

March 15, 2007

EA-07-033

Mr. Douglas M. Davis
Radiation Safety Officer
NRD LLC
2937 Alt Blvd.
Grand Island, NY 14072

SUBJECT: SELF-DISCLOSURE OF UNREPORTED SHIPMENTS OF IONIZATION
SOURCES CONTAINING AMERICIUM-241 – NON-CITED VIOLATION OF
10 CFR 110.23

Dear Mr. Davis:

This refers to your September 13, 2005, letter notifying the NRC of your failure to report exports of ionization sources containing americium-241 covered by general license for calendar years 2001, 2002, 2003, and 2004 and to your February 13, 2007, email notifying the NRC of your corrective actions taken at the time of the event to prevent recurrence. Specifically, contrary to ¹10 CFR 110.23(b), between January 3, 2001, and December 21, 2004, NRD LCC made 584 shipments of ionization sources (smoke detectors) containing americium-241 under the general license established by 10 CFR 110.23(a) to 17 countries but failed to submit by February 1st of each year one copy of a report of all americium shipments during the previous calendar year.

Based on the information you provided, the NRC has determined that a Severity Level IV violation of the NRC requirements occurred. This violation is being treated as a non-cited violation consistent with Section VI.A of the Enforcement Policy (included on the NRC's Web site at <http://www.nrc.gov>; select **About NRC, How We Regulate, Enforcement, then Enforcement Policy**) because (a) you identified the violation, (b) you initiated prompt and comprehensive corrective actions to prevent recurrence, (c) the violation was not repetitive as a result of inadequate corrective actions, and (d) the violation was not willful. If you contest the violation or its significance, you should provide a response within 30 days of the date of this letter with the basis for your denial to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) Director, Office of International Programs; and (2) the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in your letter dated

¹ 10 CFR Part 110, Appendix L, lists americium-241 as byproduct material under NRC export/import licensing authority. 10 CFR 110.23(a) allows for the exports of byproduct material under a general license with specific exceptions. 10 CFR 110.23(b) states that persons making exports under the general license established by paragraph (a) of this section shall submit by February 1st of each year one copy of a report of all americium and neptunium shipments during the previous calendar year.

D. M. Davis

-2-

September 13, 2005, and in your email dated February 13, 2007. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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 (ADAMS) accessible from the NRC Website at <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.

Sincerely,

/RA/

Cynthia A. Carpenter, Director
Office of Enforcement

cc: (See page 3)

D. M. Davis

-3-

cc:

U.S. Department of Energy
Office of Non-Proliferation Policy
ATTN: Sean Oehlbert
1000 Independence Avenue, SW
Washington, DC 20585

Defense Threat Reduction Agency (OP-CSNSP)
ATTN: Mr. David McDarby
8725 John J. Kingman Road, MSC-6201
Fort Belvoir, VA 22060-6201

Customs & Border Protection
Attn: Christopher Baugues
LSS Technical Data Assessment & Teleforensics Center
12379 Sunrise Valley Drive, Suite C
Reston, Virginia 20191

U.S. Department of Energy, NA-243
Office of International Regimes and Agreements
ATTN: Mr. Richard S. Goorevich
1000 Independence Avenue, SW
Washington, DC 20585

U.S. Department of Energy, NA-243
Office of International Regimes and Agreements
ATTN: Ms. Ingrid Bruns
1000 Independence Avenue, SW
Washington, DC 20585

Bureau of Industry and Security
Office of Nuclear and Missile Technology
ATTN: Steve Claggett
14th Street & Penn Avenue, NW, Room 2631
Washington, DC 20230

NAC/NMMSS
ATTN: Michelle Romano
NMMSS
P.O. Box 922088
Norcross, GA 30010

full compliance was achieved is already adequately addressed on the docket in your letter dated September 13, 2005, and in your email dated February 13, 2007. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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 (ADAMS) accessible from the NRC Website at <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.

Sincerely,

/RA/

Cynthia A. Carpenter, Director
Office of Enforcement

cc: (See page 3)

DISTRIBUTION:

J. Dunn Lee, OIP
S. Dembek
S. Baker, OIP
B. Moran, NRC/NMSS
C. Carpenter, OE
D. Solorio, OE
L. Trocine, OE
OE Case File EA-07-033
OE Day File

File Name: C:\MyFiles\Copies\EA-07-033 NRD FINAL ML070530447.wpd

Accession Nos.: ML070530408 (Package)

Publicly Available Non-Publicly Available Sensitive Non-Sensitive

OFFICE	OIP/ECIOB	OIP/ECIOB:BC	OIP:DD
NAME	S. Baker	S. Dembek	M. Doane
DATE	02/21/07	02/23/07	03/05/07
OFFICE	OE/EPPO	OE/EPPO:SC	OE:D
NAME	L. Trocine	D. Solorio	C. Carpenter
DATE	03/14/07	03/20/07	03/15/07

OFFICIAL RECORD COPY