

October 7, 2005

Multiple Addressees

Dear Sirs:

The mission of the U.S. Nuclear Regulatory Commission (NRC) is to license and regulate the Nation's civilian use of nuclear materials to ensure adequate protection of public health and safety. The purpose of this letter is to inform importers and distributors of self-luminous watches that contain Hydrogen-3 (tritium), a radioactive nuclear material, of the NRC requirements controlling the distribution of these products to the public. The tritium in these watches is contained in vials incorporated into watch dials, hands or faces that allow the watch to be read in the dark of dimly lighted areas. These watches are typically imported and then distributed through various markets to the general public. The initial importer and distributor of the tritium watches must obtain a license for possession of the watches from either NRC or from their state. In addition, the first sale of the watches in the United States can only happen after the initial distributor obtains an NRC exempt distribution license.

Persons found in possession of tritium watches that have not been distributed by an NRC exempt distribution license holder are subject to enforcement action by NRC and State regulatory authorities. NRC is authorized to enforce its tritium watch regulations, found in Title 10 (Energy), U.S. Code of Federal Regulations (CFR), Parts 30 and 32, by imposition of monetary penalties, referral to a Federal District Court (injunction, seizure of radioactive products), or referral to the Department of Justice, for criminal prosecution. NRC has, in the past, taken significant enforcement action against watch distributors for violations of NRC requirements involving the possession, use, and distribution of watches containing NRC-licensed material, without having NRC licenses authorizing such activities. In one action, the company was issued a \$26,400 civil penalty.

As an importer or distributor of watches containing NRC-regulated radioactive material, you should review this information for applicability to your business operations, and if you determine that an NRC license(s) is needed, you must first satisfy the general requirements of 10 CFR 30.33 or your state equivalent. Therefore, you must apply for and obtain a specific license authorizing possession and use of radioactive byproduct material from an NRC regional office or applicable Agreement States, whoever has jurisdiction. NRC Form 313, "Application for Material License," should be completed, in duplicate, and mailed to the applicable regional address as shown on the form, if NRC has jurisdiction. However, if you are located in an Agreement State, you should contact the appropriate state regulatory agency and obtain the appropriate forms and submit them accordingly. Contact information for the various state authorities can be found on the NRC web-site, www.nrc.gov, under the Office of State and Tribal Programs.

In order to first sell products containing radioactive byproduct material, such as tritium watches, to the general public or other businesses, who do not have a radioactive materials license, you must also apply for and obtain an exempt distribution license pursuant to 10 CFR 32.14 from the NRC Headquarters office in Washington, D.C. NRC Form 313 should be completed, in duplicate, and mailed to the Headquarters address as shown on the form. Exempt distribution licenses are only issued from NRC and not an Agreement State.

Applications for distribution licenses should not contain information concerning the possession and use of radioactive material as covered in possession licenses. Therefore, when applying for a distribution license, you should answer only questions 1 through 6, and 12 and 13 on NRC Form 313. The product information to be submitted for a distribution license is outlined in 10 CFR Part 32, specifically in Sections 32.14, 32.15, and 32.16, and in NUREG-1556, Vol 8, "Consolidated Guidance About Materials Licenses - Program - Specific Guidance About Exempt Distribution Licenses." All the reference documents are available on the NRC website at: www.nrc.gov.

The NRC is a fee-reimbursable agency and, accordingly, requires applicants to pay a fee. Payment of fees should be mailed along with the application package(s). The NRC also assesses annual fees for license holders. Any questions concerning fees should be directed to Ms. Brenda Brown of the License Fee and Accounts Receivable Branch at (301) 415-6055.

If you have any questions, please contact Anthony Kirkwood of my staff at (301) 415-6140.

Sincerely,

/RA/

Charles L. Miller, Director
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

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DISTRIBUTION:

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