



March 23, 1999

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Q-6

Mr. James M. Bondick, Health Physicist  
Nuclear Materials, Safety Branch 2  
Division of Nuclear Materials Safety  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

Reference: License 29-03044-04

Dear Mr. Bondick:

This letter is in response to your letter of February 25, 1999, wherein you request additional information regarding our application to amend our NRC license #29-03044-04.

The following are our responses to the issues under Item 1, relating to change in ownership:

**Item 1a - Regarding:**

*"Any planned changes in personnel having control over licensed activities (e.g., officers of the corporation) and any changes in personnel named in the license such as the radiation safety officer, authorized users, or any other persons identified in previous license applications as responsible for radiation safety of use of licensed material."*

**Response:**

Infineum USA LP is a joint venture company wholly owned by Exxon and Shell companies. There are no planned changes in the personnel having control over the licensed activities. Corporate executives with responsibility for operations at this site have not changed because of the restructuring of the corporate ownership. The site operations, processes, management systems and HSE practices remain essentially unchanged.

Personnel changes noted in the current amendment application can be summarized as follows:

- Mr. T. Lisk has left our employment and needs to be removed from our license.
- Mr. F. C. Thomas is now the Industrial Hygienist responsible for activities at the site and should be added to the license. I believe him to be qualified to assume the role of RSO and have recommended that in the current amendment application.

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- I, D. E. Agopswociz, manage the Occupational Health and Product Stewardship function that includes F. C. Thomas. I am still located in this area and remain an advisor to Mr. Thomas as he transitions into his RSO role.

Location, control and specific uses of our licensed material are identical to what they were prior to our change of name and ownership.

***Item 1b- Regarding:***

*"An indication of whether you will remain in non-licensed business without the license."*

***Response:***

We have remained in the same business as we were prior to the change in ownership; that is, the manufacture of lubricant and fuel additives. Our NRC license is secondary to our primary business, but it is our strong intention to retain our license in order to more effectively and safely carry out our primary business.

***Item 1c- Regarding:***

*"A complete, clear description of the transaction. The description should include any transfer of stocks or assets, mergers, etc."*

***Response:***

Our previous corporate owner, Exxon Chemical Company (a division of Exxon Corporation) merged its Paramins Division with two business entities of Royal Dutch Shell. Exxon and Shell retain 50/50 ownership of the resulting company (Infineum) and employees of Shell and Exxon serve as members of the Infineum Board of Directors. Our facility in New Jersey, Bayway Chemical Plant, transferred to the new corporate entity with no changes in operations, maintenance practices, management systems and technical support. The management structure has been modified somewhat to reflect the new corporate culture, but these changes do not affect the location, use or safety of the licensed nuclear materials.

***Item 1d- Regarding:***

*"Any planned changes in organization, location, facilities, storage or uses of licensed material, equipment or procedures. If such changes are to be made, they should be fully described,"*

***Response:***

There are no planned changes in organization, location, facilities, storage or uses of licensed material, equipment or procedures.

**Item 1e** - Regarding:

*"A detailed description of any changes in the use, possession or storage of licensed materials."*

**Response:**

There have been no changes in the use, possession or storage of licensed materials.

**Item 1f** - Regarding:

*"An indication of whether all surveillance items and records, (e.g., calibrations, leak tests, surveys, inventories and accountability requirements) will be current at the time of transfer."*

**Response:**

All surveillance items and records were current at the time of transfer.

**Item 1g** - Regarding:

*"A description of the status of the facility. Specifically, the presence or absence of radioactive contamination should be documented. If contamination is present, will decontamination occur before transfer? If decontamination does not occur before the transfer, does the successor company agree to assume full liability for the decontamination of the facility?"*

**Response:**

There has been no radioactive contamination at the facility before, during or after the transfer of ownership.

**Item 1h** - Regarding:

*"A description of any decontamination plans, including financial assurance arrangements, as required by 10 CFR 30.35, 40.36, and 70.25. Include information about how the transferee and transferor propose to divide the transferor's assets."*

**Response:**

There are no decontamination plans, as there is no radioactive contamination.

***Item 1i - Regarding:***

*"Confirmation that the transferee or successor company agree to abide by all constraints, conditions, requirements, commitments and representations identified in the existing license. These include, but are not limited to: maintaining decommissioning records required by 10 CFR 30.35(g); implementing decontamination activities and decommissioning of the site; and completing corrective actions for open inspection items and enforcement actions. If not, the transferee must provide a description of its program to assure compliance with the license and regulations."*

***Response:***

The successor company (Infineum) will abide by all constraints, conditions, requirements, commitments and representations identified in the existing license.

***Item 1j - Regarding:***

*"Documentation that both the transferor and the transferee agree to the change in ownership or control of the licensed material and activity, and the conditions of transfer, and that the transferee has been made aware of all open inspection items and possible resulting enforcement actions."*

***Response:***

Documentation that the transferee (Infineum) accepts the change in control is indicated by our application for an amended license of February 19, 1999, including the signed endorsement of Joseph A. Saco, a designated executive employee of Infineum USA L.P.

There are no open inspection items for this facility and, therefore, there are no resulting possible enforcement actions.

The following are our responses to the issues under **Item 2**, relating to Frank C. Thomas' training and experience as it relates to our request that he be designated as the Radiation Safety Officer.

***Item 2a - Asking that we:***

*"Describe the individuals experience in safe handling and in supervision of radioisotopes including the isotopes and quantities (in curie units) which he has handled, the types of use, and the location(s) and date(s) where this experience was received."*

**Response:**

Mr. Thomas' experience includes:

- Alternate Radiation Protection Officer (1980-1982) Exxon Chemical Company, Bayway Chemical Plant (now the Infineum Bayway Chemical Plant) with licensed materials ---

4 each ~ sealed sources @ 100 mCi  
 3 each  $\text{Ce}^{137}$  sealed sources @ 500 mCi  
 2 each  $\text{Ce}^{137}$  sealed sources @ 2000 mCi  
 1 each  $\text{Am}^{241}$  sealed source @ 500 mCi  
 2 each  $\text{Cd}^{109}/\text{Fe}^{55}$  sources in portable alloy analyzers @ 5 /45 mCi

Radiation Protection Officer (1988-1989) Exxon Chemical Company, Fawley (UK) Chemical Plant. Information regarding the specific isotopes/devices are not available to us. However, they are similar to those that were in use at the Bayway Chemical Plant in 1980-82, and which continues in use there.

Mr. Thomas formal training includes:

- Introduction to Nuclear Engineering (three semester hours, 1965) Vanderbilt University undergraduate engineering program
- Principles of Radiological Health (three semester hours, 1976) Tulane University graduate engineering program
- Bioeffects of Non-Ionizing Radiation (1 week, 1979) Massachusetts Institute of Technology

Mr. Thomas' experience since 1973 has been primarily focused on Industrial hygiene and safety, with frequent/continuing involvement in health and safety programs related to the use of ionizing radiation. Mr. Thomas (CIH) holds a certification in the comprehensive practice and engineering aspects of industrial hygiene.

**Item 2b - Asking that we:**

***Describe the individual's practical radiation safety experience with each of the duties of the RSO which are described in your letter/application dated July 25, 1985.***

**Response:**

Mr. Thomas experience, as described above, has prepared him for carrying out the duties of the site Radiation Safety Officer. His experience includes radiation protection programs in Europe, the scope and nature of the programs are similar throughout Exxon, including the United States. (Exxon was the previous owner of our Bayway Chemical Plant). As well as the direct responsibilities described above, Mr. Thomas has 10 years of experience as the industrial hygiene coordinator and environmental health advisor for the Exxon petroleum affiliates in Europe. Those European responsibilities included technical advice and auditing responsibilities related to radiation safety (as well as other health/safety/environmental areas). Mr. Thomas is, therefore, appropriately experienced to carry out the defined role of our Radiation Safety Officer, as described in the attachment to this letter.

Mr. James M. Bondick

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I trust that this information is fully responsive to your question and that you can amend our license according to our earlier request.

If you have any additional questions, please feel free to call me at (908) 474-6886.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. E. Agopsowicz", with a long horizontal flourish extending to the right.

D. E. Agopsowicz  
Occupational Health and Product Stewardship Manager

DEA:pd

c: J. A. Saco  
F. C. Thomas

## Attachment

### Radiation Protection Program **Bayway** Chemical Plant Infineum **USA** LP

#### Radiation Safety Officer -- Role and Responsibilities

The role and responsibilities of the Radiation Safety Officer are as follows:

Oversight of the Radiation Protection Program, including license amendments and modifications to the documentation and existing program.

Periodic review of the overall radiation protection program and content at least annually, with more frequent reviews of certain focused requirements such as inventory control, exposure monitoring, dosimetry records and leak testing.

- Identification of continuous improvement that will advance worker protection in conformance with ALARA requirements.
- Advice to site management regarding current compliance and needed improvements required to achieve program goals and regulatory compliance, consistent with the management practices that are in place for management of all of the site's health, safety, and environmental hazards.

Specific program components within the Radiation Protection Program include:

Surveys and monitoring

Identification of restricted areas and implementation of controls

- Inventory, location, and control of licensed material, including the storage of materials/ devices that are not in immediate use.
- Precautionary procedures, including caution signs, posting and labeling
- Integration of radiation safety into operations and maintenance practices, including working with energy sources, lockout1 tagout of fixed sources, and non-destructive testing carried out by contractors at the **Bayway** facility
- Recordkeeping
- Training of persons potentially exposed to radiation as well for those personnel with responsibility for carrying out specific aspects of the Radiation Safety Program.

Dismantling, decommissioning, removal, and/or safe disposal of licensed material that is taken out of service

- Investigation and follow-up of any incidents, complaints or non-compliance that might arise

Documentation and notification1reports to government1 regulators, employees, or company management as might be required by regulations or site management practices

Any other activities that might be required for compliance with regulations or protection of personnel and the environment