

## Rodriguez-Luccioni, Hector

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**From:** Jerry Sirois <jerry@ballwatchusa.com>  
**Sent:** Tuesday, April 19, 2016 12:34 PM  
**To:** Rodriguez-Luccioni, Hector  
**Cc:** Herrera, Tomas; Gonzalez, Hipolito; gharder@harderlawgroup.com  
**Subject:** [External\_Sender] RE: RE: Request for Additional Information regarding Hess Fine Art renewal application- Control number 588743

Dr. Rodriguez-Luccioni,

In regards to your request received April 19<sup>th</sup>, 2016 for clarification in our response dated April 18<sup>th</sup>, 2016, (Re: control number 588743)

1. In our email dated April 11, 2016, we asked you to confirm that the timepieces discussed in your operational history review (provided in your letter dated March 28, 2016) contain tritium and are of similar constructions of the timepieces distributed under your exempt distribution license no. 09-23920-01E. In your letter dated April 18, 2016, you stated that the watches discussed in your operational history review contain tritium (H-3) and there have been no reported failures. Please confirm that the timepieces discussed in your operational history are of similar constructions of the timepieces distributed under your exempt distribution license no. 09-23920-01E.

We confirm that the timepieces discussed in our operational history are of similar constructions of the timepieces distributed under our exempt distribution license no. 09-23920-01E.

Thank you and best regards,

**Jerry Sirois**  
*Executive Vice President*  
BALL Watch USA  
1920 Dr MLK St North  
Suite D  
St Petersburg, FL 33704  
727-896-4278  
(F) 727-825-0803

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**From:** Rodriguez-Luccioni, Hector [mailto:Hector.Rodriguez-Luccioni@nrc.gov]  
**Sent:** Tuesday, April 19, 2016 8:47 AM  
**To:** Jerry Sirois  
**Cc:** Herrera, Tomas; Gonzalez, Hipolito  
**Subject:** RE: RE: Request for Additional Information regarding Hess Fine Art renewal application

Mr. Sirois,

Thank you for responding to our 4<sup>th</sup> request for additional information. After reviewing your response dated April 18, 2016, we need a clarification regarding one of your responses.

1. In our email dated April 11, 2016, we asked you to confirm that the timepieces discussed in your operational history review (provided in your letter dated March 28, 2016) contain tritium and are of similar constructions of the timepieces distributed under your exempt distribution license no. 09-23920-01E. In your letter dated April 18, 2016, you stated that the watches discussed in your operational history review contain tritium (H-3) and there have been no reported failures. Please confirm that the timepieces discussed in your operational history are of similar constructions of the timepieces distributed under your exempt distribution license no. 09-23920-01E.

Any correspondence regarding your application should reference the control number 588743. Please submit the requested information by COB, Wednesday, April 20, 2016. If we have not received complete information by April 20, 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  
Office of Nuclear Material Safety and Safeguards  
Division of Material Safety, State, Tribal and Rulemaking Programs  
Materials Safety Licensing Branch  
(301)415-6004  
MS: T-8E18  
[Hector.Rodriguez-Luccioni@nrc.gov](mailto:Hector.Rodriguez-Luccioni@nrc.gov)*

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**From:** Jerry Sirois [<mailto:jerry@ballwatchusa.com>]

**Sent:** Monday, April 18, 2016 5:59 PM

**To:** Rodriguez-Luccioni, Hector <[Hector.Rodriguez-Luccioni@nrc.gov](mailto:Hector.Rodriguez-Luccioni@nrc.gov)>

**Cc:** Herrera, Tomas <[Tomas.Herrera@nrc.gov](mailto:Tomas.Herrera@nrc.gov)>; Gonzalez, Hipolito <[Hipolito.Gonzalez@nrc.gov](mailto:Hipolito.Gonzalez@nrc.gov)>

**Subject:** [External\_Sender] RE: Request for Additional Information regarding Hess Fine Art renewal application

Hello,

Attached is our response to your request for additional information. A hard copy is en route.

Thank you and best regards,

Jerry Sirois

**Jerry Sirois**

*Executive Vice President*

BALL Watch USA

1920 Dr MLK St North

Suite D

St Petersburg, FL 33704

727-896-4278

(F) 727-825-0803

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**From:** Rodriguez-Luccioni, Hector [<mailto:Hector.Rodriguez-Luccioni@nrc.gov>]  
**Sent:** Friday, April 15, 2016 6:40 AM  
**To:** 'Jerry Sirois' ([jerry@ballwatchusa.com](mailto:jerry@ballwatchusa.com))  
**Cc:** Herrera, Tomas; Gonzalez, Hipolito  
**Subject:** RE: Request for Additional Information regarding Hess Fine Art renewal application

Mr. Sirois,

This is a reminder that Hess Fine Art due date to respond to our request for additional information is 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.

If you have any questions please let me know.

Best regards,

***Hector Luis Rodríguez-Luccioni, Ph.D.***

*U.S. Nuclear Regulatory Commission*

*Office of Nuclear Material Safety and Safeguards*

*Division of Material Safety, State, Tribal and Rulemaking Programs*

*Materials Safety Licensing Branch*

*(301)415-6004*

*MS: T-8E18*

[\*Hector.Rodriguez-Luccioni@nrc.gov\*](mailto:Hector.Rodriguez-Luccioni@nrc.gov)

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**From:** Rodriguez-Luccioni, Hector  
**Sent:** Monday, April 11, 2016 8:52 AM  
**To:** 'Jerry Sirois' ([jerry@ballwatchusa.com](mailto:jerry@ballwatchusa.com)) <[jerry@ballwatchusa.com](mailto:jerry@ballwatchusa.com)>  
**Cc:** Herrera, Tomas <[Tomas.Herrera@nrc.gov](mailto:Tomas.Herrera@nrc.gov)>; Gonzalez, Hipolito <[Hipolito.Gonzalez@nrc.gov](mailto:Hipolito.Gonzalez@nrc.gov)>  
**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.***

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