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

January 11, 2005

Docket No. 030-32792 License No. 07-28762-01
Control No. 136062

Keith Morgan
LFS/LSCA Environmental, Health and Safety Manager
Agilent Technologies
2850 Centerville Road
Wilmington, DE 19808

SUBJECT: AGILENT TECHNOLOGIES, ISSUANCE OF LICENSE AMENDMENT, CONTROL NO. 136062

Dear Mr. Morgan:

This refers to your license amendment request. Enclosed with this letter is the amended license.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. 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.

In addition to your amendment request, your license has been modified in accordance with NRC Regulatory Issue Summary (RIS) 2004-17: Revised Decay-In-Storage Provisions for the Storage of Radioactive Waste Containing Byproduct Material (http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2004/ri200417.pdf). Your license now contains a revised decay-in-storage (DIS) condition (see Condition 19). This revised condition permits greater flexibility for DIS of waste by eliminating a specific holding period prior to disposal. Please review the RIS 2004-17, and the revised condition carefully to ensure that you understand its requirements.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

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 pdr@nrc.gov.

Thank you for your cooperation.

Sincerely,

Original signed by Bryan A. Parker

Bryan A. Parker
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 14

cc:
David Bennett, Radiation Safety Officer

DOCUMENT NAME: E:\Filenet\ML050190013.wpd

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DATE	01/11/05							

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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.

Licensee	In accordance with the letter dated November 23, 2004,
1. Agilent Technologies, Inc.	3. License No. 07-28762-01 is amended in its entirety to read as follows:
2. 2850 Centerville Road Wilmington, Delaware 19808	4. Expiration Date: November 30, 2012
	5. Docket No. 030-32792

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
A. Phosphorus 32	A. Any	A. 10 millicuries
B. Phosphorus 33	B. Any	B. 2 millicuries
C. Nickel 63	C. Any	C. 1 millicurie
D. Nickel 63	D. Foils (Isotope Products Laboratories custom plated sources, AEA Technology custom plated sources, AEA Technology Model NBCD, or DuPont Merck Pharmaceutical Model NER-004P)	D. 1 curie
E. Nickel 63	E. Plated sources and parts (Isotope Products Laboratories custom plated sources, AEA Technology custom plated sources, AEA Technology Model NBCD, or DuPont Merck Pharmaceutical Model NER-004P)	E. 50 curies
F. Hydrogen 3	F. Any	F. 2 millicuries

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License No.
07-28762-01

Docket No.
030-32792

Amendment No.
14

9. Authorized use:

A., B. and F. Research and development as defined in 10 CFR 30.4.

C. Development, testing, production, assembly, repair and maintenance of detection cells, and for storage of waste materials.

D. and E. Development, testing, production and assembly of detector cells; repair and maintenance of detector cells; demonstration of use of detector cells; and for distribution in detector cells to persons authorized to receive the licensed material pursuant to terms and conditions of specific licenses issued by the Nuclear Regulatory Commission or any Agreement State.

CONDITIONS

10. A. Licensed material in 6.A., 6.B. and 6.F. may be used or stored at the licensee's facilities located at Little Falls Center, 2850 Centerville Road, Wilmington, Delaware.

B. Licensed material in 6.C., 6.D. and 6.E., may be used or stored at the licensee's facilities located at Little Falls Center, 2850 Centerville Road, Wilmington, Delaware, 300 Century Boulevard, Wilmington, Delaware, and may be used at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material, including areas of exclusive Federal jurisdiction within Agreement States.

If the jurisdiction status of a Federal facility within an Agreement State is unknown, the licensee should contact the Federal agency controlling the job site in question to determine whether the proposed job site is an area of exclusive Federal jurisdiction. Authorization for use of radioactive materials at job sites in Agreement States not under exclusive Federal jurisdiction shall be obtained from the appropriate state regulatory agency.

11. A. Licensed material in 6.A. and 6.B. shall be used by, or under the supervision of, Barry Boyes, and licensed material in 6.A. and 6.F. shall be used by, or under the supervision of, James M. D'Alessio.

B. Licensed material in 6.C., 6.D. and 6.E. shall be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the application dated September 11, 2002. The licensee shall maintain records of individuals designated as users for three years following the last use of licensed material by the individual.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License No.
07-28762-01

Docket No.
030-32792

Amendment No.
14

12. The Radiation Safety Officer (RSO) for this license is David S. Bennett.

13. The licensee shall not use licensed material in or on human beings.

14. This license does not authorize commercial distribution of licensed material.

15. This license does not authorize distribution to persons licensed pursuant to 10 CFR 32.72 or 32.74; to persons exempt from licensing; or to general licensees.

16. The licensee shall not use licensed material in field applications where it is released except as provided otherwise by specific condition of this license.

17. 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. 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.

    C. Sealed sources need not be tested if they contain only hydrogen-3; or they contain only a radioactive gas; or the half-life of the isotope is 30 days or less; or they contain not more than 100 microcuries of beta- and/or gamma-emitting material or not more than 10 microcuries of alpha-emitting material.

    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 No.
07-28762-01

Docket No.
030-32792

Amendment No.
14

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 five years.

18. 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 five 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.

19. The licensee is authorized to hold radioactive material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if it:

A. Monitors byproduct material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding; and

B. Removes and obliterates all radiation labels, except for radiation labels on materials that are within containers and that will be managed as biomedical waste after they have been released from the licensee; and

C. Maintains records of the disposal of licensed material for three years. The record must include the date of the disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface of each waste container, and the name of the individual who performed the disposal.

20. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License No.
07-28762-01

Docket No.
030-32792

Amendment No.
14

21. 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 September 11, 2002
    B. Letter dated October 15, 2002
    C. Letter dated August 4, 2003
    D. Letter dated September 23, 2003
    E. Letter dated November 23, 2004 [ML043410290]

For the U. S. Nuclear Regulatory Commission

Original signed by Bryan A. Parker

Date January 11, 2005
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By _____

Bryan A. Parker
Commercial and R&D Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406