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NRC PROPOSES TO FINE INNOVATIVE WEAPONRY, INC. \$7,500
FOR LICENSE VIOLATION

The Nuclear Regulatory Commission has proposed a \$7,500 civil penalty against Innovative Weaponry, Inc., of Albuquerque, New Mexico, for distributing gunsights containing radioactive tritium that were not authorized under the company's NRC license. Also, some of the tritium sources used in the gunsights had not been reviewed or approved for distribution by the NRC.

The NRC license authorizes Innovative Weaponry to distribute gunsights that contain tritium for use at night provided that the sights have been reviewed and approved by the NRC for distribution to others who are exempt from license requirements. The license also identifies specific gunsight models that the company can distribute and specifies whether the sights may be distributed unmounted or must be mounted to a weapon at the company's facility. New Mexico licenses the company to possess and use radioactive tritium.

The gunsights contain a small, sealed container of radioactive tritium that emits beta radiation and provides a source of illumination that allows them to be used at night.

Innovative Weaponry officials admitted that the violations occurred but denied they were committed intentionally. James Lieberman, director of the NRC's Office of Enforcement, said in a letter to David Gregor, president of Innovative Weaponry:

"Notwithstanding the licensee's position on intent, the NRC is concerned that the violations resulted from a lack of effective action to assure compliance with license requirements, despite [Innovative Weaponry] officials being aware that the NRC license contained limitations on what could and could not be distributed. This awareness should have prompted [Innovative Weaponry] to make certain that it both understood and was conducting its business in compliance with the license while it was seeking to amend it."

Accordingly, the violations have been designated a Severity

Level III problem and a civil penalty of \$7,500 proposed. Mr. Lieberman noted that, ". . . even though these violations did not result in any actual safety impacts, they are nonetheless significant from a regulatory standpoint."

Company officials have made a commitment to the NRC that they will correct the violations and assure that future operations will be conducted in strict accordance with the license. Actions to be taken include a training program for all employees who may affect compliance, and hiring a third-party, independent auditor to conduct periodic audits to ensure compliance with NRC regulations. These actions are described in a confirmatory order issued with the civil penalty.

The company must respond within 30 days with a written explanation and may admit or deny the violations. During this 30-day period the company may pay the fine or lodge a protest.

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