

INSPECTION RECORD

Region III
License No. 12-23809-01E

Inspection Report No. 03032838/2013001(DNMS)
Docket No. 030-32838

Licensee (Name and Address):

BRK Brands, Inc.
3901 Liberty Street Road
Aurora, IL 60504-8122

Licensee Contact: Mark H. Dippner

Telephone No. (630) 851-7330 Ext. 3422

Priority: 5 **Program Code:** 03255

Date of Last Inspection: September 16, 2009, with continued in-office review through January 5, 2010

Date of This Inspection: April 30, 2013, with continued in-office review through June 7, 2013

Type of Inspection: Initial Announced Unannounced
 Routine Special

Next Inspection Date: 4/2018 Normal Reduced

Summary of Findings and Actions:

- No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- Non-cited violations (NCVs)
- Violation(s), Form 591 issued
- Violation(s), regional letter issued
- Followup on previous violations

Inspector */RA by Bill C. Lin for/*
Andrew E. Bramnik Health Physicist

Date 06/19/13

Approved */RA/*
Aaron T. McCraw, Chief, MIB

Date 06/19/13

PART I-LICENSE, INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY

1. AMENDMENTS AND PROGRAM CHANGES:

<u>Amendment No.</u>	<u>Date</u>	<u>Subject</u>
7	4/19/2010	Regular license renewal

2. INSPECTION AND ENFORCEMENT HISTORY:

This was a routine inspection of the licensee's exempt distribution license. The last routine inspection was performed on September 16, 2009. There were three SL IV violations from the last routine inspection. All previous SL IV violations were closed by the inspector.

3. INCIDENT/EVENT HISTORY:

None

PART II - INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:

The licensee is a distributor of smoke detectors from its facilities in Aurora, Illinois, and EL Paso, Texas. The smoke detectors were assembled and packaged in Juarez, Mexico, before delivery to facilities in the United States for distribution.

2. SCOPE OF INSPECTION:

Inspection Procedure(s) Used: IP 87126

Focus Areas Evaluated: 03.01 through 03.07

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

N/A –The license does not authorized used or possession of licensed material.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

One violation of NRC regulatory requirements identified

Violation

Title 10 of the Code of Federal Regulations (10 CFR) Part 110.54(b) states, in part, that person making exports under the general license established by 10 CFR 110.23(a) or under a specific license shall submit by February 1 of each year one copy of a report of all americium and neptunium shipments during the previous calendar year. This report shall be submitted to the Deputy Director, Office of International Programs at the

address provided in 10 CFR 110.4. The report must include: (1) A description of the material, including quantity in TBq and gram; (2) Approximate shipment dates; and (3) A list of recipient countries end users, and intended use keyed to the items shipped.

Contrary to the above, **between 2010 through 2012**, the licensee failed to submit a copy of a report of all americium exports made during the previous calendar year to the NRC. Specifically, the licensee exported sealed sources of Am-241 from its facility in El Paso, Texas, to its manufacturing facility in Juarez, Mexico and failed to report these shipments to the NRC. Additionally the licensee distributed smoke detectors containing sealed sources of Am-241 from its facility in El Paso, Texas, to various non-embargoed countries, and failed to report these shipments to the NRC.

5. LIST OF PERSONNEL CONTACTED:

*# Mark H. Dippner

* Individual(s) present at entrance meeting

Individual(s) present at the preliminary exit meeting

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