



**DELAWARE HEALTH  
AND SOCIAL SERVICES**

DIVISION OF PUBLIC HEALTH

K-7  
07-13441-02  
030-20681

July 19, 1995  
Reg. No 2092BRN

E.I. Dupont Company  
Stine Haskell Research Center  
P.O. Box 50 Stine Bldg 310  
Newark, DE 19714

Dear Mr. Henry:

We have considered your request for us to provide concurrence with your plans for (radioactive) field studies regarding DE registration 2092BRN or a letter that such a review is not needed.

We hereby decline the opportunity to renew your plans for field studies because the radioactive material in question is not NARM but rather byproduct material. Note-NARM and byproduct material are defined in DRCR Sec. A.2-Definitions.

Our declination is in accordance with Sec. A.1 of the Delaware Radiation Control Regulations [DRCR] that states in part: "...nothing in these regulations except Sec.B.4(a), shall apply to any person to the extent such person is subject to regulation by the US Nuclear Regulatory Commission." Furthermore, your attention is directed to the fact that regulation by the State of source material, byproduct material, and special nuclear material in quantity not sufficient to form a critical mass is subject to the provisions of an agreement between State and to U.S. Nuclear Regulatory Commission.

Your offer for us to review the plans for field studies is appreciated but none-the-less declined.

If you should have any comments regarding this matter, please feel free to let us know.

Sincerely,

Allan C. Tapert  
Program Administrator  
Office of Radiation Control

ACT:tjd  
cc:J. Beaman OPRPE

131176  
NMSS/RGNI MATERIALS-002

September 20, 1995