



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

December 9, 2004

Docket Nos.	03019353	License Nos.	29-20512-01
	03019353		29-20512-01
	03032141		29-20512-02G
Control Nos.	135576		
	135386		
	135387		

Amos Linenberg, Ph.D.
Radiation Safety Officer
INFICON Inc.
580 Route 15
Sparta, NJ 07871

SUBJECT: INFICON, INC., ISSUANCE OF AMENDMENT AND LICENSE RENEWAL,
CONTROL NOS. 135576, 135386, AND 135387

Dear Dr. Linenberg:

This refers to your request for amendment of both of your licenses and your request for renewal of your -01 license. You requested to amend both of your licenses to remove the Fairfield, New Jersey facility. The Environmental Assessment for this action was published on Tuesday November 16, 2004 in the Federal Register, Volume 69, Number 220, Page 67189. The facility located at 373 Route 46 West, Fairfield, New Jersey may be released for unrestricted use.

Enclosed with this letter is the amended -02 license and renewed -01 license. License Condition 9 of License No. 29-20512-01 was re-written to use the exact language in your Sealed Source and Device Registration to ensure consistency and accuracy. Please review the enclosed documents carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

The NRC is required to have your Taxpayer Identification Number in order to make payments (refunds). The self-addressed, stamped NRC Form 531, "Request for Taxpayer Identification Number," is enclosed.

The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application. In particular, note that you must:

1. Operate in accordance with NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify the NRC in writing of any change in mailing address.
3. In accordance with 10 CFR 30.36(d), notify the NRC, promptly, in writing, and request termination of the license
 - a) when you decide to terminate all activities involving materials authorized under the license; or
 - b) if you decide not to acquire or possess and use authorized material.
4. Request and obtain a license Amendment before you:
 - a) change Radiation Safety Officers;
 - b) order byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license; or
 - c) add or change the areas of use, or addresses of use identified in the license application or on the license; or
 - d) change the name or ownership of your organization.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or a certifying official of the licensee rather than a consultant.

You will be periodically inspected by the NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in NUREG 1600, "General Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy).

A. Linenberg
INFICON, Inc.

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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 pdrr@nrc.gov.

Thank you for your cooperation.

Sincerely,

Original signed by Kathy Dolce Modes

Kathy Dolce Modes
Health Physicist
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosures:

1. Amendment No. 15 for License No. 29-20512-01
2. Amendment No. 7 for License No. 29-20512-02G
3. 10 CFR Parts 19, 20, 21, 30, 31, 32, 71, 170, and 171
4. NRC Forms 3, 313, and 531
5. Section 206 of the Energy Reorganization Act of 1974
6. NUREG 1600, General Policy and Procedure for NRC Enforcement Actions (Enforcement Policy)

cc:

Gary W. Lewis, Vice President

A. Linenberg
INFICON, Inc.

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NAME	KModes/KAD							
DATE	12/9/2004							

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MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p>Licensee</p> <p>1. INFICON Inc.</p> <p>2. 580 Route 15 Sparta, New Jersey 07871</p>	<p>In accordance with the application dated August 26, 2004,</p> <p>3. License number 29-20512-01 is amended in its entirety to read as follows:</p> <p>4. Expiration date December 31, 2014</p> <p>5. Docket No. 030-19353 Reference No.</p>	
<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Hydrogen 3</p> <p>B. Nickel 63</p>	<p>7. Chemical and/or physical form</p> <p>A. Titanium tritide foils (Safety Light Corporation Model No. 508-3)</p> <p>B. Foil (NRD Model No. N-1001)</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. Not to exceed 150 millicuries per foil and 6,000 millicuries total</p> <p>B. Not to exceed 15 millicuries per source and 600 millicuries total</p>
<p>9. Authorized use:</p> <p>A. and B. For use in research and development of electron capture detector cells and for the manufacture, service and distribution of Scanex ESD 450, Scanex I, Scentograph Series, and Aquaprobe (formerly registered as Model 50319 series) detector cells in Sentex/Inficon instruments, to persons authorized to receive the licensed material pursuant to the terms and conditions of a specific license issued by the Nuclear Regulatory Commission or an Agreement State.</p>		

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at 580 Route 15, Sparta, New Jersey.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
29-20512-01Docket or Reference Number
030-19353

Amendment No. 15

11. A. Licensed material shall be used by, or under the supervision of, Amos Linenberg, Ph.D.
- B. The Radiation Safety Officer for this license is Amos Linenberg, Ph.D.
12. This license does not authorize commercial distribution of licensed material to persons generally licensed pursuant to 10 CFR Part 31 or equivalent regulations of any Agreement State or to persons exempt from licensing pursuant to 10 CFR 30.18.
13. The licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.
14. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.
- B. Each sealed source fabricated by the licensee shall be inspected and tested for construction defects, leakage, and contamination prior to any use or transfer as a sealed source.
- C. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to the transfer, a sealed source received from another person shall not be put into use until tested and the test results received.
- D. Sealed sources need not be tested if they are in storage and are not being used; however, when they are removed from storage for use or transferred to another person and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- E. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 becquerels) of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie (185 becquerels) or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(c)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
29-20512-01Docket or Reference Number
030-19353

Amendment No. 15

- F. Tests for leakage and/or contamination, including leak test sample collection and analysis, shall be performed by the licensee or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
- G. Records of leak test results shall be kept in units of microcuries and shall be maintained for 5 years.
15. Detector cells containing a titanium tritide foil or a scandium tritide foil shall only be used in conjunction with a properly operating temperature control mechanism which prevents the foil temperatures from exceeding that specified in the certificate of registration referred to in 10 CFR 32.210.
16. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
17. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Application dated October 22, 2004

For the U.S. Nuclear Regulatory Commission

Original signed by Kathy Dolce ModesDate December 9, 2004
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Kathy Dolce Modes
Security and Industrial Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406