From:	Lawyer, Dennis
To:	"John.M.Brisbin@usa.dupont.com"
Subject:	E.I. du Pont de Nemours and Company, Inc., Request for Additional Information Concerning Application for a License Renewal, Control MC577243
Date:	Wednesday, May 23, 2012 1:08:00 PM

Dear Mr. Brisbin,

This is in reference to your application dated April 10, 2012 requesting for renewal to Nuclear Regulatory Commission License No. 07-13441-02. In order to continue our review, we need the following additional information:

1. 10 CFR 30.32(g) requires an applicant to supply the source or device by manufacturer and model number as registered with the Commission under 32.210, or contain information identified in 10 CFR 32.210(c). In your application, you have supplied many model numbers. However the following could not be identified in the registry: Item 5.M., Texas Nuclear Model 696783; 5.N. and 5.S. Isotope Product Laboratory Model GFS, Amersham Model AMC and AMC.92C; and 5.P. had no sealed source manufacturer and model number included. Please note that GFS is a type of source for IPL and does not appear to be a model number by itself. Please provide additional information to help locate these model numbers or request for them to be withdrawn from the application. Alternately, you may amend the license so that this material is possessed under the form of "any".

2. Item 6.1.2 of your application provided an outline of your soil release testing after field testing. Just based upon the provided information, it would appear that this procedure may not be in accordance with guidance in NUREG-1575 Rev 1, "The Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM)." Please commit to following MASSIM when releasing area which was used for field test studies with materials.

3. In the Executive Management section of your application, you have committed to submit the credentials of the Site Radiation Safety Committee Chairperson for approval. NRC no longer reviews and approves the Radiation Committee Chairperson and they are no longer listed on the license. Please remove this commitment.

4. In the Executive Management section you state that the Radiation Safety Committee (RSC) will meet 4 times per year. However, from you application, you have three Radiation Safety Committees. Please commit to how often each Site Radiation Safety Committee will meet in a year.

5. In the Executive Management section, you state that a quorum of the RSC is eight members. You then state that only three members will be required to approve purchase and use of radioisotopes. 10 CFR 33.13(c)(3)(iii) states that review, approval, and recording by the radiation safety committee of safety evaluation of proposed uses prepared in accordance with paragraph (c)(3)(ii) of this section prior to use of the byproduct material. It would appear that this application is not in compliance with the regulation as the RSC is not approving the use of the radioisotopes but only three members of the RSC is approving the use and is not being reviewed and approved by a quorum. Please review this requirement and

resubmit the procedure for approving use of materials or clarify your statements.

6. In the RSC Duties and Responsibilities section, you have inferred the request for additional flexibility to allow the RSC to make changes to the program and procedures which previously approved by the NRC without an amendment. As stated in NUREG-1556, Volume 11, "Consolidated Guidance About Material Licenses, Program-Specific Guidance About Licenses of Broad Scope," section 8.7.2 states to include how you would document these changes. It further states that the minimum documentation shall state the reason for the change and summarize the radiation safety matters that were considered prior to approval of the change. Please commit to how you would document such changes and where you would place this documentation.

7. In the RSC Duties and Responsibilities section, you have stated that the Radiation Safety Officer may directly approve purchases and transfers involving 5 mCi or less of radioisotopes currently used at the Site. This statement could be interpreted that the Radiation Safety Officer (RSO) may authorized new locations of use. 10 CFR 33.13(c)(3)(ii) requires the application to have the establishment of appropriate administrative procedure to assure completion of safety evaluation of proposed uses of byproduct material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operation or handling procedures, and the RSC to approve the safety evaluation as stated in 10 CFR 33.13(c)(3)(iii). The statement would appear that the RSO may approve new locations of use without the approval of the RSC. Please confirm that this does not authorize the RSO to establish new locations of use nor approve purchases and transfers greater than allowed in any established amounts authorized by the RSC.

8. In the "Duties of the Radiation Safety Officer" section, you submitted duties listed in 2), 3), 4), and 5) which would appear to give authorization for items that may only be approved by the RSC. The previously listed regulations and 10 CFR 33.17(b) requires RSC approval to certain activities. Please clearly define the limits of the RSO authority for approval and which items must go to the RSC for final approval.

9. The Decommissioning Funding Plan submitted in Attachment 2 did not state the means that will be used to adjust the site-specific cost estimate and associated funding level periodically over the life of the facility as stated in guidance NUREG-1757, Volume 3, "Consolidated NMSS Decommissioning Guidance Financial Assurance, Recordkeeping,and Timeliness." Site-specific cost estimates should be performed at least every 3 years and when there are significant changes to the license activity. Please state the means that will be used to adjust the site-specific cost estimate and associated funding level periodically over the life of the facility.

10. The Decommissioning Funding Plan submitted in Attachment 2 did not include a certification of financial assurance that decommissioning funding has been provided in the amount of the decommissioning cost estimate as needed in accordance with NUREG-1757, Volume 3, "Consolidated NMSS Decommissioning Guidance Financial Assurance, Recordkeeping, and Timeliness." The Certification of Financial Assurance dated October 25, 2011 does not have the correct amounts of material listed and needs to be replaced. Please submit an accurate Certification of

Financial Assurance using the guidance in NUREG 1757, Volume 3.

11. Your current license has authorization for temporary job sites for certain licensed materials. In your renewal application, it does not appear that you have requested for use in temporary job sites. Please confirm you do not wish to use materials in temporary job sites or submit the which materials and describe the scope of these activities.

We will continue our review upon receipt of this information. Please reply to my attention at the Region 1 Office and refer to Mail Control No. 577243. If you have technical questions regarding this letter, please call me at (610) 337-5366.

Please note that the Region I Division of Nuclear Materials Safety has moved effective
May 9, 2012. Our new address is:

USNRC – Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

Please note that you may not reply to this letter by return e-mail. Your reply must be in writing by letter or facsimile (610-337-5269). If we do not receive a reply from you within 30 calendar days from the date of this e-mail, we will assume that you do not wish to pursue your application.