

MAR 15 1971

Nite-Site Incorporated
ATTN: Mr. Charles A. Johnson
Secretary
P. O. Box 0
Rosemount, Minnesota 55068

Gentlemen:

You have requested by items 2, 3, 4, and 6 of your February 15, 1971 letter, that certain of the license conditions proposed in our January 27, 1971 letter be modified or waived. Since these conditions are essential for effective control of luminous gunsights distributed to general licensees under 10 CFR 31.5, we are unable to grant these requests.

With respect to item 4 of your letter, your proposed label does not contain wording in substantial agreement with condition 4 enclosed with our January 27, 1971 letter in that the wording does not include information as called for in items A.1., and A.6. of condition 4.

There is insufficient data in item 5 of your letter to support your estimates of potential radiation doses to persons wearing, using or otherwise exposed to a weapon equipped with your luminous sights.

Such supporting information should include the complete bases (assumptions, data, and methods of calculation) for the figures given in item 5 of your letter, and that requested by item 2 of the enclosure to our January 8, 1971 letter. Your statement that "the minimum shielding provided in the model 70H and 70S sight is 150 milligrams per square centimeter" does not furnish the information requested. As indicated in item 2 of the enclosure to our January 8, 1971 letter, we need a complete description of each sight including dimensions and materials of construction shown on a drawing or sketch of each complete sight (including the LE2X element).

We will also require clarification of the 150 milligram per square centimeter figure, since it appears that the minimum shielding provided would be that of the LE2X envelope which appears to be a maximum of 17 mils of glass.

9102250084 901211
PDR FDIA
BAZZANE90-504 PDR

OFFICE ▶									
SURNAME ▶									
DATE ▶									

A/31

MAR 15 1971

The information submitted with the 3M Company's January 19, 1971 letter in support of your request for a three-year leak test interval does not include sufficient data on similarly constructed items used under conditions that apparently will exist during the use of your gunsights. Although some information has been submitted concerning rifle sights, there is apparently no record of leak tests being performed on these sights. Similarly, the information submitted with the 3M Company's December 4, 1970 letter does not cover a period of use of the sights comparable with the three-year leak test period you are requesting.

Unless within thirty (30) days of the date of this letter, we receive a complete reply to our January 8, 1971 letter, including appropriate responses to the deficiencies noted above and a statement of your intent to comply with the conditions enclosed with our January 27, 1971 letter, we may have to institute procedures to deny your application for a license to distribute self-luminous sights containing promethium 147 to persons generally licensed under 10 CFR 31.5.

Sincerely,

Original Signed by
 Jack M. Ball
 Jack M. Ball
 Materials Branch
 Division of Materials Licensing

Distribution:
 St.Br.Dist.

CRESS OFFICE ▶	INCL:MB					
T-1:R-1-2:jjh	<i>JMB</i>					
SURNAME ▶	JMB					
DATE ▶	3/14/71					

Belt No. 16
Bell, DML
3-1-71
Diana

Com 128A

Nite-Site Incorporated
ATTN: Mr. Charles A. Johnson
Secretary
P.O. Box 0
Rose Mount, Minnesota 55068

Gentlemen:

You have requested by items 2, 3, 4 and 6 of your February 15, 1971 letter, ~~the waiving of requirements of the Commission's regulations pertaining to the general license of 10 CFR 31.5. Such action would amount to a rule change and can only be accommodated pursuant to the provisions of section 2.802 of the enclosed 10 CFR 2.~~ *reply will attached in 5*

In addition:

- (1) With respect to item 4 of your letter, your proposed label does not contain wording in substantial agreement with ~~that in~~ condition 4 ~~is~~ enclosed with our January 27, 1971 letter in that the wording does not include information as called for in items A.1., A.4., and A.6. of condition 4.
- (2) Item 5 of your letter ~~does not give the complete basis~~ *to support your claim* for the figures reported therein for potential radiation doses to parts of the body of a person wearing, using or otherwise exposed to a weapon equipped with your ~~own~~ *sights* luminous ~~sights~~. Specific information in this regard was requested by item 2 of the enclosure to our January 8, 1971 letter. Your statement that "the minimum shielding provided in the model 70H and 70S site is 150 milligrams per square centimeter" is not sufficient in this respect.

A/30

We will also require clarification of the 150 milligram per square centimeter figure, since it appears that the minimum shielding provided would be that of the ~~1E2X~~ envelope which appears to be a maximum of 17 mils of glass.

The information submitted with ^{the 20} ~~Minnesota Mining and Manufacturing Company's~~ January 19, 1971 letter in support of your request for a three year leak test interval does not include sufficient data ^{of} similarly constructed items used under conditions that apparently will exist during the use of your guns ^{ghts}. Although information has been submitted concerning rifle ^{ght} sites, there is apparently no record of leak tests being performed on these sites. Similarly, the information submitted with the ~~Minnesota Mining and Manufacturing Company's~~ December 4, 1970 letter ^{ght} does not cover a period of use of the sites comparable with the three year ^{per} period you are requesting ~~between tests, for leakage and contamination.~~

Unless within ^{thirty} ~~30~~ (30) days of the date of this letter, we receive a complete reply to our January 8, 1971 letter, including appropriate responses to the deficiencies noted above and stating your intent to comply with the conditions enclosed with our January 27, 1971 letter, we may have to institute procedures to deny your application for a license to distribute self-luminous sites containing promethium 147 to persons generally licensed under 10 CFR 31.5.

Sincerely,

Jack M. Bell
Materials Branch
DML

~~115-14~~
~~117-111~~

In items 2, 3, 4, & 5 of your 2/15/71 letter you have requested the wording of requirements of the regulations pertaining to the general level of 10 CFR 31.5. Such an ~~action~~ action would amount to a rule change and can only be ~~accomplished~~ ^{accomplished} pursuant to the provisions of 2.802 of the enclosed 10 CFR 2.

In addition:

1. With respect to Item 4 of your letter, your proposed label does not contain wording in substantial agreement with that in Condition 4 as enclosed with our Jan 27, 1971 letter in that the wording does not ~~include~~ include information as called for in ~~the~~ ^{the} Items A. 1., A. 4., and A. 6. of Condition 4.
2. Item 5 of your letter does not give the complete basis for the figures reported therein for potential radiation dose to parts of the body of ~~the~~ a person wearing ^{using or otherwise exposed to} the weapon equipped with your self-luminous sights. Specific information in this report was requested by Item 2 of the enclosure to our Jan 8, 1971 letter. You stated that "the minimum shielding

provided in the model 704 and 703 sights is 150 milligrams per square centimeter ~~is~~ not sufficient in the reports.

We will also require clarification of ^{the 150 mill} ~~the~~ figure, since ~~the~~ it appears that the minimum shielding provided would be that of the ~~of~~ 1E24 envelope which appears to be a maximum of 17 mils of glass.

3. The information submitted with 3M's Jan 19, 1971 letter in support of your request for a three year lead test interval does not include ^{affirmative} data on suitably constructed items used under conditions that appear will exist during the use of your gun sights. Although information ^{has} been submitted concerning rifle sights, there is apparently no record of lead tests being performed on these sights.

Unless within ^{thirty} (30) days of the date of this letter, we receive complete replies to our Jan 8, ~~Jan 8,~~ 1971 letter, ~~including the information requested~~ and responding to the deficiencies noted above and

stating your intent to comply with
 the conditions enclosed with our Jan 27,
 1971 letter, we may have to institute
 measures to deny all or part of your
 application for a license to distribute
 self-luminous signs containing promethium.
 147 to persons generally licensed under
 10 CFR 31.5.

Becher

Requirements on gen. li. - Spec. li. see
no permit necessary for construction?

Spec. li. says he cannot want to want
rights of reg.

Does "wreck" wording of N-S ltr preclude
denial?

Transfers within "general license" - legal?
yes