

## LB Licensing Assistant Resource

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**From:** Dippner, Mark <MDippner@jardensafety.com>  
**Sent:** Thursday, April 11, 2013 3:09 PM  
**To:** Struckmeyer, Richard  
**Subject:** RE: Response to NRC letter dated March 12, 2013  
**Attachments:** L03725 - Amendment 15.pdf

Mr. Struckmeyer,

- the two drawings that I sent do not need to be withheld from public disclosure. The information is general and already available to the public.
- The renewal application of December 17, 2012 is not considered relevant at this time due to regulatory changes for smoke detectors containing no more than 1 microcurie of americium-241. Please return the December 17, 2012 application.
- Latest copy of Texas license L03725 attached. This license is also being renewed at this time.

Mark

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**From:** Struckmeyer, Richard [mailto:Richard.Struckmeyer@nrc.gov]  
**Sent:** Thursday, April 11, 2013 12:30 PM  
**To:** Dippner, Mark  
**Subject:** RE: Response to NRC letter dated March 12, 2013

Mr. Dippner:

I will perform a full review your April 9, 2013, response to our Request for Additional Information (RAI), but first I would like to ask for clarification of the following matters:

You stated that distribution only takes place at BRK's facility in Texas under license L03725. We have not been able to locate a copy of your Texas license. Please provide a copy of the Texas license so that we may be certain that it is current.

The two drawings at the end of your contain the following information: "THIS PRINT AND INFORMATION HEREIN ARE PROPRIETARY TO BRK BRANDS INC."

Our email of February 4, 2013, also addressed an issue concerning certain portions of your December 17, 2012, application that were marked as proprietary. Your April 9, 2013, response did not address this issue.

Please be aware that you may request that certain portions of your submittal to NRC be withheld from public disclosure as proprietary information. To do this, you must execute an affidavit as specified in 10 CFR 2.390. You must list all portions that you wish to be held proprietary, along with your reasoning as to why that is appropriate. While it is allowable, please refrain from submitting proprietary information in support of a license unless necessary. Keep in mind that all NRC licenses are considered to be in the public domain, and therefore may be viewed by any member of the public who requests to see them.

In order to request that NRC withhold information contained in an application from public disclosure, the applicant must submit the information and application, including an affidavit, in accordance with 10 CFR 2.390. The applicant should submit all of the following:

- A proprietary copy of the information. Brackets should be placed around the material considered to be proprietary. This copy should be marked as proprietary.
- A non-proprietary copy of the information. Applicants should white out or black out the proprietary portions (i.e., those in the brackets), leaving the non-proprietary portions intact. This copy should not be marked as proprietary.
- An affidavit that:
  - Is notarized.
  - Clearly identifies (such as by name or title and date) the document to be withheld.
  - Clearly identifies the position of the person executing the affidavit. This person must be an officer or upper-level management official who has been delegated the function of reviewing the information sought to be withheld and who has been authorized to apply for withholding on behalf of the company.
  - States that the company submitting the information is the owner of the information or is required, by agreement with the owner of the information, to treat the information as proprietary.
  - Provides a rational basis for holding the information in confidence.
  - Fully addresses the following issues:
    - Is the information submitted to and received by NRC in confidence? Provide details.
    - To the best of the applicant's knowledge, is the information currently available in public sources?
    - Does the applicant customarily treat this information, or this type of information, as confidential? Explain why.
    - Would public disclosure of the information be likely to cause substantial harm to the competitive position of the applicant: If so, explain why in detail. The explanation should include the value of the information to your company, the amount of effort or money expended in developing the information, and the ease or difficulty of others to acquire the information.

If you no longer consider your original renewal application of December 17, 2012, to be relevant, it may be possible to return it to you if you so request, and if you do not intend to reference any of the information contained therein with respect to your application pursuant to 10 CFR 32.14.

Because we have been waiting for your decision about how you desire to resolve the issue of proprietary information, we have not yet placed your application of December 12, 2012, into our document management system, where, in the absence of an affidavit as specified in 10 CFR 2.390, the entire application would be viewable by the public.

If we do not receive a response from you specifically with regard to these issues concerning proprietary information, these documents will be made available in our document management system. We would appreciate a response as soon as possible.

Richard K. Struckmeyer  
 Division of Materials Safety and State Agreements  
 Office of Federal and State Materials and Environmental Management Programs  
 U.S. Nuclear Regulatory Commission  
 301-415-5477

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**From:** Dippner, Mark [<mailto:MDippner@jardensafety.com>]  
**Sent:** Wednesday, April 10, 2013 5:31 PM  
**To:** Struckmeyer, Richard  
**Subject:** Response to NRC letter dated March 12, 2013

Dear Mr. Struckmeyer,

paper copies mailed via UPS overnight shipping to the address shown below\*.  
Tracking number is 1Z2779W20156661138.

Electronic copy, in PDF format, attached to this email.

Mark Dippner  
First Alert/BRK Brands, Inc.  
Aurora, IL 60504  
630.851.7330, x3422

\*Mail Stop T-8-E-24  
FSME / MSSA  
U.S. Nuclear Regulatory Commission  
11545 Rockville Pike  
Rockville, MD 20852