



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

September 10, 1997

EA No. 97-287

Mr. Robert Carrigino
Carco Construction
13 Canterbury Road
Randolph, New Jersey 07869

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION (NRC Inspection Report No. 99990001/97-09)

Dear Mr. Carrigino:

This refers to the NRC inspection conducted from May 12 through 23, 1997 to review the circumstances associated with an event which occurred in Union, New Jersey in May 1997. The event involved the removal of generally licensed "EXIT" signs containing tritium (a radioactive material regulated by the NRC) from the site at 1200 Commerce Avenue, in Union, New Jersey, a property that you owned. The three "EXIT" signs were removed from the site by a teenager and friends as you were demolishing the building on the property. The signs were then taken home by the teenager. One of the signs was broken which resulted in contamination of the teenager and his friends, as well as the home of the teenager.

As described in the NRC inspection report sent to you on June 18, 1997, an apparent violation of NRC requirements was identified during the inspection. On July 10, 1997, a Predecisional Enforcement Conference was conducted with you, as well as staff from Abex and Selrite, to discuss the violation, its causes, and corrective actions. When you were demolishing the building located at the site, you apparently were unaware that the signs contained NRC-licensed material, because you were not informed of this fact when the former occupant of the building, Selrite Milworks Corporation (Selrite), sold the building to you in 1997. You did not, however, remove the "EXIT" signs for proper transfer or disposal as NRC generally licensed radioactive material when you demolished the building. Selrite was also apparently unaware that the signs contained NRC generally licensed material, since they were not informed when the building was sold to them by Abex Corporation in 1987.

Notwithstanding your lack of knowledge, by the fact of your possession of this radioactive material, you were a licensee of the NRC subject to 10 CFR Part 31. These regulations prohibit the abandonment of NRC generally licensed material and strictly limit the transfer or disposal of such material to other licensees, pursuant to 10 CFR 31.5(c)(6), (8) and (9). The contamination event occurred as a result of your failure to meet these requirements by either: (1) abandoning the licensed material; or (2) improperly disposing of the licensed material; or (3) improperly transferring the licensed material.

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The NRC considered enforcement action in this case. However, since you apparently were unaware that the signs contained radioactive material licensed by the NRC, the NRC has decided to exercise enforcement discretion, pursuant to Section VII.B.6 of the NRC enforcement policy, and not issue a Notice of Violation for this matter. A Notice of Violation is being issued on this date to Abex Corporation.

No response to this letter is required. In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure, will be placed in the NRC Public Document Room (PDR). Your cooperation with us is appreciated.

Sincerely,



Hubert J. Miller
Regional Administrator

Docket No. 99990001
General License

Enclosures:

1. Letter and Notice of Violation to Abex Corporation
2. Letter to Selrite Corporation

cc w/encls:

David W. Reger, Esquire
State of New Jersey