U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 03019451/82-01(DETP)

Docket No. 03019451

License No. 21-19874-01 Category K Priority VII

Licensee: Leadership Keys, Inc.
25304 Farmington Road
Farmington Hills, MI 48018

Inspection Date: August 24, 1982

Inspectors: S R Fasule
for E. R. Matson
Radiation Specialist 9-21-82

S R Fasule
for J. R. Mullauer
Radiation Specialist 9-21-82

Approved By: D. J. Sreniawski, Chief
Materials Radiation Protection
Section 2 9/21/82

Inspection Summary

Inspection on August 24, 1982 (Report No. 03019451/82-01(DETP)):
Areas Inspected: Special announced inspection of licensed program; material; facilities and instrumentation; labeling; receipt and transfer; leak testing; waste disposal; notifications and reports; and independent inspection effort. The inspection involved six inspector-hours onsite by two NRC inspectors.
Results: Within the nine areas inspected, one apparent item of noncompliance was identified. The quarterly report required by 10 CFR 32.52 has not been submitted for the second quarter of 1982. See Section 10, Notifications and Reports.

DETAILS

1. Persons Contacted

*Glyn A. J. Bindon - President
*Carolyn A. Bindon - Vice President

*Attended exit interview on August 24, 1982.

2. Purpose of Inspection

This special inspection was a review of routine licensed activities and sought to answer questions posed in a memorandum from the Chief of Materials Licensing Branch (MLB), Division of Fuel Cycle and Material Safety (Div. FC & MS), NRC Headquarters, dated July 15, 1982. Specifically, the inspectors reviewed the documentation the licensee obtains with customer orders to assure that gunsights will be used only in the conduct of business. Also, Region III inspectors are inspecting several of Leadership Keys' customers to determine the nature of their business requiring use of the gunsights, and their knowledge of NRC requirements regarding possession, use, and transfer of the gunsights.

During the inspection it was determined that Leadership Keys requires and receives from every customer a signed statement indicating that the gunsight will be used by the customer in the conduct of his/her business. This statement is received in either of two forms, a signature on the Purchase Order (Exhibit A) or on the statement of understanding and compliance on page 3 of the "Instructions" insert (Exhibit B). The licensee takes no further action to determine or assure the use of the gunsights or occupation of the purchaser.

No item of noncompliance was identified.

3. Summary of Licensed Program

License No. 21-19874-01 authorizes the receipt, possession, storage and use of 320 curies of hydrogen-3 contained in self-luminous gunsights. The license also authorizes the distribution of these gunsights to general licensees as designated in 10 CFR Section 31.5(a).

The licensee is active in all of the above areas and is importing Armson O.E.G. gunsights from South Africa. Each contain two 80 millicurie sealed sources of hydrogen-3. The licensee also imports and distributes nonradioactive sight mounts from the same company. The gunsights containing hydrogen-3 are received totally assembled and prepackaged. The licensee opens and examines each sight, applies the required label and places the required literature in the box before distribution. Occasionally, the reticle assembly, containing hydrogen-3, is removed from the sight because of imperfections in the shape of the reticle. Under no circumstances are the sealed sources opened or removed from the reticle assembly.

No item of noncompliance was identified.

4. Materials

The licensee's inventory conducted on July 26, 1982, revealed a total possession of 393 gunsights each containing two, 80 millicurie sealed sources of hydrogen-3. Therefore, total activity on hand was 62.88 curies of hydrogen-3 which is well within the possession limit of 320 curies.

The inventories and records required by License Condition No. 20 were reviewed and found to be satisfactory.

No item of noncompliance was identified.

5. Facilities and Instrumentation

Leadership Keys, Inc. operates out of the home of Glyn Bindon. A den/office room is used for storing and handling the gunsights. The house is secured when unattended. Therefore, material possessed under the license is adequately protected against unauthorized removal from the licensee's facilities.

In addition, the licensee has available the facilities of Environmental Research Group, Inc., (ERG) Ann Arbor, MI, which include a fully equipped laboratory capable of handling radioactive material.

The licensee does not possess any instrumentation. All instrumentation, including a Beckman, LS 3150, scintillation counter for conducting leak tests is available at ERG facilities. ERG is authorized to perform the required leak tests for the licensee.

No item of noncompliance was identified.

6. Labeling

When the licensee receives an order for a gunsight and has a signed copy of the certification from the individual, the order is filled. Each gunsight is prepackaged in a cardboard box covered with a plastic wrap. The box is opened, the shape of the reticle and general condition of the sight is examined, the warning label required by License Condition No. 15 is applied (see Exhibit B for a sample), and the "Instructions" and "Regulations" brochures required by License Condition No. 17 are inserted. See Exhibit B and C. The sight is then mailed to the customer.

No item of noncompliance was identified.

7. Receipt and Transfer

The Armson O.E.G. gunsights are imported from South Africa to Detroit Metro Airport. The licensee picks them up at the airport and transports

them to Leadership Keys in Farmington Hills. The packages containing the gunsights are less than Type A quantities and are therefore exempt from contamination and radiation level surveys required by 10 CFR 20.205.

Appropriate receipt and transfer records are maintained and were reviewed by the inspectors for the period from February 13, 1981 to July 18, 1982.

Since the Notice of Violation issued to Leadership Keys on December 30, 1981, was for unauthorized distribution, the inspectors verified by the above record review that from November 4, 1981, to the date of issuance of the license on January 25, 1982, no gunsights containing radioactive material were distributed.

No item of noncompliance was identified.

8. Leak Testing

The licensee is required under License Condition No. 14 to leak test gunsights in accordance with 10 CFR 32.110, Table 3, Lot Tolerance Percent Defective 2.0 percent. This Table defines the sample size to be tested.

On August 12, 1982, 214 gunsights were received and 95 were tested for leakage by ERG. On May 27, 1982, 181 units were received and a sample of 85 were leak tested. Reports from ERG show all samples had removable contamination levels of less than .005 microcuries as determined by wet wipe and liquid scintillation counting.

The licensee has no periodic leak testing requirements after the gunsights are distributed.

No item of noncompliance was identified.

9. Waste Disposal

The licensee has had no radioactive waste disposal to date. However, plans have been made to ship imperfect and old reticle assemblies containing hydrogen-3 to Sauders-Roe Developments, Inc., North Carolina. Sauders-Roe Developments, Inc., are the manufacturers of the sealed glass ampules containing hydrogen-3.

10. Notifications and Reports

License Condition No. 19 requires the licensee to file quarterly reports in accordance with 10 CFR 32.52. This regulation requires reports be submitted to the NRC of all transfers of byproduct material to persons generally licensed under 10 CFR 31.5. The report must cover the calendar quarter and be filed within 30 days thereafter. An equivalent report must be made to appropriate Agreement States listing the persons receiving the material in those states.

Contrary to the above, the licensee failed to submit the required report to the NRC and appropriate Agreement States for the second calendar quarter of 1982.

One item of noncompliance was identified.

11. Independent Inspection Effort

During the inspection the inspectors observed gunsight packaging, labeling and handling, package insert material, storage, and temporary onsite waste storage.

No item of noncompliance was identified.

12. Exit Interview

The inspectors reviewed and discussed the findings of this inspection and discussed the item of noncompliance identified in this report with the individuals identified under Persons Contacted.

Attachments: Exhibits A, B and C.

Exhibit A

Purchase Order

TO: Leadership Keys, Inc

2536 FARMINGTON ROAD (SHIPPI
P.O. BOX 2130 (MAIL)
FARMINGTON HILLS, MICHIGAN 48
TELEPHONE 313/478-2577

Sold To: _____ Ship To: _____

Date: _____

F.O.B. _____ Date Required: _____ Ship Via: _____ Payment: _____

Phone Number for additional information if needed.

VISA or MasterCard Number and expiration date (for retail orders): _____

Item	Quantity	Description	Unit Price	Amount
			Net Total:	

Keep Pink Copy and return yellow and white copies

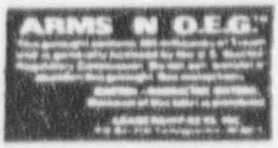
STATEMENT OF UNDERSTANDING AND COMPLIANCE for person listed under Ship To:

_____ (authorized signature for Sold To:)

I, _____ (signature) state that my address is shown correctly above and that I have read and understood the "INSTRUCTIONS" and "REGULATIONS" sheets provided to me by Leadership Keys, Inc. I further state that my purchase and ownership of NRC generally licensed tritium ARMSON O.E.G. gunsights meets the requirements of the regulations and will be used by myself in the conduct of my business. I assume full responsibility for being issued a general license.

Exhibit B

Leadership Keys, Inc. INSTRUCTIONS



P.O. BOX 2130
FARMINGTON HILLS, MICHIGAN 48018
TELEPHONE 313/476-2555

Dear Shooter:

As an owner or prospective owner of the ARMSON O.E.G. gunsight, these instructions and a seperate sheet entitled "REGULATIONS" are for your guidance and information concerning the fact that this gunsight is a tritium gunsight and is generally licensed by the United States Nuclear Regulatory Commission (NRC). The underlined words: exempt, general and specific are used here in a special meaning related to types of NRC licensees.

The label that is on the gunsight is shown above without the colors. The radiation symbol is magenta (purple) against yellow. The gunsight has been very thoroughly tested in order to obtain NRC licensing. This is for your protection. The ARMSON O.E.G. is as safe as a tritium watch when used as a gunsight as intended. Please do not dismantle the gunsight. The tritium is contained in minature glass capsules which could be broken by a person not trained in the proper procedures with the correct tools. The 160 millicuries of tritium contained in the gunsight is less than some watches which have 200 millicuries of tritium to backlight the liquid crystal display.

The advertisement shown here was cut out of the December 22, 1981 Detroit Free Press. A watch like this was purchased and Texas Instruments was contacted. They said that the watch contained 85 millicuries of tritium. The only warning label is the symbol ^{3}H on the back of the watch. This is the symbol that the nuclear chemist uses for tritium which is a radio-active isotope of hydrogen with atomic weight of 3. Most consumers would not understand the symbol. The printed instructions contain no mention of the tritium at all.

There is obviously a big difference between the labeling and instructions for the tritium watch and the tritium gunsight. This is because different types of NRC licenses are involved. The watch has an exempt license. This means that it is freely distributed in the marketplace like any other commodity. Texas Instruments, (and many other watch companies) has an NRC license to distribute tritium watches to exempt persons. Exempt means that the buyer is exempt from the need to have a license to possess the radio-active material in the watch. The exempt license also means that intermediate distributors, dealers and stores do not need to have an NRC license to possess tritium watches. The watch is tamper resistant so that a person would not normally break the small glass capsule inside that contains the tritium. The ARMSON O.E.G. meets similar requirements for tamper resistance.

Only one licensee in the United States has been authorized to distribute exempt tritium gunsights. This company was licensed in 1973, and the weapon must be sent to them for the gunsight to be installed. The NRC has now adopted the position that tritium gunsights should be generally licensed. The NRC has notified them that they intend to terminate their license. They have requested a hearing. The NRC would not take final action on their license or any other exempt tritium gunsight applications until the hearing process is complete. We had no alternative but to apply for a general license. In the event that the other company is allowed to keep their exempt license after the hearing, we could again apply for an exempt license.

Look closely at paragraph 31.5 (a) on the sheet marked "REGULATIONS". "Individuals in the conduct of their business" is the only category apart from industry and government agencies that can be generally licensed. An example of another general license may help to explain the general license. Most public buildings must have clearly marked EXIT signs. Some EXIT signs use tritium lamps to illuminate them continuously for a guaranteed 10 years. This saves a lot of electricity and the problem of replacing electric bulbs when they burn out. These signs have as much as 21 curies of tritium. This is as much as 130 ARMSON O.E.G. gunsights. These signs are generally licensed by the NRC. The person who owns the building where the tritium EXIT signs are installed is generally licensed by the NRC. There is no fee for the general license. It comes automatically with the purchase of the EXIT signs. The only way that a tritium EXIT sign can be sold to another general licensee is when the second person purchases the building in which the sign is installed.

Products which are generally licensed by the NRC cannot have normal distribution like the tritium watch. Each person who takes possession of the materials on their way to the end user must have their own specific NRC license costing $150 for a 5 year period. This license is quite straight forward. It would pertain only to the ARMSON O.E.G. tritium gunsights. The main ingredient is record keeping. The Bureau of Alcohol, Tobacco and Firearms has told us that the log that is now used for firearms could be used for this purpose. There would thus be additional entries on the same log that a dealer now has for firearms. Leadership Keys, Inc. will give additional help to those persons seeking to obtain their own specific license to possess and distribute these tritium gunsights. Until local dealers are specifically licensed by the NRC, the only way that the tritium gunsights can be shipped is directly to the end user who becomes the general licensee.

Each gun shop owner can be generally licensed when they purchase the ARMSON O.E.G. for the business purpose of having display models to show to customers. They now act as representatives for us, showing the gunsight, taking orders and collecting the payment. The gunshop owner sends us the name and address to ship the gunsight directly to the end user. The gunshop owner cannot sell the display model unless he sells it as part of the store building and it remains in use at the location. See paragraph 31.5 (9) (i) of the regulations. If the gun shop owner has his own specific NRC license, he may possess tritium gunsights in his store for immediate sale to general licensees.

Police officers, law enforcement agencies and personnel, military organizations and personnel, security guards, body guards, gunsmiths, gun shop owners, sporting goods stores which include guns in the line, gunsight sales representatives and distributors, professional hunters and guides, persons engaged in a business that local authorities have issued a permit for them to carry a concealed weapon for "business and banking" and persons having a valid Federal Firearms License are examples of persons having a legitimate business purpose for the tritium gunsight, and can therefore be generally licensed.

We have tried to clarify what we understand about NRC licensing as it applies to us and you. We have obtained the counsel of expert help in every possible area. Our PhD Nuclear Chemist consultant tells us that gaseous tritium is the least dangerous of all radioactive substances. It is much safer than radium which was once used on watch dials. Specialists at NRC have written that it would take the simultaneous rupture of many thousands of the small glass capsules inside the gunsights to constitute a radiation hazard in a small room.

This ARMSON O.E.G. tritium gunsight is regulated and licensed by the NRC and has been approved for sale only to those generally licensed individuals and/or agencies. Notice is hereby given that the buyer assumes total responsibility for assuring that they are appropriately licensed and assume all liability for failure to do so.

WARRANTY

We will repair or replace this gunsight if found to be defective through faulty materials or workmanship for a period of one year from the date of purchase. The sight must be returned to us at the above address. No attempt must be made to dismantle the sight. This is especially true because of the tritium lamps inside. We make no warranty or representation regarding the NRC regulations. If further questions regarding your situation arises, please contact your legal advisor.

LAMP REPLACEMENT AFTER 10 YEARS

The ARMSON O.E.G. has been designed so that the tritium element can be replaced by our trained staff. We will also handle the proper disposal of the radioactive waste material. This replacement would not normally be needed until 10 years after the initial purchase. There is no purpose to purchase spare tritium lamps at the time of the initial purchase. Such spare lamps would become dim at the same time as those inside the gunsight. There is also no provision in our NRC license to allow us to sell separate tritium lamps.

STATEMENT OF UNDERSTANDING AND COMPLIANCE

Please complete this form when you order your ARMSON O.E.G. tritium gunsight, detach it from the instructions portion at the dotted line, and send it directly to us or give it to the dealer who is placing the order for you. This form also becomes your automatic warranty registration.

Date: _____

I, _____ state that my address is:
(name)

Street: _____

City: _____

State: _____ Zip: _____ and that I have read and understood the "INSTRUCTIONS" and "REGULATIONS" sheets provided to me by Leadership Keys, Inc. I further state that my purchase and ownership of NRC generally licensed tritium ARMSON O.E.G. gunsights meets the requirements of the regulations and will be used by myself in the conduct of my business. I assume full reponsibility for being issued a general license.

_____
(signature)

NIGHT USE

The best way to test the night dot is to get up after you have been asleep for some time after dark. Practice the quick aim and shoot technique with an unloaded weapon in your own home. Please do not try to see the night dot by covering the daylight collector when you are in the daylight. Your eyes get accustomed to the dark as the sun goes down. If you must try to see the night dot in the daytime, plan to spend at least 10 minutes in a completely dark closet. The night dot is intentionally not a bright dot so that it will not interfere with your night vision when you can just distinguish a target in dim light. Both of your eyes adjust together to the light that is brighter. You should also read the pictorial brochure which tells you that you must have binocular vision (two good eyes) in order to use this gunsight.

NEW LOCKING ADJUSTMENT KNOBS

The ARMSON O.E.G. has previously been equipped with a friction type of adjusting knob. Some customers have asked for a locking or tamper resistant feature that would prevent the inadvertent change of the zeroing. This sometimes happened when a weapon was being showed to a friend. The knob looked too inviting to resist twisting it. The locking knob takes a little longer to adjust in the initial zeroing of the rifle.

With a small screwdriver, unscrew the little screw in the center of each knob about one turn. Make the adjustments that are needed. If you have iron sights that are already adjusted and the O.E.G. is mounted with see-through mounts, hold the weapon steadily and take aim at a target at least 25 yards away. Without moving the weapon, sneak a peak at the iron sights. The iron sights tell you where the bullet would have hit. If the iron sights say that the bullet impact would have been high and right (for instance), turn the knobs in the L and D directions, the direction you want the point of impact to move to. Repeat this procedure several times until the O.E.G. dot is in the same place as the iron sights indicate.

For the final zeroing on the firing range, the little screw in the center of the knob should be tightened carefully after each adjustment. Do not overtighten the screw. It is threaded into a precision brass mechanism that could be stripped if it is overtightened.

The INSTRUCTION MANUAL gives some additional tips on zeroing the rifle. It is highly reccommended that the rifle be zeroed the way it is going to be used. For combat or hunting, this is nearly always off hand shooting without the benefit of a rest. When you aim and pull the trigger quickly as you should in a combat or running deer situation, the point of impact is different than slow aim, a very careful trigger squeeze from a bench rest. This point of impact change is true of other types of gunsights too. Iron sights or a telescope cannot compensate for these differences. We have consulted with top competition shooters and they all say zero your gun the way you are going to use it. An off-hand six-inch group of five shots centered around the point of aim at 100 yards is better for deer hunting than a two inch group in a different place on the paper from a bench rest. It is also better to raise the weapon and fire one or two shots, then lower the weapon and repeat the sequence several times. All the body movements contribute to the point of final impact of the bullet.

If you can see daylight through a space below the adjusting knobs next to the main housing, you have the old type knobs. New knobs are available upon request from Leadership Keys, Inc. They are easy to install. Just remove the old knob after unscrewing the little screw completely. Select the proper knob, U - D or L - R and locate the new knob in place. Turn it slightly and press it on until the internal tabs engage the slots in the brass part. Reinstall the little screws.

Exhibit C

leadership keys, Inc., P.O. Box 2130, Farmington Hills, MI 48018 provides the following excerpts from federal regulations to inform the general licensee or the prospective general licensee of the laws which govern the possession of the tritium gunsights that it distributes. Certain footnotes and marginal indicia which refer to issues of the federal register have been deleted in the preparation of this form. Complete copies of the code may be obtained by request to the regional office listed in Appendix D. This sheet is a supplement to the "Instructions"

UNITED STATES NUCLEAR REGULATORY COMMISSION

RULES and REGULATIONS

TITLE 10, CHAPTER 1, CODE OF FEDERAL REGULATIONS – ENERGY

PART 31

GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

§ 31.5 Certain measuring, gauging or controlling devices.[1]

(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and Federal, State or local government agencies to acquire, receive, possess, use or transfer, in accordance with the provisions of paragraphs (b), (c) and (d) of this section, byproduct material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(b) The general license in paragraph (a) of this section applies only to byproduct material contained in devices which have been manufactured or initially transferred[2] and labeled in accordance with the specifications contained in a specific license issued pursuant to § 32.51 of this chapter or in accordance with the specifications contained in a specific license issued by an Agreement State which authorizes distribution of the devices to persons generally licensed by the Agreement State.

(c) Any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in paragraph (a) of this section:

(1) Shall assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply with all instructions and precautions provided by such labels.

(2) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label; however,

(i) devices containing only krypton need not be tested for leakage of radioactive material, and

(ii) devices containing only tritium or not more than 100 microcuries of other beta and/or gamma emitting material or 10 microcuries of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose.

(3) Shall assure that the tests required by paragraph (c)(2) of this section and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed:

(i) in accordance with the instructions provided by the labels; or

(ii) by a person holding a specific license pursuant to Parts 30 and 32 of this chapter or from an Agreement State to perform such activities.

(4) Shall maintain records showing compliance with the requirements of paragraphs (c)(2) and (c)(3) of this section. The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing, testing, installation, servicing, and removal from installation concerning the radioactive material, its shielding or containment.

Records of tests for leakage of radioactive material required by paragraph (c)(2) of this section shall be maintained for one year after the next required leak test is performed or until the sealed source is transferred or disposed of. Records of tests of the on-off mechanism and indicator, required by paragraph (c)(2) of this section, shall be maintained for one year after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of. Records which are required by paragraph (c)(3) of this section shall be maintained for a period of two years from the date of the recorded event or until the device is transferred or disposed of.

(5) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license pursuant to Parts 30 and 32 of this chapter or from an Agreement State to repair such devices, or disposed of by transfer to a person authorized by a specific license to receive the byproduct material contained in the device and, within 30 days, furnish to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D of Part 20 of this chapter, a report containing a brief description of the event and the remedial action taken.

(6) Shall not abandon the device containing byproduct material.

(7) Shall not export the device containing byproduct material except in accordance with Part 110 of this chapter.[3]

(8) Except as provided in paragraph (c)(9) of this section, shall transfer or dispose of the device containing byproduct material only by transfer to a person holding a specific license pursuant to Parts 30 and 32 of this chapter or from an Agreement State, to receive the device and within 30 days after transfer of a device to a specific licensee shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, a report containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device.

(9) Shall transfer the device to another general licensee only:

(i) Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this section and any safety documents identified in the label of the device and within 30 days of the transfer, report to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the manufacturer's name and model number of device transferred, the name and address of the transferee, and the name and or position of an individual who may constitute a point of contact between the Commission and the transferee; or

(ii) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee.

(10) Shall comply with the provisions of §§ 20.402 and 20.403 of this chapter for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the other requirements of

Parts 19, 20, and 21* of this chapter.

(2) The general license in paragraph (a)(1) of this section does not authorize the manufacture or export of devices containing byproduct material.

PART 30

RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

LICENSES

§ 30.31 Types of licenses.

Licenses for byproduct material are of two types: General and specific. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part and Parts 32-35.* General licenses are effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons.

§ 30.34 Terms and conditions of licenses.

(a) Each license issued pursuant to the regulations in this part and the regulations in Parts 31-35* shall be subject to all the provisions of the Act, now or hereafter in effect, and to all valid rules, regulations and orders of the Commission.

(b) No license issued or granted pursuant to the regulations in this part and Parts 31-35,* nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

(c) Each person licensed by the Commission pursuant to the regulations in this part and Parts 31-35* shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part and Parts 31-35* of this chapter shall carry with it the right to receive, acquire, own, and possess* byproduct material. Preparation for shipment and transport of byproduct material shall be in accordance with the provisions of Part 71 of this chapter.

(d) Each license issued pursuant to the regulations in this part and Parts 31-35* shall be deemed to contain the provisions set forth in section 183b-d, inclusive, of the Act, whether or not these provisions are expressly set forth in the license.

(e) The Commission may incorporate, in any license issued pursuant to the regulations in this part and Parts 31-35,* at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of byproduct material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security,

(2) Protect health or to minimize danger to life or property,

(3) Protect restricted data,

(4) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and regulations thereunder.

(f) Each licensee shall notify the Commission in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license. This notification requirement applies to all specific licenses issued under this Part and Parts 32 through 35 of this chapter.

(g) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators shall test the generator eluates for molybdenum-99 breakthrough in accordance with § 35.14(b)(6)(i) thru (iv).

RECORDS, INSPECTIONS, TESTS, PROCEDURES, AND REPORTS†

§ 30.51 Records.

(a) Each person who receives byproduct material pursuant to a license issued pursuant to the regulations in this part and Parts 31-35* shall keep records showing the receipt, transfer,* and disposal of such byproduct material.

(b) Records which are required by the regulations in this part and Parts 31-35* or by license condition shall be maintained for the period specified by the appropriate regulation or license condition. If a retention period is not otherwise specified by regulation or license condition, such records shall be maintained until the Commission authorizes their disposition.

(c)(1) Records of receipt of byproduct material which must be maintained pursuant to paragraph (a) of this section shall be maintained as long as the licensee retains possession of the byproduct material and for two years following transfer,* or disposal of the byproduct material. (2) [Deleted 43 FR 6515.] (3) Records of transfer of byproduct material shall be maintained by the licensee who transferred the material for five years after such transfer. (4) Records of disposal of byproduct material shall be maintained in accordance with § 20.401 (c) of the chapter.

(d)(1) Records which must be maintained pursuant to this part and Parts 31-35* may be the original or a reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by Commission regulations.

(2) If there is a conflict between the Commission's regulations in this part and Parts 31-35,* license conditions, or other written Commission approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the regulations in this part and Parts 31-35* for such records shall apply unless the Commission, pursuant to § 30.11, has granted a specific exemption from the record retention requirements specified in the regulations in this part or Parts 31-35.*

§ 30.52 Inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect byproduct material and the premises and facilities wherein byproduct material is used or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by him pursuant to the regulations in this chapter.

§ 30.53 Tests.

Each licensee shall perform or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part and Parts 31-35,* including tests of:

(a) Byproduct material,

(b) Facilities wherein byproduct material is utilized or stored,

(c) Radiation detection and monitoring instruments, and

(d) Other equipment and devices used in connection with the utilization or storage of byproduct material.

§ 30.54 Control and accounting procedures for tritium.

(a) Except as specified in paragraph (b) of this section, each licensee who is authorized to possess at any one time and location more than 10,000 curies of tritium shall establish and maintain written material control and accounting procedures that are sufficient to enable the licensee to account for the tritium in his possession under specific license.

The written material control and accounting procedures shall be maintained as long as the licensee retains possession of the tritium and for two years following transfer* of the tritium.

(b) Written material control and accounting procedures are not required for (1) tritium produced or possessed within a production or utilization facility incidental to the operation of the facility, and * (2) tritium contained in spent fuel, other than tritium intentionally produced in or recovered from a production or utilization facility for any subsequent use.

§ 30.55 Tritium reports.

(a) Except as specified in paragraph (d) of this section, each licensee who transfers or receives at any one time 1,000 curies or more of tritium shall complete and distribute a Nuclear Material Transaction** Report on Form NRC-741 in accordance with the printed instructions for completing the form. Each licensee who transfers such material shall submit a completed copy of Form NRC-741 to the Commission and three copies to the receiver of the material promptly after the transfer takes place. Each licensee who receives such material shall submit a completed copy of Form NRC-741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the report shall be submitted to the U.S. Energy Research and Development Administration, Post Office Box E, Oak Ridge, Tennessee 37830, and shall include the Reporting Identification Symbol (RIS) assigned by the Commission to the licensee.

(b) Except as specified in paragraph (d) [illegible] of this section, each licensee who is authorized to possess at any one time and location more than 10,000 curies of tritium shall submit to the Commission within thirty (30) days after March 31 and September 30† of each year a statement of his tritium inventory to the nearest hundredth of a gram calculated at 10,000 curies per gram.

The reports shall be submitted to the U.S. Energy Research and Development Administration, Post Office Box E, Oak Ridge, Tennessee 37830, and shall include the Reporting Identification Symbol (RIS) assigned by the Commission to the licensee.

(c) Except as specified in paragraph (d) of this section, each licensee who is authorized to possess tritium shall report promptly to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter by telephone and telegraph, mailgram, or facsimile any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 10 curies of such material at any one time or more than 100 curies of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office which sets forth the details of the incident and its consequences. Copies of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Subsequent to the submission of the written report required by this paragraph, the licensee shall promptly inform the Office of Inspection and Enforcement by means of a written report of any substantive additional information which becomes available to the licensee, concerning an attempted or apparent theft or unlawful diversion of tritium.

(d) The reports described in this section are not required for tritium possessed pursuant to a general license provided in Part 31 of this chapter or for tritium contained in spent fuel.

(e) The reports described in paragraph (b) of this section are not required for (1) tritium produced or possessed within a production or utilization facility incidental to the operation of the facility, other than tritium intentionally produced by or recovered from a production or utilization facility for any subsequent use.

ENFORCEMENT

§ 30.61 Modification and revocation of licenses.

(a) The terms and conditions of each license issued pursuant to the regulations in this part and Parts 31-35* shall be subject to amendment, revision or modification, by reason of amendments to the Act, or by reason of rules, regulations and orders issued in accordance with the terms of the Act.

(b) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under section 182 of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and provisions of the Act or of any rule, regulation or order of the Commission.

(c) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 30.62 Right to cause the withholding or recall of byproduct materials.

The Commission may cause the withholding or recall of byproduct material from any licensee who is not equipped to observe or fails to observe such safety standards to protect health as may be established by the Commission, or who uses such materials in violation of law or regulation of the Commission, or in a manner other than as disclosed in the application therefor or approved by the Commission.

§ 30.63 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Atomic Energy Act of 1954, as amended, or Title II of the Energy Reorganization Act of 1974, or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act, or section 206 of the Energy Reorganization Act of 1974, or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

PART 32

SPECIFIC DOMESTIC LICENSE TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

Subpart B—Generally Licensed Items.

§ 32.53 Byproduct material contained in devices for use under § 31.5 requirements for license to manufacture or initially transfer.*

(a) An application for a specific license to manufacture or initially transfer* devices containing byproduct material to persons generally licensed under § 31.5 of this chapter or equivalent regulations of an Agreement State will be approved if:

(1) The applicant satisfies the general requirements of § 30.33 of this chapter;

(2) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(i) the device can be safely operated by persons not having training in radiological protection;

(ii) under ordinary conditions of handling, storage and use of the device, the byproduct material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in any period of one calendar quarter a dose in excess of 10 percent of the limits specified in the table in § 20.101(a) of this chapter; and

(iii) under accident conditions (such as fire and explosion) associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column IV of the table in § 32.24.

(3) Each device bears a durable, legible, clearly visible label or labels approved by the Commission which contain in a clearly identified and separate statement:

(i) instructions and precautions necessary to assure safe installation, operation, and servicing of the device. (documents such as operating and service manuals may be identified in the label and used to provide this information);

(ii) the requirement, or lack thereof, for leak testing, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and

Pink

SPECIAL NOTICE

Mandatory License Requirement

YOU, as a Licensee, under the N.R.C. license 22-13585-02G are required to perform a wipe test following the installation of the enclosed gunsight(s).

To fulfill this requirement:

1. Wipe gunsight with the enclosed paper filter disc.
2. Fill out both sides of all 3 Report Cards.
3. Return paper disc and all Report Cards in the pre-addressed envelope.

Nite-Site, Inc., will complete the requirement and inform you of the results.

Thank you.

Peach

MAINTENANCE

TREAT YOUR COMBAT SIGHTS AS YOU WOULD A RIFLE SCOPE

1. Clean weapon in conventional manner; do not use ultra-sonic cleaning machines, etc.
2. Keep grease, oil, solvents and aerosol spray such as WD-40 away from the glass lenses.
3. To clean glass lenses, use a dry cotton swab.
4. Do not re-blue weapon with DAY/NIGHT sights attached. We suggest when weapon is carried in a holster that keys, etc., are not worn on service belt where they can come in contact with rear DAY/NIGHT sight slide.

NITE-SITE, INC., P.O. Box O, Rosemount, MN. 55068, U.S.A.

Lt. Green

N.R.C. LABEL REQUIREMENT

NOTE: Return this card

☐ Send handgrips or butt plate to Nite-Site for attachment of N.R.C. Caution Label

OR

☐ Attach N.R.C. Caution Label and sign affidavit below indicating N.R.C. Caution Label has been attached to the weapon.

I certify that the N.R.C. Caution Label has been properly attached to the weapon assigned to the gun sight(s).

_____

4

(iii) ...act information called for in the following statement in the same or substantially similar form:[4]

The receipt, possession, use, and transfer of this device, Model ..., Serial No. ..., are subject to a general license or the equivalent and the regulations of the U.S. NRC or of a State with which the NRC has entered into an agreement for the exercise of regulatory authority. The label shall be maintained on the device in a legible condition. Removal of the label is prohibited.

CAUTION—RADIOACTIVE MATERIAL

(Name of manufacturer or initial transferor.)[5]

(b) In the event the applicant desires that the device be required to be tested at intervals longer than six months either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices, and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the Commission will consider information which includes, but is not limited to:

(1) Primary containment (source capsule);

(2) Protection of primary containment;

(3) Method of sealing containment;

(4) Containment construction materials;

(5) Form of contained radioactive material;

(6) Maximum temperature withstood during prototype tests;

(7) Maximum pressure withstood during prototype tests;

(8) Maximum quantity of contained radioactive material;

(9) Radiotoxicity of contained radioactive material; and

(10) Operating experience with identical devices or similarly designed and constructed devices.

(c) In the event the applicant desires that the general licensee under § 31.5 of this chapter, or under equivalent regulations of an Agreement State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, he shall include in his application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities and the basis for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a calendar quarter dose in excess of 10 percent of the limits specified in the table in § 20.101(a) of this chapter.

§ 32.51a Same: conditions of license.

Each person licensed under § 31.5 shall:

(a) Furnish a copy of the general license contained in § 31.5 of this chapter to each person to whom he directly or through an intermediate person transfers byproduct material in a device for use pursuant to the general license contained in § 31.5 of this chapter.

(b) Furnish a copy of the general license contained in the Agreement State's regulation equivalent to § 31.5 of this chapter or alternatively, furnish a copy of the general license contained in § 31.5 of this chapter, to each person to whom he directly or through an intermediate person transfers byproduct material in a device for use pursuant to the general license of an Agreement State. If a copy of the general license in § 31.5 of this chapter is furnished to such person, it shall be accompanied by a note explaining that use of the device is regulated by the Agreement State under requirements substantially the same as those in § 31.5 of this chapter.

PART 20

STANDARDS FOR PROTECTION AGAINST RADIATION

§ 20.402 Reports of theft or loss of licensed material.

(a) Each licensee shall report by telephone to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D, immediately after its occurrence becomes known to the licensee, any loss or theft of licensed material in such quantities and under such circumstances that it appears to the licensee that a substantial hazard may result to persons in unrestricted areas.

(b) Each licensee who is required to make a report pursuant to paragraph (a) of this section shall, within thirty (30) days after he learns of the loss or theft, make a report in writing to the appropriate NRC Regional Office listed in Appendix D with copies to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, setting forth the following information:

(1) A description of the licensed material involved, including kind, quantity, chemical, and physical form;

(2) A description of the circumstances under which the loss or theft occurred;

(3) A statement of disposition or probable disposition of the licensed material involved;

(4) Radiation exposures to individuals, circumstances under which the exposures occurred, and the extent of possible hazard to persons in unrestricted areas;

(5) Actions which have been taken, or will be taken, to recover the material; and

(6) Procedures or measures which have been or will be adopted to prevent a recurrence of the loss or theft of licensed material.

(c) Subsequent to filing the written report the licensee shall also report any significantive additional information on the loss or theft which becomes available to the licensee, within 30 days after he learns of such information.

(d) Any report filed with the Commission pursuant to this section shall be so prepared that names of individuals who may have received exposure to radiation are stated in a separate part of the report.

UNITED STATES NUCLEAR REGULATORY COMMISSION — Appendix D

INSPECTION AND ENFORCEMENT REGIONAL OFFICES

Region	Address	Telephone: Duty hrs	Telephone: Nights and holidays
I Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont	Region I, USNRC Office of Inspection and Enforcement 631 Park Avenue King of Prussia, Pa. 19406	(215) 337-5000	(215) 337-5000
II Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, Virgin Islands, and West Virginia	Region II, USNRC Office of Inspection and Enforcement 101 Marietta Street Suite 3100 Atlanta, Georgia 30303	(404) 221-4503	(404) 221-4503
III Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin	Region III, USNRC Office of Inspection and Enforcement 799 Roosevelt Road Glen Ellyn, Ill. 60137	(312) 932-2500	(312) 932-2500
IV Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming	Region IV, USNRC Office of Inspection and Enforcement 611 Ryan Plaza Drive Suite 1000 Arlington, Texas 76011	(817) 334-2841	(817) 334-2841
V Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and U.S. territories and possessions in the Pacific	Region V, USNRC Office of Inspection and Enforcement 1990 N. California Blvd. Suite 207 Walnut Creek, Calif. 94596	(415) 943-3700	(415) 943-3700