NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
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Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov

MEMO TO : General Licensees Receiving Tritium Exit Signs

FROM : Terry L. O'Clair, P.E.
Director
Division of Air Quality

TLO

FILE

RE : U.S. NRC Regulatory Issue Summary 2006-25 Requirements for the distribution and possession of Tritium exit signs and the requirements in 10 CFR 31.5 [NDAC 33-10-03-04.2.b.] and 32.51a [NDAC 33-10-03-05.5.d.(4)]

DATE : February 14, 2007

The North Dakota Department of Health is sending this Nuclear Regulatory Commission (NRC) regulatory issue summary (RIS) to reiterate the requirements in 10 CFR 32.51a that distributors of tritium exit signs must follow when transferring them to general licensees. In addition, this RIS is intended to reiterate the requirements in 10 CFR 31.5 for general licensees regarding transfer and disposal of the tritium exit signs. It is the NRC's intent that this will minimize the chances that tritium exit signs will be disposed of incorrectly such as in the Nation's landfills or be sold on eBay or in other venues such as flea markets.

This notice is for your information only; a written response is not required. Please contact the North Dakota Department of Health Radiation Control Program at (701)328-5188 if you have any questions.

TLO/CJS:csc

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF FEDERAL AND STATE MATERIALS
AND ENVIRONMENTAL MANAGEMENT PROGRAMS
WASHINGTON, DC 20555-0001

December 7, 2006

NRC REGULATORY ISSUE SUMMARY 2006-25 REQUIREMENTS FOR THE DISTRIBUTION AND POSSESSION OF TRITIUM EXIT SIGNS AND THE REQUIREMENTS IN 10 CFR 31.5 AND 32.51a

ADDRESSEES

All U.S. Nuclear Regulatory Commission (NRC) licensees distributing tritium exit signs and those possessing a tritium exit sign under a general license.

INTENT

NRC is issuing this regulatory issue summary (RIS) to reiterate the requirements in 10 CFR 32.51a that distributors of tritium exit signs must follow when transferring them to general licensees. In addition, this RIS is intended to reiterate the requirements in 10 CFR 31.5 for general licensees regarding transfer and disposal of the tritium exit signs. It is NRC's intent that this will minimize the chances that tritium exit signs will be disposed of incorrectly and be disposed of in the nation's landfills or be sold on eBay or in other venues such as flea markets. This RIS does not transmit any new requirements or new staff positions.

BACKGROUND

The Commonwealth of Pennsylvania and the State of New Jersey have expressed their concerns to NRC about the possible improper disposal of tritium exit signs. Their concerns are based on a report, issued by the Pennsylvania Department of Environmental Protection, regarding increased levels of tritium found in leachate in Pennsylvania landfills. The report concludes that the increased levels of tritium are attributable to the improper disposal of tritium exit signs. For this reason, the reporting requirements for the distribution and possession of generally licensed tritium exit signs in 10 CFR 31.5 and 32.51a are being reiterated.

SUMMARY OF ISSUE

For the purposes of this RIS, the following terms are defined:

"Specific Licensee" is an individual or entity that is authorized to manufacture and/or distribute tritium exit signs. It also refers to an individual or entity that possesses a license issued by NRC or an Agreement State, that authorizes them to possess byproduct materials; and

"General Licensee" is used to describe an individual or entity that possesses a generally licensed device, such as a tritium exit sign. Although the general licensee does not need specific approval from NRC, the general licensee is responsible for understanding and following the applicable NRC regulations (i.e., 10 CFR Part 31). General licensees are also subject to NRC inspection and enforcement activities, including issuance of civil penalties.

NRC regulations in 10 CFR 32.51a(a) require that each specific licensee who transfers a generally licensed device provide the following information to the general licensee receiving the device: (1) a copy of the applicable portions of the general license contained in 10 CFR 31.5; (2) copies of 10 CFR 31.2, 30.51, 20.2201, and 20.2202; (3) a list of services that may only be performed by the specific licensee; (4) information on acceptable disposal options for the device and the estimated cost for disposal; and (5) an indication that NRC's policy is to issue high civil enforcement penalties for improper disposal of devices. Furthermore, 10 CFR 32.51a(a) requires the specific licensee to provide this information before the device is transferred.

The relevant portions of the general license contained in 10 CFR 31.5(c)(8)(i) include requirements that general licensees must follow regarding the transfer or disposal of generally licensed devices, including tritium exit signs, that contain byproduct material.

In order for a general licensee to dispose of a device properly (i.e., when the device is no longer useful), the general licensee must transfer the generally licensed device to a specific licensee. Examples of specific licensees that would typically receive tritium exit signs when they are no longer useful include the manufacturer, distributor, licensed radioactive waste brokers, and licensed low level waste disposal facilities. These licensees often charge fees to receive such material, so possessors of tritium exit signs are advised to contact specific licensees and explore disposal options. Transfer to a specific licensee is the only authorized disposal method for generally licensed tritium exit signs. The requirements for transferring a generally licensed device to a specific licensee are found in 10 CFR 31.5(c)(8)(ii) and state that a general licensee:

> Shall, within 30 days after the transfer of a device to a specific licensee or export, furnish a report to the:
>
> Director, Office of Nuclear Material Safety and Safeguards[1]
> ATTN: GLTS
> U.S. Nuclear Regulatory Commission
> Washington, DC 20555-0001
>
> using an appropriate method listed in 10 CFR 30.6(a) of this chapter. The report must contain -
>
> (A) The identification of the device by manufacturer's (or initial transferor's) name, model number, and serial number;

[1] The Office of Nuclear Material Safety and Safeguards was reorganized on October 1, 2006. The Office of Federal and State Materials and Environmental Management Programs is now responsible for the tracking of generally licensed devices. However, until the affected regulations in the Code of Federal Regulations are amended, please continue to use the address above when corresponding with the NRC.

(B) The name, address, and license number of the person receiving the device (license number not applicable if exported); and
(C) The date of the transfer.

In addition, general licensees are also required, by 10 CFR 31.5(c)(12), to appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements.

General licensees intending to transfer and dispose of tritium exit signs must comply with these requirements.

If you believe that you have received this RIS in error, please notify NRC in writing at:

Director, Office of Nuclear Material Safety and Safeguards
ATTN: GLTS
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because this RIS is informational and does not represent a departure from current regulatory requirements.

CONGRESSIONAL REVIEW ACT

NRC has determined that this action is not subject to the Congressional Review Act.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain any new or amended information collection requirements. These information collections were approved by the Office of Management and Budget (OMB), approval numbers 3150-0016 and 3150-0001, which expire August 31, 2008.

PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

CONTACT

Please direct any questions about this matter to the technical contact or the appropriate regional office.

/RA/

Janet R. Schlueter, Director
Division of Materials Safety
and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Technical Contact: Ujagar Bhachu, FSME
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Enclosure: List of Recently Issued NMSS
Generic Communications