

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

Certain General Material Licensees)
)
) EA-09-001

DEMAND FOR INFORMATION

I

The Nuclear Regulatory Commission (NRC or Commission) is issuing this Demand for Information because it is our understanding that you possess radioactive material in the form of tritium in exit signs. Because you possess radioactive material in this form, you hold what is referred to as a “general license” to possess such material. In this case, your general license has been issued by the NRC pursuant to section 31.5 in Part 10 of the Code of Federal Regulations (10 CFR 31.5). This general license authorizes you, the licensee, to receive, possess, use, or transfer, in accordance with the provisions of paragraphs (b), (c) and (d) of 10 CFR 31.5, radioactive material contained in devices designed and manufactured for the purpose of producing light.

II

On December 7, 2006, NRC issued Regulatory Issue Summary (RIS) 2006-25, “Requirements for the Distribution and Possession of Tritium Exit Signs and the Requirements in 10 CFR 31.5 and 32.51a.” This RIS was issued in part to remind general licensees of the requirements in 10 CFR 31.5 regarding transfer and disposal of tritium exit signs. It was NRC’s intent that issuance of this RIS would minimize the chances of improper disposal of tritium exit signs.

Despite the publication of the RIS in 2006, NRC has reason to believe that certain general licensees may lack awareness of their responsibility to account for and properly dispose of

tritium exit signs. Therefore, the NRC needs further information to determine whether we can have reasonable assurance that general licensees are complying with NRC regulations applying to the possession, transfer, and disposal of tritium exit signs.

III

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 31.5, the NRC seeks information in order to determine whether additional regulatory action should be taken to ensure compliance with NRC requirements. Within 60 days of the date of this Demand for Information, you must submit a written answer to the Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Your answer must be submitted under oath or affirmation, and it must provide the following information:

- A. Explain how you ensure compliance with the NRC requirements applying to the possession, transfer, and disposal of tritium exit signs you have acquired.
Identify and provide contact information for the individual you have appointed who is responsible for ensuring day to day compliance with these requirements;
- B. State the number of tritium exit signs you currently possess and the number of signs that, according to your records, should be in your possession.
- C. Explain the reasons for any discrepancy between the number of tritium exit signs you currently possess and the number of signs that should be in your possession.
- D. Describe any actions you have taken, or plan to take, to locate tritium exit signs that should be, but are not, in your possession.

- E. Describe any actions you have taken, or plan to take, to prevent future losses of tritium exit signs.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

The Director, Office of Federal and State Materials and Environmental Management Programs, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause, such as a particularly large number of signs spread over multiple locations. If you believe you cannot report the results within the 60-day deadline, you may forward a request to extend the deadline. Extensions will be granted if you can reasonably demonstrate an inability to meet the deadline. Additionally, any other requirement can be relaxed or rescinded, as long as you can reasonably demonstrate why that requirement should be relaxed or rescinded. Such requests may be emailed to MSEA@nrc.gov or faxed to Angela McIntosh at (301) 415-5955. Questions about this Demand for Information may be referred to Tritium Exit Sign Inventory Support at (301) 415-3340.

Send responses to:
Director
Office of Federal and State Materials
and Environmental Management Programs
Attention: Angela R. McIntosh, Mail Stop T8-E24
U.S. Nuclear Regulatory Commission
Washington, DC 20555

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Cynthia A. Carpenter, Director
Office of Enforcement

Dated this 16th day of January 2009.