



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

FEB 11 1993

Docket No. 030-30266
License No. 30-23697-01E
CAL 4-93-05

Innovative Weaponry, Inc.
ATTN: Mr. Barry Mowry, President
337 Eubank NE, Suite 103
Albuquerque, New Mexico 87123

SUBJECT: CONFIRMATORY ACTION LETTER

Innovative Weaponry, Inc., is the holder of NRC Byproduct Material License No. 30-23697-01E, which authorizes the distribution of luminous gunsights, or weapons containing luminous gunsights. During a special, unannounced inspection conducted by this office on February 3, 1993, NRC determined that you have been distributing gunsights that have not been authorized by your license, and that these gunsights have been distributed without the required labeling.

Pursuant to a telephone conversation between Mr. Barry Mowry, President, and Mr. Charles Cain, Chief, Nuclear Materials Inspection Section, and Ms. Linda McLean, Radiation Specialist, on February 10, 1993, it is our understanding that you will recall from your customers and cease further distribution of the following gunsights:

Model RBI010 bar night sights not mounted in permanently fixed rear sights and not stamped with the isotope name and manufacturer's logo;

Model SIC123 single dot night sights not mounted in permanently fixed front sights and not stamped with the isotope name and manufacturer's logo;

Model CGR030 2-dot or bar sights not stamped with the isotope name and the manufacturer's logo;

Model CGF003 front dot sights not stamped with the isotope name and the manufacturer's logo.

Further, it is our understanding that you will identify those gunsights that you are unable to recover and the reasons why recovery is impossible.

In addition, you have agreed to supply us with a written report listing each customer who received these gunsights, the dates of distribution, the quantity distributed, and the quantity that have been returned to you as of the date of your response. You have agreed to provide us with the requested information by February 24, 1993.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

9302220037 930211
PDR ADOCK 03030266
C PDR

JE07/10

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, and 10 CFR 2.204, you are required to:

1. Notify me immediately if your understanding differs from that set forth above; and
2. Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee. Nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

The responses directed by this letter are not subject to the clearance procedures of the Office of Management Budget as required by the Paperwork Reduction Action of 1980, Pub. L. No. 96-511.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures, if any, will be placed in the NRC Public Document Room.

Sincerely,


James L. Milhoan
Regional Administrator

cc:
NRC Public Document Room
New Mexico Radiation Control Program Director

DMB- IE-07

J. L. Lieberman, D/OE (2) (7 H5)

L. J. Chandler, Asst. GC/OGC (15 B18)

H. L. Thompson, DEDS (17 G21)

R. M. Bernero, D/NMSS (6 E6)

J. E. Glenn, AC/MACUS (6 H3)

RIV Coordinator, OEDO (17 G21)

J. L. Milhr, RA

W. L. Brow, RC

L. J. Callan, D/DRSS

D. D. Chamberlain, DD/DRSS

W. L. Fisher, Section Chief

C. L. Cain, Section Chief

G. F. Sanborn, EO

J. T. Gilliland, PAO

J. Carson, ORA

RIV Files

NMIS File

NMIS and NMLS Inspectors (14)

AI 93-039

RIV:NMIS	C:NMIS <i>che</i>	C:NMSS/IMAB <i>che</i>	D:DRSS <i>che</i>	EO <i>che</i>
MLMcLean <i>MLM</i>	CLCain	JEGlenn	LJCallan	GFSanborn
2/10/93	2/10/93	2/10/93	2/10/93	2/10/93
RC <i>RC</i>	DRA <i>DRA</i>	RA <i>RA</i>		
WLBrown <i>WLB</i>	JMMontgomery	JLMilhoan		
2/10/93	1/93	2/10/93		

DMB- IE-07

J. L. Lieberman, D/OE (2) (7 H5)
 L. J. Chandler, Asst. GC/OGC (15 B18)
 H. L. Thompson, DEDS (17 G21)
 R. M. Bernero, D/NMSS (6 E6)
 J. E. Glenn, AC/MACUS (6 H3)
 RIV Coordinator, OEDO (17 G21)
 J. L. Milhoan, RA
 W. L. Brown, RC
 L. J. Callan, D/DRSS
 D. D. Chamberlain, DD/DRSS
 W. L. Fisher, Section Chief
 C. L. Cain, Section Chief
 G. F. Sanborn, EO
 J. T. Gilliland, PAO
 J. Carson, ORA
 RIV Files
 NMIS File
 NMIS and NMLS Inspectors (14)

AI 93-039

RIV:NMIS	C:NMIS <i>che</i>	C:NMSS/IMAB <i>ke</i>	D:DRSS <i>7</i>	EO <i>05</i>
MLMcLean <i>WLM</i>	CLCain	JEGlenn	LJCallan	GFSanborn
2/10/93	2/10/93	2/10/93	2/10/93	2/10/93
RC <i>WLB</i>	DRA	RA <i>MI</i>		
WLBrown	JMMontgomery	JLMilhoan		
2/10/93	1/93	2/10/93		