



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

May 9, 2002

E. James Freeman, Assistant Director
of Safety & Risk Management
Brigham Young University-Hawaii
55-220 Kulanui Street, Box 1969
Laie, Hawaii 96762-1294

**SUBJECT: REPORT OF LOST SELF-LUMINOUS EXIT SIGNS AT BRIGHAM YOUNG
UNIVERSITY - HAWAII CAMPUS**

Dear Mr. Freeman:

This letter is to acknowledge receipt of your letter dated February 21, 2002, whereby Brigham Young University reported the loss of nine self-luminous "Exit" signs containing a nominal 10 curies of hydrogen-3 (tritium) each. These devices were possessed under a general license pursuant to 10 CFR 31.5.

Your report states that on or about January 15, 2002, during a renovation project at the licensee's Hawaii Campus, it appears that the "Exit" signs were mistakenly placed into a campus dumpster and subsequently sent to a local landfill for disposal. In addition, you indicate that there is little likelihood of recovering the signs because of the uncertainty regarding the date and time of disposal and the inability to detect the weak beta radiation produced by the devices. Further, you state that in order to prevent similar losses in the future, all self-illuminating signs will now be sent to the Campus Safety Department for storage in a marked and locked facility for proper disposal.

10 CFR 31.5(c)(8) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall, except as provided in 10 CFR 31.5(c)(9), transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license pursuant to 10 CFR Parts 30 and 32 or from an Agreement State to receive the device. Contrary to the above, as noted above, the licensee disposed of nine self-luminous "Exit" signs containing a nominal 10 curies of hydrogen-3 (tritium) each, and this disposal was not made to a person holding a specific license pursuant to 10 CFR Parts 30 and 32 or from an Agreement State to receive the device, and the exceptions in 10 CFR 31.5(c)(9) did not apply.

Based on our review of this incident, the NRC has determined that a violation of NRC requirements occurred. However, this non-repetitive, licensee-identified and corrected violation is being treated as a Non-Cited Violation (NCV), consistent with Section VI.A.8 of the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600. Therefore, no response to this letter is required. If you contest the NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC

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20555-0001, with a copies to the Regional Administrator, Region IV, and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, and your response (if any) will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions regarding this letter, please contact the undersigned at 817-860-8287 or Mr. Michael Fuller at 817-860-8164.

Sincerely,

/RA/

Mark R. Shaffer, Chief
Nuclear Materials Inspection Branch

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