

June 18, 1997

Paul R. Garelick
Law Offices
Lombardi and Lombardi
1862 Oak Tree Road
P.O. Box 2065
Edison, New Jersey 08818-2065

SUBJECT: Luminous Devices Containing Tritium at 1200 Commerce Avenue,
Union, New Jersey

Dear Mr. Garelick:

This refers to your two letters, both dated June 5, 1997, requesting information regarding the use of luminous "EXIT" signs at 1200 Commerce Avenue, Union, New Jersey. Since both letters request similar information, we are providing a single response to you. We understand from the letters that you are representing an individual who is not a NRC licensee but who recently handled "EXIT" signs which contained tritium.

Self-luminous devices such as "EXIT" signs may be possessed under the conditions of a general license from the NRC or an Agreement State. The NRC regulations for possession of generally-licensed devices are found in Title 10, Code of Federal Regulations, Part 31 (10 CFR 31), "General Domestic Licenses for Byproduct Material". The specific regulations pertaining to self-luminous "EXIT" signs are found in 10 CFR 31.5 "Certain measuring, gauging, or controlling devices". A copy of 10 CFR Part 31 is enclosed for your information. These regulations include the requirements for maintenance, transfer, and disposal of the signs. At the time of purchase, the manufacturer of the signs is required to provide a copy of these regulations to the purchaser.

The manufacture and distribution of these generally-licensed devices requires authorization by a specific license from the NRC or an Agreement State. The NRC regulations pertaining to the manufacture and distribution of "EXIT" signs are found in 10 CFR 32.51 and 32.52. A copy of 10 CFR Part 32 is enclosed for your information. The manufacturer is required to provide to the NRC and to Agreement States a record of all customers to whom the devices were distributed each calendar quarter.

NRC records indicate that three devices were distributed in 1983 to Abex Corporation at 1200 Commerce Avenue, Union, New Jersey by the manufacturer Self-Powered Lighting. NRC records do not show the presence of other devices at that address. Abex Corporation is apparently no longer in business, but representatives of a successor company, Pneumo-Abex, may be contacted at:



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Pneumo-Abex
c/o Zernik, Horton, Guibord and McGovern
ATTN: Mr. Daniel Chefitz
77 West Wacker Drive, 33rd Floor
Chicago, IL 60601

Self-Powered Lighting is located in the State of New York, which is an Agreement State. Therefore, the specific regulations pertaining to the activities of Self-Powered Lighting may be obtained from the State of New York at the following address:

Rita Aldrich, Principal Radiophysicist
Radiological Health Unit
Division of Safety and Health
New York State Department of Labor
New York State Office Campus
Building 12, Room 457
Albany, New York 12240

In one of your letters, you requested "a copy of all discovery...in connection with this incident." We are unable to determine from this statement what specific information you are requesting. Please provide a more specific request.

You may be required to request the information under the "Freedom of Information Act". In that case, the request must be submitted to the "Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC, 20655" The request must be in writing and clearly state on the envelope that it is a "Freedom of Information Act request". Each record you request must be described in sufficient detail to enable us to identify and find the record.

We are returning the self-addressed, stamped envelope you enclosed with your letter. If you have any additional questions, please contact Betsy Ullrich of my staff at (610) 337-5040.

Sincerely,

ORIGINAL SIGNED BY:
JOHN D. KINNEMAN

John D. Kinneman, Chief
Nuclear Materials Safety Branch 2
Division of Nuclear Materials Safety

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Lombardi and Lombardi

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Docket No. 99990001
General License
EA 97-285

Enclosures:

1. 10 CFR Parts 31 and 32
2. Lombardi and Lombardi self-addressed envelope

cc:
State of New Jersey

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Nuclear Safety Information Center (NSIC)

Region I Docket Room (w/concurrences)

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