



MARYLAND DEPARTMENT OF THE ENVIRONMENT
2500 Broening Highway • Baltimore, Maryland 21224
(410) 631-3000

*MDE
Maryland*

William Donald Schaefer
Governor

April 28, 1993

Robert Perciasepe
Secretary

Ms. Teresa H. Darden, Acting State Agreements Officer
United States Nuclear Regulatory Commission/Region-I
475 Allendale Road
King of Prussia PA 19406-1415

RE: **Neutron Products, Inc. (NPI)**

Dear Ms. Darden:

This letter refers to the March 2, 1993 and September 30, 1992 U.S. Nuclear Regulatory Commission (NRC) correspondence to the Maryland Department of the Environment's (MDE) Radiological Health Program (RHP) regarding NRC interaction and assistance with radiation safety concerns at NPI. Copies of these letters are enclosed for your reference. The RHP is presently planning an inspection of NPI in early June, 1993. This audit will be a continuation of this Agency's ongoing compliance overview, as well as an analysis of potential pathways of uncontrolled radioactive material release, and the overall radiation safety status of this Dickerson, Maryland facility, as it relates to the MDE's complaint against NPI. At least twenty-four (24) of these current and past deficiencies will be resolved at the July 26, 1993 trial in the Montgomery County Circuit Court.

NRC assistance can best be provided through accompaniment during this upcoming inspection and by providing technical guidance in identifying and documenting specific concerns in the three areas identified in our August 6, 1992 letter.

After a careful review of NRC's suggestions regarding the issuance to NPI of a Demand for Information or an Order requiring a pathway analysis, the Maryland Attorney General's Office has determined that these actions would not be efficacious at this time due to the upcoming Circuit Court proceeding against NPI.

However, the NRC could further assist RHP staff by reviewing the enclosed concepts and questions, and provide written definitions (with references) and examples of the same.

Thank you for your assistance in these matters. Should you have any questions concerning this letter, please contact Mr. Raymond Manley, or me at (410) 631-3301.

Sincerely,

Roland G. Fletcher, Administrator
Radiological Health Program

RGF/REM/dpn

Enclosures

A1419

Please provide written definitions (with references) and examples of the concepts and questions listed below.

- CONCEPTS:**
1. Controlled release
 2. Uncontrolled release
 3. Unmonitored release

QUESTIONS:

1. Is there an acceptable criteria allowing for uncontrolled release of radioactive material? Is the regulatory limit for uncontrolled release from a licensee's facility zero?
2. If the answer to the above question is zero, please give benchmark examples of NRC licensee problems and remedial actions taken by NRC. Why are the above concepts not more clearly stated in the regulations?
3. Has NRC had any history of radioactive material licensees releasing high specific activity windborne particles into residential communities? If so, what action has been pursued when located particle activity is below maximum permissible concentrations listed in Regulatory Guides.
4. Is it an acceptable regulatory practice for a licensee to only monitor facility releases by residential environmental sampling? If no, why not?
5. NPI's hot cell ventilation system, which is situated above the facility's restricted area, discharges effluent into the air. Is this air restricted or unrestricted?
6. Are there any NRC licensing examples where a 500 mRem per year facility boundary dose has been mandated?
7. Please give examples of NRC mandates involving the requirement that independent technical consultants be hired by licensees, and how much review and revision are allowed by the licensee's management prior to reports being submitted to the NRC?
8. Please give examples of penalties levied against licensees who:
 - a. violate license amendments, and/or
 - b. cannot control radioisotope release, and/or
 - c. fail to ship radioactive wastes at a prescribed rate and store low-level radioactive waste in unrestricted areas.
9. NPI's MD-31-025-01 radioactive material license has been in "timely renewal" since 1980. During this period, there has been a myriad of correspondence between this agency and NPI to resolve differences. The license has been complete for over a year, but is "hostage" to the civil action. Is there any NRC action on record that supports withholding a license renewal until the completion of legal action?

REPLIES SHOULD BE FORWARDED TO:

***Roland Fletcher/Raymond Manley, MD Department of the Environment,
Radiological Health Program, 2500 Broening Highway, Baltimore MD 21224
(410) 631-3301 [phone], (410) 631-3198 [facsimile]***



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

March 2, 1993

Mr. Roland G. Fletcher, Administrator
Radiological Health Program
Maryland Department of the Environment
2500 Broening Highway
Baltimore, MD 21224

Dear Mr. Fletcher:

On September 30, 1992, I responded to your request for technical assistance dated August 6, 1992, regarding radiation safety concerns at Neutron Products, Inc., (NPI). A copy of that letter is attached for your reference.

Since that time, members of your staff have been in conversation with members of my staff several times on this matter. To date, we have not received any written response from you. Since this is still an open action item with us, we are desirous of seeing the unresolved issue you have with the licensee come to closure.

Mr. John McGrath, the former Region I Regional State Agreements Officer, has been reassigned to a new position. Ms. Teresa Darden is now the acting Region I Regional State Agreements Officer. Please feel free to contact her at 215-337-5216 to discuss your specific needs. Alternatively, you may contact Mr. Richard Blanton of my office at 301-504 2322.

Sincerely,

A handwritten signature in cursive script that reads "Carlton Kammerer".

Carlton Kammerer, Director
Office of State Programs

Attachment:
As stated

RECEIVED

MAR 5 1993

RADIOLOGICAL
HEALTH PROGRAM

September 30, 1992

Roland G. Fletcher, Administrator
Radiological Health Program
Maryland Department of the Environment
2500 Broening Highway
Baltimore, MD 21224

Dear Mr. Fletcher:

This letter responds to your request for technical assistance dated August 6, 1992, regarding radiation safety concerns at Neutron Products, Inc., (NPI). The Nuclear Regulatory Commission (NRC) is prepared to commit staff resources to assist the State in identifying and documenting technical concerns in the three areas identified in your letter. However, it is not appropriate for the NRC to perform an in-depth analysis of some of the concerns identified in your letter, e.g., pathway analysis, since the State should require the licensee, NPI to analyze and address these matters. As you requested, we will assist you in conducting a joint inspection in order to document the technical concerns in sufficient depth to serve as a basis for follow-up action by the State as necessary. Based on our experience, a Demand for Information or possibly an Order may be the appropriate next step for this site. We will be pleased to discuss this further at our next meeting following the inspection.

John McGrath, Regional State Agreements Officer has been designated to be the NRC project manager for coordinating all NRC technical assistance requests. Please feel free to contact him at 215-337-5216 to discuss your specific needs.

Sincerely,

Original signed by Carlton Kammerer

Carlton Kammerer, Director
Office of State Programs

cc: W. Kane
Deputy Regional Administrator,
Region I
R. Bernero, Director
Office of Nuclear Material Safety
and Safeguards