



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 19, 2005

Docket No. 99990001  
EA No. 05-200

General Licensee

Karen VanDerhoof  
Vice President  
Department of Business and Finance  
County College of Morris  
214 Center Grove Road  
Randolph, NJ 07869-2086

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION  
INSPECTION 99990001/2005011, COUNTY COLLEGE OF MORRIS,  
RANDOLPH, NEW JERSEY

Dear Ms. VanDerhoof:

On June 21 and August 18, 2005, Craig Gordon of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. Additional information provided in your correspondence dated September 19, 2005 was also examined as part of the inspection. The findings of the inspection were discussed with Mr. Ponturo and Mr. Busniak of your organization at the conclusion of the inspection. The enclosed report presents the results of this inspection.

Based on the results of this inspection, one violation was identified and was considered for enforcement action in accordance with the NRC Enforcement Policy. Contrary to 10 CFR 31.5(8)(i), the County College of Morris (CCM) failed to properly transfer or dispose of devices containing byproduct material (exit signs containing tritium) by export, by transfer to another authorized general licensee, or to a person authorized to receive the devices by a specific license, or that authorizes waste collection. Specifically, on May 6, 2005, the County College of Morris notified NRC that 23 tritium exit signs, removed during renovation of the Student Community Center building were missing. Further investigation by CCM determined the number of missing signs to be 34. CCM staff actively engaged building contractors, CCM management, and local law enforcement officials for the purpose of locating missing signs. As a result of CCM staff efforts, 16 signs were located and returned. The remaining 18 signs were most likely removed from the site with regular waste. This violation is of concern to the NRC because the failure to control devices containing radioactive material could result in the loss or theft of the material and cause unintended radiation doses to members of the public. However, the hazard caused by the disposal of these signs is low; therefore, this violation is categorized at Severity Level IV in accordance with the NRC Enforcement Policy.

After consultation with the Director, Office of Enforcement, I have been authorized to exercise enforcement discretion and not issue a violation in this case in accordance with the exercise of enforcement discretion process in Section VII.B.6 of the Enforcement Policy. In making this

K. VanDerhoof  
County College of Morris

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decision, the NRC took into consideration that as a general licensee: (1) your actions were not willful; (2) you identified the violation and reported the violation to the NRC as required; and (3) you took appropriate corrective action to address the specific violation and prevent recurrence of similar problems and you disposed of the remaining unused devices in accordance with the requirements of the general license.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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 Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Current NRC regulations are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. The NRC Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

Your cooperation with us is appreciated.

Sincerely,

***Original signed by George Pangburn***

George Pangburn, Director  
Division of Nuclear Materials Safety

Enclosure: Inspection Report No. 99990001/2005011

cc:  
Harvey Jackson, Director of Security  
State of New Jersey

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## EXECUTIVE SUMMARY

County College of Morris  
NRC Inspection Report No. 99990001/2005011

In May 2005, the County College of Morris (CCM), Randolph, New Jersey, notified the NRC that 23 tritium exit signs removed during renovation of the Student Community Center building were missing. Each sign contains up to 25 curies of tritium. CCM is authorized to possess and use the signs under the general license in 10 CFR 31.5. An internal investigation by CCM and their contractors did not locate the missing signs. NRC inspection found that a total of 34 exit signs had been missing during the construction project, and that security and control for the signs were not sufficiently maintained by CCM or contractor staff while building renovations were in progress. CCM recovered 16 of the missing signs; they cannot account for 18 signs. CCM submitted an updated report on September 19, 2005, which identified the number and type of lost signs along with a summary of the corrective actions taken.

The inspector identified one apparent violation of NRC requirements:

Failure to properly transfer or dispose of the devices containing byproduct material by export, by transfer to another authorized general licensee, or to a person authorized to receive the devices by a specific license, or that authorizes waste collection is an apparent violation of 10 CFR 31.5 (8)(i) (Section III).

Enforcement discretion to not issue a violation was exercised because the actions were not willful and CCM identified the violation, reported it to the NRC as required, and took appropriate corrective action to address the specific violation and prevent recurrence of similar problems.

## REPORT DETAILS

### **I. Organization and Scope of the Program**

a. Inspection Scope

The inspector reviewed the organization and scope of the radiation safety program.

b. Observations and Findings

Under 10 CFR 31.5 the County College of Morris (CCM) is generally licensed to possess and use byproduct material in tritium exit signs at their Randolph, New Jersey campus. At the CCM, exit signs containing tritium were used in the Student Community Center building. Control and maintenance of the signs were performed by CCM's Department of Security and Safety and Department of Plant and Maintenance. In November 2003, plans to renovate the building were developed, which included removal and disposal of the exit signs. The majority of building renovations were performed by contractors and subcontractors under CCM supervision. Work was performed during 2004-2005, and was nearly complete at the time of the August 18, 2005, NRC inspection.

c. Conclusions

No violations or safety concerns were identified.

### **II. Management Oversight of the Program**

a. Inspection Scope

The inspector reviewed the management and oversight of the radiation safety program.

b. Observations and Findings

The Director of Security and Director of Maintenance were two of CCM's representatives who were responsible for project oversight. To determine work status, they conducted periodic meetings with the general contractor and other individuals involved in building deconstruction and renovation. In addition, they performed building walkthroughs to observe the progress of various project phases. From interviews, the two individuals were cognizant of key activities while the contractors were on campus and work was being performed.

c. Conclusions

No violations or safety concerns were identified.

### III. Material Receipt, Use, Transfer, and Control

a. Inspection Scope

The inspector reviewed the use, control, and transfer of licensed material.

b. Observations and Findings

Before renovation of the Student Community Center building began in early 2004, a pre-construction meeting was held on November 24, 2003 between CCM and several contractors. During this meeting the construction contractors involved in making changes to the building were told they were responsible for proper disposal of the exit signs. In April 2005, campus officials requested disposal documentation of the signs from the contractors but were informed that there were no records of disposal and the signs could not be located.

On May 6, 2005, NRC received a preliminary report from the CCM that about 23 tritium exit signs containing a maximum of 25 curies each that were removed during renovation of the Student Community Center building were missing. Following discussions with NRC Regional staff, CCM filed written NRC notification on May 20, 2005 (ADAMS ML0519502120) describing the circumstances of the lost material and followup actions taken by the college. The report indicated that a contractor, Bovis Lend Lease, was responsible for disposal of hazardous materials during building renovations, but was unable to provide disposal documentation or information about the location of removed exit signs. An internal investigation by the contractor did not locate the missing signs. The Director of Security, CCM, also continued to investigate the matter for CCM.

On June 21, 2005, an inspection was performed to obtain current information and review CCM's actions relative to the missing signs. At the time of the inspection building renovations were in progress. During a tour of the Student Community Center, CCM and contractor personnel highlighted areas on the first and second floors where signs were removed, pointed out the locations of stored building waste and debris, and described the process for removal of waste materials from the campus.

After the tour, the inspector met with the CCM Director of Security, CCM Director of Maintenance, and contractor personnel. The Director of Maintenance stated that in a February 2005, routine walkthrough of the building he discovered a box containing exit signs in an uncontrolled area of the second floor and informed the building contractors to secure the materials. A representative of the electrical contractor, E. J. Stewart, indicated the box was moved to a secured area (bookstore). In a subsequent status meeting held by CCM in April 2005, contractors reported the signs were missing from the secured area. At that time, neither Bovis Lend Lease or E. J. Stewart was able to provide information about location of the signs or records of disposal.

From the discussions with CCM and their contractors it was not clear which entity was actually responsible for security, control, or final disposal of the signs. According to the minutes from the pre-construction meeting held on November 24, 2003, between CCM and construction contractors including Bovis Lend Lease and E. J. Stewart, E. J. Stewart

was to dispose of the exit signs and submit disposal documentation to CCM. However, during the inspection, the E.J.Stewart representative indicated that he had no prior experience in disposing of radioactive materials and had received no instructions from CCM on how to transfer the signs from the campus. The individual stated he was storing approximately 10 of the signs in a secure area on the campus and had seven more signs locked in an off-campus vehicle.

CCM staff were unaware that E. J. Stewart personnel were storing signs off-campus and that other signs were transferred off-campus together with furniture and equipment removed from the building. CCM staff requested that all signs taken off campus be returned immediately. After the inspection, the Director of Security contacted the NRC to provide information about the signs removed from the building, indicating that all signs were accounted for except those secured by E. J. Stewart. He stated that several signs were still missing. Since E.J. Stewart representatives were unable to provide proper disposal documentation or credible information accounting for the exact number of signs, he believed wrongdoing may have been involved. On July 11, 2005, CCM management were formally notified that the matter was referred to the Randolph Township, New Jersey Police Department, indicating the suspected theft of 16 exit signs.

The inspector obtained a list of exit signs (approximately 150) used by the CCM at the Randolph, New Jersey, campus from the NRC database of generally licensed devices and provided it to the Director of Security for review. As part of their ongoing investigation, CCM conducted a campus-wide search of exit signs in all buildings, and then compared the search results with the information in the NRC list. An NRC followup inspection was performed on August 18, 2005, to discuss the results of the CCM investigation, corrective actions taken by CCM, and determine a final accounting for the missing exit signs.

The Director of Maintenance and Environmental Health and Safety Coordinator stated that they refined the search based on the NRC information and determined that 34 signs were removed from the Student Community Center building. Of the 34 signs, 16 signs were returned to CCM and properly transferred to a licensed waste broker for disposal. CCM concluded that the remaining 18 signs either were taken off campus by contractors during construction activities or combined with building debris and removed from the site with regular waste. CCM procedures were revised to ensure better internal security and control for receipt, use, and disposal of exit signs. On September 19, 2005 CCM submitted additional documentation (ML052780429) relative to the missing exit signs which described the final accounting, disposition of the material, and corrective actions taken. The submittal also included a police report filed by the Randolph Township Police Department documenting their actions related to suspected criminal activities.

c. Conclusions

Based on observations made during the inspection and interviews of the individuals involved in the building renovation and removal of the exit signs, it appears that the signs were not properly transferred or disposed. Although program changes were implemented by CCM to ensure appropriate security and control of removed exit signs,



one apparent violation related to CCM's failure to ensure proper transfer or disposal of the exit signs was identified as follows:

Failure to properly transfer or dispose of the 18 tritium exit signs containing up to 25 curies each by export, by transfer to another authorized general licensee, or to a person authorized to receive the devices by a specific license, or that authorizes waste collection is a violation of 10 CFR 31.5 (8)(i).

#### **IV. Exit Meeting**

After the followup inspection on August 18, 2005, the initial findings of the inspection and apparent violation was discussed with CCM management and staff. CCM representatives stated that changes had been made to internal procedures used for controls over handling hazardous materials, including those used for exit signs containing byproduct material. There was no information reported by the Randolph Township Police Department regarding recovery of missing signs.

**PARTIAL LIST OF PERSONS CONTACTED**

# M. Busniak, Environmental Health and Safety Coordinator, CCM  
H. Jackson, Director of Security, CCM  
# J. Ponturo, Director of Maintenance, CCM  
# K. VanDerhoof, Vice President, Business and Finance, CCM  
F. Hohnhorst, Bovis Lend Lease  
J. McClosky, President, E.J. Stewart  
D. Reilly, Supervisor, Louis Gargiulo Company

# present at exit meeting