

Kime, Traci

From: Menard, Shawn E CCS [Shawn.Menard@Kidde-Fenwal.com]
Sent: Wednesday, July 11, 2012 4:13 PM
To: Struckmeyer, Richard
Subject: RE: Application for Renewal of Exempt-Distribution License No, 20-15285-03E
Attachments: Clarification letter.pdf; current license.pdf; Purpose for which licese will be used item #6 Form 313.docx; Radioactive Materials item #5 on Form 313.docx

Importance: High

Mr. Struckmeyer,

Please find the attached information addressing the issues below. I have included a copy of our current license and SSD. If you have any further questions please feel free to contact me.

Thank you,

Shawn Menard

Environmental Health and Safety Supervisor

UTC - Climate, Controls, & Security
Kidde - Fenwal
400 Main Street
Ashland, MA 01721

Phone (508) 881-2000 ext 2510
Cell (508)395-9163
Shawn.Menard@kidde-fenwal.com

From: Struckmeyer, Richard [mailto:Richard.Struckmeyer@nrc.gov]
Sent: Monday, July 09, 2012 10:58 AM
To: Menard, Shawn E CCS
Subject: RE: Application for Renewal of Exempt-Distribution License No, 20-15285-03E

Mr. Menard:

I repeat what I stated in my email of June 11, 2012, in response to your email of that same date:

You stated "I supplied you with the information needed ..." As far as I can tell, you did not make any clear statement as to which method you would choose to use until your email today (June 11, 2012). Nor was I able to find any statement that you actually did review your current license and submit an application that identifies any necessary additions, deletions, or other changes (in this case, it appears that you would state that no additions, deletions, or other changes are needed).

If I am mistaken, please indicate where these statements were made in previous communications.

Perhaps you intended to meet these criteria by including copies of your current license and SSD registration sheet; however, as stated in 10 CFR 30.37, "Application for renewal of licenses," an application for renewal of a specific license must be filed on NRC Form 313 and in accordance with § 30.32. Section 30.32, "Application for specific licenses," states in part (a), a person may file an application on NRC Form 313, "Application for Material License," in accordance with the instructions in § 30.6 of this chapter. Information contained in

previous applications, statements or reports filed with the Commission or the Atomic Energy Commission may be incorporated by reference, provided that **the reference is clear and specific**. (emphasis added)

Another minor concern that I just noticed is that the Form 313 you submitted is incomplete, in that items 5 and 6 were not addressed. As stated on the form, this information should be submitted on 8½" x 11" paper. A pdf file or MS Word document as an attachment to an email would suffice. (The information you submit could be a statement, in response to each item, that the response remains the same as stated on a previous Form 313, as long as you identify the date of that form.)

Thank you,

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

From: Menard, Shawn E CCS [mailto:Shawn.Menard@Kidde-Fenwal.com]
Sent: Monday, July 09, 2012 10:51 AM
To: Struckmeyer, Richard
Subject: RE: Application for Renewal of Exempt-Distribution License No, 20-15285-03E

Sorry we have been on mandatory shutdown for a week.

We are wondering do we have to resubmit the application? If we are intending to renew the license as is?

From: Struckmeyer, Richard [mailto:Richard.Struckmeyer@nrc.gov]
Sent: Monday, July 02, 2012 9:13 AM
To: Menard, Shawn E CCS
Subject: FW: Application for Renewal of Exempt-Distribution License No, 20-15285-03E

Mr. Menard:

Please let me know if there is some difficulty in responding to my email below. We cannot move forward on your renewal application until we receive your response.

Thank you,

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

From: Struckmeyer, Richard
Sent: Monday, June 11, 2012 2:09 PM
To: 'Menard, Shawn E CCS'
Subject: RE: Application for Renewal of Exempt-Distribution License No, 20-15285-03E

Mr. Menard:

You stated "I supplied you with the information needed ..." As far as I can tell, you did not make any clear statement as to which method you would choose to use until your email today (June 11, 2012). Nor was I able

to find any statement that you actually did review your current license and submit an application that identifies any necessary additions, deletions, or other changes (in this case, it appears that you would state that no additions, deletions, or other changes are needed).

If I am mistaken, please indicate where these statements were made in previous communications.

Perhaps you intended to meet these criteria by including copies of your current license and SSD registration sheet; however, as stated in 10 CFR 30.37, "Application for renewal of licenses," an application for renewal of a specific license must be filed on NRC Form 313 and in accordance with § 30.32. Section 30.32, "Application for specific licenses," states in part (a), a person may file an application on NRC Form 313, "Application for Material License," in accordance with the instructions in § 30.6 of this chapter. Information contained in previous applications, statements or reports filed with the Commission or the Atomic Energy Commission may be incorporated by reference, provided that **the reference is clear and specific**. (emphasis added)

Another minor concern that I just noticed is that the Form 313 you submitted is incomplete, in that items 5 and 6 were not addressed. As stated on the form, this information should be submitted on 8½" x 11" paper. A pdf file or MS Word document as an attachment to an email would suffice. (The information you submit could be a statement, in response to each item, that the response remains the same as stated on a previous Form 313, as long as you identify the date of that form.)

Thank you,

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

From: Menard, Shawn E CCS [mailto:Shawn.Menard@Kiddle-Fenwal.com]
Sent: Monday, June 11, 2012 1:21 PM
To: Struckmeyer, Richard
Subject: RE: Application for Renewal of Exempt-Distribution License No, 20-15285-03E

Mr. Struckmeyer,

The method under which we would like to renew our current license is as follow;

- Review the current license to determine if it accurately represents the current radiation safety program and the products currently distributed, and submit an application that identifies any necessary additions, deletions, or other changes; or

This is the method for us to renew our license, I supplied you with the information needed and application. Why do I have to submit it again?

Thank you,

Shawn Menard

Environmental Health and Safety Supervisor

UTC - Climate, Controls, & Security
Kiddle - Fenwal

400 Main Street
Ashland, MA 01721

Phone (508) 881-2000 ext 2510
Cell (508)395-9163
Shawn.Menard@kidde-fenwal.com

From: Struckmeyer, Richard [mailto:Richard.Struckmeyer@nrc.gov]
Sent: Tuesday, May 29, 2012 9:04 AM
To: Menard, Shawn E CCS
Subject: RE: Application for Renewal of Exempt-Distribution License No, 20-15285-03E

Mr. Menard:

As I stated in my email of March 19,2012, some of the information you submitted with your application of March 1, 2012, is not needed for an exempt-distribution license. In particular, items 7 through 11 on NRC Form 313 are applicable only to a "possession and use license," not to an exempt-distribution license. Upon looking again at the application, I would have to say most of the information is not needed.

The Request for Additional Information (RAI) I sent you recently asked you to choose one of the three methods for license renewal described in NUREG-1556, Vol. 8. As far as I can tell, your application did not include this information.

Let me know if our intent is still not clear.

Thank you,

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

From: Menard, Shawn E CCS [mailto:Shawn.Menard@Kidde-Fenwal.com]
Sent: Friday, May 25, 2012 12:30 PM
To: Struckmeyer, Richard
Subject: RE: Application for Renewal of Exempt-Distribution License No, 20-15285-03E

Mr. Struckmeyer,

We would like to renew the current license with no ne changes. What do we need to do? Since I already submitted an application?

Thank you,

Shawn Menard

Environmental Health and Safety Supervisor

UTC - Climate, Controls, & Security
Kidde - Fenwal

400 Main Street
Ashland, MA 01721

Phone (508) 881-2000 ext 2510
Cell (508)395-9163
Shawn.Menard@kidde-fenwal.com

From: Struckmeyer, Richard [mailto:Richard.Struckmeyer@nrc.gov]
Sent: Thursday, May 24, 2012 8:00 AM
To: Menard, Shawn E CCS
Subject: RE: Application for Renewal of Exempt-Distribution License No, 20-15285-03E

Mr. Menard:

You should soon receive a "Request for Additional Information" letter, the main content of which is as follows:

As described in Section 12 of NUREG-1556, Vol. 8, licensees may choose to take one of three approaches when requesting license renewal:

- Submit an entirely new application for renewal as if it were an application for a new license, without referring to previously submitted information; or
- Review the current license to determine if it accurately represents the current radiation safety program and the products currently distributed, and submit an application that identifies any necessary additions, deletions, or other changes; or
- Review the documents submitted to the NRC in the past to determine if the information is up to date and accurately represents the current licensed activities and products. Identify in the application, by date, those documents that are applicable and those that are out-of-date or superseded, and indicate any changes necessary to reflect the current program.

Please indicate which option you intend to follow. Regardless of the option chosen, we may need to follow up with additional questions. If the second or third option is chosen, you should supply the supporting information and documentation, and provide clear indication as to the purpose of each submitted document.

Please also note that, per Section 6 of NUREG-1556, Vol. 8, an application for a distribution license should not contain information concerning the possession and use of radioactive material covered in the possession license. Since items 7 through 11 of NRC Form 313 pertain to possession and use license and are not applicable to the exempt distribution license, applicants should only complete items 1 through 6, 12 and 13. These latter sections are the ones that are reviewed for the purpose of your exempt-distribution license.

The delay in requesting this information occurred because I misunderstood what you meant by "... postpone any potential change at the present time as it requires further review by our Engineering, Sales and Marketing staff." I mistakenly thought that this further review was being undertaken with regard to the current renewal. As I stated in my email of March 19, 2012, your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.

Thank you,

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