



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555 - 0001

January 9, 2012

Mail Control No. 576350

Ms. Katrina Hess  
Hess Fine Arts Inc.  
1131 4<sup>th</sup> Street North  
St. Petersburg, FL 33701

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION

Dear Ms. Hess:

This refers to your letter dated May 11, 2011, requesting amendment of Nuclear Regulatory Commission (NRC) Exempt-Distribution Materials License No. 09-23920-01E. We currently do not have sufficient information to complete the review of your amendment request. In order to continue our review we ask that you provide additional information as specified below.

Your letter stated:

"The original application requested an exemption for model number NM1038DSEA, our amended license lists this model as NM1038D-SCA."

It appears from your sealed source and device registration sheet NR-1265-D-101-E dated September 26, 2006, that additional errors may have been made.

The certificate lists, among others, the following devices:

<u>Model No.</u>	<u>Number of Sources</u>	<u>Maximum Activity</u>
NM1038D-SCA	32	63.5 mCi (2.35 GBq)
NM1038D-SEA	38	72.1 mCi (2.67 GBq)

It appears that the latter device was listed on your license as:

NM11038D-SCA                      72.1 millicuries (2.67 GBq) in 38 sources

Please re-examine your license, registration sheet, and any other pertinent documentation, and provide a current list of applicable models, corrected as necessary. Please also ensure that the model numbers on your registration sheet are consistent with those on your license.

Your letter also stated:

"... the device numbers 100/1, 100/2/ 100/3, 100/4, and 100/5 refer to the sealed light sources as stated in Section 7 of the license as 400/1, 400/2, and 400/3. Please note these are not distributed devices, but sealed light sources which are components of distributed devices. These should not be listed under exempt devices."

A review of documents in our files was inconclusive regarding how the device numbers 100/1, 100/2, 100/3, 100/4, and 100/5 came to be included under license condition 10.

These model numbers refer to "luminous timepieces" distributed by mb-microtec (USA). If you are importing these models from the manufacturer, mb microtec AG in Switzerland, and are distributing them in the U.S., they would need to be listed under Condition 10 of your license. If you receive these models from mb-microtec (USA) per its exempt-distribution license and are distributing them in the U.S., or if you do not distribute these models under any circumstances, then they would not need to be listed on your license.

Please provide clarification so that the appropriate corrections can be made to your license.

Any correspondence regarding the renewal application should reference the control number specified above.

If we do not receive your reply within 30 calendar days from the date of this letter, we will consider your application as having been abandoned by you. This action would be without prejudice to the resubmission of another application with the required information.

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

If you have any questions, please contact me at (301) 415-5477 or electronic mail: [richard.struckmeyer@nrc.gov](mailto:richard.struckmeyer@nrc.gov).

Sincerely,

**/RA/**

Richard K. Struckmeyer  
Licensing Branch  
Division of Materials Safety and  
State Agreements  
Office of Federal and State Materials and  
Environmental Management Programs

Docket No. 030-36971  
License No. 09-23920-01E

K. Hess

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Sincerely,  
**/RA/**  
Richard K. Struckmeyer  
Licensing Branch  
Division of Materials Safety and  
State Agreements  
Office of Federal and State Materials and  
Environmental Management Programs

Docket No. 030-36971  
License No. 09-23920-01E

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