

June 7, 2007

EA-07-106

Mr. Neil Pedersen
Director of Quality
System Sensor
3825 Ohio Avenue
St. Charles, IL 60174

SUBJECT: LATE REPORTING OF EXPORTS OF SHIPMENTS OF IONIZATION
SOURCES CONTAINING AMERICIUM-241 – NON-CITED VIOLATION OF
10 CFR 110.23

Dear Mr. Pedersen:

This refers (1) to your letter dated November 22, 2006, in which you submitted a late report of exports of ionization sources containing americium-241 covered by NRC general license during calendar year 2005 and (2) to your email dated May 7, 2007, in which you submitted a copy of a March 26, 2007, report of exports of ionization sources containing americium-241 covered by NRC general license during calendar year 2006 as well as a summary of your corrective actions taken to prevent the recurrence of late reporting. Specifically, contrary to 10 CFR 110.23(b),¹ between January and December 2005, you exported ionization sources (smoke detectors) containing americium-241 under the general license established by 10 CFR 110.23(a) to 21 destinations (excluding Puerto Rico since it is not considered to be an export) but failed to submit by February 1, 2006, one copy of a report of all americium shipments during the previous calendar year. Additionally, between January and December 2006, you exported ionization sources (smoke detectors) containing americium-241 under the general license established by 10 CFR 110.23(a) to 12 destinations (excluding Puerto Rico) but failed to submit by February 1, 2007, one copy of a report of all americium shipments during the previous calendar year. The general license exports manufactured and distributed by the System Sensor business of Honeywell International, Inc., included ionization-type smoke detectors containing special-form americium-241 sealed sources totaling 91,683 microcuries during 2005 and 133,587 microcuries during 2006.

Based on the information you provided, the NRC has determined that a Severity Level IV violation of 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 **Public Meetings & Involvement, Enforcement, then Enforcement Policy**) because (a) you identified the violation, (b) you initiated prompt and comprehensive corrective actions to prevent recurrence, (c) the violations were not repetitive as a result of

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 general license established by 10 CFR 110.23(a) shall submit by February 1st of each year one copy of a report of all americium and neptunium shipments during the previous calendar year.

inadequate corrective actions, and (d) the violations were 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) the 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 and email dated November 22, 2006, and May 7, 2007, respectively. 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)

N. Pedersen

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

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

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Sincerely,

/RA/

Cynthia A. Carpenter, Director
Office of Enforcement

cc: (See page 3)

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