



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 5, 2005

Docket No. 03036765
Control No. 136054

License No. 07-00455-41

Maurice R. Richard
Site Manager
E. I. Du Pont de Nemours & Company, Inc.
Experimental Station E322/327A
P. O. Box 80322
Wilmington, DE 19880-0322

**SUBJECT: E. I. DU PONT DE NEMOURS & COMPANY, INC., REQUEST FOR
ADDITIONAL INFORMATION CONCERNING APPLICATION FOR A NEW
LICENSE, CONTROL NO. 136054**

Dear Mr. Richard:

This is in reference to your letter dated November 23, 2004, requesting a new Nuclear Regulatory Commission License No. 07-00455-41. In a previous letter, you requested to split your current Type A specific license of Broad Scope (Type A broad license) by amending your current license to include only unsealed materials under a Type B broad license, and a new specific license of limited scope to authorize activities with your sealed sources. The Type B broad scope license issues are being reviewed separately under Control No. 136053. This letter refers only to your request for a new license. In order to continue our review, we need the following additional information:

1. Your request for a new license requires payment of a new application fee. To verify that amount to be paid, contact William Blaney of the Office of the Chief Financial Officer, Division of Financial Management, (301) 415-5092.
2. Item 5, "Radioactive Material", lists generally-licensed devices. A specific license is not required for your use of these devices, so long as you meet the conditions specified in the general license in 10 CFR 31.5 (enclosed).
 - a. If you wish to perform activities with the generally-licensed devices for which a specific license is required as described in 10 CFR 31.5(c)(3), specify those activities.
 - b. If you wish to perform activities with generally-licensed devices other than those authorized by 10 CFR 31.5, such as research and development in which the gauge is used in a manner not described by the device registration, or is altered in any way, describe those activities.

- c. Identify any of the devices listed in Item 5 of your application which are required to be possessed under a specific license.
3. For any fixed gauges (or similar devices) which are required to be possessed under a specific license, or for activities to be performed with generally-licensed gauges by persons holding a specific license to perform those activities, submit the information required by NUREG-1556, Volume 4, "Consolidated Guidance About Materials Licensees, Program-Specific Guidance About Fixed Gauge Licenses" (NUREG-1556, Volume 4), with particular attention to Section 8.10.8, Appendix L, and Appendix M.
4. The proposed Radiation Safety Officer (RSO), Keith Swain, does not appear to have training specific to the safe use of gauges, such as a manufacturer's or distributor's course for users of gauges and non-routine operations or maintenance, or the activities for generally-licensed gauges that are required to be performed by persons with a specific license such as installation and removal. Provide documentation that Mr. Swain has experience for each of the types of activities requested to be performed with gauges under this license.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the NRC Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdrc@nrc.gov.

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 136054. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5040.

M. Richard
E. I. Du Pont de Nemours & Company, Inc.

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If we do not receive a reply from you within 30 calendar days from the date of this letter, we shall assume that you do not wish to pursue your application.

Sincerely,

Original signed by Elizabeth Ullrich

Betsy Ullrich
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
10 CFR Parts 19, 20, 30 and 31

cc:
Keith A. Swain, Radiation Safety Officer

M. Richard
E. I. Du Pont de Nemours & Company, Inc.

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