

# PRESS RELEASE

CONCERNED CITIZENS of DICKERSON, MARYLAND

9 July 1997  
For Immediate Release

## **Motion to Shut Down Neutron Never Enforced** **MDE Grants Citizens Standing in Neutron License Renewal Hearing** **Citizens Join Three Mile Island Radiation Monitoring Group**

DICKERSON, MARYLAND On May 29, 1997, Michael Haire, Final Decision Maker with the Maryland Department of the Environment, granted several property owners in the vicinity of Neutron Products, Inc. standing in the company's radioactive materials license renewal hearing. An administrative error led to an earlier dismissal by Administrative Law Judge, Judith Finn Plymyer.

Neutron owner, Jackson Ransohoff, motioned unsuccessfully to intervene in the hearing as an individual with interests separate from those of the corporation. On June 26, 1997, Ransohoff filed a judicial appeal with the Circuit Court of Montgomery County—civil action number 171421. Ransohoff had motioned to represent the company, but was rejected for unlawful practice of law.

Neutron has contested nearly all provisions in the license that was issued in February 1996, calling MDE's stricter, but industry-standard, regulations "confiscatory." In a June 1997 hearing, Ransohoff called the citizen intervenors "immoral," and refused to permit ALJ Plymyer a site visit of the Neutron facility because it would allow for citizen participation.

*The State has failed to enforce its November 1996 motion to curtail Neutron's operations* after announcing the motion to the press. MDE understands that the citizens have concerns, acknowledging the lengthy history of enforcement. Yet, Neutron continues to emit radioactive cobalt-60 into the neighborhood; is in violation of ALARA principles; and has missed every deadline to submit appropriate building plans to Montgomery County for an enclosure to contain radioactivity as stipulated in a 1994 court-ordered settlement. The motion is before Montgomery County Circuit Judge S. Michael Pincus. Citizens have written MDE Secretary Jane Nishida and Montgomery County Council's Nancy Dacek to request enforcement of the motion and a role in the courtyard enclosure building permit approval process.

*In July 1997, Dickerson, Maryland joined the EFMR Monitoring Group at Three Mile Island*—a nonprofit, nonpartisan organization that monitors radiation trends in the TMI area. Radalert monitors used by citizens on a daily basis complement the monitors (TLDs) used by MDE and Neutron to calculate radiation averages. MDE investigators have filed an environmental crimes report on the pattern of missing TLDs. MDE has not investigated the matter, prompting citizens to appeal to State Delegate Jean Cryor.

**For more information contact:**

Secretary Jane Nishida, Maryland Department of the Environment: 800-633-6101  
State Delegate Jean Cryor: 301-858-3052  
Councilwoman Nancy Dacek: 301-217-7900  
Judge S. Michael Pincus: 301-217-3950  
Eric Epstein, EFMR Monitoring Group: 717-541-1101

FOR FURTHER INFORMATION CONTACT: HEATHER RAE AT 301-972-7841

AI SC

22030 Big Woods Road  
Dickerson, Maryland 20842

March 20, 1997

Ms. Marilyn Praisner, President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

Dear Ms. Praisner:

This compilation of accounts and testimony about the history of Neutron Products, Inc.'s activities in our neighborhood contains documents that we have collected from neighbors, public records and the press. It demonstrates that NPI has received special treatment from regulators.

As you can see these documents go back to 1967 when NPI was first established. They show a steady level of concern on the part of the citizens about the NPI situation. More alarming, they show a consistent disregard for the seriousness of the situation by Montgomery County and the State of Maryland and a pattern of disrespect for regulations and public safety on NPI's part.

We urge you to consider this information when making your evaluation of NPI to modify or expand its Dickerson site.

We hope that in making your decisions, you allow the citizens of Dickerson the opportunity to be heard.

Sincerely,



Carol Oberdorfer  
on behalf of concerned citizens of Dickerson  
(310) 972-8985

cc: Jane Hunter, President, Sugarloaf Citizens Association  
Delores Milmo, President, FARM  
Jim Caldwell, Montgomery County Department of Environmental Protection

Neutron Products, Inc., Dickerson, Maryland  
Summary of Violations and Government Involvement

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**Documentation**

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**Regulatory Footdragging and Negligence**

- "With respect to the discovery of radioactive material on property adjacent to NPI...NRC has been following the situation closely and arranged for special sensitive radiation detection instruments to be loaned by NRC to the state for conducting radiation surveys." *NRC to US Senator Matthias, February 2, 1981.*
- "Regarding the request for supplemental information contained in the certified letter mailed from this Department on February 6, 1981, and considering the fact that this information was not received by your organization until February 18, 1981, you are hereby granted an extension in preparing your response. This reply must be in this office before 4:30pm on February 27, 1981." *David Resh to Jack Ransohoff, February 24, 1981*
- "Neutron Products contends that they still operate basically within the scope of their initial statement of intent. The following information was provided by Mr. Jackson A. Ransohoff, President of Neutron Products..." *James S. Baker, Director of DEP, to Ted Miller, President Dickerson Citizens Association, March 23, 1981* [see section on "Sewage Disposal," Caldwell description of NPI in 1984]
- "I certainly hope you have more success in getting to the bottom of the Neutron Products, Inc. situation than the Dickerson citizens have had." *Harry C. Meem to Judith Toth, April 15, 1981.*
- "I am still waiting for a response from the state Department of Health and Mental Hygiene, and I am quickly losing patience." *State Delegate Judith Toth to Harry C. Meem, May 6, 1981.*
- "I would appreciate it if your department would take this matter more seriously in that I believe that we have a responsibility to the citizens to insure their safety." *Judith Toth to Charles Buck, Department of Health and Mental Hygiene, May 6, 1981*
- "We have not seen anyone from your office doing any monitoring in the area since last Feb or anyone from Neutron since last Spring." *Harry Meem notes, written after discovery of radioactive contamination of his property in 1981.* [see section on "Violations" regarding testing of the neighborhood.)
- "With one exception none of the people that spoke on behalf of Neutron Products live in the area of the plant...we that live within 200 yards must be subject to radiation from the plant 24 hours a day...The one exception I mention of the speakers [at a meeting in Poolesville] was no doubt unhappy because she was not personally notified when the hot spot was located. I might add that no one else in the area was personally notified but over 125 got the message and came through the press and television." *Ibid.*
- "We are not anti-nuclear. We feel that a plant of this magnitude and the purpose it serves could be safely operated if it were centrally located on at least 50 acres of well-fenced property with a guarded entrance and carefully monitored by both the operators and by a complete inspection monthly or even more frequently by a State or Federal Division of Radiation Control." *Ibid.*
- "Last year several Dickerson residents located a particle of extremely hot radioactive material on the railroad tracks near the Neutron plant. It is charged in the affidavits that Neutron Products employees found several other hotspots along the railroad tracks. To our knowledge, no one in the community was informed of these findings." *Dickerson Citizens Association, Release June 24, 1981*
- "It is extremely disturbing to the citizens of Dickerson that you have chosen to concentrate, in your reply, on the fact that the responsibility for licensing and controlling the use of radioactive material is vested in the State Department of Health and Mental Hygiene. We are well aware of this fact...The April 15 letter to you raised several issues which we believe to be areas of county responsibility. These issues were not addressed in your reply." *Gary Schmidt, Dickerson Citizens Association to Charles Gilchrist, Montgomery County Executive, July 21, 1981*
- "It is the county's responsibility to determine what expansion of industrial land is appropriate within the rural areas of the county. Dickerson lies well outside any area in the county planned for expansion

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or development. In regard to the provision of water and sewer service, the Functional Master Plan designed guidelines "to permit little, if any, additional service within the Study Area". In spite of this, Neutron Products appears to have, from their site in Dickerson, unlimited access to the facilities of the WSSC system as they expand their facility. It also seems inappropriate that building permits be routinely issued for the expansion of a facility which is currently undergoing the most intense investigation in the history of the State DHMH, as assisted by the Federal NRC." *Ibid.*

- "The fact that a parcel of land that was originally zoned as I-1 for a farm implements store, is now occupied by a major chemical processing plant and the largest producer of radioactive Cobalt-60 in the United States, is an area of county responsibility." *Ibid.*
- "Immediately after receiving the March 23 letter from the Department of Environmental Protection, DCA chose to appeal to your office with the exceptions that we take with the conclusions drawn by the Department and the methods that were used in their inquiry. We expected a prompt reply to our request for a meeting to discuss these issues. A reply was not forthcoming for 2 1/2 months, and this request was not mentioned in the reply." *Ibid.*
- "If we cannot go to the county with these critical concerns, where can we go?" *Ibid.*
- "Montgomery County has no code that addresses itself to hazardous materials and lacks technical expertise to challenge this industry. Since 1967 this County has allowed the President of NPI, Mr. Ransohoff to determine the siting and the zoning of this industry and to expand operations within his own codes. This small parcel of land was originally zoned I-1 or "light" industry for a small implement (farm) store. NPI admits that the County did not know how their industry should be zoned, but a suggestion of a hospital as an analogy seemed to convince the County authorities to accept NPI as light industry. This is the root of the problem — the "siting" of this industry" *Reeva Jones to Dr. Genevieve Matanoski, November 25, 1981*
- "The past history of NPI, and the fact that that property insurance carries a clause against coverage of radiation damage causes stress and poses a daily threat to residents of this community." *Ibid.*
- "Last month Mr. Gilchrist met with four citizens from the community and State Senator Laurence Levitan, and representatives of the MCHD, DEP, County Attorney's Office, DHMH and Neutron Products. It was pointed out by the County that the facility was in compliance with the zoning ordinance, that there were ambiguities in the use of holding tanks and that DHMH provided the expertise for dealing with hazardous materials." *Robert Carty, Acting Director of DEP to Robert Wilson, Chief Administrative Office, January 1982(?)* [Citizens have contested this belief repeatedly.]
- "Inasmuch as we have not had the opportunity to review the files of Mr. James Baker, Director, Montgomery County Department of Environmental Protection, on this matter, we are unable to determine whether or not new building permits and subsequent increases to sewage flows were allowed by the county based on the Division of Radiation Control's approval of procedures to allow waste materials from the holding tank to be disposed of in WSSC's sewerage system." *Dave Bauer of state DHMH to Dickerson resident, March 17, 1982*
- "The original on-site sewage disposal system serving this facility malfunctioned. In accordance with the Department's holding tank policy, the county authorized the use of a holding tank system to correct this failure." *Dave Bauer of DHMH to William Wallace of Dickerson Citizens Association, April 22, 1982* [NPI has never had a sewage disposal system therefore it could not fail. See section on "Sewage Disposal."]
- "NPI has submitted an application to amend the Comprehensive Water Supply and Sewerage Plan to allow for a wastewater discharge. In addition, the Division of Construction Codes recently received an application for a building permit from NPI. These two issues are related and the administrative decisions required should be made accordingly... I have no working knowledge of the building permit history of this facility" *Jim Caldwell, DEP to John Menke, March 2, 1984*
- "There is also a consistent pattern. It seems that this County has been unable, or unwilling, to enforce State policies to bring NPI into compliance (to cease construction and expansion). Residents understand that the County has reservations regarding an on-site waste treatment facility, but what is not understood is why NPI has never been forced to curtail expansion? By whose authority was NPI

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- issued these recent permits: #9100060 dated 9/10/84 and #10040156 dated 10/4/84? By whose authority is NPI building as of this date?" *Reeva Jones to James A. Caldwell, November 16, 1984*
- "I think you implied that you, Bob, are unsure of the facts of the issue, and that you, Bob, or your designee would call him to see if he wants to meet." *John Menke, Director of DEP, to Bob Seely, February 22, 1985*
  - "In the many years that environmental samples have been collected in the area, the Department has never found any radiation levels in the environment which exceed those set forth in the regulations. Consequently, I see no cause to conduct a special investigation into this matter at this time." *William Eichbaum, Assistant Secretary of Environmental Programs, June 27, 1985*
  - "The Department has no evidence that radioactive waste is buried on-site at NPI." *Ibid*
  - "Thank you for your letter regarding the incident involving Neutron Products, Incorporated. Rest assured that I share your concern for environmental protection from radioactive contamination. In an effort to be of assistance, I have contacted the Maryland Department of the Environment Center for Radiological Health. I have requested that the department inform me of plans to respond to this serious community concern. If, after reviewing the state's plan, the community feels that the proposed action is insufficient, I would appreciate your letting me know, so that I may contact the US Environmental Protection Agency to request its investigation of the state's actions." *Beverly Byron, US Congressmember, to resident Bev Thoms, April 21, 1989*
  - "I am unfamiliar with all the factual circumstances surrounding the installation of the holding tanks at NPI and the company's expansion; therefore, I am unable to responsibly comment on this issue." *State Attorney General's office to Dickerson resident, June 19, 1989*
  - "Because many files are maintained by Montgomery County's Health Department, rather than the State, I have relied on several representatives of Montgomery County in my effort to address your concerns and the concerns of the Sugarloaf Citizens Association." *Attorney General's Office Staff Attorney to Dickerson resident, June 19, 1989*
  - "It has recently been brought to my attention that the Department of Energy and the [NRC] have been conducting aerial background surveys over Neutron Products in Dickerson, Maryland. It is very important that the community be kept informed as to the findings of this study. It is my understanding that the assessment is being done for Cobalt 60. What are the health risks associated with Cobalt 60? I would like to be kept informed of the results of the survey. I would also like to know how you propose to share the information with the community. What is the timetable for release of the study to the public?" *Councilmember Nancy Dacek to Senator Paul Sarbanes, November 25, 1993*
  - In the fall of 1995 when Alan Jacobson, an investigator and longtime employee of the Maryland Department of the Environment, was asked by a prospective buyer of property in proximity to the NPI site about the safety of NPI's operations, he replied that the operation was safe. He also asked if the caller had any children, but declined to elaborate. Regarding the 1993 flyover conducted by the Department of Energy in conjunction with the Nuclear Regulatory Commission, the potential property buyer was told that radiation was detected 1,000 feet from the site, but that it was the result of masking from cobalt-60 on the roof of NPI's building. Not until three conversations later, after the property was purchased, did Mr. Jacobson reveal to the inquirer NPI's problems with radioactive waste storage or the high dosage rates around the perimeter of the building which abuts private property. Mr. Jacobson did not reveal the decades of violations, the protracted legal disputes between NPI and the state, NPI's bankruptcy, or the emissions of cobalt-60 particles from the site that continue to be found around the neighborhood. He remarked in one conversation that it was about time somebody from the area was concerned about NPI. *Statement by resident Heather Rae to Delegate Jean Cryor, fall of 1996*
  - "Montgomery County has not advised MDE that any of the above actions [to limit radiation exposure to the public] violate County law. Since the State was not a party to the January 20, 1982 Agreement between the County and NPI, MDE cannot comment on whether or not certain activities violate the Agreement...MDE is not forcing the County to allow violation of its or the State's regulations." *Merrilyn Zaw-Mon, Director, Air and Radiation Management Administration to Heather Rae, February 26, 1997.*

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- "The site is zoned I-2." *Ed Herbert of DEP to Dickerson resident, 1996* [The site is zoned I-1.]
- Ed Herbert of DEP told a resident during a telephone conversation regarding the safety of living with NPI that he had been on the Meem's property (which has been contaminated with Co-60) and he said that no radioactivity has been found. His own internal letter of March 8, 1995 contradicts that statement. *Statement by resident Heather Rae, November 1996.*
- In November 1996, Ed Herbert of DEP told a resident during a telephone conversation regarding the leaking underground wastewater collection tank that no contamination was found, and therefore, the leak did not pose a health hazard. *Statement by resident Heather Rae.* The August 29 and 30, 1995 Radioactive Material Inspection Findings and Licensee Acknowledgement (which NPI refused to sign), states: "On March 24, 1995 MDE obtained soil samples from the area surrounding the underground wastewater collection tank. Results are attached and indicated that the tank was leaking. NPI personnel removed all contaminated soil, about 1 and 1 1/2 feet below grade. . . a TV camera and light were dropped into the tank for visual observation but results were inconclusive. Contaminated soil was placed in drums and stored in the LAA." [The soil contained cobalt-60 and cesium-137.]
- "In November, the Maryland Attorney General's Office petitioned the court to enforce a 1994 agreement made between Neutron and state environmental officials in the court of Montgomery County Circuit Judge S. Michael Pincus. . . If the company fails to comply with the agreement, the court could impose a fine of up to \$125,000 and order the firm to stop performing the activities that cause the release of radioactive particles in the courtyard until the structure is built." *Montgomery Journal, May 30, 1997*
- "Mr. Ransohoff will continue to submit something, as he is forced to do so, but until there is some enforcement, he will not build the enclosure," said Robert Hubbard, the county's acting director of permitting services." *Ibid*
- "Neutron gets offer from Md. The Maryland Department of the Environment has given Dickerson-based Neutron Products, Inc. a final chance to avoid going back to court next week. The department last week submitted a revised approval of the courtyard enclosure plan to Jackson Ransohoff, Neutron president, which allows him to build a new low-level radiation waste facility. Neutron is scheduled to go to court on Feb. 13 in a continuing battle with the state over the courtyard enclosure. . . The problem has been that Neutron wants to build a permanent radioactive waste storage site into the courtyard. The state has been adamant that no permanent storage site is allowed. . . The revised approval released last week for the courtyard enclosure allows for a storage area that is adequate for shielding and protecting employees from radioactive particles, but is not waste accumulating, according to Zaw-Mon." *Poolesville Gazette, February 5, 1997*
- "The enclosed Accident Incident File contains the alarming fact that another "hot spot" was discovered in 1992. This document was not included in the packet that you sent to me following your meeting with Alan Jacobson of the MDE. Presumably, you were not provided with this document. I have yet to speak with a single resident who was informed of this incident at the time of its occurrence or in the years following." *Heather Rae to Delegate Jean Cryor, April 14, 1997*
- "Low-level radioactive waste is currently stored in a designated area of the plant. To build the courtyard enclosure, contractors would be subjected to the waste through the roof because the ceiling is not as strongly shielded as the interior walls." *Ibid*
- "Judge Pincus scheduled a hearing for February but postponed because it appeared the parties were making progress, said Christina Beusch, an assistant attorney general representing the Maryland Department of the Environment. However, the judge ordered Neutron to submit an application acceptable to the county by March 21. Neutron missed that deadline and Beusch sent Judge Pincus another letter on April 7 asking for a hearing. Company officials then told the court they would submit an application acceptable to the county in June. If Neutron does not, the Attorney General's office will press the judge again for a hearing, Beusch said. "We cannot force someone to build something or force the county to issue a permit." Beusch said." *Montgomery Journal, May 30, 1997.* [Progress was capitulation on radwaste storage in violation of county regulations.]
- "Sometimes states fail to protect up to the federal minimum standards. (An example of this would be the case of Neutron Products, Incorporated, located in Montgomery County, Maryland which has had

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readings at nearby houses and yards as high as those measured five miles from Chernobyl, an area that Russia considers unacceptable for human habitation. Both the state and the NRC are aware of this problem, but have not effectively remedied it.) Under NRC regulations, there is no opportunity for citizen suits. The NRC's 'show cause' petition process (10CFR2.206) is merely an internal process that has so rarely decided in favor of the petitioners as to be no process at all. (A citizen suit notification has been served on Neutron Products, Inc. charging violation of the EPA NESHAPs [National Emission Standards for Hazardous Air Pollutants]. Rescission could moot that case." *Nuclear Information Resource Service to Carol Browner, Director of the U.S. Environmental Protection Agency, 1996*

- "On behalf of MDE, AAG Beusch responded that MDE... understands that the citizens have concerns, acknowledging the lengthy history of enforcement." *ALJ Judith Finn Plymyer, March 24, 1997*

### Politics and Special Treatment

- "The question concerning why NPI was given special treatment when certain homeowners with vested interest in existing property were not allowed to use holding tanks [and their houses were burned] is not easily answered by this writer. I do offer the answer is not to be found at the State level in this particular situation. Understand, our policy restricts the issuance of holding tanks for new development. A file review supports the latter in that no holding tank permit has been issued by anyone in the State Water and Sewerage Programs. The only approvals, we are aware of, of a holding tank permit are those initiated by the Department of Environmental Protection of Montgomery County. However, it is reasonable to believe that once a holding tank permit was issued locally, the State Radiation Control Program people responded to a question and indicated that it was compatible to mix minimum levels or concentration of radiation by-products with sanitary waste in a holding tank." *Inspection and Compliance (State) to David Resh, Subject: PK Dilonardo Letter to Governor Hughes—Question #5, December 3, 1981*
- "Jack R. called me last night for an eternal phone call. I was emphatic that we are cleaning out old cases unenforced, that he has never responded, that he has had several warnings, and many months if not years. On the permit for the courtyard work, he admits what he wants to do is not permitted in the agreement (and of course argues as you might expect that the Agreement was only a concept), but meets the spirit of it. JR admits that the state is not requiring him to do exactly what he wants to do. I do not want to be in the meeting—we've got to get him into the regulatory mode with you guys, it seems to me. A result of the meeting may (or may not) be a recommendation that we amend the agreement." *John Menke, Director of DEP, to Bob Seely, February 22, 1985*
- "He did suggest connecting our giving way on the permit in exchange for cooperation on the sewer plant issue. I said absolutely not, that there could be no connection between a regulatory action and a possible joint planning effort." *Ibid.*
- "When Jack Ransohoff tangled with the Maryland Department of the Environment three years ago, the Dickerson businessman paid Laurence Levitan \$2,460 to arrange a meeting with the head of that agency. Levitan was hired because he is both a lawyer and a Democratic state senator who heads the powerful Budget and Taxation Committee. 'I figured you might as well go to the guy who's looking at this agency's budget,' Ransohoff said. The practice, although legal, increasingly has come under fire as unethical. In the case of Ransohoff and his Neutron Products, Inc., a processor of radioactive products, Levitan arranged a meeting between Ransohoff and Perciasepe, then head of the state environmental agency. But the dispute over the scope of a proposed waste storage facility remains unsettled to this day, Ransohoff said." *The Washington Post, October 21, 1994*
- "This is a special program." [Response to handwritten note as to whether NPI had developed a program, and if not, why not.] *March 26, 27 and April 12, 1996 Inspection*

### Legal Action against NPI

- "The Maryland DHMH, through its Assistant Secretary for Environmental Programs, William M. Eichbaum, announced today that officials of Neutron Products, Inc. of Dickerson, Maryland had

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agreed after a meeting with Departmental officials to a four-month moratorium on the conduct of Cobalt-60 melting operations at the plant. Other operations at the plant will not be affected. The moratorium on melting operations will continue until November 1, by which time a decision concerning the continuation of the plant's license will be made. Mr. Eichbaum said that while the company had responded to a show cause order issued in December, and that this response had generated considerable data, there still remains a number of questions about the company's operation. Prior to the Department's final decision it will involve the [NRC] and draw upon its expertise. During this four month cessation period there will be considerable interaction by the [NRC] and Department, and with the company assessing plant security, environmental surveillance and engineering design and operation techniques involving Cobalt-60 melting process." *News Release, State of Maryland Department of Health and Mental Hygiene, July 2, 1981* [See section "Nondisclosure and Fraud"]

- "A report of an investigation of the operations of Neutron Products, Inc., a Dickerson (Md.) radioactive isotope processor, conducted by the [NRC] at the request of the Office of Environmental Programs (OEP), Department of Health and Mental Hygiene, said that the company "is using licensed materials in a reasonably safe manner with adequate controls," according to William M. Eichbaum, OEP Assistant Secretary. Neutron Products, Inc., had been served a show-cause order regarding the continuation of its license following discovery of a "hot spot" of cobalt-60 near its plant in November, 1980. The order also required that the company provide information concerning plant control and security over radioactive materials; operation of its "hot cell" (the unit where cobalt-60 is actually handled); and environmental surveillance of the area outside the plant. Following issuance of the order, OEP launched an investigation of the company's operations, which included numerous public meetings to elicit citizen comments. Later, OEP requested the NRC to review its findings, and conduct a separate assessment of certain operations. The NRC report corroborated OEP's investigation; namely, that the company is, in general, operating properly in comparison with other firms in the same business. Mr. Eichbaum said that there will be a conference between OEP personnel and company representatives to set a timetable for carrying out improvements noted by OEP and the NRC to promote overall radiation safety, following which the Department intends to rescind the show-cause order and proceed with the license renewal process. These actions will permit the company to resume normal operations." *News Release, State Department of Health and Mental Hygiene, January 4, 1982*
- "This action has been undertaken by the Agency in response to recent discoveries of contaminations occurring at NPI and in light of systemic deficiencies in the company's ability to monitor, detect and prevent radioactive exposures and contaminations." *Notice of Modification of Radioactive Material License served on Jackson Ransohoff—citing affidavit by James Bernard Black, Ginna Plant incident (1989)*
- "For the reasons set forth below, this emergency action is necessary in order to safeguard public health, safety and welfare by preventing future contaminations and the dissemination of contamination into the public domain." *Ibid.*
- "Whereas, COMAR 10.14.02.01C.50(b) provides that any license may be revoked, suspended or modified, in whole or in part for violation of, or failure to observe any of the terms and conditions of the Act, or of the license, or of any rule, regulation or order of the Agency..." *Ibid.*
- "Whereas, the magnitude and severity of potential harm which may result from NPI's systemic deficiencies in monitoring detecting and preventing radioactive exposures and contaminations imperatively requires emergency action in order to safeguard public health, safety and welfare; and whereas, the public health, safety and welfare require that NPI's license be modified immediately to limit the use of the license to possession and storage of radioactive materials and to restrict access to the LAA until further notice..." *Ibid.*
- "That the activities of Neutron Products, Inc. under License No. MD-31-025-01 be curtailed, until the courtyard enclosure and roof shielding are constructed, in order to reduce the likelihood of radiation exposure to the public and the environment, specifically that 1) all radioisotopes, including cobalt-60, cesium-137, radium-226 or atomic numbers 3-92 will be for possession and storage only." *Motion to*

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*Enforce Judgment and Order of the Court, the State of Maryland (the Plaintiff), November 13, 1996*  
[motion subsequently removed in compromise settlement with NPI]

**Citizens, Intervention in License Renewals**

- "We the members of the Dickerson Citizens Association formally request that the Maryland Department of Health and Mental Hygiene refrain from issuing Maryland Radioactive Materials Licenses MD-31-025-01, MD-31-025-03, MD-31-025-04 held by Neutron Products, Inc., Dickerson, Maryland until a public hearing is held on their renewal. If you should determine that a public hearing cannot be held prior to the renewal of these licenses, please explain why and notify the association at least 30 days prior to re-issuance, so that appropriate legal action may be taken." *Ted Miller, President, Dickerson Citizens Association, to William Eichbaum, Assistant Secretary for Environmental Program, DHMH, December 23, 1980.*
- "The Citizens Association has been waiting anxiously since March for the Maryland State Department of Health and Mental Hygiene to rule on our request for an adjudicatory hearing to explore Neutron Products' overall safety record. Since late last year the state has held Neutron's nuclear materials licenses in abeyance. We continue to believe that Neutron's licenses should not be renewed and that in the very worst case the state should accede to our request for an adjudicatory hearing before reissuing or modifying Neutron's licenses." *Dickerson Citizens Association Statement, June 24, 1981.*
- "You have requested that I review the question of whether the Department is legally obliged to convene an evidentiary, contested case hearing pursuant to the issuance of any permit for the Dickerson facility. If the Department determines on its own to reconvene the hearing to take and allow the public to hear additional testimony and to allow such cross-questioning of persons testifying as seems appropriate to fully discover any relevant facts, then it is within its investigatory authority to do so. Such a hearing is not however in the nature of a due process or equal protection right that must be given to the community members." *Standish McCleary, III to David L. Resh, Sr., Community Health Programs, September 3, 1981, Subject: Dickerson, permit hearing.*
- "At the [January 16, 1997] hearing and in a subsequent memorandum filed by MDE on January 27, 1997, MDE represented that it did not oppose, in principle or as a matter of law, the participation of individual citizens of Dickerson who could meet the traditional standing requirements. NPI also did not oppose citizen participation. Based upon the longstanding principle articulated in *Medical Waste* that an association, which itself does not own property, does not have standing, ALJ Plymyer denied the Petition to Intervene of the Dickerson Citizens Association. However, it is clear from the ALJ's Proposed Decision that, for whatever reason, the ALJ did not have before her the Petition of the individuals, which was apparently filed on February 5, 1997. The Petition was apparently sent to the attention of Kimberly Logan, Docket Specialist of OAH. It was received by the undersigned counsel in the Office of the Attorney General on February 5, 1997. It is unclear why the February 5th submittal of the individual citizens of Dickerson was not made available to ALJ Plymyer. Regardless, it does appear that the individuals referenced in this pleading did file a Petition to Intervene and do have recognizable property interests that would afford them standing in this case. Consequently, MDE does not oppose intervention of the individuals named herein. MDE requests, however, as it has done previously, that the ALJ place reasonable conditions on intervention, such as identifying at the prehearing conference all issues to be litigated and abiding by reasonable limitations on the examination of witnesses and the making of arguments at the hearing." *Christina B. Beusch, Before the Final Decision Maker for the Maryland Department of the Environment, May 1997.*
- "MDE concedes that an owner of property adjacent to a permitted facility has interests that may be adversely affected by the permitted activities which are unique and, therefore, may not be adequately represented by either the regulator or the permittee, citing *Sugarloaf Citizens' Association et al. v. Department of the Environment et al.*, MD (Slip OP. No. 60, December 20, 1996." *ALJ Judith Finn Plymyer, March 24, 1997.*

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- "Petition to Intervene of the individual Dickerson property owners, namely, Heather Rae, William Moore, Michael and Carol Oberdorfer, and Gerald and Yvonne Mulgrew is hereby GRANTED." *Michael Haire, Final Decision-Maker, May 29, 1997*

**Jack Ransohoff, Intervention in 1996 License Renewal**

- "Finally, as President of Neutron Products, my primary obligation with regard to the regulations is to undertake to assure the Company complies with them as best it can – even those that we believe with good cause are ill-advised or illegal. I am well advised to do what I reasonably can to stimulate responsible opposition to a regulatory milieu that I consider counterproductive of legislative intent, and prospectively confiscatory in nature." *Jack Ransohoff, Memorandum in Support of Motion to Intervene of Jackson A. Ransohoff, February 7, 1997*
- "As the President of Neutron Products, I have fostered compliance and cooperation to the extent feasible, and I can assist our attorneys in the presentation of that case...it is far from clear that Neutron will provide adequate representation of me personally...my interests are not identical with any existing party in this matter." *Ibid.*
- "At the hearing on motions on January 16, 1997, AAG Beusch on behalf of MDE argued that at the prehearing meeting on December 5, 1996, [Ransohoff] indicated his intention to act as spokesman for Neutron Products, Inc. (NPI) for purposes of the appeal. MDE argued that its Motion to Prevent Unlawful Practice of Law filed on January 8, 1997, with its Memorandum in Support of its Motion filed on January 13, 1997, was a preemptive act to address this potential issue." *Administrative Law Judge Plymyer, March 24, 1997*
- "Having considered the arguments, memoranda of law, and oral argument provided at the exceptions hearing, and for the reasons discussed above, it is the conclusion of this Final Decision-Maker that those provisions of the Proposed Order denying Jackson Ransohoff's Petition to Intervene are AFFIRMED." *Michael Haire, Final Decision-Maker, Maryland Department of the Environment, May 29, 1997*
- "PETITIONER, Jackson A. Ransohoff, Intervenor, *pro se*, a party to the above-captioned agency proceeding...respectfully petitions that this Court review the Proposed Order on Motions to Intervene rendered March 24, 1997 by Administrative Law Judge Judith Finn Plymyer of the Office of Administrative Hearings...and adopted as the Final Decision and Order on May 29, 1997 by Final Decision Maker Mr. Michael Haire, in the above-captioned matter. A copy of the Proposed Order and Final Order are appended hereto." *Jack Ransohoff Petition for Judicial Review, June 1997.* [This "pro se" petition was delivered in a Neutron Products, Inc. metered envelope. It presents no new arguments.]

**NPI's Nondisclosure and Fraud**

- "We assure you that we contemplate no activities which will not be duly shielded, and considerate in all other respects of the safety of our employees and other persons, as well as the wholesomeness of the environment. We anticipate no activity which would involve the release or emanation of radiation above normal background levels off the premises." *Jack Ransohoff to the Department of Economic Development, Montgomery County, June 7, 1967*
- "We hope you will accept our assurances that your garden is clean and that it is safe for you to plant it. If you do so, and on further reflection you decide that you are concerned about the wholesomeness of the produce that you grow, we would be pleased to purchase it from you at a price which is fair considering the high quality which I am certain a gardener of your experience will deliver." *Jack Ransohoff to Harry C. Meem, Jr., April 15, 1981*
- "The company has found a total of several score sites containing radioactivity in the immediate vicinity of the south side of the plant, on the railroad, and on private property on the other side of the railroad tracks." *Unsigned memo, NPI stationery, June 24, 1981*
- "Neutron Products contends that they still operate basically within the scope of their initial statement of intent. The following information was provided by Mr. Jackson A. Ransohoff, President of Neutron

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Products..." James S. Baker, Director, DEP, to Ted Miller, President, Dickerson Citizens Association, March 23, 1981.

- "The process and activities to be conducted are PROPRIETARY. We have made an appointment... to disclose, on a PROPRIETARY basis, the process flow sheet and the steps we are taking to prevent the release of any noxious materials." Jack Ransohoff to DEP, Attention: Mr. Gary Miller, May 10, 1976
- Building permit application 076013. Granted September 7, 1976 for "storage and processing of liquids." Corresponding building use and occupancy permit approved on November 29, 1976 designated for "certain chemical processing activities." Public records
- Under requirements of SARA Title III (Superfund Amendment and Reauthorization Act; Community Right-to-Know of 1986), the only radioactive material that NPI has reported is cobalt-60. NPI may be in violation of the SARA Title III reporting requirements, since it has not reported cesium-137, radium-226 or any radionuclide other than cobalt-60. The state's August 29 and 30, 1995 Radioactive Material Inspection Findings and Licensee Acknowledgement reports that the leak from the underground wastewater storage tank contained Cesium-137. Therefore, the Cs-137 is not encapsulated as per the license agreement. Complaint to LEPC by Heather Rae.
- "I have observed several significant radiation safety problems at NPI. For example, radioactive waste is improperly handled. Any water which is used at the plant, including water used in the restricted area to shower off contamination and to wash contaminated cloths, is collected in a tank in the restricted area. It is then sampled at three different levels in a holding tank. If the samples are below a certain level of radioactivity and therefore meet release standards established by the radiation regulations, it is then transported to WSSC. From the end of December 1988 to mid January of 1989, I was responsible for overseeing the daily log records for radioactive water samples. There were at least two weeks during this period in which no radioactive water waste samples were recorded. On one occasion in early January, waste samples analyzed which were too high in radioactivity for release. I was told by Dale Repp, Field Service Engineer, an employee of NPI to pour half of the sample down the drain and to add water to the sample in order to lower the radioactivity to a releasable level. I did as I was instructed and the water sample was transported to WSSC." James Bernard Black, Health Physics Technician for NPI, sworn affidavit, 1989 [used as part of state's modification of NPI's operating license that temporarily suspended NPI's operations.]
- "From November, 1988 to January of 1989, I was also responsible in part for disposing of highly radioactive water waste resulting from the changing of resin in the source pools. I pumped the water out of the highly radioactive resin tank. I disposed of the radioactive water in a holding tank which feeds into a tank truck for ultimate disposal in WSSC. Although levels of radioactivity of this water by NPI were above releasable levels, such water was routinely released by NPI for disposal at WSSC." Ibid.
- "I also assisted in obtaining soil samples from an area outside the NPI buildings. This soil, in part, collects run off from the drains of the Limited Access Area. If an unacceptably high radioactive sample is collected, Joe Weedon, Senior Health Physics Technician, instructed me to dispose of such samples in a garbage can in the restricted area and to collect a new replacement sample which would be lower in radioactivity. Only this sample would be recorded in the soil sample log." Ibid.
- "In May, 1988, I was asked to visit the Armed Forces Radiation Research Institute ("AFRRI") in order to replace certain cobalt sources. As part of this job, I was required by AFRRI to complete a monitoring form indicating individual monitoring exposure received for the year. At that time, I had been at NPI for only three months. My monitoring exposure was 2,700 mRem. Dale Repp told me to state that my exposure was 90 mRem in order to gain access to the AFRRI facility. I did as I was instructed." Ibid.
- "On Monday, September 18, 1989 I investigated a complaint from Mr. Jim Goldsboro regarding a discharge of heavy flow of clear water from Neutron Products, Inc. (NPI) in Dickerson, Maryland." Discharge of Heavy Flow of Water from Neutron Products, Inc., Alan Jacobson to Files, September 19, 1989
- Michael Oberdorfer states that he saw heavy flows of effluent during a dry spell, sourced at NPI. Statement to State Delegate Jean Cryor, fall 1996.

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- "Perimeter environmental TLD exposures were also reviewed. Some TLDs were missing and licensee stated that animals are probably taking them. One TLD had what looked like teeth marks on it. These TLD are round spheres about the size of a walnut. *How are these "animals" getting to them? Climbing squirrels or cat? (handwritten notes)" 1995 MDE inspection report.*
- "Licensee was cited again for exceeding 500 mR per year at the plant boundary in violation of license amendment 33. MDE's last quarter TLDs had been 'removed' or somehow 'lost' again at the Neutron Products' facility. But the dose was 493 mR for just three quarters of the year so the limit would have been exceeded. The Licensee's own TLDs exceeded the limit." *March 26&27, April 12, 1996 MDE inspection report.* [MDE investigator Ray Manley said in May 1997 that the TLDs installed by the State are not differentiated from industry-standard TLDs, and that it was possible for them to be removed and replaced. MDE would have no control to prevent TLD swapping.]
- "On June 22, 1992, at 1300 hours this writer [Ray Manley] telephoned Mr. Ransohoff..pursuant to an earlier telecon, on June 22, 1997, in which he requested the Agency to call NPI. He stated that he wished to report to the Agency that NPI had identified a RAM particle (probably cobalt60) in the Dickerson neighborhood while conducting routine environmental surveys.. Mr. Ransohoff stated the following: The particle was found on a neighborhood property (he did not at present know the name of the owner, address, or person renting the property) approximately 400 to 500 feet East and downwind of the facility on 6/18/92 or 6/19/93 by Bernie Boswell.. The activity of the particle has been estimated by NPI using emissivity dose rates as being 50 microcuries.. NPI has removed the particle and put it in the LAA, where it has been broken up into three small particles. Each particle is to (sic) hot to be counted by the NPI counting system. Mr. Ransohoff stated that this residential property was presently for sale, and that it was his understanding that previous to the NPI survey the realtor had called RHP (Carl E. Trump, Jr.) and the NRC (Frank Costello) to discuss the danger of persons living in the NPI vicinity. Mr. Ransohoff stated that he has spoken to the realtor since the particle was found and relayed the results of the survey. He stated that the owner of the property and those persons presently living on the property were unaware of the survey results.. The property has never been surveyed by NPI before because of the inability of NPI to contact the resident/owners for permission. Surveys were conducted on the Meem property and indicated one spot of contamination. (see photo). Mr. Boswell stated that the (sic) this was radioactivity remaining from a spot the NPI had previously identified." *Accident Incident File, From Ray Manley of MDE, Investigation and limited inspection on NPI regarding the uncontrolled release of a fifty microcurie cobalt-60 particle in the Dickerson community.* [Why did Bernie Boswell not inform the state on 6/18/92 or 6/19/92? Why after days of delay did Mr. Ransohoff know none of the details about property ownership? Why was the owner and renter not immediately informed?]
- "Mr. Jamison was contacted by [Ray Manley] on the morning of June 24, 1992 in order to gain permission to survey the property. He stated that he had contacted the listing agency and the residents and access was approved. An inspection and survey of the location where the particle was found and removed indicated residual contamination (see photo). Mr. Boswell stated that he had not completed the cleanup of the area." *Ibid.*
- "An exit interview was held with Messrs. Ransohoff, Costley, and Boswell following the survey. Mr. Ransohoff stated that NPI was not a 0 release facility. However, he could not define the route and dynamics on how a particle of cobalt-60 of this activity was being released from NPI. He stated that NPI would continue to conduct the required surveys in the surrounding neighborhood." *Ibid.* [Residents cannot recall the last time NPI contacted them for a survey of their property, as is the contractual procedure.]

**NPI's Unsafe Practices and Irresponsible Behavior**

- "After installation of the irradiator and the cobalt-60 source and prior to initiation of the irradiation program, a radiation survey shall be conducted to determine maximum radiation levels in each area adjoining the irradiation room." *Condition 15 of the US Atomic Energy Commission By-Product Material License 19-12667-01, February 15, 1968 (expiration February 28, 1973)*

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- "In response to letter dated March 11, 1968 signed by J.J. Hairston [of NPI], License Number 19-12667-01 is amended as follows: To delete Condition 15." *US Atomic Energy Commission to NPI, Box 95, Dickerson, MD*
- "We are concerned about the operating procedures of NPI and the attitude that NPI management has taken. All of this operation is being done on a small parcel of land, in the midst of a residential area without a buffer zone. We are also concerned about the general engineering at NPI. We are further concerned about the attitude NPI management has demonstrated in response to citizen questions. A major source of worry is the melting process (and all the procedures associated with it, i.e., recasting, encapsulating, machining, etc.) The melting process seems to be evolutionary and possibly experimental in nature (quoted from NPI letter of 12/20/80 to DHMH: "The company originally had its cobalt 60 sources melted by a subcontractor. The subcontractor encountered such high radiation exposures in clean-ups after melting campaigns that it asked the company to consider performing the melting campaign itself.") *Dickerson Citizens Association Statement, 1981*
- "Today, we are releasing five notarized affidavits sworn by former Neutron Products employees that strengthen our belief that Neutron Products poses a grave danger to our community. Specifically, the affidavits contain the astonishing charge that radioactive material has been buried at the Neutron Products Dickerson plant in recent years." *Dickerson Citizens Association, June 24, 1981.*
- "Community Meeting Scheduled. Delegate Gene W. Counihan, District 15, has called a public meeting for April 19, 1989, at 7:30 PM, at St. Mary's Pavilion on Old Hundred Road, Barnesville, to provide an opportunity for citizens to hear from State and local regulatory and Neutron Products, Inc. officials, a Dickerson firm. The Sugarloaf Citizens' Association has been active in seeking information about Neutron Products' operations and the possibility of radiological or chemical harm to the community and its residents. Delegate Counihan has invited Roland Fletcher, Administrator of the State's Center for Radiological Health, as well as representative of Montgomery County's Department of Environmental Protection to address the citizen's concern. Other state and federal legislators have also been invited to attend. "The citizens living near the Plant must be assured that the activity at Neutron Products is not endangering the community. We must also be assured that our regulatory officials are fulfilling their responsibilities. This is a beautiful, unspoiled area of our county and we must keep it that way for all our citizens," Counihan stated." *Press Release, no date.*
- "Former employees also contend that radioactive water may have been shipped from the Neutron plant in unsecured trucks and carried to Rockville where its contents were dumped into a manhole into the Washington Suburban Sanitary Commission sewage system." *Dickerson Citizens Association, June 24, 1981.*
- "Neutron employees have also been needlessly exposed to radiation in the past, according to the affidavits, and some employees have exhibited a careless and frivolous attitude toward the radioactive materials they handle. This unconscionable attitude in at least one instance could have resulted in the unnecessary contamination of property surrounding the plant." *Ibid.*
- "Future company plans for new construction or the modification of existing facilities having an impact on radiological safety shall be submitted to the Office of Environmental Programs for review and approved prior to construction.... When establishing compliance with regulatory limits, the company shall not make an allowance for the inherent natural radioactivity in a sample. It shall assume that all radioactivity measured is cobalt-60 radioactivity." *William Eichbaum, Assistant Secretary for Environmental Programs to Jack Ransohoff, February 6, 1981.*
- "During the past week, a number of allegations relating to the operation of our plant have been made by a group of 'concerned citizens'. Some of these allegations have been widely publicized in the press and by rumor within our community. There is some truth to parts of the allegations. However, most of the facts have been badly distorted, and indeed many of the allegations are completely false. Unfortunately, this situation has raised unwarranted fears among some of the citizens within the community." *Jack Ransohoff, Good Neighbor letter, December 10, 1980*
- "We hope that none of you will misunderstand our use of the term 'concerned citizens.' It applies only to the eight residents of this community who discovered but did not promptly report the 'hot spot' plus some professional antinuclear activists from Washington. It is their term, not ours.

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However, now that the term has become part of the vocabulary of this community, we think it fitting and proper to continue to use it in reference to those who would seize upon, and even misrepresent, the real or apparent existence of a hazard to harass (sic) and embarrass those who appear to be responsible, rather than seek competent help to evaluate the matter and provide the quickest possible remedy if one is necessary. Please understand that we do not use this term in reference to the responsible citizens of this community who are legitimately concerned about the conduct of our operations...Best wishes from us all for a Merry Christmas and a happy, prosperous, safe and calm new year." *Jack Ransohoff, "Good Neighbor" letter, December 22, 1980.*

- "There have been very low levels of radioactivity in the soil immediately adjacent to the south side of our plant, some of which is on property belonging to the Chessie System. The sources of contamination are old, and we have been working with the Department since early November to define a program for removing the contamination to a level acceptable to the Department." *Jack Ransohoff to William Eichbaum, "The Alleged Release of Radioactive Material" response to a 1980 Show Cause Order, December 20, 1980 [Contamination continues to be found to date.]*
- "...another source apparently derives from a concrete hold tank beneath the floor of the Dickerson I warehouse which was used to receive and store mop water from the cobalt storage pool area during the early years of our operations. It is our present believe that this tank, which was not epoxy coated, may have leaked, and could have deposited activity in the multi-curie quantities in the soil directly south of the building as a result." *Jack Ransohoff to William Eichbaum, "Contamination in the Soil Adjacent to the South Side of Our Plant" response to a 1980 Show Cause Order, December 20, 1980 [Residents have no proof of an investigation into this buried waste or its removal.]*
- "Another possible source of activity is from operations, including cask decontamination, that were conducted for many years on a concrete pad which was outside at the time and is now under the floor of the tank room in the chemical mix plant built in 1976." *Ibid.* [Note the term "chemical mix plant" and see section on "Chemicals."]
- "With little exception, this soil is so low in activity that we intend to use it as foundation fill in our new construction." *Ibid.*
- "Furthermore, deliberate placement, either by a disgruntled or disloyal employee, or another person having a motive to discredit the company or alarm the community, would be a simple matter, and impossible to defend against." *Jack Ransohoff to William Eichbaum "The Possibilities for Accidental Release" response to a 1980 Show Cause Order, December 20, 1980*
- "It is possible, but very unlikely that an employee working in [contamination controlled areas] would fail to monitor himself before leaving the restricted area...it is certainly possible that this [hot] particle, if generated within the plant, could have escaped from a contamination control area, been picked up on an employee's shoes or clothing, and, provided the employee failed to monitor himself on leaving the area, been carried out of the restricted area. some (sic) of our employees have been known to walk along the railroad tracks, and, in addition, our control of access to and from the cobalt processing area, and the extent to which we rely on individuals to monitor themselves is such that this could conceivably happen." *Ibid.* [See section on "Violations"—Ginna Plant incident and subsequent license modification in 1989.]
- "...it could have been carried from the restricted area by an animal. We think this is very unlikely, but it could happen." *Ibid.* [See section on "Violations"—dead birds in Dickerson that presumably nested in NPI's open courtyard and had ingested or had been exposed to radioactive cobalt. In 1996, the State reported that the thermoluminescent dosimeters (TLDs) placed outside the plant boundary had been removed. NPI claimed that animals may have removed them.]
- "...finally, it could have become airborne. The possibility that such a large and dense particle could become airborne by a small whirlwind seems plausible enough...and we have not attempted a quantitative analysis." *Ibid.* [See section on "Footdragging and Negligence" and "Violations"—failure to monitor radioactivity in courtyard area to comply with state and federal regulations.]
- "If we are unable to identify an operation capable of generating this particular particle during this particular period, the possibility of accidental release becomes much more remote, because it is unlikely that such a particle would be at large within the restricted area for a long period of time.

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After a relatively short period of time, it would much more likely be contained in a waste drum or plastic bag, and would even more likely be in the waste storage building." *Ibid.* [See section on "Violations"—1993 inspection of open bags radioactive material waste; contamination of open courtyard area by waste storage building and particles airborne into the neighborhood.]

- "...at this writing, we believe that it is at least as likely that the radioactivity found on the Chessie was maliciously placed as it is that it was accidentally released from this facility." *Ibid.* [Accusations of sabotage were used again in 1992 when NPI reported a 50 microcurie hot spot on residential property adjacent to the NPI site.]
- "The contaminated birds will remain a question until it can be determined whether the cobalt-60 is internal or external. It could be either since they had access to areas where loose surface contamination existed and they may have consumed insects which were contaminated." *James Berger, Oak Ridge Laboratories, to Ralph Wilde, NRC, July 30, 1981.*
- "In my opinion, there was a very brief (one shot) release of particulates several (2-5) years ago. Based on the contaminated status of the roof near the hot-cell exhaust and the ventilation system which was in use prior to the 1978-1979 improvements, I would consider a past failure of the filtration system or a release during the system maintenance (e.g., filter replacements) as a likely source of the off-site contamination." *Ibid.*
- "Although the radiation levels to which you are exposed as a result of our presence are very low...we understand the desirability of having any increase in background radiation as a result of our presence be as close to zero as we can practically make it." *Jack Ransohoff to Dickerson residents, January 31, 1981* [See quotes by Jack Ransohoff on attitude towards regulations and documentation on NPI's resistance to comply with "As Low As Reasonably Achievable (ALARA) principles.]
- "The courtyard directly communicates with the hot cell area. Three large overhead (garage door type) and one standard size manway door exist in the LAA/hot cell area, all leading to the courtyard area outside the building. These doors are routinely opened to allow personnel, equipment, shipment casks and other materials into and out of the LAA's hot cell area. In addition, one or more of the large doors are occasionally left open for several hours per day for temperature control during certain times of the year. Smoke tests conducted by the inspectors showed that the LAA's hot cell area does not exhibit significant negative pressure, and that air flows from the hot cell into the courtyard with an overhead door open. Consequently, the probability of contamination escaping the hot cell area into the courtyard is high when the doors are open." *Announced, limited reinspection report, October 18-22, 1993*
- "The contamination in the courtyard contributes to both waterborne and airborne effluent releases. Neither of these courtyard release pathways are controlled or monitored by the licensee to demonstrate compliance with applicable regulatory effluent release limits. Airborne releases from windblown contaminants in both the dry pond and courtyard appear to contribute to the offsite contamination routinely identified in residential areas...This is typical of prior survey findings by the licensee. The failure to implement appropriate controls to eliminate unknown quantities of contamination in outdoor, uncontrolled areas is a significant programmatic weakness." *Ibid.*
- "The licensee currently has no routine monitoring of the Co-60 as it is being released through the dry pond pathway, which is a continuing violation of survey requirements. Estimates of the released quantities have been made on the amount of activity found in the deposited silt, but this evaluation lacks rigor as an analytical tool." *Ibid.*
- "The licensee occasionally ships solid radwaste ...however the shipments are infrequent and generally do not comprise large quantities...The licensee allows large quantities of solid radwaste to accumulate in its dry storage area (radwaste building) and has not significantly reduced its waste inventory for several years. The dry solid radwaste area currently houses approximately 750 curies of cobalt-60 contaminated wastes comprising a volume of over 2,200 cubic feet." *Ibid.*
- "Inspector observation of the solid radwaste storage building revealed several concerns in addition to the large accumulation of wastes. Specifically, numerous plastic bags filled with solid radwaste were stacked atop one another, some of which had torn open. These bagged wastes were neither properly contained or shielded. Radiation levels measured by the inspectors at the entry doors to the waste

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storage building were 200-300 mrem/hour. Radiation levels within the storage building were, according to the licensee, in excess of 1 rem/hour. Similarly, some of the 55-gallon waste filled drums were uncovered and unsealed. These poor housekeeping and health physics practices create unnecessarily high radiation levels in the local area and at the restricted area fence line, contribute to the contamination control problems experienced by the licensee, and appear to be contrary to ALARA principles." *Ibid.*

- "The licensee does not routinely evaluate internal exposures between their annual whole body counting program. Licensee representatives stated that there was little need to do any since most intakes were due to ingestion of the material. The licensee indicated that when the portal monitor detected activity above the alarm levels and it didn't appear to be external contamination, the individual was provided laxatives and sent home... the licensee concluded that the activity was due to ingestion and was quickly removed from the body through the digestive tract and no internal assessment had been necessary. The inspector questioned the licensee's assumption that the activity could have been due to ingestion, since scientific studies indicate that the peak elimination of Co-60 through the digestion system occurs approximately 36 hours after ingestion. Therefore, it is unlikely that the indicated activity could have been due to an actual intake. The inspector concluded that in the above instances in which the licensee had suspected ingestion of Co-60, the individuals were either externally contaminated, such that removal from the skin was achieved by the next day, or the monitor gave a false positive signal due to increase in background or other reason. This area should receive additional attention." *Ibid.*
- "The truck operation poses no problem. NPI did apply to Waste Management for a discharge permit and were told they did not need one... There is one holding tank for sanitary and radiation waste." *NPI statement to the MDE and given to the Attorney General, August 1989.* [This statement is false.]
- "We have been attempting to accommodate Mr. Ransohoff, but there seems to be an unwillingness on his part to come to terms with the limitations that are upon him." *Ed Herbert, Montgomery County Field Operations, March 8, 1995.*
- "During the inspection I observed an indifference by NPI staff to address the questions presented by the State. Records are kept in a haphazard manner and some searching was often required to locate them... Staff did not seem to have a general knowledge about actions that should be taken in the event of an emergency. NPI is being cited by MDE for not having a training program in place. This violation has been repeatedly noted by MDE and NPI did not appear concerned about the seriousness of the problem." *Ibid.*
- "Mr. Ransohoff has indicated to me that he feels that the state is overregulating him. He also feels that the MDE staff are not adequately trained to be in a position to oversee his operation." *Ibid.*
- "I discovered that three TLDs were missing. One of the TLDs was posted on the perimeter fence by Mr. Ephraim Road and the other two TLDs were posted on the fence surrounding the Dry Pond. I searched the area but I could not find the missing TLDs. On December 5 and 6, 1995, I was conducting inspections at NPI and I observed that these three TLDs were still posted." *Alan Jacobson of Maryland Department of the Environment to files, January 10, 1996* [Mr. Jacobson filed an environmental crimes report.]
- "Amendment #33... dated May 23, 1989 requires that the Health Physics Consultant must provide training on a quarterly frequency to all employees who, under any circumstances, may have access to the LAA. Attendance is mandatory and must be documented. However, NPI failed to provide this training to a key LAA employee during the fourth quarter of 1994, the first quarter of 1995 and the second quarter of 1995." *Radioactive Material Inspection Findings and Licensee Acknowledgement, August 29 & 30, 1995.* [NPI refused to sign this inspection report.]
- "Cobalt-60 is recycled by the licensee. There are old Cobalt-60 sources in the pool. There have been no actual disposals of Co-60 or DU [depleted uranium]. Licensee stated they were possibly going to ship the bags of contaminated paper waste to SEG in Tennessee for "steam reformation" a new process that leaves a smaller amount of ash than incineration. Currently the bags are overflowing the waste storage room." *1995 Inspection Report—Disposals (Burials, Incineration, etc.).*

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- "Another Cobalt-60 particle was found outside the plant. Actually two particles were found on the Meem's property during the inspection, but one was found by the licensee. The particle found by RHP was about 2.7 uCi. It was on the hill behind the Meem's house where (sic) particles are usually found." *1995 Inspection Report.*
- "License condition #13, Amendment #35 and letter dated November 26, 1990 requires that employees must wear TLD ring badges while participating in hot cell cleanups. However, NPI personnel failed to wear TLD ring badges from April 24 to 27, 1995 while conducting hot cell cleanup activities. The RSO stated that wrist badges were worn to evaluate extremity exposures because ring badges were not available. A Vice President stated that he forgot to order the ring badges and since the dose rate in the hot cell was less than 20.0 R/hr at contact, rings were not really necessary." *Ibid.*
- "Dose Rate Survey of Dickerson Community: Fisk Home/Yard (30/40 uRem/hr), Poole Home/Yard (25/30 uRem/hr), Meem Home/Yard (20/55 uRem/hr), Lamson Home/Yard (20/25 uRem/hr). Note: These dose rates indicate that there is a potential to exceed the dose limit to member of the general public (100 mRem per year)." *Ibid.*
- "On June 22, 1992, at 1300 hours this writer telephoned Mr. Ransohoff, President of NPI, pursuant to an earlier telecon, on June 22, 1992, in which he requested the Agency to call NPI. He stated that he wished to report to the Agency that NPI had identified a RAM particle (probably cobalt-60) in the Dickerson neighborhood while conducting routine environmental surveys. He stated the following: The particle was found on a neighboring property (he did not at present know the name of the owner, address, or persons renting the property) approximately 400 to 500 feet East and downwind of the facility, on 6/18/92 or 6/19/92, by Bernie Boswell during a routine NPI survey. The activity of the particle has been estimated by NPI using emissivity dose rates as being 50 microcuries. The dose rate using a Bicron microRem meter at one meter was determined to be 60 microRem. (Mr. Ransohoff stated other dose rates had been taken, but he was not familiar with the results.) The RAM was determined to be on the surface and in a very discrete size. NPI has removed the particle and put it in the LAA, where it has been broken up into three small particles. Each particle is too (sic) hot to be counted by the NPI counting system. Mr. Ransohoff stated that this residential property was presently for sale, and that it was his understanding that previous to the NPI survey the realtor had called RHP (Carl E. Trump, Jr.) and the NRC (Frank Costello) to discuss the danger of persons living in the NPI vicinity. Mr. Ransohoff stated that he has spoken to the realtor since the particle was found and relayed the results of the survey. He stated that the owner of the property and those persons presently living on the property were unaware of the survey results. The property has never been surveyed by NPI before because of the inability of NPI to contact the resident/owners for permission. The house is being listed for sale by Long and Foster and contact for the coop realtor handling the property is Mr. Charles H. Jamison. Mr. Jamison was contacted by this writer on the morning of June 24, 1992 in order to gain permission to survey the property. He stated that he had contacted the listing agent and the residents and access was approved." *Accident Incident File, by Ray Manley, MDE*
- "A smaller amount of activity, typically less than ten highly localized 'spots' totalling about 20 microcuries per year, is released via airborne vectors." *Jeffrey Williams, NPI Radiation Safety Officer to Chief Jon. C. Grover county LEPC, March 1, 1997 [Contradictory statement.]*
- "If you talk to them, they can sound pretty persuasive, but what is asked of them is never fulfilled," Montgomery County Council member Isaih Leggett, D-at large, said of Neutron." *Montgomery Journal, May 30, 1997*
- "Although Jacobson stressed the contaminated area poses no threat to the public, he said difficulties with Neutron have led this agency to spend about five times the number of hours monitoring the Dickerson plant that it spends on comparable facilities." *Ibid.*
- "Neutron Products is using its unwillingness and inability to meet the requirements of Information Notice 90-09 for an interim waste storage facility to delay the construction of the courtyard enclosure and roof shielding. All interested parties, including Neutron, agree that the enclosure and additional shielding will reduce exposure to the general public and are necessary if Neutron is to achieve and maintain compliance with the conditions of its License and its obligation to reduce exposure to a point as low as reasonably achievable." *Motion to Enforce Judgment and Order of the Court, Civil*

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*Case No. 76639, November 13, 1996 (Motion rescinded in exchange for submission of proper construction drawings to Montgomery County.)*

- "On behalf on (sic) NPI, Mr. Kreysa argued that NPI is not located in a residential community, but rather among other large individual parcels along railroad tracks and a major road that runs between Frederick and Rockville. Kreysa contended that MDE can represent the interests of citizens, but that NPI did not object to the intervention of individuals who can demonstrate standing, subject to cross examination under oath." *Administrative Law Judge Plymyer, March 24, 1997.*
- "Mr. Ransohoff, speaking as an individual, took exception to Rae's characterization of NPI as uncaring or intimidating, arguing that NPI is very safe and that MDE's proposed conditions are stricter than federal requirements." *Ibid.*
- "Interviews with certain ARMA employees revealed specific examples of the NPI President using 'a variety of ploys to squelch challengers.'" *Alan Jacobson, ARMA, Investigatio report February 10, 1997.*

**Bankruptcy and Finances**

- "Bankruptcy Petition #: 86-40883. Date filed, 4/16/86. Assigned to: Paul Mannes. Chapter 11 voluntary." *United States Bankruptcy Court, District of Maryland (Greenbelt), Public Record.*
- "On April 16, 1986, Neutron Products, Inc. ('Neutron') was forced by an unfortunate combination of events to seek the protection of Chapter 11 of the US Bankruptcy Laws. Neutron's management believed that, given time to resolve the principal causes of its creditors' concerns, it could make all creditors whole in due course, and it drafted a Plan of Reorganization (the 'Plan') to that effect. The Plan became effective August 1, 1987." *A Plan to Restructure the Debts of Neutron Products, Inc. Revision 1 - January 9, 1993.*
- "Enclosed is a check for the loan installment that was due August 31, 1992. I realize that it is more than one month later than allowed by the grace period provided for by the Reorganization Plan that became effective August 1, 1987, and we appreciate the fact that neither NAFCO nor any other secured creditor declared default." *Jack Ransohoff to Gary Dreyling of North American Financial Corporation, Minneapolis, MN, January 9, 1993.*
- "We also appreciate the fact that none of the other creditors have taken serious exception to Neutron's inability to timely perform on the entirety of its debt service obligations as prescribed by the Plan. Nevertheless, we do not believe that the level of complaint should be guiding us in this matter, and I believe it is in the interest of all parties to realistically address the facts set forth below. During the past six years, Neutron has paid more than \$6 million to secured creditors, priority creditors and sources of post petition financing, with about \$3.5 million applied to the reduction of debt." *Ibid.*
- "During the same period, Neutron has also been able to fund about \$3 million in essential capital improvements which enabled it to cope with the changing requirements and double gross revenues. Nevertheless, we have been unable to perform on all the debt service obligations prescribed by the Plan, nor have we been able to perform on all of our fringe benefit commitments to employees." *Ibid.*
- "Finally, Neutron must soon make some additional capital investments in order to satisfy regulatory requirements that will become effective in 1994, and it needs to restore, without much delay, the loss of working capital arising out of the paydown of its Line of Credit with the Bank." *Ibid.*
- "Neutron Products, Inc., Debtor, by and through counsel of record, opposes the Motion to Compel Compliance with Plan filed herein by the West Virginia State Tax Department. The Debtor will, therefore, in compliance with the Plan as approved by the Court, begin making payments during the first quarter of 1989." *In the United States Bankruptcy Court for the District of Maryland, Case No. 86-A-0883. Public Record.*
- "Expedited motion for interim order authorizing debtor in possession to use cash collateral - April 18, 1986....Motion to Compel Debtor's Compliance with Confirmed Amended Plan of Reorganization filed by New England Capital Corporation - September 2, 1986....OBJECTION of Atlantic Leasing and Financial, Inc. to Disclosure Statement - January 5, 1987....Debtors motion to Approve Disclosure Statement Without Formal Hearing...AMENDED DISCLOSURE STATEMENT filed by

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- debtor March 20, 1987.... AMENDED PLAN OF REORGANIZATION filed by debtor April 22, 1987.... Order Authorizing Appointment of Attorney (SHAW PITTMAN, POTTS & TROWBRIDGE) May 4, 1987.... Motion to Compel Debtor's Compliance with Confirmed Amended Plan of Reorganization filed by New England Capital Corporation.... OPPOSITION filed by Debtor to Motion to Compel Debtor's Compliance with Confirmed Amended Plan of Reorganization, re: #91 September 14, 1987... Motion filed by Metlife Capital Credit Corporation to Compel Debtor's Compliance with Confirmed Plan October 23, 1987... Motion to Intervene filed by Maryland National Bank October 30, 1987... ORDER Authorizing Appointment of [debtor] Attorney (SPECIAL COUNSEL - BERNARD ROTHWELL & BROWN) April 25, 1988... Motion for authorization to sell real property filed by Debtor March 20, 1988" *Bankruptcy Case Docket*
- "I believe that in order to proceed in a way that is fair to all interested parties, we need to restructure our debt in a way that is free of material damage of inconvenience to any party. Practical alternatives abound; and one is appended hereto. Although its immediate effect will extend maturities, I believe that the end result may well improve the prospects of an early takeout... Please let me have your comments and suggestions, if any. We would like to implement the enclosed Restructuring Proposal as soon as possible. *Jack Ransohoff to Gary Dreyling of NAFCO, January 9, 1993*
  - "I am also enclosing for your information a copy of our Fifth Annual Interim Report to Shareholders." *Ibid*
  - "The proposed restructuring (the 'Proposal') is designed to improve Neutron's working capital position; enhance its ability to undertake essential investments in plant and equipment; and cure flaws in the Plan that have heretofore prevented it from performing as it should on commitments to employees and unsecured creditors... while it is subject to modification, this Proposal is a refined draft, and it is our hope and intent that it can be accepted by all interested parties more or less as drafted, and without much delay." *A Plan to Restructure the Debts of Neutron Products, Inc. Revision 1 - January 9, 1993.*
  - "For all Class 7 Creditors except Atlantic Leasing, the rate of payment shall be halved, effective August 1, 1992... Maryland National Bank (the 'Bank') will cease to be a Class 7 Creditor. Rather it will combine the balance of its Class 7 Note and its Line of Credit (the 'Revised Line') and increase the advances available... if not sooner taken out by other lenders, the Revised Line will be repaid in full during the year 2000... Retroactive to August 1, 1987, Neutron's unsecured creditors will agree to a reduced rate of interest accrual, from 10% to 5% per annum, without compounding. In turn, future interest accruals will be paid quarterly without regard to Neutron's gel sales, its financial performance, or any other factor... Accrued interest will be paid in full during the year 2001; and the Restructured Notes will be paid in full during the year 2006... Neutron shall satisfy its intended payments to its 401(k) Plan in the form of interest bearing Notes..." *Ibid.*
  - "MOTION of The United States Trustee For An Order To Show Cause Why Case Should not Be Dismissed or Converted For Failure To Effect Substantial Consummation of The Confirmed Plan. August 25, 1993" *Bankruptcy Case Docket.*
  - "The plan proponent has a duty to comply with MD Local Bankr. Rule 23(d) and filed a post-confirmation report on August 10, 1990 for the period April 16, 1986 through June 30, 1990. However, the proponent has not filed any subsequent reports as required with the court and has not served on the U.S. Trustee any such reports describing the further progress, if any, toward full administration of the plan." *David R. Duncan, Acting United States Trustee, Region Four, By: Laurence S. McWhorter, Senior Attorney, Rockville, MD 20850, August 25, 1993*
  - "In answer to your specific question posed in your letter, please be advised that the licensee is responsible if and when its facility is decommissioned." *Governor Hughes to resident Reeve Jones, October 22, 1981*
  - "With regard to the issue of damage to surrounding properties, the licensee is responsible if a cause and effect relationship can be established." *Ibid*
  - "It is important that NPI set aside sufficient funds to decommission the plant. Present NRC regulations, 10 CFR Part 40.36, require at least \$75,000 or suitable financial assurance. In addition, the company must develop a decommissioning cost estimate and describe how the funds will become

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available. From our experience...it is absolutely essential that this money be collected now, by a percentage of the company's yearly gross. If this is not done, the State of Maryland will be left holding the bag." *Marvin Resnikoff to Heather Rae, November 9, 1996*

- "The Nuclear Regulatory Commission, particularly Region I, have not protected citizen and State financial interests; the NRC is more protective of the industry who pay their fees." *Ibid.*
- "In your letter you asked us to assess the cost of dismantling NPI. We would need detailed plant drawings and exposure rates to make a rough estimate of the cost to dismantle NPI. But really, the NRC and the State should require the company to make these estimates." *Ibid.*
- "MDE considers it reasonable for the Court to assess the maximum fine for all counts. However, as we have stated to you before, it is not MDE's goal to put Neutron Products out of business. In light of the thousands of violations by Neutron that now have been proven, putting Neutron's potential liability into the tens of millions of dollars, MDE is considering seeking a lesser amount than the maximum." *December 3, 1993, Attorney General to John F. Myers, of Miles & Stockbridge (Washington, DC)*
- "It is somewhat reassuring to know that NPI has made its three annual payments on time, amounting to \$40,000, toward the \$75,000 total agreed upon in the court compromise and settlement of 1994." *State Delegate Jean Cryor to Jane Nishida, Secretary of MDE, June 25, 1996. (Avoidance of a fine of \$125,000 is contingent upon compliance with the 1994 Settlement and Stipulation. The Attorney General's office filed a motion in November 1996 (and rescinded it just prior to the court date) to pursue further legal action and payment of the \$125,000 since NPI has violated the court order. These fines are drastically less than the maximum.)*
- In 1986, NPI's owner purchased a house in Bethesda, MD for \$210,000 with no mortgage. *Public record.*
- "Marvin Turkanis...indicated that NPI 'had to be sure that they got their share of the international market for radiation processing and teletherapy sources'. He said that Dale Repp (source installer) and their personnel routinely travels world wide installing their sources. This would say to me that they already have a share-but want a larger portion,( who could blame them?) Does this sound like a company that is likely to go out of business as MDE management fears? Clearly they have an established manufacturing/distribution network here in Maryland and they wish to maintain their considerable share of the US market plus expand further into the rest of the world...My impression is that NPI can afford whatever they need to expand and stay in business- so the problem remains how to convince the state of Maryland that they are indeed a major company that only wishes to expand at OUR (read MARYLAND) expense.- if we allow them to save millions to store their waste instead of bearing the cost of disposal, like all other users." *TDF to RGF (Roland Fletcher of Maryland Department of the Environment, Radiological Health Program), January 31, 1995*
- "Neutron is a small business as defined by the Small Business Act and all applicable implementation of which we are aware...however, we cannot claim 'small entity status' because our annual sales (about \$10,000,000) exceed \$3,500,000. With all due respect, for reasons that are set forth in separate correspondence to the Commissioners, we believe that NRC's 'small entity status' fails to implement the intent of the enabling legislation, and that those of us who qualify as small businesses under the standards set by the Small Business Act and the Small Business Administration are entitled to that distinction." *Jack Ransohoff to the NRC, License Fee and Debt Collection Branch, August 8, 1991*
- "To pay a reduced fee, a licensee must meet the NRC size standards for a small entity. Your business, which has sales revenue in excess of \$10 million, cannot qualify under the NRC size standards as a small entity." *NRC, License Fee and Debt Collection Branch response to Jack Ransohoff, August 8, 1991.*
- "It is Mr. Ransohoff's claim that he does not have the funds to post a bond that is required by the NRC...Mr. Ransohoff looks at the companies (sic) financial problems as a reason for not providing the bonding that is required of any other radiological facility. He claims that he does not have the resources to dispose of the waste that is currently on site. For your information, NPI is the largest

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- manufacturer of Co 60 in the United States and perhaps the world. They distribute their products worldwide." *Ed Herbert of DEP memorandum, March 8, 1995*
- NPI's owner told state Delegate Jean Cryor that he believes that fines are imposed on NPI to generate revenue for the State of Maryland. *Statement by Delegate Jean Cryor, winter 1996.*
  - Tim Hanlon, a contracts attorney with Shaw Pittman, thought NPI still owed the firm for legal services rendered in the early 1980s. *Telephone conversation with resident Heather Rae, 1996.* [The list of NPI's secured creditors is in the public record.]
  - In 1995, NPI incurred two federal tax liens. *Public record.*
  - NPI is incorporated in Delaware and has affiliated operations in other states. Sediment control permit applications identify the subdivision as Ray's Adventure. Kidde Consultants has prepared NPI's building construction plans and Kappe Industries, Inc./Laboratories has performed water testing. NPI's servicing agent is Prentice Hall Corporate Systems, Inc. of Baltimore, MD. *Public Record.*
  - "On January 3, 1997, Jackson A. Ransohoff (Ransohoff) filed a motion to intervene as an individual. Ransohoff is the founder and president of NPI as well as a member of the board of directors and the plurality shareholder. At the hearing on January 16, 1997, Ransohoff argued that his interests are different from those of other NPI officers or shareholders because he is the corporation's sole personal guarantor with outstanding liability. Because of his position as a guarantor on company bank loans, Ransohoff argued that he is 'stuck' in Dickerson with NPI because the hot cells and pools and canals cannot be moved or the costs of moving would be prohibitive. Ransohoff also argued that he has the prospect of liability for future risks due to his role as president and a director of the board under the federal Superfund law." *ALJ Judith Finn Plymyer, March 24, 1997.*
  - "Ransohoff identifies the lenders as Nations Bank, to which \$270,000 is guaranteed, and North American Financial Corporation (NAFCO), to which \$80,000 is guaranteed. I note that the photocopy of the agreement with NAFCO is unsigned by NAFCO." *Ibid.*
  - "He contends that the terms of the License have a bearing on NPI's prospect for survival, for example, due to enforcement of License conditions leading to monetary penalties." *Ibid.*
  - NPI has purchased additional property in Dickerson, MD, and owns the defunct Seneca Valley Feed store property.

### Bonding

- "One, evidently, NPI has claimed that it does not have the funds to post a bond although such a bond is required by the Nuclear Regulatory Commission. Two, I understand your department has expressed concern in the past that if NPI should go into Chapter 7, Maryland and Montgomery County would be forced to be responsible for the site." *State Delegate to Jane Nishida, Secretary of the MDE, June 25, 1996*

### Chemicals

- "In general, we are mixing chemical solutions which we then exposure (sic) to ionizing radiation in our existing plant to produce a commercial product. The discharge of all tank vents goes through a water scrubber to assure that there is no release of chemicals from the plant, and the chemicals used in the plant are stored in stainless steel tanks which in turn are contained with an epoxy coated concrete dike." *Jack Ransohoff to the DEP, Attention: Mr. Gary Miller, May 10, 1976.*
- "Although the raw materials for the process are toxic, the product is nontoxic and the raw materials are readily detoxified." *Ibid.* (Acrylamide is carcinogenic.)
- "Neutron Products maintains that they process chemicals in their facility as opposed to the manufacture of chemicals." *James Baker, Director DEP to Ted Miller, March 23, 1981.*
- "We do process chemicals in our facilities, and it was our stated intent to do so when we originally acquired the property. However we do not manufacture chemicals. Rather we use chemicals in the manufacture of products which are similar in nature to those, the manufacture of which is specifically permitted." *Jack Ransohoff to DEP Division of Construction Codes Enforcement, February 25, 1981.*

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- "...much of NPI's expansion project has been completed. both the per shift and overall output of the plant have been greatly increased. This in turn has increased the demand for demineralized water which along with technical problems has compelled major modifications of the water purification equipment. The reverse osmosis waste has been markedly increased over volumes given previously. We do not yet have data on the chemical composition of the R.O. waste since the system modifications." *NPI letter to county DEP, 1983*
- "The company operates a complex manufacturing process and handles numerous chemicals as well as cobalt-60 sources at the facility. The waste streams of varying quantity and makeup are typical of such a manufacturing facility, yet are somewhat unique here in Montgomery County." *James Caldwell, Environmental Planner of DEP to John Menke, Director of DEP, November 2, 1984*
- "Regarding the chemicals being used at the facility as well as other public health and environmental considerations, I have been instrumental in the creation of a task force to evaluate these issues. The task force is composed of technical individuals from each Administration in OEP. This group will be visiting NPI in the near future and will be reviewing the operations as they relate to their specific programs" *David Resh, state DHMH, to Bev Thoms, April 23, 1985*
- "Did this ever happen?" *Kerrie Hyde's note on copy of April 23, 1985 letter from David Resh*
- "Mr. Ransohoff said cobalt 60 represents 30 percent of the company's business." *The Frederick Post, March 3, 1989*
- "Site complaint: 1) Storing hazardous waste over 90 days without a facility permit in violation of COMAR 26.13.03.05 2) Storing hazardous waste in a fiberglass tank which does not meet the requirement of COMAR #26.13.05.10 3) Discharging waste water to the water of the state 4) The contingency plan and emergency procedures does not meet the requirement of COMAR 26.13.05.04 5) The level of waste in the tanks must be checked once a day. The tanks must be inspected once a week." *State Department of the Environment, Hazardous and Solid Waste Management Administration, Site Complaint number 89-097, April 14, 1989. [The state issued NPI an industrial discharge permit, but no records indicate that NPI was fined.]*
- "An inspection of the premises also found wastewater mixed with Acrylic Acid stored in a 6,000 gallon container of fiberglass tank near the Acrylic Acid storage room for over three years. According to Mr. Verdon this fiber glass tank is used as a catch tank 'when Acrylic Acid delivered the line is washed and rinsed with 30 gallon water and the water is stored in the fiber glass tank' This tank has never been emptied to his knowledge." *Ibid.*
- "While we do not fabricate shipping containers, we are a manufacturer - of specialty chemicals, radioactive sources, and equipment directed to the safe utilization of those products." *NPI letter to the License Fee and Debt Collection Branch of the NRC, 1991*
- Chemicals used by NPI to manufacture specialty chemicals (acrylamide, acrylic acid, liquid nitrogen, dimethyl amine aqueous solution, cobalt-60 and others) are specifically identified under the Superfund and Reauthorization Act, Community Right to Know Act (SARA Title III). NPI has filed a hazardous materials report with Montgomery County as required by law. *Public Record.*
- "In the interim, we will conduct, with your cooperation, some controlled experiments to determine our capabilities for disposing of processed sanitary waste liquids either by controlled drainage into local waterways, or by evaporation." *NPI letter to county DEP*

### **Zoning**

- "...it is our understanding that any use permitted in I-3 is automatically permitted in I-1." *Jack Ransohoff to Montgomery County Department of Environmental Protection, Division of Construction Codes Enforcement, February 25, 1981.*
- "Mr. Hicks, Application for construction of Neutron Products in 1967 listed the use as Radiation Process Development. This use would fit under the category of laboratory which was permitted use in the I-1 Zone as "Laboratories, physical, chemical, mechanical, electrical, calibration and research." The U&O [Use and Occupancy Application] in 1968 clearly stated-"Office space-store and process Cobalt-60, Develop Radiation processes." Later building permits to extend the structure gave such

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uses as "Processing of Radioactive Cobalt" and chemical plant labs, offices. Previous zoning officials saw these uses as consistent with the zone... The only reference the zoning ordinance makes to Radioactive Materials pertains to the I-3 Zone (p 122) which says they must conform to the regulations of the Atomic Energy Commission and the state... We should probably inspect, if possible, to determine what they actually do on the site. Are they still a laboratory in the broadest sense or strictly a chemical manufacturing plant. This letter and initial inquiry about Neutron Products by this office should be directed to the state. Perhaps also with the information we obtain from the state, we could schedule a joint inspection of the facility before any hasty action is taken. If questionable, the county Attorney should be consulted." *Jeanne Holmes of Montgomery County, January 12, 1981.*

- "Neutron Products, Inc. first located in Dickerson in 1967. The property was previously used as a tractor repair facility and was zoned as a light industrial use category (I-1). The zoning category is still I-1 today." *Ed Herbert of DEP, Summary of the History of NPI in Dickerson, Maryland, November 12, 1996.*

### Sewage Disposal

- "We have been working with the county Health Department to assure that our proposed occupancy and utilization is acceptable to them, and we have submitted a proposal for sewage treatment which, we believe, they will find satisfactory. We are not asking you to comment on this aspect of our proposed occupancy." *NPI to Montgomery County Economic Development, June 7, 1967.*
- "Dickerson does not have sewer and water. Our town site on a 'sole source aquifer' designated by EPA, which covers 130 sq. miles. On October 14, 1981 a Federal Appeals Court Judge dismissed Montgomery County's appeal challenging this designation. According to the Court, "pollution of one basin can result in contamination of the entire water supply in the 130-sq. mi. area. NPI flagrantly violates the stated policy of both the State Sanitation Dept. and Montgomery County's Dept. of Health by using, since 1975 or longer, holding tanks for sanitary wastes. (See Directive Policy #8, State Dept. of Sanitation). If this policy directive was made to be enforced, who will enforce it? If it is not to be enforced, why pay persons to hand it out to the public?" *K.P. Dilonardo to Governor Harry Hughes, October 27, 1981.*
- "Homes have been burned in Dickerson because the soil would not support a traditional type septic system. Why is NPI given special treatment and allowed to use holding tanks? *Ibid.* [See section on "Politics and Special Treatment"]
- "Should the company be allowed to continue to use an "interim" (13 year) holding tank for human sanitation purposes just because it also has a hazardous-materials holding tank, when other commercial establishments and ordinary residences are not permitted to be constructed with holding tanks, except on short-term, temporary basis? *Dickerson Citizens Association Steering Committee to Rose Crenca, Member, Montgomery County Council, November 23, 1981.*
- "State policy in the use of holding tanks is to abate an existing or potential health hazard or nuisance. Continued use is very expensive and allowing the installation of a holding tank by a local health department is generally the last resort. All local health departments are advised to explore replacement system feasibility or a retrofit of existing system before allowing a holding tank." *Inspection and Compliance (State) to David Resh, Subject: PK Dilonardo Letter to Governor Hughes—Question #5, December 3, 1981.*
- "When acquired, the property, which housed a farm machinery dealership, lacked modern sanitation facilities. The soil failed to provide adequate percolation for installation of a septic system, and the original outhouse was replaced by a gas-fired incinerating toilet. As the number of employees rose this proved unsatisfactory, and a better solution to the sanitary waste problem was sought." *Jeff Williams, NPI Manager Process Development, to David Sobers of DEP, June 21, 1983.*
- "Concurrently, a replacement for the reverse osmosis method employed in treatment of low-level cobalt-60 contaminated water... was being contemplated... [because the state] was opposed to the discharge of such material." *Ibid.* [NPI had been discharging its industrial effluent without a permit.]

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- "A satisfactory solution to both problems was provided by the installation, in 1972, of a 3,000 gallon holding tank which collected both the relatively small volume of radioactively contaminated water and the larger volume of sanitary waste." *Ibid.*
- "Since the submittal of the original application in June, 1982 much of Neutron Products' expansion project has been completed, in particular the expanded polymer production facilities are now in operation. Both the per shift and overall output of the plant have been greatly increased. This in turn has increased the demand for demineralized water which along with technical problems has compelled major modification of the water purification equipment." *Ibid.*
- "The total generation of waste water both sanitary and chemical has increased somewhat since our first submittal, concurrent with increased employment and production." *Ibid.*
- "Holding tanks can be authorized only to alleviate an existing health hazard where on-site repair is not possible. They are not to be used for new installations." (State Directive Policy GS-8, effective 1976) *Donald Noren, DHMH to local health officers.*
- "The records have indicated that the county allowed further building expansion using holding tanks over the years. Building expansion in this situation was clearly not in accordance with the state policy; however, a review of the current situation revealed no public health problem." *Dave Bauer of DHMH to William Wallace of Dickerson Citizens Association, April 22, 1982. [see section on "Footdragging and Negligence"]*
- "I understand NPI is preparing an application for an NPDES permit which should be submitted to the state shortly. Additionally, they are investigating the possibility of sanitary wastewater disposal by septic tank/soil absorption." *DEP to the state, 1982*
- "In regards to the best wastewater treatment option...we agree that both the wastewater treatment plant option and the holding tank option hold merit. The decision to use one or the other may well be linked to the degree of future growth at the site [see section on "Expansion"]. The holding tanks have proven to be effective in handling present waste loads and with minor modifications could take minimal increases. Their continued use would most definitely limit the possibility for a great deal of future expansion in sacrifice for more complete oversight of waste disposal. On the other hand, the treatment plant is a proven method for wastewater treatment, provides flexibility for adequate treatment of various waste constituents and is regulated in a formalized program." *Jim Caldwell, Environmental Planner of DEP to John Menke, Director of DEP, November 2, 1984*
- "Both options carry their own impacts on the public and the environment. If the worst case is considered, an organism kill at an activated sludge treatment plant would result in the untreated discharge to Little Monocacy River at the rate of 2,000 gallons per day. Turn around time on the plant would average one month, although emergency storage and hauling could halt this discharge, once discovered. The holding tank option could result either in a spill on NPI property or an (sic) accident in transportation (sic) spilling 2,500 gallons over the ground." *Ibid.*
- "I. Re Ransohoff. I talked to Bob Carty who was a signer of the agreement. He also mentioned this to Sharon, who had done most of the negotiation for the HD [Health Department]. Both of them felt as we have concluded, that the Agreement spells out what can be done by Neutron, that to do what we understand Rans wants to do would require an amendment to the Agreement, that if JR wants to pursue that, he should send us a written request with a clear statement of hardship to justify reopening it. This should then be negotiated primarily by the HD since it was their issue that triggered the agreement. The community should also be made aware of such a negotiation, and would likely strongly object." *Internal county correspondence to Bob Seely, February 7, 1985*
- "In 1980, NPI applied for another building permit to construct a second irradiator. At this time, the county decided to deny NPI's request for a building permit and stated that no further building permits or holding tank permits would be approved unless and until NPI established a wastewater treatment plant for the disposal of waste. This became the basis of the Agreement between the county and NPI, dated January 26, 1982." *Attorney General Staff Attorney to resident, June 19, 1989*
- "Holding tanks must not be used for new construction. Holding tanks must only be used to resolve existing on-site sewage system failures and to provide indoor plumbing to legally occupied and situated dwellings without indoor plumbing where community sewer is not economically available

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and on-site repair is not possible. The following conditions must be met for the use of a holding tank..." *Executive Regulation, Office of the County Executive, Montgomery County, 28-93AM, March 24, 1994*

- "Leaking Underground Wastewater Collection Tank: On March 24, 1995 MDE obtained soil samples from the area surrounding the underground wastewater collection tank. Results are attached and indicated that the tank was leaking. NPI personnel removed all contaminated soil, about 1 and 1/2 feet below grade. The top of the tank was exposed. A leak was identified at the pipe connecting to the top of the tank. Contaminated soil was placed in drums and stored in the LAA [limited access area] Radiation Laboratory Report: NPI-Tank soil sample: cobalt-60 and cesium-137." *Radioactive Material Inspection Findings and Licensee Acknowledgement, August 29 & 30, 1995. [NPI refused to sign this inspection report.]*
- "Please check service(s) provided: Holding Tanks (Domestic)" *Discharge Permit Application, Permit number 96-19 issued June 27, 1996. ["Hazardous Waste," "Industrial Waste" and "Holding Tanks (Industrial)" were not checked.]*
- "Review of potential off-site release ... of cobalt-60 into the sanitary sewer." It reported, "liquid radwaste is generated primarily from Limited Access Area (LAA) floor mopping, protective clothing laundering, use of the decontamination showers and sinks and rainwater runoff through the LAA's contaminated courtyard...with the exception of rainwater runoff, liquid radwaste is collected in an underground wastewater collection tank, dumped from the collection tank into a tanker truck on at least a weekly basis, and subsequently transported and deposited into the municipal sanitary sewer system at the Muddy Branch station in Montgomery County, MD." *State inspection report, 1993*
- "Inspector measurements also revealed radiation levels of about 1.5 mR/Hour at the surface of the tanker truck. These levels remained after the truck was unloaded, suggesting either particulate plate-out or sediment in the tank, or possibly cobalt retained in waste material due to insufficient cleaning of the tank during routine dumping. The insufficient cleaning is in violation of the licensee's procedure. In any case, the solubility question is a matter which needs to be evaluated by the licensee." *Ibid.*
- "It is important to remember that further modifications to your facility will be governed by the 1982 Agreement. I have reviewed our files and see that in 1983 you submitted an "Application of Neutron Products, Inc. To Amend The Montgomery County Ten Year Water and Sewer Plan," and also a revised plan. Our office responded to your submittals and requested further information. After that point, we received no further inquiries about the treatment plant for your facility. Additionally, MDE has no record of any applications for and NPDES permit for your site." *Ed Herbert of EP to NPI, 1995.*
- Building Permit Application Number: 102642, Type of Sewage Disposal: "No plumbing". Type of Water Supply: "No plumbing". Signed by Jack Ransohoff, President, November 31, 1979. *Public records.*
- Building Permit Application Number: 002263, for L.3974, F.366, Type of Sewage Disposal: "No plumbing" signed by Jack Ransohoff. Type of Water Supply: "No plumbing" signed by Jack Ransohoff. Foundation Only. Signed by Francis Kreysa, Corporate Secretary, May 14, 1980. *Public records.*
- Building Permit Application Number: 004551, for L.3974 F.366, Type of Sewage Disposal: Community - Other. Type of Water Supply: Individual - Well. Construct/Extend/Add Roof. Signed by Francis Kreysa, Corporate Secretary, November 15, 1980. *Public records.*
- Building Permit Application Number: 011802, for L.3974 F.366, Type of Sewage Disposal: Individual - Septic. Type of Water Supply: Individual - Well. Revision to 004416. Signed by Francis Kreysa, Corporate Secretary, May 6, 1981. *Public records.*

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**Sediment Control**

- "With reference to sediment control permit #8111300707, you are currently in violation of the sediment control law." *Robert Seely, Acting Chief of Division of Construction Codes Enforcement, DEP to Jack Ransohoff, February 7, 1985*
- "I would like to take note of the fact that although your Department apparently believes that we were not addressing the County's concerns on a timely basis, both you and your people have been remarkably pleasant in the discharge of your duties as you see them, and we are favorably impressed. I have asked Francis Kreysa to be responsible for maintaining our schedules, and in that regard he has authority to see that those involved undertake whatever is required." *Jack Ransohoff response to Robert Seely letter of February 7, 1985, March 1, 1985* [Francis Kreysa is an attorney representing NPI presently.]
- "We believe that we are close to an agreement with the Chessie to purchase the property on which we would prefer to build a dry pond; but that is nothing new, and we can neither bet \$250 per day on it nor, given the history, assure that the acquisition will actually occur. Nevertheless, we do not want to build the pond that has been authorized. By the close of business on March 8, 1985, we will submit a request for amendment to the authorized plan which will achieve the hydrologic objectives of the approved plan by use of a shallow dam more or less in accordance with the conceptual design set forth in drawing #120090. If possible, the substitute dam will be designed in such a way that it can also serve as the foundation for a future structure. In doing so, we are not seeking approval to build such a structure; and in approving same, the County is not implying future approval to add superstructure." *Jack Ransohoff to Donald Boswell, DEP, March 1, 1985*. [\$250 appears to be a daily fine against NPI; the 'history' may be reference to residents recollection that NPI built over CSX property and was sued for it. A future structure would violate the 1982 Agreement between the county and NPI to halt NPI's expansion while it used holding tanks for waste disposal.]
- "In my opinion, Mr. Ransohoff has fought MDE every step of the way, arguing each point of concern. Our office has tried to intervene, but Mr. Ransohoff continues to insist that everything is working against him. He has also mentioned that our sediment control people have not been very helpful to him." *Ed Herbert of DEP to Robert Merryman, Acting Director of DEP via Jim Caldwell, Chief of Office of Environmental Policy and Compliance, March 8, 1985*

**Expansion**

- "County environmental officials have long opposed storage of radioactive waste at the Dickerson plant. Since 1982, the county Department of Environmental Protection has refused to allow the plant to expand unless it also expands its sewage handling capability." *Montgomery Journal, May 30, 1997*
- "Much of the first phase of this project has now been completed or nearly so. Expanded polymer production facilities are in operation, as is a new shipping and receiving warehouse. Additional warehouse space, the employee lunch room, a new laboratory, as well as office and operating areas are scheduled for occupancy in the near future." *NPI to DEP, January 8, 1982*
- "The permits for Neutron Products' plant expansion were issued on January 8, 1982. Much of the first phase of this project has now been completed or nearly so. Expanded polymer production facilities are in operation as is a new shipping and receiving warehouse. Additional warehouse space, the employee lunch room, a new laboratory, as well as office and operating areas are scheduled for occupancy in the near future." *NPI's Revised Application to the Montgomery County Water and Sewer Plan, June 17, 1983*
- "After becoming satisfied that the proposed expansion would actually decrease the increase in the generation of wastewater that would otherwise occur, the Health Department withdrew its objections to the expansion, and the county and NPI entered into an agreement on January 20, 1982." *NPI to DEP, June 21, 1983* (Sewage generation increased with the expansion. [See section on "Sewage Disposal."])
- "NPI has diversified greatly since commencing operations in Dickerson. The recent completion of building at the site has more than doubled their present production capabilities. The company

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operates a complex manufacturing process and handles numerous chemicals as well as cobalt-60 sources at the facility. The waste streams of varying quantity and makeup are typical of such a manufacturing facility, yet are somewhat unique here in Montgomery County." *James Caldwell, Environmental Planner of DEP to John Menke, Director of DEP, November 2, 1984*

- "Today the company is probably one of the largest manufacturers in the County and has the potential for significantly greater output. NPI cannot be criticized for their expansion plans as it is in the company's best interest to maximize the utility of their land and the manufacturing capability at this site." *Ibid.*
- "Wastestream Description: NPI has proposed segregation of their wastestream into five distinct flows to be treated separately as outlined below. Sanitary Wastes: This wastestream consists of toilet/shower, laundry and general janitorial wastewaters. Ultimate flow from these sources is estimated to be 2,000 gpd. It is this wastestream that NPI would like to treat and discharge into the Little Monocacy River. Reverse Osmosis Wastestream: Currently, 4,500 gpd is generated. NPI estimates maximum flows of 9,500 to 13,500 gpd. These wastewaters are currently discharged to the ground surface. No permit presently exists for this discharge. Ion Exchange Resin Regenerate Wastewater - This stream currently amounts to 4,000 gallons per month (avg. 130 gpd) with ultimate flow of 12,000 gallons per month (avg. 400 gpd). Because of the moderate salinity of this wastestream it is disposed off-site. Chemical Wastes - This waste consists of floor washings and hardware cleaning in and around the polymerization process. These water contain a small quantity (5%) of acrylamide, the raw material used in their process. Current flow approximately 220 gpd - ultimate flow 400-650 gpd. NPI has proposed to continue the current handling of this waste which is containment in a separate holding tank. However, NPI may wish to process this bio-degradable waste on-site in the future if it proves economically beneficial. Contaminated Waste - As part of the routine decontamination processes in the Co-60 storage area (floor washings and laundry) small quantities of water are generated which carry an activity of  $5 \times 10^{-15}$  uCi/cc. Currently this wastestream, which amounts to between 50 and 100 gpd, is combined with the sanitary wastes. This wastestream flow will remain the same. NPI proposes to segregate this wastestream and subject it to a distillation process which will result in a concentrated waste liquor to be disposed of as radioactive waste. The distilled water will be reused at the facility." *Ibid.* [Presumably, NPI provided these descriptions to Caldwell.]
- "This office will consider new applications for new construction once the terms of the Agreement are met and all outstanding violations are corrected. New applications will not be accepted as revisions to previous permits. In fact, building permit #8201080058 has been closed out of our computer system. [permit submitted on 9/24/81 and granted on 1/8/82 for warehouse and process area 'revision to existing foundation permit' in which NPI states that it has a septic system.] Permit #8409100060 for the roof over a storage area is the only active building permit on record at this time. [permit submitted on 9/10/84 and granted on 9/10/84 for a roof over a storage area (interior court) as a revision in which NPI states that it has a septic system.]" *Robert Seely, Acting Chief, Division of Construction Codes Enforcement, to Jack Ransohoff, February 7, 1985.* This letter was copied to John Menke.
- "Building permit application No. 10-040156, must be evaluated in regard to its compliance with the 1982 Agreement between NPI and the County. This Agreement states that until a wastewater treatment plant is constructed no additional building permits will be issued beyond those to cover the construction proposed in NPI Site Plan Drawing No. 120064, Revision A. The site plan which accompanies the building permit application in question, labeled No. 120064, Revision E, identifies an enclosure significantly larger than that described in Revision A. Since this increase in size is not addressed in the Agreement, it represents a deviation from the Agreement. As such, the permit application will be denied. However, this Department would consider, in any new application, structural alterations to the enclosure defined in Site Plan A, that would facilitate future expansion of the enclosure once the terms of the Agreement are met." *John Menke, Director*
- "Neutron Products, Inc. expanded their facility and continued to incorporate additional functions into their business. Neutron Products, Inc. applied for and was granted building permits until 1981. At that time, Neutron's applications were denied because there was no acceptable means to deal with the

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sanitary waste disposal method in place." *Ed Herbert of DEP, Summary of the History of Neutron Products, Inc. in Dickerson, Maryland, November 12, 1996, submitted to County Senior Legislative Analyst Jennifer Hughes*

- "It is important to remember that further modifications to your facility will be governed by the 1982 Agreement. I have reviewed our files and see that in 1983 you submitted an "Application of Neutron Products, Inc. to Amend the Montgomery County Ten Year Water and Sewer Plan," and also a revised plan. Our office responded to your submittals and requested further information." *Ed Herbert of DEP to Jack Ransohoff, February 8, 1995*
- "After that point, we received no further inquiries about the treatment plant for your facility. Additionally, MDE has no record of any application for an NPDES permit for your site. Since any additional modifications to your property other than those specifically listed above, are in fact expansion. Consequently they cannot be approved with your current waste disposal system as outlined in the 1982 Agreement." *Ibid*
- "In our previous letters... it was also stated that we would consider the amendment [to the 1982 Agreement] once the items in the 1994 Stipulation and Settlement between the Maryland Department of the Environment (MDE) and Neutron Products, Inc. (NPI) were completed." *Ibid*
- "The 1982 Agreement is an illegal document designed to cover an illegality." *Statement by lawyer to resident. [It is illegal because it permits NPI to build in violation of sewage disposal regulations. It covers the illegality of having permitted NPI to expand while using holding tanks for sewage disposal.]*
- "Neutron's president said he cannot understand why county permitting officials have not accepted the preliminary drawings he submitted for the structure needed to curb emissions. Permitting officials said they simply insisted the company supply the level of detail they require of any applicant — such as the use and dimension of rooms and electrical and mechanical details." *Montgomery Journal, May 30, 1997.*
- Building permit applications, occupancy applications, and building permits. *Montgomery County Public Record.*

**Plant Noise**

- "We have received several comments requesting us to take action which would decrease the noise from our exhaust systems. We consider these comments well taken; and although instant remedy is not feasible, we think it will be practical during the course of the next several months to make changes which we believe will eliminate or substantially reduce the noise. These changes involve expenditures of significance to us, and before proceeding any further with plans, we want to be certain that you consider the changes desirable. Meanwhile, please accept our apologies for this avoidable inconvenience." *Jack Ransohoff to Meems, January 31, 1981 (The state had motioned to revoke, modify or suspend NPI's radioactive materials license at the time that this letter was written.)*
- "Mrs. Meem and I feel that we have been used as a dumping ground for Neutron Products long enough. We have endured a hideous dirty looking mess for 14 years plus the continuous noise 24 hours a day 365 days a year from operating machines, the loading and unloading of trucks and the Barroom language used by some employees at all hours. Plus the air vents directed right at our property. The excess noise 24 hours 7 days a week from the Iradiators (sic)" *Harry Meem notes written after discovery of widespread radioactive contamination of his property.*
- "On June 3, 1996, The Montgomery County Department of Environmental Protection, Office of Environmental Policy and Compliance received a complaint of fan noise originating from the rear of Neutron Products at 22301 Mt. Ephraim Road, Dickerson, Maryland. The complaint specifically indicate (sic) noise from fans located at the back side of the facility, and on the "Poly Ox" building facing the railroad station. On June 12, 1996, I performed an investigation of this complaint and found the fan at the rear of the building running. It created 68.7 dBA (a weighted decibels) at the railroad property line... the fan facing the railroad station did not appear to be running. The Montgomery County Noise Ordinance... establishes a sound decibel limit of 63 dBA allowed to cross

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commercial/industrial line. Thus the fan located at the rear of your building is in violation of Montgomery County law. This is a Notice of Violation. Please be aware that the fan noise must also not exceed 55 dBA at the closest residential property line." *Pamela Shine, Environmental Health Specialist II to Jeff Williams of NPI, August 2, 1996.* [These exhaust fans face property that has been residential for at least the last 80 years, during which time, report long-time residents, the county changed its zoning designation to light industrial.]

- "On September 5, 1996, I met with you at Neutron Products to conduct sound level measurements of the fan located at the rear of your buildings. These measurements follow the completion of some sound level abatement work done to that fan. At the rear of Neutron Products on the closest railroad track, the fan created 65.8-66 dBA (a weighted decibels). This measurement is still in exceedance of the sound level limit of 62 dBA across a commercial property line as required by Montgomery County Code, Chapter 31B. Thus this fan is still in violation of Montgomery County law. At that time, you indicated you would look into further abatement measures, then notify me for additional sound level measurements. In addition, sound level measurements were also taken of the fan on the side of Neutron Products facing the railroad station. This fan was found to create 62-63 dBA at the railroad tracks. You indicated that an additional panel would be added in front of this unit to reduce the sound level of this fan to within the 62 dBA limit. As the fans are still in violation of Montgomery County law, I am requiring the above abatement measures to be implemented within two weeks of receipt of this letter." *Pamela Shine, Environmental Health Specialist II to Jeff Williams of NPI, September 26, 1996.* [By March 1997, NPI had removed the additional "panel" from the fan at NPI's side.]
- "On October 16, 1996, I conducted sound level measurements of an exhaust fan located on the railroad station side of Neutron Products, at your request. These measurements follow the application of some sound absorbing material in front of the fan. This fan originally measured 62 dBA at the fence surrounding Neutron Products, and 64 dBA at the railroad track behind the building. I recorded 52 dBA outside the fence of Neutron Product, (sic) and 57 dBA on the railroad track. These measurements indicate compliance of the fan with chapter 31B of the Montgomery County Code, The Noise Ordinance. I understand that the other fan not in compliance with Chapter 31B, specifically the fan located at the rear of Neutron Products, is not running at this time, is not expecting to be running, and will not run without first coming into compliance with Chapter 31B." *Pamela Shine, Environmental Health Specialist II to Jeff Williams of NPI, December 3, 1996.* [Beginning in February 1997 until this writing, the sound absorbing material in front of the fan no longer covers the fan. In November 1996, a resident was informed that the fan that is not expected to be running is associated with NPI's chemical manufacturing.]

**Radioactive Materials License—Maryland Department of the Environment (MDE)**

- "Each licensee shall conduct operations so that — (1) The total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1 mSv) [100 millirems] in a year; (2) The dose in any unrestricted area from external sources does not exceed 0.002 rem (0.02 mSv) [2 millirems] in any one hour. If the licensee permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individual. A licensee or license applicant may apply for prior NRC authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv) [500 millirems]. The licensee or license applicant shall include the following information in this application: demonstration of the need for and the expected duration of operations in excess of the limit in paragraph (a) of this section; the licensee's program to assess and control dose within the 0.5 (5 mSv) annual limit; and the procedure to be followed to maintain the dose as low as reasonably achievable. In addition to the requirements of this part, a licensee subject to the provisions of EPA's generally applicable environmental radiation standards in 40 CFR part 180 shall comply with those standards. The Commission may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee may release in effluents in order to restrict the collective dose." *Nuclear Regulatory Commission, 10CFR Chapter 1 (1-1-95) Section 20.1301.*

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- "Each licensee or registrant shall conduct operations so that: (a) (i) The total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 1 mSv (0.1 rem) [100 millirems] in a year, (ii) the dose in any unrestricted area from external sources does not exceed 0.02 mSv (0.002 rem) [2 millirems] in any one hour. (b) The Agency may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee may release in effluents in order to restrict the collective dose. (b) A licensee or registrant shall show compliance with the annual dose limit in D.301a.i by: Demonstrating compliance with D.101 a, and Demonstrating by measurement, or calculation, or appropriate simulation model that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed or registered source of radiation does not exceed the annual dose limit of D.301; or Demonstrating that: (a) the annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table II of Appendix B; and (b) if an individual were continually present in an unrestricted area, at the point of highest potential exposure from the licensed or registered source of radiation, the dose to that individual would not exceed 0.02 mSv (0.002 rem) [2 millirems] in an hour and 0.5 mSv (0.05 rem) [50 millirems] in any year. *Dose Limits for Individual Members of the Public, Regulations for the Control of Ionizing Radiation (1994), Radiological Health Program Air and Radiation Management Administration Maryland Department of the Environment, Adopted September 9, 1995, Effective October 9, 1995 (Sections D.301-302)*
- "(a) In addition to complying with all other provisions of these regulations, a licensee or registrant shall use all means to maintain radiation exposures and releases of radioactive material as low as reasonably achievable (ALARA); (b) each person licensed to receive, use, transfer, own, or acquire radioactive material under Part C of these regulations shall develop, document, and implement a radiation protection program sufficient to ensure compliance with the provisions of these regulations; (c) The licensee shall, at intervals not to exceed 12 months, review the radiation protection program content and implementation. *Ibid (Section D.101)*
- "Condition 13.L provides that the facility boundary radiation exposure limit shall not exceed 500 mRem per year. In addition, COMAR 26.12.01.01 D.101 requires that all licensees must reduce radiation exposure to a point as low as reasonably achievable ("ALARA"). MDE monitors the boundary radiation exposure limit using thermoluminescent dosimeters (TLDs) placed in eight locations around the perimeter of the facility and in two other locations in the area. In 1994 the 500 mRem annual limit was exceeded in two locations. Three other locations were in excess of 400 mRem. In 1995 one location registered an annual rate of 656.8 mRem, while six others were above 400 mRem." *Motion to Enforce Judgment and Order of the Court, November 13, 1996.*
- "Clearly exposure rates in the vicinity of the NPI facility, as measured by TLD monitors, exceed 500 mr/y and should be reduced. The State inspections reports are not clear as to why these perimeter measurements are so high, but they clearly exceed regulatory limits and are not protective of public health. Several pathways are possible. Groundshine (gamma exposure from Co-60 contaminated earth), skyshine (reflection from the plant), direct gamma from the plant are all possibilities. Groundshine is likely due to contamination deposited from the plant stack during previous operations. Or, loose contamination may have washed off the site from the courtyard into the dry pond." *Marvin Resnikoff, Radioactive Waste Management Associates, November 9, 1996 letter to Heather Rae*
- "Recent studies of Japanese bomb survivors (1996) clearly show the low-levels of exposure increase the likelihood of cancer, disease and genetic effects. As more information has become available from Japan, the radiation standards have become more restrictive. Previously accepted standards of 500 millirems/year (mr/y) were reduced by the Nuclear Regulatory Commission (NRC) to 100 mr/y in 1994, following reports by the International Commission on Radiological Protection (ICRP 60) and the National Academy of Sciences BEIR V report. Based on recent studies of Japanese bomb survivors, the exposure standards will again have to be reduced." *Ibid.*
- continued... "NPI has done a survey of the local environment and has removed identifiable particulates. Microscopic-sized particulates on neighboring properties may still be present. HEPA filters which the plant presently employs are quite effective in removing larger particulates from the

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stack, though smaller particulates can escape. Considering the radioactive throughput at NPI, a very small fractional release could easily lead to neighborhood contamination. It is unclear whether deposition from the stack is any longer a major pathway. More likely, as the State has identified, courtyard contamination may become airborne or be washed off the site into the dry pond." *Ibid.*

**Violations (Partial; Documented)**

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1. NPI was in noncompliance with DHMH regulations in notices dated 11/1/73, 04/01/74 and 07/01/75. Each notice ordered the immediate repair of leaks in NPI's main storage pools. (These pools contain radioactive Cobalt-60.)
2. In 02/76, a DHMH inspection found that no monthly employee dosimeter badges had been forwarded for processing by NPI for the previous ten months.
3. In 03/76, in citing NPI for noncompliance due to the radiation overexposure of an employee, a DHMH notification of noncompliance stated, "It is apparent from this inspection and a review of your past record that your corporation does not have an adequate radiation safety program to protect the employees and the public."
4. In 04/76, NPI was cited for the radiation overexposure of three employees.
5. In 04/78, a DHMH inspection survey revealed a "hot spot" with a radiation level of "several hundred millirem/hr on contact within the fenced area outside of NPI's building
6. In 12/78, NPI reported the shipment and discharge into the WSSC system of waste water with an activity in excess of the permitted radioactive content. In a 10/93 inspection, NPI had still not cleaned up its waste water disposal process. [Incredibly, NPI still pushes for approval to expand its operation and to release its increased effluents into the local environment: in a 05/07/76 letter to the county Department of the Environment, NPI states that "it is necessary from time to time for us to dilute decontaminated wash water and mop water in order to meet the radioactivity limits for disposal into the sewage system." Based on this statement, "decontaminated" wash water contains radioactivity. Apparently, this is same water that NPI would like the county to permit it to release into local waterways: "we will conduct, with your cooperation, some controlled experiments to determine our capabilities for disposing of processed sanitary waste liquids either by controlled drainage into natural waterways, or by evaporation."]
7. In 01/79, during a DHMH inspection, it was observed that contaminated equipment was being cleaned in the facility yard. "a practice in direct conflict with established procedures." An inspector's evaluation on this report noted, "The company continues to implement changes in the facility that impact radiation safety without informing the department, hence we are always playing 'catch-up' to operations performed by the company."
8. In 02/79, NPI reported the ingestion by an employee of Cobalt-60 sufficient to produce a reading of 0.5 millirem/hr on the skin below the rib cage. The employee was taken to Frederick Hospital (15 miles away) for monitoring and purging of the gastro-intestinal system.
9. In 03/79, NPI was cited for employee nasal contamination which occurred during a Cobalt-60 melt in 09/78. NPI was also cited for making no evaluation of airborne concentrations of Cobalt-60 during melt cleanup, for operating without an approved respiratory protection program, and for not having prompt whole body dose measurements taken on employees conducting the cleanup operations.
10. In 04/80, a main storage pool overflow was reported by NPI which was caused by an unsupported piece of plastic falling into the pool over a weekend, blocking a circulation drain. The plastic was placed over the pool while steel I-beam construction was occurring overhead. Despite the obvious reason for the accident, NPI tried to claim the incident was the result of sabotage.
11. In 11/80, a "hot spot" was discovered on the CSX rail bed. NPI again claimed sabotage.
12. In 1989, a vice president of NPI set off portal monitors at the Ginna nuclear plant in New York. The vice president said that he did not have time to pass through the portal monitors at NPI; contamination was found on his clothing and car. The incident was reported to the NRC and NPI's melting operations were temporarily curtailed. The operation was allowed to open although NPI had no operating license, was exceeding perimeter dosage rates, and was contaminating surrounding areas with cobalt-60 particles.

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13. In 3/89, Site Complaint Number SC-0-89-097 of the Hazardous and Solid Waste Management Administration Enforcement Program of the State of Maryland, MDE filed this report:
  - storing hazardous waste over 90 days without a facility permit in violation of COMAR 26.13.03.05;
  - storing hazardous waste in a fiberglass tank which does not meet the requirements of COMAR 26.13.05.10;
  - discharging waste water to the water of the state;
  - the contingency plan and emergency procedures does not meet the requirement (sic) of COMAR 26.13.05.04;
  - the level of waste in the tanks must be checked once a day, the tanks must be inspected once a week.
14. "On June 22, 1992, at 1300 hours this writer [Ray Manley] telephoned Mr. Ransohoff..pursuant to an earlier telecon, on June 22, 1997, in which he requested the Agency to call NPI. He stated that he wished to report to the Agency that NPI had identified a RAM particle (probably cobalt60) in the Dickerson neighborhood while conducting routine environmental surveys..Mr. Ransohoff stated the following: The particle was found on a neighborhood property (he did not at present know the name of the owner, address, or person renting the property) approximately 400 to 500 feet East and downwind of the facility on 6/18/92 or 6/19/93 by Bernie Boswell...The activity of the particle has been estimated by NPI using emissivity dose rates as being 50 microcuries...NPI has removed the particle and put it in the LAA, where it has been broken up into three small particles. Each particle is too hot to be counted by the NPI counting system. Mr. Ransohoff stated that this residential property was presently for sale, and that it was his understanding that previous to the NPI survey the realtor had called RHP (Carl E. Trump, Jr.) and the NRC (Frank Costello) to discuss the danger of persons living in the NPI vicinity. Mr. Ransohoff stated that he has spoken to the realtor since the particle was found and relayed the results of the survey. He stated that the owner of the property and those persons presently living on the property were unaware of the survey results...The property has never been surveyed by NPI before because of the inability of NPI to contact the resident/owners for permission." *Accident Incident File, From Ray Manley, Investigation and limited inspection on NPI regarding the uncontrolled release of a fifty microcurie cobalt-60 particle in the Dickerson community. [Why did Bernie Boswell not inform the state on 6/18/92 or 6/19/92? Why after days of delay did Mr. Ransohoff know none of the details about property ownership? Why was the owner and renter not immediately informed?]*
15. October 18-22, 1993 Announced, Limited Reinspection Report following August 8 and 14, 1993 Inspection
16. May 17, 1994 Notice of Violation based on April 20-21, 1994 Inspection.
17. August 30-31, 1994 Inspection Findings and Licensee Acknowledgement [NPI refused to sign.]
18. November 28-29, 1994 Unannounced Reinspection Report following August 30-31, 1994 Inspection
19. August 29-30, 1995 Inspection Findings and Licensee Acknowledgement [NPI refused to sign.]
20. March 26-27 and April 12, 1996 Inspection Findings and Licensee Acknowledgement
21. Records from a 1991 suit filed by the state against NPI list 5,820 violations including:
  - storing depleted uranium in a barn located on Mouth of Monocacy Road for three months after inspectors found in 10/90 that the barn door was unlocked, partially open, unattended and access to the barn from the public roadway was unrestricted. The barn bore no radiation symbol sign per regulations;
  - failure to remove or dispose of known contaminated soil;
  - failure to contact neighbors in writing regarding surveillance; failure to do any surveillance for 423 days;
  - possession of 4.5 to 6 times the authorized amount of depleted uranium;
  - causing an excess radiation exposure to the hand of an employee, and failure to report it for 69 days past the period allowed by law..
22. TLDs were removed from the perimeter of the NPI site (1995 results for three sites were estimated.)

**Neutron Products, Inc., Dickerson, Maryland**  
**Summary of Violations and Government Involvement**

23. In 08/95, RHP inspection, revealed cesium-137 and cobalt-60 in the soil surrounding a leaking wastewater collection tank. NPI argued that the cesium was the result of nuclear fallout. While perhaps true, there is no indication that a regulatory body has confirmed NPI's compliance with its licensed use of encapsulated cesium-137 for calibration purposes.
24. "As a result of inspections that were conducted concurrently by the State with this investigation, 17 violations were found. Four Departmental letters describing these violations were sent to NPI on January 24, 1997. Two violations related to activities described in these allegations and they are presented below. 1. Contrary to the requirement of Section C.31 titled, 'Specific Terms and Conditions of Licenses' and license condition 13.N of Amendment 33: The dose rate at one meter above the ground surfaces of the dry pond and the adjacent railroad property exceeds the dose limit of 10.0 micro R/hr above background. Furthermore, the laboratory analysis of soil samples collected from the dry pond and the adjacent property exceeded the 8.0 picocurie per gram concentration limit for cobalt-60. 2. Contrary to the requirements of Section D.101 titled, 'Radiation Protection Programs': The licensee failed to use all means necessary to maintain radiation exposures to members of the public living near the plant to levels as low as reasonably achievable (ALARA). Furthermore, the licensee failed to maintain releases of radioactive material from the Limited Access Area (LAA) to levels as low as reasonably achievable (ALARA)." *NRC Office of State Programs Response to Allegation - State of Maryland, March 27, 1997*

AND MORE....