



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

July 2, 2002

CAL No. 2-02-002

Glock, Inc.
ATTN: Paul Jannuzzo
Vice President/General Counsel
P.O. Box 369
Smyrna, Georgia 30081

SUBJECT: CONFIRMATORY ACTION LETTER

Dear Mr. Jannuzzo:

This is to advise that the Nuclear Regulatory Commission issues licenses for the distribution of devices that contain exempt quantities of byproduct materials so that the health and safety of the public is protected from unwarranted exposure to radiation from byproduct materials. NRC regulations also require distributors of such devices to provide NRC the name and address of the person(s) to whom devices are first distributed.

Beginning in September 2001, Glock, Inc. obtained self-luminous night sights containing exempt quantities of byproduct material directly from a foreign manufacturer. The devices were sent from an assembly facility in Israel through Austria to your facility in Smyrna, Georgia. No records of quality assurance tests were obtained from the manufacturer, nor did Glock, Inc. perform such testing. In addition, Glock, Inc. did not have a license to distribute devices to persons exempt from the regulations, and did not report to NRC the names of persons to whom the devices were first distributed. NRC is concerned that the devices acquired directly by Glock, Inc. may not have been of the same quality as devices previously distributed by the licensed vendor to Glock, Inc., and thereby the hazard to individual users may not be as stated in the Sealed Source & Device Registry certificate.

Pursuant to discussions between yourself and David Collins of the Division of Nuclear Materials Safety staff during a June 27, 2002 meeting at your facility, attended by Ms. Mandy Zamarra, Glock, Inc. Corporate Counsel and Mr. Eric Jameson, State of Georgia Radioactive Materials Program, it is our understanding that you have taken, or will take, the following actions which will be completed by the dates specified:

- A. The self-luminous night sights received via the Glock, Austria office will no longer be distributed to any person by Glock, Inc. We understand that approximately 2,000 of an original 11,000 night sight sets remain at your facility.
- B. Within 30 days of the date of this letter, Glock, Inc. will provide to Region II, a listing of all persons who received any of the self-luminous night sight sets obtained from the Glock, Austria office.

- C. Within 7 days of the date of this letter, Glock, Inc. will contact the manufacturer of the self-luminous night sights and make good faith efforts to obtain quality assurance and manufacturing documentation to ensure that the night sights were manufactured in accordance with the requirements of the appropriate Sealed Source & Device Registry Certificates, approved by the Commission in accordance with 10 CFR 32.210, or equivalent Agreement State regulations. If unsuccessful, Glock, Inc. will explain why when providing the information required in Item B above.
- D. Glock, Inc. will no longer distribute any self-luminous night sights containing byproduct materials under the license exemption in 10 CFR 30.19 (authorizing possession by any person of specified materials manufactured and distributed under a specific license), unless such materials have been received from a licensee authorized to distribute such materials.

The State of Georgia is an NRC Agreement State, and the Georgia Radioactive Materials Program regulates the possession and use of licensed byproduct materials within Georgia. Mr. Jameson attended the meeting on June 27, 2002 and provided information to you regarding the safe storage of the undistributed sights and related state regulatory requirements.

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

1. Notify me immediately if your understanding differs from that set forth above;
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; and
3. Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an Order formalizing the above commitments or requiring other actions on your part, nor does it preclude the NRC from taking enforcement action for violation 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.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). To the extent possible, it should not contain any personal privacy, proprietary, or safeguards information that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim for withholding (e.g., explain why the disclosure of information will create an unwarranted

invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

If you have any question regarding this letter please call Jay L. Henson, Chief, Materials Licensing/Inspection Branch 2 at (404) 562-4731.

Sincerely,

/RA/

Douglas M. Collins, Director
 Division of Nuclear Materials Safety

Docket No. 999-90012
 License No. Non-licensee

cc: State of Georgia

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 DNMS Docket File, RII

*see previous concurrence

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SIGNATURE	DJC 7/1/02		JLH 7/1/02		CFE 7/1/02			
NAME	DJCollins*		JLHenson		CFEvans*			
DATE	7/ /2002		7/ /2002		7/ /2002		7/ /2002	7/ /2002
E-MAIL COPY?	YES	NO	YES	NO	YES	NO	YES	NO
PUBLIC DOCUMENT	YES	NO	YES	NO	YES	NO	YES	NO