Commission or Agreement State.

This is a repeat item.

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

2. Condition 26 of License No. 21-00265-06 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in an application dated September 11, 1984 and other referenced documents.

Item II(A)(2) of the referenced application, titled "Radiation Protection Program," requires that laboratory radiation survey results be reviewed quarterly by the Radiation Safety Officer.

Contrary to the above, as of October 17, 1996, radiation survey results had not been reviewed by the Radiation Safety Officer. Specifically, summaries of survey results submitted by Isotope Owners were reviewed by the Radiation Safety Officer.

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

Pursuant to the provisions of 10 CFR 2.201, Dow Chemical Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351 within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation:

(1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Lisle, Illinois
this 7th day of November 1996