



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O' Malley  
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Robert M. Summers, Ph.D  
Deputy Secretary

**JUN 24 2009**

## **CERTIFIED MAIL Return Receipt Requested**

Jackson A. Ransohoff, President  
Neutron Products, Inc.  
22301 Mt. Ephraim Road  
P.O. Box 68  
Dickerson MD 20842

**RE: Radioactive Material License #MD-31-025-03**

Dear Mr. Ransohoff:

This letter is regarding Neutron Products, Inc's. (NPI) license MD-31-025-03 (03 license). This license was issued on September 7, 1995 and has an expiration date of September 30, 2000. NPI submitted a renewal application for the license on August 23, 2000 and the license has been under timely renewal since that date.

After careful consideration and for the reasons discussed below the Maryland Department of the Environment's (the Department) Radiological Health Program has resolved that NPI's application for renewal of the 03 license has not fully met the requirements in COMAR 26.12.01.01C.35. Section C.35 states that in considering an application by a licensee to renew the license, the Agency will apply the criteria set forth in C.25. Section C.25 states, in part, that:

- a license application will be approved if the Agency determines that the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in such a manner as to minimize danger to public health and safety or property;
- the applicant's proposed equipment, facilities and procedures are adequate to minimize danger to public health and safety or property and
- the issuance of the license will not be inimical to the health and safety of the public.

The 03 license authorizes NPI to conduct teletherapy source installation, removal or service at temporary jobsites throughout Maryland, which decommissioned its last teletherapy unit in February of 2004, The State, therefore, no longer has temporary jobsites where these licensed activities would be conducted leaving the Department with no ability to inspect Neutron's 03 license activities in the field.

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Under these circumstances, the Department is unable to make the determinations required under C.25. Therefore, it is no longer appropriate for NPI to be licensed in Maryland for this activity.

The Department is placing a final expiration date on the license of June 30, 2010. This approximately 365 day extension of timely renewal has been added to give NPI time to apply for a new license within another licensing jurisdiction. Specifically, NPI may wish to apply for an amendment to its United States Nuclear Regulatory Commission (NRC) license in Ransom West Virginia to conduct current 03 licensed activities.

The Department has determined that the date of non-renewal will be effective on June 30, 2010, on which date the Department will issue a letter informing NPI that the 03 license is not renewed. At that time Neutron will be entitled to a hearing as provided by Sections 8-501 and 8-505 of the Environment Article and Sections 10-205 and 10-226 of the State Government Article, and may request a hearing in writing, as provided. If you have any questions concerning this letter, please call Mr. Ray Manley at 410-537-3301. You may also reach our office toll-free by dialing 1-800-633-6101 and requesting extension 3301. Also, you may contact this office via facsimile at 410-537-3198.

Sincerely,



Roland G. Fletcher, Manager  
Radiological Health Program  
Air and Radiation Management Administration

RGF:rem/blr

cc: Shari Wilson, Secretary Maryland Department of the Environment  
Steve Pattison, Assistant Secretary Maryland Department of the Environment  
Angelo Bianca, Deputy Director Air and Radiation Administration  
Mathew Zimmerman, Office of Attorney General  
United States Nuclear Regulatory Commission, Headquarters ✓  
United States Nuclear Regulatory Commission, Region I