U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Reports No. 03007636/82-01(DETP); 03011314/82-01(DETP)

Docket Nos. 03007636; 03011314

License No. 22-13585-02G

Category E

Priority IV

License No. 22-13585-03

Category E

Priority IV

Licensee: Nite-Site, Incorporated

P. O. Box O

Rosemount, MN 55068

Inspection Conducted: July 28, 1982

Inspector: C. T. Oberg for

Radiation Specialist

8-24-82

Approved By: D. G. Wiedeman, Chief

Materials Radiation Protection

Section 1

Inspection Summary

Inspection on July 28, 1982 (Reports No. 03007636/82-01(DETP); 03011314/82-01(DETP))

Areas Inspected: Special, unannounced inspection of the licensed programs: materials; facilities; receipt and transfer of material; confirmatory measurements; and independent inspection efforts. The inspection involved a total of five inspector-hours onsite by one NRC inspector.

Results: Within the six areas inspected, three apparent items of noncompliance were identified against License No. 22-13585-02G. Labels required by License Conditions No. 3.A. and B. have not always been permanently attached to guns by Nite-Site, Inc. in accordance with License Condition No. 3.D.; the three year leak tests were not performed as required by License Condition No. 3.A.(i): and Appendix D of 10 CFR 20 was not supplied as required by License Condition No. 5.

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DETAILS

Persons Contacted

The inspection and exit interview on July 28, 1982, were conducted with the Director of Licensing, Mr. Elliel F. Knutsen.

Purpose of Special Inspection

This inspection was performed in response to a memorandum from the Chief of the Materials Licensing Branch (MIB), Division of Fuel Cycle and Material Safety (Div. FC&MS), NRC Headquarters, dated July 15, 1982, requesting that Region III inspect the licensee to obtain answers to specific inquiries addressed within the text of this memo. The letter states that some manufacturers and distributors of luminous sights for handguns, rifles, and shotguns have maintained that unrestricted distribution to exempt persons should be authorized. NMSS maintains that distribution should be restricted.

The memo requested the region to review the licensee's customer list to determine whether gun sights distributed under 10 CFR Section 31.5 are in fact being used only for business purposes and to provide information to the Commission for control of the use of these units. The MLB has asked for assistance in determining whether Nite-Site, Inc. customers are in compliance with 10 CFR 31.5.

Region III MRPS personnel are addressing specific questions to some of the general licensees which are customers of Nite-Site, Inc. The specific questions being asked are:

- 1. What is the nature of the business requiring use of the gun sight?
- 2. Is the customer aware he is subject to NRC requirements? Was he informed of this by Nite-Site Inc.? Is he aware he cannot sell or abandon the gun sight?
- 3. Is the gun sight or weapon labelled as required?
- 4. If the customer no longer possesses the gun sight, how did he dispose of it? Was it transferred to a specific licensee as required?
- 5. Has a leak test sample been submitted to Nite-Site as required? Does the general licensee have a record of leak test results?

During the inspection of Nite-Site, Inc. the NRC inspector attempted to determine: (1) what documentation they obtain from their customers to assure that gun sights will be used only on weapons employed in the conduct of business; (2) are Nite-Site, Inc. customers submitting leak test samples upon receipt of gun sights and every three years thereafter? Does Nite-Site, Inc. remind customers to send in samples; (3) how many gun sights have been

found to be leaking after distribution; and (4) is Nite-Site, Inc. in compliance with the label attachment requirement?

These and other items and questions are covered in this report.

Licensee action on Previous Inspection Findings

During the previous inspection of December 1980, a total of three items of noncompliance were identified for these two licenses. Appropriate and effective corrective action has been taken for two of these items. The third item is a repeat item of noncompliance. The licensee has been allowing their customers to permanently affix the warning label to their weapons, sign an affidavit certifying that they have attached the label to the weapon with the specifically identified sight, and forwarding the affidavit to Nite-Site, Inc. for their records. The use of this affidavit was acceptable to Licensing at the time that the licensee submitted their response (March 1981) to the Region III enforcement letter. Based upon this, Region III accepted the licensee's corrective action to be appropriate and effective. This is now considered unacceptable by Licensing.

1. Summary of the Licensed Programs

License No. 22-13585-02G authorizes the distribution of promethium-147 contained in self-luminous gun sights to persons generally licensed.

License No. 22-13585-03 authorizes possession of promethium-147 in sealed luminous gun sight sources for nondestructive testing, demonstration, and installation on, and removal from guns.

The licensee has designed gun sight fixtures for handguns, rifles, and shotguns which are fabricated from a polycarbonate or steel material. The licensee delivers these sight fixtures to Minnesota Mining and Manufacturing Company (3M Co.) where Pm-147 sealed sources (3M Co. Model 1E2X luminous elements) are "potted" into the sight fixture with an epoxy and become an integral part of the gun sight. These gun sights are returned to Nite-Site, Inc., who only packages, stores, and distributes these finished gun sights. The licensee distributes the gun sights for use by persons as specified in 10 CFR 31.5. The licensee distributes only to persons who identify themselves as regular, private, special law officers, security guards, or military personnel. This can be inferred from Exhibit A-1, requested on order forms of Exhibit A-2 and stated on Exhibit A-3.

No items of noncompliance were identified.

2. Materials

Since the previous inspection the licensee has attempted to maintain a minimum inventory of gun sights containing the licensed material. They keep a minimal inventory available to supply the units for which they have the greatest demand. Other gun sights are obtained from 3M Co. in accordance with customer orders. During this inspection

the licensee had less than two dozen envelopes containing less than one millicurie each of Pm-147 mounted in gun sights. This would be in the order of 20 millicuries total, significantly less than their authorized 75 millicurie possession limit.

Material possessed under these licenses is adequately protected against unauthorized removal from the licensee's facility as discussed in the previous inspection report dated February 19, 1981.

No items of noncompliance were identified.

3. Facilities and Instrumentation

The licensee's facilities were inspected and found to be the same as were observed during the previous inspection.

The licensee maintains a Nuclear-Chicago Corp. Model No. 2652 portable survey instrument for use under these licenses. This instrument incorporates an end window, GM type detector stated to be capable of detecting beta radiation energies down to 40 keV. This is quite adequate for surveying the sealed Pm-147 source in the gun sights.

Based upon the efficiency quoted by the licensee for this detector and Model 2652 instrument (28%), the unit is also capable of measuring the activity on leak test samples taken from the gun sight to determine the level of contamination by Pm-147, if any, on the sights. The instrument background activity level is between 2000 and 3000 cpm which calculates to be equivalent to 0.0032 and 0.0048 microcuries. The licensee stated that this instrument was calibrated during April or May of this year; however, documentation of this calibration was not available for verification by the inspector. The records were with J. A. Santiago, the Director of Marketing, and he was not available from the date of this inspection through July 30, 1982, because of commitments within the Sheriff's office.

No items of noncompliance were identified.

4. Receipt and Transfer of Material

With respect to License No. 22-13585-03, the licensee has no specified procedure for picking up and receiving material because the packages are picked up directly from the manufacturer by the licensee. The material is hand carried in packaged lots containing no more than 75 sights, less than 75 millicuries of Pm-147, to the licensee's facility. The sights are repackaged by the licensee, stored, and subsequently distributed to general licensees. The licensee maintains appropriate receipt records, some of which are shown in the attached Exhibit B.

Because the Certification Forms from 3M Company specify that the Pm-147 sources produce a radioactive level of less than 0.3 mr/hr at 1 cm (Exhibit B), the licensee does not perform surveys of the material when it arrives at his facility.

The luminous gun sights containing Pm-147 are ultimately distributed to general licensees as authorized under 10 CFR 31.5. The licensee verifies customer orders via letterheads submitted with orders and by the order form itself (Exhibit A-2) to ascertain the general licensee's need and use of the product. After the licensee has assured themselves that their customer is authorized to receive the lights the order is filled. The sights are contained in a polyethylene packet (Exhibit C-2 attached) with the required label and a couple of filter paper disks for the required leak testing.

The envelope and each part of the report card have the sight serial number on it. Additionally, the envelope contains three colored cards (Exhibit C-3 attached); a "Special Notice" card (pink), a "Maintenance" card (peach) and a "NRC Label Requirement" and affadavit card (light green). Finally, the envelope also contains a sheet with parts of Title 10, Code of Federal Regulations (Exhibit C-4) warning label and business cards (Exhibit C-2). The return address envelopes containing these items is sent to the general licensee under one cover.

License Condition No. 3 of License No. 22-13858-02G requires each gun to bear two durable and clearly visible (caution) labels as outlined under conditions 3A and 3B. The Corrected Copy of Amendment No. 2 dated February 2, 1981, references a letter dated March 25, 1980, in which Section (3) refers to revision of the label as specified. Since all of the information required by License Conditions 3.A and 3.B is included on this one label and there is no statement to the contrary, no citation was made for not having two labels.

License Condition No. 3D states each label shall be permanently attached to each gun by Nite-Site Inc. Contrary to this requirement, the label is not always permanently attached by the licensee but by the licensee's customer, a general licensee who signs an affadavit to this effect and then mails it to the licensee.

This is a repeat item of noncompliance with the conditons of the license.

License Condition No. 5 specifies the sections of the parts of 10 CFR which are to be provided to the general licensee. This includes Appendix D of Part 20, 10 CFR 20. Contrary to this requirement, the information supplied to the general licensee does not include Appendix D of 10 CFR 20 (see Exhibit C+4). This is an item of noncompliance with the conditions of the license.

In accordance with License Condition No. 2, each gun sight transferred to a general licensee is to be tested for leakage and contamination immediately following installation of sight(s) on a weapon. The leak test wipe samples taken by the general licensee are sent back to the licensee for measurement and evaluation. The results of the evaluation are returned to the general licensee on one of the three part report cards. According to the licensee and based upon the records available, the leak testing has been accomplished and reported as required in most

cases. The exception to this was a lot of about 60 sights transferred to the U.S. Army during 1981. The U.S. Army did not return the leak test wipes for evaluation.

License Condition No. 3.A.(1) requires that the sights be tested for leakage every three years. To accomplish this, three years after the initial leak test, Nite-Site, Inc. sends the second report card (Exhibit C-1) to the general licensee and/or a memorandum as shown in Exhibit A-1. According to the licensee, the three year leak testing samples have been returned from only about 50 percent of the general licensees. Records of these were not available for review by the inspector. The required three year leak testing for contamination of the gun sights containing seased Pm-147 sources was not being performed on each sight possessed by a general licensee. This is an item of noncompliance with the license conditions.

With the exception of the occurrence at the Argonne National Laboratories in August 1980, the licensee has never found, nor been informed of any contamination of gun sights containing leaking sources of Pm-147.

The filter papers used to take the wipes for leak testing are measured either by the licensee, using the portable survey instrument described in Section 3 of this report, or by 3M Company for the licensee.

As mentioned above in this Section and in preceeding Section 3, several types of the licensee's records were not available for inspection. Some of the records such as purchase orders, customer qualifications as a general licensee, survey instrument calibration, etc. were with the Director of Marketing, Mr. J. A. Santiago, who was not available because of his duties as Sheriff. Distribution records including names of general licensees, their addresses, gun sight identification, dates, etc. were not available for another reason. Copies of these records were requested by Ms. Penny Pennington of International Energy Associates (IEA) who was working under a contract with the NRC. The licensee did not have copies of these tabulations and had no facilities for making copies of them. IEA asked to have the originals sent to them and they would make the copies and return the originals. The records were removed from the record book (ring binder), packaged, and mailed to IEA about January 4, 1982, as shown in Exhibit D-1 attached. Ms. Penny Pennington never received the records, only the cover letter (Exhibit D-1) which was attached to the package. She informed the licensee of this and they presumed that the package, which had no addresses on it and apparently was not well attached to the cover letter, became separated from the cover letter and got lost in the mail. On January 13, 1982, the licensee initiated a trace of the package through the Post Office by PS Form 1510 (Exhibit D-2 attached). A search was conducted by the Post Office during March 1982 and the package and/or records were not located. As of the day of this inspection, no further information on the loss has been received by the licensee. This information was verified by the inspector through

a telephone discussion with Ms. Pennington in Washington, D.C. She stated the request to obtain and review copies of the Nite-Site Inc. records had been approved by Materials Certification and Procedures Division of Fuel Cycle and Material Safety of the NRC. This was also verified by a telephone call to NRC Headquarters. From this the inspector learned that they were compiling a list of general licensees for byproduct material status and accountability purposes.

Records of the available "NRC Label Requirement" and/or affidavit return cards were reviewed by the inspector. Almost all of these were affidavits signed by the general licensee to verify that he/she had applied the NRC caution label as required. Other available records of transfer were the three year leak test reminder cards filed according to month and year when they should be mailed to the general licensee.

Gun sights containing decayed Pm-147 which have been returned by the general licensees for final disposition and disposal have not accounted for all of those which presumably are of no further use as luminous products. A period of between five and seven years decay will reduce the level of light intensity from the source to 70 microlumens or less. This has been established as the critical level of brightness for effective use of these luminous gun sights in the dark. The units which have been returned have been disposed of by subsequent transfer to 3M Company for final disposal as waste. Records of these transfers have been maintained by the licensee. These records also contain results of the final leak testing performed by 3M Company for the licensee (see attached Exhibit E).

None of the sources returned to date have been found to be contaminated with Pm-147 which would be indicative of leakage of the sealed source.

Three items of noncompliance were identified.

5. Confirmatory Measurements

On July 28, 1982, the inspector measured the level of radiation from several gun sights using an E-520 survey instrument, NRC No. 9575, with an end window type M detector, calibrated on July 15, 1982. Measurement of these sights indicated that the radiation levels from them were not in excess of 0.3 mR/hr at 1 cm. Readings obtained varied between 0.1 and 0.2 mR/hr and were confirmed by use of the licensees survey instrument (see Section 3 of this report).

No items of noncompliance were identified.

6. Independent Inspection Effort

The inspector discussed the operation of the program with the licensee, the circumstances surrounding the loss of their records in the mail and attempted to contact J. A. Santiago, Director of Marketing, to arrange a meeting for review of records in his possession. In addition the inspector subsequently (August 5 and 6, 1982) contacted the IEA, Ms. P. Pennington, and NRC, Div. FC&MS, Mr. B. Singer, to verify the necessity of the licensee mailing his records to IEA.

Exit Interview

The inspector reviewed the findings of this inspection and discussed the items of noncompliance identified in this report. He also informed the licensee that he would attempt to determine the reason that the IEA needed to review his records. This was accomplished on August 5, 1982, and the licensee was informed.

The inspector also requested the licensee to forward to RIII, copies of some of the records held by J. A. Santiago, Director of Marketing. This was agreed to by the licensee.

Attachments: Exhibits A-1 through E



NITE-SITE, INC.

P. O. BOX 0 ROSEMOUNT, MINNESOTA 55068

filter papers stapled to original a

MEMO TO:

ALL OWNERS OF "NITE-SITE" SELF ILLUMINATING GUN SIGHTS

The U.S.Atomic Energy Commission requires that each set of self illuminating gun sights installed by NITE-SITE INC, be wipe tested every three years.

Enclosed please find two round filter papers. Simply wipe each sight housing with one of the filter papers and return the paper (s) to NITE-SITE INC, P.O.BOX O, ROSEMOUNT, MINNESOTA 55068.

Since your weapon was among the first to carry night sights on duty, we would appreciate it if you would check the following, plus, adding your comments along with any incidences you came up with, both good and bad, during the course of duty:

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I.TE-SITE ORDER FORI.5 (for additional forms xerox copy this page)

Buyer's Name		DO NOT WRITE IN THIS SPACE		
Organization		Nite-Site SN		
Address		Date Shipped		
		State Sales Tax		
		Total Price		
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Model				

Exhibit A-3

PLEASE POST ON SQUAD ROOM BULLETIN BOARD

U.S. Patent Issued

NITE-SITE®

Gold Medal Winner In World Competition

Day/Night Combat Sighting Systems For Handguns - Shotguns - Rifles

Pioneer in Low Level Light Weaponry Used By Elite U.S. and Canadian Forces

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May 82 Gun World June 82 Combat Handguns





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Turn Your Gun into a 24-Hour Weapon

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Box O. Rosemount, MN 55068

FOR FREE CATALOG SEND DEPARTMENT 4" x 9"
SELF-ADDRESSED STAMPED ENVELOPE.

Static Control _ stems/3M

TCAAP 590 New Brighton, Minnesola 55112



Form 9499 E PWO

NITE-SITE, INC. Rosemount, MN 55068

3M 414296 PO 011178, Rel. 47

Certification

3M Model 1E2X

The following radioactive sources are certified by Minnesota Mining and Manufacturing Company to have been subjected to the tests described below and to have given the results listed.

Model:

70H-1 Front

70H-2 Rear

70H-5 Rear

Quantity:

250 Each

30 Each

6 Each

Activity:

0.7 mCi

0.55 mCi

0.55 mCi

Radiation Level:

Wipe Test:

<0.3 mr/hr at 1 cm

<0.0005 uCi Removable Activity

No other certification is to be implied.

Quality Supervisor Melvin R. Peters Date 2 Apr 1982



Form 8499 E PWO

NITE-SITE, INC. Rosemount, MN 55068

3M 414296 PO 011178, Rel. 40

Certification

3M Model 1E2X

The following radioactive sources are certified by Minnesota Mining and Manufacturing Company to have been subjected to the tests described below and to have given the results listed.

Model:

70H-1 Front

70H-2 Rear

70H-5 Rear

Quantity:

461 each

85 each

75 each

Activity:

0.7 mC1

0.55 mC1

0.55 mCi

Model:

70H-7 Rear

70S-11 Front

70H-13 Front

Quantity:

38 each

24 each

10 each

Activity:

0.55 mC1

0.7 mC1

0.7 mC1

Radiation Level:

Wipe Test:

<0.3 mr/hr at T cm

<0.0005 uCi Removable Activity

No other certification is to be implied.

Quality Supervisor Melvin R. Peters

Date 29 Jan 1982



Form 9499 & PWO

NITE-SITE, INC. Rosemount, MN 55068

3M 314292 PO 01117H, Rel. 39

Certification

3M Model 1E2X

The following radioactive sources are certified by Minnesota Mining and Manufacturing Company to have been subjected to the tests described below and to have given the results listed.

Model:

70-S-16 Front

Quantity:

25 each

Activity:

0.7 mCi

Nominal Brightness:

>350 µ1

Radiation Level:

<0.3 mr/hr at 1*cm

Wipe Test:

0.0005 uCi Removable Activity

No other certification is to be implied.

Quality Supervisor Melvin R. Peters Date 8 Dec 1981

Static Control Systems/3M TCAAP 590 New Brighton, Minnesota 55112



Form 9499-E PWO

NITE-SITE, INC. Rosemount, MN 55068

3M 414292 PO 011178, Rel. 38

Certification

3M Model 1E2X

The following radioactive sources are certified by Minnesota Mining and Manufacturing Company to have been subjected to the tests described below and to have given the results listed.

Model:

70H-1 Front

70H-2 Rear

70H-5 Rear

Quantity:

130 each

80 each

15 each

Activity:

0.7 mCi

0.55 mCi

0.55 mCi

Model:

70H-7 Rear

70S-11 Front

705-14 Front

Quantity:

5 each

35 each

25 each

Activity: .55 mCi

0.7 mCi

0.7 mCi

Nominal Brightness:

Radiation Level:

Wipe Test:

300 ul Front, 200 ul Rear

-0.3 mr/hr at 1 cm

<0.0005 uCi Removable Activity

No other certification is to be implied.

Quality Supervisor Melvin R. Peters Date 8 Dec 1981

Static Cont. Tystems 3M LAAF SEE New Rochton, Minner of a Willy



10:m 9499 1 PW()

NITE-SITE. INC. Rosemount, MN 55068

3M 414292 PO 011178, Rel.

Certification 3M Model 1E2X

The following radioactive sources are certified by Minnesota Mining and Manufacturing Company to have been subjected to the tests described below and to have given the results listed.

Model:

70H-1 Front

70H-2 Rear

70H-5 Rear

Quantity:

110 each

35 each

20 each

Activity:

0.7 mCi

0.55 mCi

0.55 mCi

Nominal Brightness:

Radiation Level:

Wipe Test:

300 ul Front, 200 ul Rear

<0.3 mr/hr at 1 cm

_0.0005 uCi Removable Activity

No other certification is to be implied.

Quality Supervisor Melvin R. Peters Date 19 Sep 1981

Static Control Systems 3M TCAAP 590 New Brighton, Minnesota 55112



Form 9499 & PWO

NITE-SITE, INC. Rosemount, MN 55068

PO 011178, Rel. 3

Certification

115 Walny

3M Model 1E2X

The fallowing radioactive sources are certified by Minnesota Mining and Manufacturing Company to have been subjected to the tests described below and to have given the results listed.

Mode1:

70H-1 Front

quantity:

60 each

Activity:

0.7 mC1

Nominal Brightness:

30 µl Front, 200 µl Rear

Radiation Level:

<0.3 mr/hr at 1 cm

Wipe Test:

20.0005 µCi Removable Activity

No other certification is to be implied.

Quality Supervisor Malin A Peters Date 30 Jul 1981



Form BAUR F PWO

NITE-SITE, INC. Rosemount, MN 55068

3M 414292 PO 011178, Rel. #2

Certification

3M Model 1E2X

The following radioactive sources are certified by Minnesota Mining and Manufacturing Company to have been subjected to the tests described below and to have given the results listed.

Model:

70H-1 Front

70H-2 Rear

70H-5 Rear

Quantity:

190 each

30 each

30 each

Activity:

O. 7 mCi

0.55 mCi

0.55 mCi

Mode1:

70H-7 Rear

70S-11 Front

Quantity:

10 each

14 each

Activity: 0.55 mCi

0.7 mCi

Nominal Brightness:

300 µ1 Front, 200 µ1 Rear

Radiation Level:

<0.3 mr/hr at 1 cm

Wipe Test:

<0.00005 uCi Removable Activity

No other certification is to be implied.

Quality Supervisor Em. Salustis Date 16 Jul 1981



Form \$499.E.FWO

NITE-SITE, INC. Rosemount, MN 55068

3M 414292 PO 011178, Rel. 34

Certification

3M Model 1E2X

The following rediocetive sources are certified by Minnesoto Mining and Manufacturing Company to have been subjected to the tests described below and to have given the results listed.

Model:

70H-1 Front

70H-2 Rear

70H-11 Front

Quantity:

35 each

35 each

10 each

Activity:

0.7 mC1

0.55 mCi

0.7 mCi

Mode1:

705-13 Front

705-15 Front

Quantity:

5 each

5 each

Activity:

0.7 mC1

0.7 mCi

Nominal Brightness:

300 ul Front, 200 ul Rear

Radiation Level:

<0.3 mr/hr at 1 cm

Wipe Test:

.0.0005 uCi Removable Activity

No other certification is to be implied.

Quality Supervisor E.M. Salusting Date 23 Apr 1981

REGULATU ... INFORMATION DISTRIBUTION . STEM (RIDS)

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MIEDEMAAN, D.G. Division of Engineering & Technical Programs

RECIPIENT AFFILIATION

KNUTSEN, E.F. Nite-Site, Inc. SANTIAGO, J.A. Nite-Site, Inc.

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