

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of

Certain General Material Licensees

AFFIDAVIT

BEFORE ME, the undersigned Notary Public on this day personally appeared Brian Keith Cooksey, who being by me duly sworn and deposed as follows:

My name is Brian Keith Cooksey. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the Assistant Director Facilities of American Multi-Cinema, Inc., d/b/a "AMC Theatres" ("AMC").

AMC was presented with a Demand for Information with respect to tritium EXIT signs dated January 16, 2009.

AMC submits the following response:

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.

AMC has developed a Tritium Exit Sign Program for the management teams at our 300+ theatre sites. This program, incorporated in our Theatre Operations Manual, educates theatre management about the importance of properly managing tritium sign inventory. The program documentation addresses the proper handling, replacement, and disposal of damaged or expired tritium exit signs. All managers of theatres equipped with Tritium exit signs must follow the guidelines described in this document. (See attachment A).

General questions on the Tritium Exit Sign Program and questions specific to the proper disposal and reporting of lost, damaged, or stolen signs are directed to one of six regional AMC Facility Engineers and/or the AMC corporate facilities department. With a large number of locations spread over multiple states, AMC has partnered with Wiedenbach Brown, a national electrical supplier and service company, to manage certain aspects of AMC's tritium inventory and expired sign replacement program. Should emergency response become necessary at any U.S. site, AMC regional Facility Engineers and/or local representatives of Wiedenbach Brown will be dispatched to the site for damage assessment and proper remediation.

AMC currently has 301 U.S. theatres in 30 states and the District of Columbia. One hundred and fifty-nine of these sites are equipped with tritium exit signs. Wiedenbach Brown has supplied the majority of AMC tritium signs for both new construction and replacement signs since 2003. During this time, AMC has replaced 558 expired signs which have been returned and recycled via Wiedenbach Brown's recycling partners. (See attachment B)

Wiedenbach Brown will be conducting on site inventories at all 159 AMC tritium-equipped locations over the course of the next 12 months to insure both the complete accuracy of our internal counts and to identify any recently missing or stolen signs. Signs will also be inspected for damage. Damaged/stolen signs will be reported directly to the appropriate agency by AMC. In subsequent years, AMC will continue to augment our internal program with no less than annual on-site inventories conducted by Wiedenbach Brown or a similar partner.

All tritium exit signs to be replaced in an AMC theatre will be documented to the NRC to include:

1. Transfer notification letter to the NRC
2. Signed DOT Hazmat Training and Acknowledgement.
3. Transfer document including manufacturer name, Model No., Serial No., Dates, Activity, Site name, RMA No. and contact info
4. Shippers' manifests complete with tracking information.
5. Copy of the RMA issued from Isolite

AMC has evaluated the pros and cons of tritium exit signage systems and electrically powered exit sign systems and, based on information available today, determined it will no longer utilize tritium in future AMC designed construction projects. AMC is also evaluating the feasibility and cost associated with retrofitting existing tritium-equipped sites to electrically powered exit signage systems. Over time, AMC hopes to eliminate the usage of tritium exit signs in AMC theatres.

The individual responsible for AMC's Tritium Program compliance is Brian Cooksey, Assistant Director, Facilities. 920 Main St., Kansas City, MO 64105. Phone: 816-480-4668 Fax 816-480-4614 Email: BCooksey@AMCTheatres.com

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.

Based on physical inventories conducted in March/April 2009, AMC possesses 11,562 tritium exit signs at 159 U.S. sites. In order to arrive at the number of tritium signs which should be in AMC's possession, the following background is provided.

Number of sites	Background	Inventory	Isolite order history total	Difference
23	AMC's 159 tritium-equipped sites include 23 theatres which were acquired from 6 different theatre operators between the years of 2002-2006. Original order inventories for most of these acquired sites are not available. All of the acquired theatre chains were smaller in size and would not have met the NRC minimum reporting thresholds of 500 signs. As these smaller sites have now been incorporated into AMC, we will now be able to track the 782 tritium signs at the 23 acquired sites.	782	151	631
91	91 AMC sites with accurate Isolite order history. The 52 signs which are unaccounted for are likely the result of theft over the years (average age of these 91 sites is approximately 10 years).	7273	7325	-52
30	30 Tritium-equipped sites designed and constructed between 1986-1998 by AMC or shopping center developers. Initial order quantity from Isolite is unavailable, inaccurate or incomplete. These 30 sites are equipped with 1459 installed signs which are not shown on Isolite's order history.	2050	591	1459
15	The construction of certain AMC theatres is performed by shopping center developers. Electrical contractors contracted by the developers are responsible for ordering and installing the exit sign system. Typically, the contractor orders the exit signs for all tenant spaces in the mall, shopping center, etc. We believe this is the reason why the Isolite order history for certain theatres show higher than necessary order totals. Each of the sites with larger (10+) discrepancies have been confirmed to have all signs installed to meet code. The additional signs appearing on the Isolite order history are likely installed in non-AMC spaces which were constructed at the same time by the landlord. We will continue to investigate these sites with developer/landlord and contractors whenever possible. Isolite also shipped tritium exit signs directly to electrical contractors at the contractor's business addresses. AMC believes some of these signs may not have been utilized by the contractor in the theatre space, even though the order is shown by Isolite as an AMC order.	1457	1755	-298

159
Number of sites

11562	9822	1740
Total AMC inventory	Isolite order history total	Difference

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.

As stated in part B above, the construction of many AMC theatres is performed by shopping center developers. These AMC theatres are built by developers whose contractors are responsible for ordering and installing the exit sign system. Typically, the contractor orders the exit signs for all tenant spaces in the mall, lifestyle center, etc. We believe this is the reason why the Isolite order history for certain theatres show higher than necessary order totals. Each of the sites with larger (10+) discrepancies have been confirmed to have all signs installed to meet code. The additional signs appearing on the Isolite order history are likely installed in non-AMC spaces which were constructed at the same time by the landlord. We will continue to investigate these sites with developer/landlord and contractors whenever possible. Isolite also shipped tritium exit signs directly to electrical contractors at the contractor's business addresses. These signs may not have been delivered to the theatre although they will show on AMC's order history. The Isolite order history contains further inaccuracies as approximately 25 sites are shown on AMC's order history which are not, and have never been affiliated with AMC Theatres.

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.

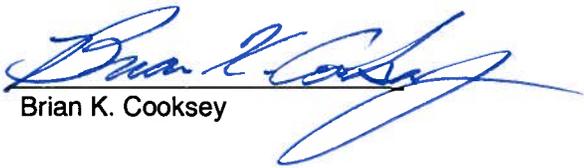
As described above, most of the discrepancies are explained by the nature of our developments and incomplete information/inaccuracies in Isolite's historical order information. We are focusing our efforts on improving education, tracking, and compliance among the 159 tritium-equipped sites.

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

For existing buildings, AMC has developed and published a Tritium Exit Sign Program to the management teams at our 300+ theatre sites. This program, incorporated in our Theatre Operations Manual, is designed to educate theatre management about the importance of properly managing tritium sign inventory. The program documentation is designed to ensure the proper handling, replacement, and disposal of damaged or expired tritium exit signs at the local level. All managers of theatres equipped with tritium exit signs must follow the guidelines described in this document. Signs at all sites will be inventoried no less than once per year to insure no signs have been damaged, removed, or stolen. Damaged and stolen signs will be reported immediately to the appropriate state agency and / or the NRC. AMC has also expanded the role of Wiedenbach Brown to include on-site inventories, lost and damaged sign remediation and reporting, in addition to complete replacement projects for expired signs. AMC has properly recycled 558 tritium signs since 2003 and will continue to do so. We currently anticipate that tritium exit sign systems will be removed from the specifications for any future AMC designed construction projects.

Further, Affiant sayeth not.

Affiant


Brian K. Cooksey

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss.

On this 15 day of June, 2009, before me, a Notary Public in and for said state, personally appeared Brian K. Cooksey, known to me to be the person who executed the within instrument and acknowledged to me that he/she executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Kansas City, Missouri, the day and year last above written.

(SEAL) 


Notary Public in and for said County and State


Name:

My Commission Expires: 9-11-2010

PURPOSE

This document outlines the necessary steps to ensure the proper handling, replacement, and disposal of damaged or expired tritium self-luminous exit signs.

RESPONSIBILITY

It is the responsibility of the General Manager (GM) to ensure all tritium exit signs are in place, damage free, and operating within the labeled expiration date.

BACKGROUND

Tritium self-luminous exit signs are illuminated with a light source that consists of glass tubes internally coated with phosphor, and filled with tritium gas – a safe and benign radioactive form of hydrogen. The mechanism is exactly the same as an electrical fluorescent lamp except that the electrons are provided by the tritium rather than by an electric current. They require no external energy source and as such are the most energy efficient lighting product available today.

Although tritium gas is a radioactive material, the signs are considered "generally licensed devices," because they are inherently safe enough to be handled or used by anyone with no radiation training or experience. According to the Nuclear Regulatory Commission (NRC), tritium exit signs pose little or no threat to public health and safety and do not constitute a security risk.

These signs are regulated by the U.S. Nuclear Regulatory Commission (NRC) and necessitate proper management and handling to ensure compliance with federal and state requirements. The NRC requires proper recordkeeping for disposal of signs, as well as when signs are damaged, broken, transferred, or lost. Violations may result in enforcement action, including fines.



Proper handling of tritium signs is important. Damaged or broken signs can cause minor contamination of the immediate vicinity, requiring a potentially expensive clean up. Should a tritium exit sign become damaged in any way, contact your Facility Engineer for immediate assistance.

IDENTIFICATION

Please review FAC-61a, *Job Aid – Tritium Exit Signs* to determine if your theatre is equipped with tritium exit signs.

INSPECTING TRITIUM EXIT SIGNS

Inspections should occur on a *semi-annual* basis (every six months), and should coincide with your emergency light inspection as directed in FAC-75c, *Theatre Maintenance Duties*. Inspections should be conducted by the General Manager, Senior Manager, or Facilities Maintenance Manager. The total count of tritium signs installed and in storage is to be emailed to your Facility Engineer following each inspection. Inspections will also be supplemented by Wiedenbach Brown Electrical Services (WBES), a national electrical supplier and service company. (A similar partner may be used in certain markets.)

Inspections must include the following:

- A total quantity count for your location (including signs in storage).
- Visual inspection of signs for any physical damage.
- Visual inspection of signs for proper mounting. The signs should be securely fastened to the walls or ceiling mounts.
- Verification of valid expiration dates (Month/Year). (Located on the face or sides of the exit signs.)

If any signs are missing, past their expiration dates, or physically damaged, immediately contact your Facility Engineer for proper handling procedures.

DAMAGED AND EXPIRED SIGN REPLACEMENT

Replacement signs cannot be ordered directly by theatre personnel. All signs must be ordered by your designated Facility Engineer.

Follow the procedures below for replacement of tritium signs:

1. Contact your Facility Engineer to order new signs. Include the quantity and types of signs that need replacement.
2. Return the removed signs using the RMA numbers provided by the supplying vendor. The return and shipping process may be supplemented with services available from Wiedenbach Brown as needed.
3. E-mail serial numbers, tracking and RMA numbers to your Facility Engineer. File and retain all shipping documents per ADM-55a, *Record Retention Schedule*.



Should a tritium exit sign become damaged in any way, contact your Facility Engineer for immediate assistance.

DISPOSAL REQUIREMENTS

It is unlawful to abandon or dispose of self-luminous signs except by transfer to persons specifically licensed by the Nuclear Regulatory Commission. Tritium signs cannot be disposed of with standard theatre trash. All tritium signs removed from service must be returned to the manufacturer who has supplied the replacement sign.

Please contact your Facility Engineer for assistance with disposal of tritium exit signs.

Tritium Exit Signs

The primary identifying characteristic of tritium exit signs is that small green tubes are evident within the letters E-X-I-T. The tubes are typically positioned behind a “cracked glass” or prismatic lens similar to a fluorescent light fixture lens.



Electrically Powered Exit Signs

Electrically powered exit signs will appear more uniform in brightness and color due to the light bulb which uniformly illuminates the EXIT letters. Typically the lens is a solid color, not cracked or prismatic as is the case with tritium signs.



May 21st, 2009

AMC Theatres, Inc.
920 Main Street
Kansas City, MO
64105

Attn: Brian Cooksey

Re: Tritium Exit Disposal

Since 2003, Wiedenbach-Brown (WB) has been providing new and replacement exit signs when called upon by AMC. The attached spreadsheet is a summary of these transactions which WB has coordinated. This includes new sign quantities ordered and returned quantities that had expired. The purchase and returns of all exit signs were conducted with one manufacturer; Isolite (www.isolite.com). WB adhered to Isolite's return policy in accordance with NRC disposal policies. Prior to all returns, a written return material authorization (RMA) from Isolite was obtained. Upon receipt of the RMA, complete return instructions with return addresses were provided to the theatre manager or facilities contact. Copies of the RMA were to be included with the return shipment.

- Returns prior to 2008 were sent to: Safety Lite Corporation, 4150-A Old Berwick Road, Bloomburg, PA 17815
- Returns in 2008 were sent to: Shield Source, R.R. #5 Municipal Airport, Ontario, Canada, K956X6
- Returns in 2009 have been sent to an Isolite facility in the USA and then forwarded by Isolite to Shield Source in Canada (see address above)

If we can be of further assistance let us know.

Regards,



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VP of Business Development

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