UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 22, 2019

EA-17-175
EA-18-183

Mr. Jesse Erdle
CEO and President
Dead Ringer, LLC
2144 Brighton Henrietta Town Line Rd.
Rochester, NY 14623

SUBJECT: ORDER IMPOSING CIVIL MONETARY PENALTY - $43,500

Dear Mr. Erdle:

This letter refers to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent as an enclosure to our letter dated August 8, 2019 (NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML19210C220). Our letter and Notice described willful violations involving: (1) the initial transfer, for sale or distribution, of gun sights containing tritium, prior to obtaining a U.S. Nuclear Regulatory Commission (NRC) license for such activity pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 30.3, 30.19, and 32.22; (2) the failure to request an evaluation for a sealed source or device pursuant to 10 CFR 32.210; and (3) import of material (tritium) into the United States without having the required license for possession of the material containing byproduct material, issued by the Agreement State (New York) or the NRC, pursuant to 10 CFR 110.5, 110.9a, 110.20(a), and 110.27(a).

Due to the economic gain accrued as a result of the violations, and to emphasize the significance of deliberate violations and the importance of compliance with regulatory requirements, a civil penalty of $43,500 was proposed.

As of the date of this Order, Dead Ringer, LLC has not taken any action to address the Notice and proposed imposition of civil penalty. Therefore, we have concluded that the violations occurred as stated and that the penalty proposed for the violations designated in the Notice should be imposed. In reaching this determination, the staff considered that you were informed as a representative of Dead Ringer, LLC on August 8, 2019, of the NRC's enforcement decision and forthcoming Notice, by Ms. Sophie Holiday and Mr. Tomas Herrera. The letter and Notice were transmitted electronically, as well as via certified mail to you. On September 10, 2019, Ms. Holiday conducted a telephonic meeting with you to confirm if Dead Ringer had paid the civil penalty or made payment arrangements, and if not, an Order would be forthcoming.

Accordingly, we hereby serve the enclosed Order on Dead Ringer, LLC imposing a civil monetary penalty in the amount of $43,500. Within 20 days from the date of the enclosed Order, you should either: (1) pay the civil penalty in accordance with Section IV of the Order, or (2) request a hearing in accordance with Section V of the Order.

Please note, pursuant to 10 CFR 15.29, the Commission may not consider an application for a license from an individual or entity unless all previous delinquent debts of the individual or entity to the NRC have been paid in full.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system, Agencywide Documents Access and Management System, accessible from the NRC Web site: http://www.nrc.gov/reading-rm/adams.html. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. The NRC also includes significant enforcement actions on its Web site (http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/).

If you have any questions concerning this matter, please contact Mr. David Alley, Chief, Materials Safety and Tribal Liaison Branch, at 301-415-2178.

Sincerely,

/RA/

George A. Wilson, Director
Office of Enforcement

Enclosures:
1. Order Imposing Civil Monetary Penalty
2. NUREG/BR-0254 Payment Methods

cc: State of New York

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DATED: October 22, 2019

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