

NEUTRON PRODUCTS inc

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May 26, 1989

Mr. Lawrence M. Ward
Deputy Assistant Secretary
Toxics, Environmental Science and Health
Department of the Environment
2500 Broening Highway
Baltimore, MD 21224

Dear Mr. Ward:

Thank you for your letter of May 24, enclosing CRH Amendment #33. Subject to agreement on points of clarification that are set forth herein, the conditions of the amendment that are firm are acceptable. Those which are not firm are acceptable insofar as they are known to us. The details follow, condition by condition.

Condition A is acceptable, subject to the following clarifications:

CRH agrees that the Helgeson mini-HECM Monitor currently in place at Neutron is "equivalent to the Ebarline PCM-1b".

Its interim location is acceptable to CRH, and its planned permanent location, which can now be inspected, is also acceptable. You're welcome to inspect on May 30 or 31.

We may use a count time longer than 30 seconds at our discretion.

Condition B is acceptable. The permanent location, which is now shielded, has been surveyed and shows a radiation background of less than 50 microR/hr.

Condition C is acceptable subject to the following criteria:

The "Initial independent evaluation" of C.1, and our proposed application of it, "is sufficient to satisfy the Department".

Both the Department and the consultant recognize that the changes we are proposing to undertake here go far beyond what is reasonably required for health and safety, and are designed to provide a wide margin against regulatory violations governing exposure and release; and

any implementing procedures may distinguish between license requirements and procedural objectives.

As structured, the monthly summary is neither productive for us, fair to the consultant, or cost effective; and we respectfully request that the format of the monthly C.1 reports be changed to provide a brief review of items (a) through (j) and a more comprehensive analysis of one or two specific topics.

A/25

The required C.6 report was submitted on May 18, but we have not received the prompt review that was promised. In our view, the installation and proper operation of the additional sampler is all that should be required under either C.6(a) or (b). If the Department does not agree, we may have an issue.

Condition Q is acceptable provided:

that the word "retained" in the second line also encompasses the word "assigned", and the word "he" also means "she" and "they";

that the DOT Regulations referenced in D.9 apply to all equipment items that must be removed through the gate; and

that CRH and Neutron reach agreement on limits of fixed contamination on personal effects that are ALARA releasable pursuant to Condition E. In that regard, our proposed procedure, R 1011, Revision 0 is enclosed for your consideration.

Condition E is acceptable subject to the aforementioned ALARA release provisions, and the understanding that the 500 dpm measurement applies to an area no greater than 15 cm².

Condition F is acceptable.

Condition G is acceptable provided that drivers who do not leave their vehicles shall not be required to change clothes. They will be surveyed.

Condition H is acceptable provided that we have the right to train limited scope employees on a case by case basis for highly supervised, specific tasks.

Condition I is acceptable.

Condition J is acceptable.

Condition K is acceptable.

Condition L is acceptable with the understanding that only some of the dosimeters will be replaced in any given month, so that each dosimeter will in fact be in place for two or three months.

Condition M is acceptable.

Condition N is acceptable.

Condition O should be changed to require the submission of a proposed plan of use and acquisition within 20 days. The lead time for acquisition may be longer than allowed by the Condition as drafted.

Condition P.1 is acceptable as drafted.

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Condition P.2 is acceptable provided:

that D.8 is not included in the requirements for prior evaluation and approval; and

that the enclosed memorandum of even date from Schworer and Costley to me, with attachments, is promptly approved, substantially as drafted.

Condition P.3 is unacceptable as drafted for two reasons:

It is not credible that the Department will be able to approve (as distinguished from questioning) the plethora of plans it has demanded within five days, and based on past experience, our reasonable expectation for the evaluation and approval of all the submittals required must be reckoned in months, not days; and

We would be required to agree in advance to license conditions that have not yet been established.

Condition P.3 can be made acceptable by changing it to require only the good faith submittals of the required plans and proposals, adding D.8 to the list of submittals, and changing the P.3 submittal for Condition M to be in the nature of a preliminary design.

Some of the submittals may be approved as license amendments; others may be approved as procedures; and still others may require revisions to satisfy the Department.

Meanwhile, we can operate well within regulatory requirements as we have for more than 20 years, and in doing so, we may be able to finance the elegance and improved margins we both desire.

Condition P.4 is acceptable as drafted, and should apply to all required approvals under the license. You might want more time on major submittals.

Condition Q may require an additional week or two for completion, but the clean room part will be completed next week.

With regard to the time for appeal, if we do not quickly reach agreement on this amendment and other facets of a true settlement, in spirit as well as word, our intention is to add the proposed conditions as an issue to be resolved in the hearing to be conducted the week of June 5. However, it is our view that we have made some worthwhile progress in the past three months, and it remains our preference to negotiate a genuine accord.

Very truly yours

NEUTRON PRODUCTS, INC.

J. A. Ransohoff, President

NEUTRON PRODUCTS INC

Enclosure