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Environmental Management & Support

Rich Dailey, Senior Director

September 11, 2009

Dr. Charles Miller
Director, Office of Federal and State Materials
and Environmental Management Programs
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Washington, DC 20555-0001

Subject: Report of Damaged Tritium Exit Signs

Dear Dr. Miller,

Wal-Mart Stores Inc. ("Wal-Mart") is a general licensee of the NRC pursuant to 10 CFR § 31.5 because it possesses and uses tritium exit signs ("TES"). Pursuant to 10 CFR § 31.5(c)(5), Wal-Mart prepared the subject thirty (30) day report in March 2008, regarding four damaged TES that it discovered at one of its sites. This report was misplaced, however, and Wal-Mart did not realize that it had not sent the report to the NRC until it found the report recently in its files. Note that all other reports regarding these TES were timely filed.

Information on the damaged TES is provided below:

<u>Serial #</u>	<u>Curie Content</u>	<u>Date of Damage</u>	<u>Store Location</u>
297894	11.5	unknown	342 Commercial Dr., Pineville, MO
297901	11.5	unknown	342 Commercial Dr., Pineville, MO
297903	11.5	unknown	342 Commercial Dr., Pineville, MO
297921	11.5	unknown	342 Commercial Dr., Pineville, MO

Attachment A provides a brief description of the events associated with the damaged TES, remedial actions taken, efforts to determine any associated contamination, and efforts to ensure that the site is acceptable for unrestricted use.

Please contact me at 479-204-9914, if you have any questions regarding this letter or the attached report.

Sincerely,

Richard Dailey

Radiation Safety Officer
Wal-Mart Stores Inc.

cc: Angela Washington, Wal-Mart
Thomas Poindexter, Morgan Lewis

Attachment A

A. Description of Events

On Tuesday, February 12, 2008, representatives from Wal-Mart and its agents, members of the Environmental Services division of The Shaw Group, Inc. ("Shaw"), visited Wal-Mart store #5261 in Pineville, Missouri, to inventory tritium exit signs ("TES") at the site. Wal-Mart retained Shaw, an environmental services contractor with extensive experience with the management of radioactive materials, for its company-wide program to inventory and replace TES. During the inventory at the Pineville, Missouri site, Wal-Mart discovered 4 damaged TES. Wal-Mart found no shards or pieces of tubes in the vicinity of the TES, or anywhere else at the site.

B. Prompt Actions Taken

Upon discovery of the damaged TES, Shaw implemented a pre-established protocol for handling damaged TES, including the use of latex gloves. The TES were documented, serial numbers recorded, and the TES were packaged consistent with guidance in NUREG-1556 vol. 16, Appendix L, and instructions provided by Isolite, a manufacturer of TES and specific licensee authorized to receive TES. Shaw sealed the TES inside plastic bags, which were then placed in a hazardous waste container along with the latex gloves used. The boxes and hazardous waste container were stored in an enclosed room with limited access until shipping arrangements could be finalized. The area within the room and the door to the room were marked off with yellow caution tape, "Warning" and "Do Not Enter" signs, and the radiation trefoil.

In addition to the actions taken above, Wal-Mart gathered information on the location and history of TES at the site through interviews of store associates, store managers, and Wal-Mart personnel involved in construction and store planning. Those interviews revealed limited information about the TES described in this report, and did not reveal any information about the damage to the TES.

Wal-Mart also made available a Certified Health Physicist ("CHP") from Dade Moeller & Associates during interviews of the store managers and associates to answer any radiological health questions. The CHP took 11 smears of the room where the TES were found and of surrounding areas where associates had reportedly seen the TES. The CHP's results revealed no contamination in these areas. Indeed, the highest level of detected contamination in the vicinity of the TES at issue was 6.6 disintegrations per minute (dpm).

C. Long-term Corrective Actions

Wal-Mart completed a company-wide program to replace TES with non-tritium exit signs at all of its sites. As a part of that effort, it employed Shaw to inventory, remove, and replace TES, and a team of CHPs from Dade Moeller to properly handle damaged TES and prepare and arrange for their return to a specific licensee. Wal-Mart also has implemented and communicated protocols for the proper handling of TES to ensure public health and safety and the protection of its employees.

D. Final Resolution

Wal-Mart shipped the TES with serial number 297901 to a specific licensee authorized to receive the damaged TES on April 18, 2008. Wal-Mart reported that transfer to the NRC on May 9, 2008, in accordance with the requirements at 10 CFR § 31.5(c)(8).

The remaining 3 TES could not be located subsequent to their initial identification as damaged TES and were determined to be lost in January 2009, at the time that Wal-Mart completed its physical and database inventories and reconciled all available data. Accordingly, Wal-Mart promptly reported the lost TES to the NRC by telephone on January 5, 2009, and by written notification on January 8, 2009, in accordance with the requirements at 10 CFR §§ 31.5(c)(10), and 20.2201.

Note that the lost and transfer reports were timely filed, and only this damage report is delayed.