

~~ALL INFORMATION INCLUDED HEREIN IS HEREBY DESIGNATED AS CONFIDENTIAL AND PROPRIETARY BUSINESS INFORMATION PURSUANT TO 10 C.F.R. § 2.390~~

NOT CONFIDENTIAL OR PROPRIETARY  
PER NUCLEAR REGULATORY  
COMMISSION OFFICE OF GENERAL  
COUNSEL DETERMINATION

SHERIN  
AND  
LODGEN

VIA FEDEX, FIRST CLASS AND  
CERTIFIED MAIL RETURN RECEIPT REQUESTED  
NO. 7160 3901 9845 1557 0788

September 1, 2009

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 20555-0001

**Re: Demand for Information (“Demand”)  
RESPONSE to Demand**

Dear Angela:

On or about January 26, 2009, our client, Giant Food (“Giant”), received the above-mentioned Demand from the Nuclear Regulatory Commission (“NRC”) seeking information regarding its use and possession of tritium exit signs. Giant understands that pursuant to correspondence with you on June 8, 2009, the deadline to respond to the Demand was extended until September 4, 2009. Please accept this letter as Giant’s response to the Demand.

### BACKGROUND AND INTRODUCTION

It is Giant’s understanding that the Demand was issued as part of a review of general licensee practices to ensure compliance with those regulations applicable to the use and possession of tritium exit signs. Upon receipt of the Demand, Giant conducted an extensive review of its internal practices regarding the purchase, use and disposal of tritium exit signs. In addition to reviewing the documentation maintained by Giant, Giant arranged for a survey to be conducted of all of its store locations using tritium exit signs to obtain a number for comparison to its records and ensure its ongoing compliance. While the survey was ongoing each vendor from which Giant purchases tritium signs was contacted to obtain copies of those records maintained by each vendor, as specific licensees, regarding their sale of tritium signs to Giant. In accordance with the Demand, Giant has prepared this response based on the results of the above-mentioned investigations.

Giant’s use of tritium exit signs is limited. Not all Giant locations utilize tritium exit signs, and those who do carry approximately 25 in each location. Tritium exit signs are not inventoried, stored, or distributed. Rather, they are ordered on a need-only basis for specific locations, as part of store construction/renovation.

~~ALL INFORMATION INCLUDED HEREIN IS HEREBY DESIGNATED AS CONFIDENTIAL AND PROPRIETARY BUSINESS INFORMATION PURSUANT TO 10 C.F.R. § 2.390~~

NOT CONFIDENTIAL OR  
PROPRIETARY PER NUCLEAR  
REGULATORY COMMISSION OFFICE  
OF GENERAL COUNSEL  
DETERMINATION

SHERIN  
LODGEN<sup>AND</sup>

Angela R. McIntosh, NRC  
September 1, 2009

## GENERAL OBJECTIONS AND RESPONSES

Giant objects to the Demand to the extent that it is overly broad and/or unduly burdensome. Giant further objects to the Demand to the extent that it purports to require Giant to disclose information that is protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or doctrine. In addition, Giant objects to the Demand to the extent that it requires Giant to disclose confidential and/or proprietary business information. Pursuant to the provisions of 10 CFR § 2.390, Giant designates its responses herein as confidential proprietary business information.

## SPECIFIC RESPONSES AND OBJECTIONS

Subject to and expressly incorporating the foregoing General Objections and Responses, Giant responds to items A through E of the Demand as follows:

### Request 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.

### Response to Request A:

To the extent applicable, Giant ensures compliance with 10 CFR 31.5 as follows:

1. 10 CFR 31.5 (c)(1): The order of tritium exit signs is done primarily through Yale Electric ("Yale"), a contractor generally responsible for managing the electrical needs of Giant's stores. Yale receives requests for tritium exit signs and then arranges for their purchase and transport directly to the location in which they are to be installed. Each order is shipped directly from the vendor with the required labeling to the location in which it is to be installed, specifically packaged to ensure safe transport.
2. 10 CFR 31.5 (c)(5): The protocol in the event of a non-working sign is to immediately return the device to the vendor and notify the NRC under this section. Because the vendors Giant orders devices from are considered specific licensees in accordance with 10 CFR 32.51, these parties are authorized to receive these devices and repair or dispose of them properly. To date, Giant records do not indicate the return of any tritium exit signs.

Angela R. McIntosh, NRC  
September 1, 2009

3. 10 CFR 31.5 (c)(6): Giant does not abandon tritium exit signs. Tritium signs are installed upon their arrival, and are maintained and kept in place unless transferred as described under Nos. 5 and 6 of this Response.
4. 10 CFR 31.5 (c)(8): There are very few circumstances in which Giant transfers or disposes of tritium exit signs: (a) when a sign arrives in disrepair from the vendor or malfunctions (as described under No. 2); or (b) where a Giant location is sold to a different general licensee pursuant to a sale or assignment of the building in which tritium signs are installed. In the first instance, damaged or malfunctioning signs are immediately returned to the vendor. Because vendors are considered specific licensees in accordance with 10 CFR 32.51, these parties are authorized to receive these items and dispose of them properly. In the second instance, those tritium exit signs installed in a building that is to be sold or assigned to an unrelated third party are not removed or relocated. These signs are kept in the same particular location, and are transferred to the new general licensee as required under 10 CFR 31.5 (c)(9).
5. 10 CFR 31.5 (c)(9): As described above in No. 4, when a Giant location is sold or assigned to an unrelated third party, tritium exit signs remain installed and are transferred with the building to the new general licensee.
6. 10 CFR 31.5 (c)(10): To date, Giant has no record of any radiation incidents, theft or loss of licensed materials triggering the obligations provided under §§ 20.2201 and 20.2202.
7. 10 CFR 31.5 (c)(11): Giant is committed to providing responses to any and all NRC written requests, including this Response.
8. 10 CFR 31.5 (c)(12): Giant designated Juan-Carlos Vivas as the individual responsible for ensuring day to day compliance the NRC requirements regarding tritium exit signs. Mr. Vivas's contact information is as follows:

**Juan-Carlos Vivas**  
**Director of Construction GIANT**  
**T. 301.386.0480**  
**F. 301.618.4992**

9. 10 CFR 31.5 (c)(15): Tritium exit signs are ordered by Giant for specific use within certain locations. They are not inventoried, stored, or distributed. Upon their arrival they are immediately installed.

**Request 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.

~~ALL INFORMATION INCLUDED HEREIN IS HEREBY DESIGNATED AS CONFIDENTIAL AND PROPRIETARY BUSINESS INFORMATION PURSUANT TO 10 C.F.R. § 2.390~~

NOT CONFIDENTIAL OR  
PROPRIETARY PER NUCLEAR  
REGULATORY COMMISSION OFFICE  
OF GENERAL COUNSEL  
DETERMINATION

SHERIN<sup>AND</sup>  
LODGEN

Angela R. McIntosh, NRC  
September 1, 2009

**Response to Request B:**

Giant records show that Giant has 2,937 tritium exit signs in its stores. Overall, Giant's records do not reflect any discrepancy between those signs the company currently possesses and the number that should be in its possession.

**Request 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.

**Response to Request C:**

See Response B.

**Request 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.

**Response to Request D:**

See Response B.

**Request E:**

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

**Response to Request E:**

Giant remains committed to ensuring compliance with the NRC's regulations regarding tritium exit signs. Giant has determined that it will review and supplement its internal record keeping efforts as needed. Further, while Giant has personnel educated on the installation, transfer, use, disposal and possession of tritium exit signs, it will refresh its employees on the applicable regulations to ensure ongoing compliance.

~~ALL INFORMATION INCLUDED HEREIN  
IS HEREBY DESIGNATED AS  
CONFIDENTIAL AND PROPRIETARY  
BUSINESS INFORMATION PURSUANT  
TO 10 C.F.R. § 2.390~~

NOT CONFIDENTIAL OR  
PROPRIETARY PER NUCLEAR  
REGULATORY COMMISSION OFFICE  
OF GENERAL COUNSEL  
DETERMINATION

SHERIN  
AND  
LODGEN

Angela R. McIntosh, NRC  
September 1, 2009

If you should have any questions, please feel free to contact me.

Affirmed.

Sincerely,



Ronald W. Ruth