

# EXXON RESEARCH AND ENGINEERING COMPANY

Rt. 22 East, Clinton TWP. Annandale, NJ 08801-0998

HEALTH SERVICES DIVISION

ROBERT E. DALE, CIH  
Industrial Hygiene and  
Environmental Health

Telephone 908-730-3053  
Facsimile 908-730-3005

## CERTIFIED MAIL-RETURN RECEIPT REQUESTED

March 25, 1993

Division of Radiation Safety and Safeguards  
Nuclear Regulatory Commission  
Region 1  
475 Allendale Road  
King of Prussia, Pennsylvania 19406-1415

### Re: Notice of Violations

NRC License No. 29-05260-13  
Routine Inspection No. 93-001  
Docket No. 030-05310

ATTENTION: Mr. Francis M. Costello  
Chief, Industrial Applications Section

93RAPCL21

Dear Mr. Costello:

This is in response to your March 3, 1993 letter to Mr. K. C. Webb, forwarding a Notice of Violations (NOV), stating your findings from the recent Routine Inspection No. 93-001 of the Exxon Research and Engineering Company (ER&E) activities authorized under our above-referenced NRC License (License). Dr. Stephen M. Hinton, Chairman of ER&E's Radiolotope Committee (RIC), was present during the inspection.

Violation A of the NOV stated that the RIC "held only two committee meetings for 1992" on July 1, 1992 and October 11, 1992, which is contrary to the requirements of our License (Section 6, Pamphlet A of the November 1984 Radiation Control Manual). We disagree with this violation for the reasons discussed hereafter.

ER&E applied for a license renewal on February 26, 1991, in accordance with the relevant NRC regulations. The renewal license application included a revised and updated July 1990 Radiation Control Manual (1990 Manual) which states (Section 6, Pamphlet A) "the RIC will meet periodically as is necessary to conduct business". This is consistent with the current reduced size and scope of radiation programs at ER&E. The 1990 Manual replaces the earlier November 1984 Radiation Control Manual. The previous commitment in the 1984 Manual to meet formally at least four times annually is no longer believed to be necessary. The 1990 Manual contains current procedures reflecting the rapid change in NRC and state radioactive materials regulations, and therefore, was distributed to all authorized users. In view of the passage of more than two years since

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filing our renewal application, we believed we could rely on the 1990 Manual as the basis for ER&E's radioisotope activities, in anticipation of prompt timely approval by the NRC of our application. Our records show that in 1991 the RIC held at least four meetings to conduct business. In 1992 two RIC meetings were held for which formal minutes were recorded. During 1992 there were at least four additional RIC business meetings (these were held on February 20, 1992, May 8, 1992, May 21, 1992, May 26, 1992, and June 29, 1992) attended by the RIC chairman, RIC secretary and other RIC members/participants with consultants to address relevant issues relating to mixed waste, radioactive disposal, and decommissioning of the Linden site. We can provide you with a summary of these meetings and information documenting that they were held, if you require this for your records. For these reasons, we believe that we have satisfied the commitment in the 1984 Manual to meet four times annually and therefore, request that Violation A be withdrawn. In any event, we feel that the 1990 Manual should apply to our current activities for consistency with the regulations.

Pending receipt of NRC approval that we may operate under the 1990 Manual, the RIC will continue to meet at least four times annually. The first RIC meeting for 1Q93 is set for March 24 at the Clinton site.

Violation B states that as of February 3, 1993, "the licensee routinely failed" to perform the wipe tests specified in the 1984 Manual (Section 3, Pamphlet A). ER&E disagrees with this Violation and requests that it be withdrawn for the reasons discussed below.

The licensed material received in the period reviewed was phosphorus-32 and phosphorus-33. The NRC inspectors agreed with my explanation that these shipments were surveyed by indirect hand held GM counters, both the exterior of the shipment and the internal containers, as specified in the 1984 Manual. In addition, wipe tests on the shipments were performed by individuals who have since left the company and regrettably, we are unable to locate the record of the surveys. The fact is that the wipe tests were performed. I would like to point out that the NRC's prior inspections in 1991 found our radioisotopes program to be in full compliance and identified no violations. The NRC praised our program as exemplary, emphasizing our recordkeeping procedures. Therefore, we disagree that ER&E has "routinely failed to wipe test" as stated in the NOV. To the contrary, ER&E has and will continue to routinely conduct such tests.

Violation B.2 states that the authorized person did not keep "a permanent record of all survey results, including negative results" as required by the 1984 Manual (Section 3, Pamphlet C).

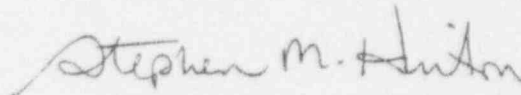
As noted above, while we recall documenting the negative results of these surveys, we are unable to locate these records at this time. To reinforce our procedures to assure proper documentation of surveys, the responsible RSO will frequently review during 1993, all operations utilizing licensed materials in L004 to insure proper documentation. The RSO also will instruct authorized users in the proper documentation of these records. At the end of this period, if the RSO is satisfied with the documentation practices in L004, we will resume semi-annual reviews of all areas utilizing licensed materials.

I will now address the inspectors' comments (including the specific points noted in the third paragraph of the March 3 letter) made at the conclusion of their inspection relative to RIC oversight of ER&E's licensed radioisotope program. I want to point out that ER&E has a full time RIC Secretary who devotes a substantial amount of his time (at least 90%) to the RIC and related matters. This is in addition to the RIC Chairman and 7 RSOs who oversee the authorized users. In respect to point (a), the periodic training of shipping/receiving personnel will be conducted whenever there are changes in internal procedures or NRC regulations that require additional training, but no less often than annually. Any new personnel assigned to this area will receive training before they begin work in the area. All such training will be properly documented in RIC files. Additionally, receiving procedures for licensed material will be prominently posted in the receiving area (see attached notice). With regard to point (b), the radioactive waste held for decay and the reagents stored in PC189 will be segregated and properly identified. Records of waste held for decay and surveys will be posted on the waste container. As for point (c), currently the only ER&E site actively using regulated radioactive material under our License is the Clinton facility. Over the past few years the radioisotope programs have been consolidated to our Clinton site, where the RIC Chairman and Secretary, as well as 4 RSOs are located. We anticipate and expect that this arrangement will improve the oversight of the active licensed programs.

There are several further actions that we plan to implement to improve the overall effectiveness of the RIC, as discussed below. Steps already have been taken to develop a more structured hard copy filing system for all RIC related records. Also, the electronic database containing much of this information and a calendar of action items will be improved (an initial meeting has already been held and management has authorized enhancements). In addition to frequent ad hoc meetings between the RIC Chairman, RSOs and the RIC Secretary relative to the business of the RIC, the Chairman will consult with the Secretary on a frequent basis to review RIC activities that have transpired in the preceding period. The results of these discussions will be included as a standing agenda item at the formal RIC meetings. We believe these steps will adequately improve the effectiveness of the ER&E RIC.

If you have any questions concerning any of the foregoing, please do not hesitate to contact me at (908) 730-2125 or J. A. Mancuso, RIC Secretary, at (908) 730-2739.

Very truly yours,



S. M. Hinton, PhD.  
Chairman, RIC

Attachments

cc: J. A. Mancuso  
K. C. Webb

Mr. William Csaszar  
State of New Jersey  
Department of Environmental  
Protection & Energy  
Commission on Radiation  
Protection  
CN 415  
Trenton, NJ 08625-0415

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# PROCEDURES FOR RECEIVING AND HANDLING RADIOISOTOPES

- AUTHORIZED PERSON (AP) WILL ALERT SHIPPING & RECEIVING THAT AN ORDER HAS BEEN PLACED WITH A SPECIFIC COMPANY
- PACKAGE WILL BE APPROPRIATELY MARKED BY COMPANY
- UPON RECEIPT SHIPPING AND RECEIVING PERSONNEL SHOULD VISUALLY INSPECT THE PACKAGE

## IF NO SIGNS OF DAMAGE

- CALL (AP) AUTHORIZED PERSON & RIC SECRETARY
- IF AP NOT AVAILABLE - SECURE MATERIAL IN ROOM PC-189

## IF THERE ARE SIGNS OF DAMAGE

- CALL AUTHORIZED PERSON & RIC SECRETARY
- IF AP & RIC SECRETARY ARE NOT AVAILABLE CALL AN RSO FROM THE RIC COMMITTEE (SEE RIC MEMBER LIST)