

PRELIMINARY NOTIFICATION OF EVENT OR UNUSUAL OCCURRENCE PN1-9404

This preliminary notification constitutes EARLY notice of events of POSSIBLE safety or public interest significance. The information is as initially received without verification or evaluation, and is basically all that is known by the Region I staff on this date.

Facility:  
Neutron Products, Inc.  
Dickerson, Maryland  
(State of Maryland Licensee)

Licensee Emergency Classification:  
 Notification of Unusual Event  
 Alert  
 Site Area Emergency  
 General Emergency  
 Not Applicable

Docket No.: N/A  
License No.: N/A  
Event No.: NONE  
Event Location Code: OTH

Subject: ENFORCEMENT ACTION BY STATE OF MARYLAND

In 1991, the State of Maryland brought suit in the Circuit Court for Montgomery County against Neutron Products, Inc., for numerous violations of the State's radiation safety regulations and license conditions. The State had proposed civil penalties for these violations which the company failed to pay. The State also determined that some of the violations which related to the storage of waste onsite and the release of contamination to areas outside of the facility, remained uncorrected.

On December 29, 1993, the Judge issued a Memorandum Opinion and Order which provided a summary judgement of 17 of the 24 counts in favor of the State. A trial on the remaining counts was scheduled for January 3, 1994. On that day, but prior to initiation of the trial, the State and Licensee entered into a Stipulation and Settlement.

The Settlement provides that the State will select a health physicist, who will be paid time and expenses by NPI, who will review licensee plans submitted by March 30, 1994 for a temporary storage facility, and plans submitted by June 30, 1994 for enclosure of a contaminated "courtyard" area, which will include a storage facility, a waste processing room and a compactor. The health physicist's comments on the plans will be provided simultaneously to the State and to the Licensee. Time frames are identified for most steps in the process for review and approval of these plans including the resolution of conflicts between the State and NPI. The Licensee will have 12 months to complete the facility after final approval and receipt of all necessary permits. NPI was also directed to construct a fence around a "dry pond," an area outside the restricted area into which contaminated liquid is periodically released, and is authorized to build a sediment removal pool within that area. The Settlement also provides for the licensee to pay \$75,000 with interest, in installments beginning in March 1994 and concluding in September 1999, and further provides that in the event of default or breach of the agreement, the Licensee will pay an additional \$125,000.

There has been limited media interest in this case. This information is current as of 8:00 a.m., January 12, 1994.

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Region I Form 83  
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