



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

December 4, 2006

President
Botach Tactical
3423 West 43rd Place
Los Angeles, California 90008

SUBJECT: THE RECEIPT AND DISTRIBUTION OF DEVICES CONTAINING TRITIUM

Dear Sir or Ma'am:

This refers to your company's receipt and subsequent distribution of certain devices containing byproduct material. Specifically, these devices consist of timepieces containing tritium, which were found to be advertised on your company's website at www.BotachTactical.com.

The NRC regulates the initial distribution within the United States of America of these devices under 10 CFR 32.14, and requires that, in part, persons that manufacture or initially transfer certain devices containing byproduct material apply for and obtain a specific license. This requirement allows the NRC to ensure that only those devices which have been reviewed and approved as safe are distributed within our jurisdiction. However, if your company is not the manufacturer or initial distributor of these timepieces containing tritium, then your company is exempt from these licensing requirements under the provisions of 10 CFR 30.15. Enclosed are the referenced regulations taken from Title 10 of the Code of Federal Regulations for your review.

We request that you respond to this letter in writing or by telephone within 10 days providing the name of the company and contact information from which you obtain these timepieces containing tritium. This information will allow the NRC to confirm that your company is exempt from the licensing requirements under 10 CFR 30.15.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/Adams.html>. If your response contains proprietary information, we request that you please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, we request that you specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Botach Tactical

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If you have any questions regarding this correspondence, or would like to respond to this letter by telephone, please call James Thompson at (817) 276-6538, or the undersigned at (817) 860-8287.

Sincerely,

Vivian H. Campbell, Chief
Nuclear Materials Inspection Branch

Docket No.: 999-90004

Enclosure: As Stated

cc:
California Radiation Control Program Director

Enclosure**§ 30.15 Certain items containing byproduct material.**

1. (a) **Except for** persons who apply byproduct material to, or persons who incorporate byproduct material into, the following products, **or persons who initially transfer** for sale or distribution the following products containing byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in parts 20 and 30 through 36 and 39 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires the following products:

(1) Timepieces or hands or dials containing not more than the following specified quantities of byproduct material and not exceeding the following specified levels of radiation:

(i) 25 millicuries of tritium per timepiece,

(ii) 5 millicuries of tritium per hand,

(iii) 15 millicuries of tritium per dial (bezels when used shall be considered as part of the dial),

(iv) 100 microcuries of promethium 147 per watch or 200 microcuries of promethium 147 per any other timepiece,

(v) 20 microcuries of promethium 147 per watch hand or 40 microcuries of promethium 147 per other timepiece hand,

(vi) 60 microcuries of promethium 147 per watch dial or 120 microcuries of promethium 147 per other timepiece dial (bezels when used shall be considered as part of the dial),

(vii) The levels of radiation from hands and dials containing promethium 147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:

(A) For wrist watches, 0.1 millirad per hour at 10 centimeters from any surface,

(B) For pocket watches, 0.1 millirad per hour at 1 centimeter from any surface,

(C) For any other timepiece, 0.2 millirad per hour at 10 centimeters from any surface.

(2) Lock illuminators containing not more than 15 millicuries of tritium or not more than 2 millicuries of promethium 147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium 147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.

(3) Balances of precision containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part.

(4) Automobile shift quadrants containing not more than 25 millicuries of tritium.

(5) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas.

(6) Thermostat dials and pointers containing not more than 25 millicuries of tritium per thermostat.

(7) [Reserved]

(8) Electron tubes: *Provided*, That each tube does not contain more than one of the following specified quantities of byproduct material:

(i) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

(ii) 1 microcurie of cobalt-60;

(iii) 5 microcuries of nickel-63;

(iv) 30 microcuries of krypton-85;

(v) 5 microcuries of cesium-137;

(vi) 30 microcuries of promethium-147;

And provided further, That the levels of radiation from each electron tube containing byproduct material do not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber.1

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of byproduct material: *Provided*, That;

(i) Each source contains no more than one exempt quantity set forth in § 30.71, Schedule B, and

(ii) Each instrument contains no more than 10 exempt quantities. For purposes of this paragraph (a)(9), an instrument's source(s) may contain either one type or different types of radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in § 30.71, Schedule B, provided that the sum of such fractions shall not exceed unity.

(iii) For purposes of this paragraph (a)(9), 0.05 microcurie of americium-241 is considered an exempt quantity under § 30.71, Schedule B.

(10) Spark gap irradiators containing not more than 1 microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least 3 gallons per hour (11.4 liters per hour).

(b) Any person who desires to apply byproduct material to, or to incorporate byproduct material into, the products exempted in paragraph (a) of this section, or who desires to initially transfer for sale or distribution such products containing byproduct material, should apply for a specific license pursuant to § 32.14 of this chapter, which license states that the product may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

§ 32.14 Certain items containing byproduct material; requirements for license to apply or initially transfer.

1. **An application for a specific license to** apply byproduct material to, or to incorporate byproduct material into, the products specified in § 30.15 of this chapter or to **initially transfer for sale or distribution** such products containing byproduct material for use pursuant to § 30.15 of this chapter will be approved if:

- (a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;
- (b) The applicant submits sufficient information regarding the product pertinent to evaluation of the potential radiation exposure, including:
 - (1) Chemical and physical form and maximum quantity of byproduct material in each product;
 - (2) Details of construction and design of each product;
 - (3) The method of containment or binding of the byproduct material in the product;
 - (4) Procedures for and results of prototype testing to demonstrate that the material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product;
 - (5) Quality control procedures to be followed in the fabrication of production lots of the product and the quality control standards the product will be required to meet;
 - (6) The proposed method of labeling or marking each unit, except timepieces or hands or dials containing tritium or promethium-147, and its container with the identification of the manufacturer or initial transferor of the product and the byproduct material in the product;
 - (7) For products for which limits on levels of radiation are specified in § 30.15 of this chapter, the radiation level and the method of measurement;
 - (8) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the product.
- (c) Each product will contain no more than the quantity of byproduct material specified for that product in § 30.15 of this chapter. The levels of radiation from each product containing byproduct material will not exceed the limits specified for that product in § 30.15 of this chapter.
- (d) The Commission determines that:
 - (1) The byproduct material is properly contained in the product under the most severe conditions that are likely to be encountered in normal use and handling.
 - (2) For automobile lock illuminators, the product has been subjected to and meets the requirements of the prototype tests prescribed by § 32.40, Schedule A.

