

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Report No. 999-90001/97-005

Docket No. 999-90001

License No. N/A

Applicant: Cartier, Inc.

Inspection At: Two Corporate Drive
Shelton, Connecticut

Inspection Conducted: March 12, 1997

signed by:

Inspectors:

John R. McGrath
John R. McGrath
Senior Health Physicist

3/27/97
date

Approved By:

Jenny M. Johansen
Jenny M. Johansen, Chief
Nuclear Materials Safety Branch 3
Division of Nuclear Materials Safety

4/3/97
date

Inspection Summary: Announced safety inspection of the circumstances surrounding the unlicensed distribution of licensed material, tritium painted timepieces, by Cartier, Inc.

Areas Inspected: Organization, scope of program, notification of distribution by the company's attorney, review of distribution records by the inspector, and Cartier's commitment to discontinue distribution until such time as an exempt distribution license is issued by headquarters.

Results: One apparent violation was identified: failure to obtain an NRC license authorizing exempt distribution of timepieces containing tritium.

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DETAILS

1. Persons Contacted

- * Gary Saage, Vice President for Finance
- * Joyce Brown, Vice President for Operations
- William van Kempen, Technician

- * Present at exit interview

2. Background

On April 19, 1996, Cartier, Inc. submitted an application to NRC Headquarters, NMSS, for a license to distribute exempt timepieces containing tritium pursuant to 10 CFR 32.15. On February 3, 1997, Region I received a staff generated allegation to the effect that Cartier had been distributing tritium watches without an NRC license. This information was based on conversations NMSS staff had with a lawyer representing Cartier. The lawyer also indicated to the NMSS staff that Cartier had ceased distribution of the watches until an exempt license was issued. It was determined that Region I should conduct an inspection of Cartier to obtain confirmation of this information as well as information on the extent of the distribution.

Cartier's main headquarters is located in New York, New York, with distribution points in Dallas, TX and Miami, FL. In early February, Region I contacted Helen M. O'Shaughnessy, Assistant to General Counsel for Cartier, who signed the letter enclosing the application to the NRC. Ms. O'Shaughnessy was unable to provide any specific information concerning the distribution of tritium watches but provided the name of the lawyer representing Cartier and handling the application for them. This was the individual who provided the original information to NMSS, Mr. Richard Meserve of Covington and Burling. Ms. O'Shaughnessy also provided the name of Joyce Brown, Vice President for Operations for Cartier out of their Connecticut office who would be able to provide information on previous distribution of watches. Contact was made with Ms. Brown and an inspection was scheduled for March 13, 1997.

2. Organization and Scope of Program

The principal contact for the application is Gary Saage, Vice President for Finance. Mr. Saage has offices in Shelton, CT and New York. Overall responsibility for the "technical" aspects of the distribution is with Joyce Brown, Vice President for Operations. Reporting to her is Mr. William van Kempen, who is located in Dallas and maintains the database regarding distribution. Mr. Saage, Ms. Brown and Mr. van Kempen were contacted during the inspection (Mr. Saage and Mr. van Kempen by telephone). Mr. Saage indicated that all correspondence concerning their distribution of tritium watches should be addressed to him at his Shelton, CT office.

3. Distribution Records

Prior to the inspection, Mr. Meserve had forwarded to Region I information indicating that Cartier had distributed tritium watches in the U.S. since 1985. Cartier's current computer database, however, only covers the period from 1987. This data showed that Cartier had distributed approximately 13,500 watches containing tritium since 1987. Mr. Meserve provided a spreadsheet showing the number of distributions for various models of the Cartier watches containing tritium. During the inspection Ms. Brown provided an updated copy of this spreadsheet (Attachment A). The Cartier watch design designated "Pasha" is apparently the only design using tritium on the hands, dials and/or bezels. The different reference numbers refer to variations in the basic design of the watches, e.g. size (either 35mm or 38mm), type of strap, and other features. Apparently, all watches have tritium painted hands and a single dot on the bezel. Some may also have 4 to 12 dots on the watch dial. The activity per watch can range from 0.14 millicuries to 1.85 millicuries. This is within the Part 30 limits for exempt timepieces containing tritium.

Ms. Brown provided a second spreadsheet (Attachment B) which includes the activity for each reference number. During the inspection, it was learned that Cartier has also distributed clocks with tritium painted hands, dial and bezels. A spreadsheet was also provided indicating the number of clocks by reference number distributed since 1987 (Attachment C). The total number of clocks distributed is approximately 2800. The total activity per clock ranged from 0.02 to 4.64 millicuries. The two main clock designs which contain tritium are the "21" and the "Pasha" models. Cartier is not currently distributing these clocks and intends to permanently discontinue the clock line.

Ms. Brown was asked why Cartier could have been distributing these timepieces since 1985 without being aware of the regulatory requirements and how they became aware of the requirements in 1996. Ms. Brown stated that an individual in the firm had apparently been aware of the requirements prior to 1985, but this individual left the firm prior to actual distribution of the timepieces and no other individual in the firm was aware of the requirements. In 1996, Cartier personnel became aware that a license might be necessary through discussions with other people in the business. At that point they asked Covington and Burling to look into the matter and in April of 1996 applied for a license to distribute.

4. Future Actions

During discussions with Mr. Saage, he confirmed that Cartier has ceased distribution of all tritium timepieces and that it was Cartier's intention to comply with all regulatory requirements. A confirmatory action letter was issued to Cartier on March 14, 1997 (CAL No. 1-97-012). The CAL stated that "Cartier, Inc. shall cease distribution of all timepieces containing radioactive material."

5. Exit Interview

The scope and findings of the inspection were discussed with the individuals denoted in Item 1 of the report. Mr. Saage was informed that the distribution of timepieces without an NRC license was a violation of NRC regulations and that they would receive a letter discussing this violation. Also, their commitment to cease distribution would be confirmed in a Confirmatory Action Letter.