

Rodriguez-Luccioni, Hector

From: Rodriguez-Luccioni, Hector
Sent: Monday, April 11, 2016 8:52 AM
To: 'Jerry Sirois' (jerry@ballwatchusa.com)
Cc: Herrera, Tomas; Gonzalez, Hipolito
Subject: Request for Additional Information regarding Hess Fine Art renewal application

Mr. Sirois,

This email refers to your letter dated March 28, 2016, which responds to our third request for additional information dated February 23, 2016. In reviewing your letter we have determined additional information is required to complete our review. In order to continue our review please address the issues listed below.

1. In our letter dated February 23, 2016, we requested the prototype testing procedure and results of the timepieces. In your letter dated March 28, 2016, you provided a review of the operational history of the timepieces to demonstrate the timepieces' ability to maintain its integrity when subjected to conditions of normal use and likely accident conditions. You provided operational history of the timepieces used by explorers of extreme conditions without a reported mishap. Please confirm that the timepieces discussed in your operational history review contain tritium and are of similar constructions of the timepieces distributed under your exempt distribution license no. 09-23920-01E.
2. In our letter dated February 23, 2016, we requested a demonstration of all your calculations and assumptions you made in your dose assessment submitted in your letter dated February 15, 2016. In your letter dated March 28, 2016, you did not submit a response to our request because the efficiency of the detectors was requested but was not received prior to the due date of the submission of your letter dated March 28, 2016. Please provide a complete dose assessment demonstrating all your calculations and include all assumptions you made in your dose assessment submitted in your letter dated February 15, 2016. Please note that you can also provide a dose assessment as described in NUREG-1717, "Systematic Radiological Assessment of Exemptions for Source and Byproduct Materials, Section 2.3, "Timepieces, Hands, and Dials," as we stated in our letter dated February 23, 2016.

Any correspondence regarding your application should reference the control number 588743. Please submit the requested information by COB, Monday, April 18, 2016. If we have not received complete information by April 18, 2016, we will consider taking regulatory action on your current NRC license no. 09-23920-01E, including termination of your license.

Please note that if the NRC terminates your exempt distribution license, Hess Fine Art will not be able to operate under Exempt Distribution License no. 09-23920-01E, which means Hess Fine Art shall permanently cease licensed activities authorized by the exempt distribution license. If Hess Fine Art wants to resume operations after termination of the license, Hess Fine Art will have to apply for a new exempt distribution license, which includes application fees pursuant to 10 CFR 170.31.

Please be aware that upon your request, proprietary information submitted to the NRC may be withheld from public disclosure. To do this, you must follow the procedures in 10 CFR 2.390(b), including requesting withholding at the time the information is submitted and complying with the document marking and affidavit requirements set forth in 10 CFR 2.390 (b)(1).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me.

Best regards,

Hector Luis Rodríguez-Luccioni, Ph.D.

U.S. Nuclear Regulatory Commission

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Division of Material Safety, State, Tribal and Rulemaking Programs

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