



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 14, 2017

Solis Tek Inc.
ATTN: Simon Siu
89 Leuning St., Unit D2
South Hackensack, NJ 07606

SUBJECT: THIRD REQUEST FOR ADDITIONAL INFORMATION

Dear Mr. Siu:

This letter is in response to your application dated February 24, 2017, requesting an Exempt Distribution License (Agencywide Documents Access and Management System [ADAMS] No. ML17068A357), and to your reply, dated April 12, 2017, to our first Request for Additional Information (RAI) (ADAMS No. ML17103A098), as well as your reply, dated May 26, 2017, to our second RAI (ADAMS No. ML17152A283) (non-public).

We do not yet have sufficient information to complete the review of your application. In the enclosure to this letter you will find the list of the questions and items not addressed in your application and your response to our RAI.

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 Title 10 of the *Code of Federal Regulations* (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).

We will continue our review upon receipt of this information. 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.

Any correspondence regarding your amendment application should reference Control Number 593175.

S. Siu

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If you have any questions, please contact me at (301) 415-5477, or by e-mail at Richard.Struckmeyer@nrc.gov.

Sincerely,

/RA/

Richard K. Struckmeyer
Materials Safety Licensing Branch
Division of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 030-39036

Enclosure:
Request for Additional Information

S. Siu

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SOLIS TEK, THIRD REQUEST FOR ADDITIONAL INFORMATION

Date: June 14, 2017

Certified Mail No. 7016 0340 0000 5717 1932

ML17068A350 (pkg.)

ML17165A176 (Letter)

OFC	NMSS/MSTR/MSLB	NMSS/MSTR/MSLB	NMSS/MSTR/MSLB	NMSS/MSTR/MSLB
NAME	Richard Struckmeyer	Debra Weaver	Hipólito J. González	Richard Struckmeyer
DATE	06/14/2017	06/14/2017	06/14/2017	06/14/2017

OFFICIAL RECORD COPY

Solis Tek, Inc. Application dated February 24, 2017
Third Request for Additional Information

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the Solis Tek, Inc. application dated February 24, 2017, as well as your replies to our first and second Requests for Additional Information (RAI), and determined that additional information is needed. In order to continue with our review, please address the issues listed below.

The information related to review of your exempt distribution license application is required by Title 10 of the *Code of Federal Regulations*, Chapter 32 (10 CFR 32), Sections 32.14 and 32.15, and is described in the relevant guidance document NUREG-1556, Volume 8, titled "Program-Specific Guidance about Exempt Distribution Licenses."

Please provide the following information:

1. Item No. 3 stated that 10 CFR 32.14(b)(2) requires the applicant to submit details of construction and design of each product. By requesting details, we expect the applicant to provide a list of all models of each type of product they wish to distribute. Applicants should provide detailed engineering drawings of each basic device containing the overall dimensions, the minimum and maximum dimensions for each device, the tolerances, description or identification of the construction materials, and the source mounting configuration(s) to be used with each device. This information must be provided for each type of material used (such as steel, aluminum, or plastic). If you plan to distribute various models of devices within groups or series (where there are similarities in the design and construction of the devices within each series), you should specify the above information for each series type.

Your reply did not appear to provide the minimum and maximum dimensions for each device, the tolerances, a description or identification of the construction materials (such as steel, aluminum, or plastic), and the source mounting configuration(s) to be used with each device. Please provide this information.

2. Item No. 5 stated that 10 CFR 32.14(b)(6) requires the applicant to submit the proposed method of labeling or marking each unit and its container with the identification of the manufacturer or initial transferor of the product and the byproduct material in the product. Please provide examples of your labels in the form of drawings, copies, or photographs.

Your reply provided a copy of a label, but this label appears to be for the container (box) in which the lamps are packaged. You did not state or provide an illustration of how each unit will be labelled. Please provide this information. (Note: For those products requiring labeling, NRC's policy is that the smallest item distributed must display the required label. If this is not possible, then the label should be placed as close as possible to the product. For example, if an electron tube is too small to label, then the

Enclosure

label should be placed on the next smallest container, such as the bubble pack containing the electron tube.)

3. Item No. 8 should have stated that 10 CFR 32.14(d) [not 32.14(d)(2)(viii)] requires the applicant to provide information to show that the byproduct material is properly contained in the product under the most severe conditions that are likely to be encountered in normal use and handling. In response to this item you stated: "The manufacturers reference material states the light bulbs have been tested to be operational and safe in normal operating conditions." If you have not already done so, you should obtain a description from the manufacturer of its methods for testing samples of the product(s) and the results of these tests to satisfy this regulatory requirement, and provide this information in your response to this RAI.

In response to this item, you provided, in part, the following statement: "The tested data shows it is in the safe standard, then we regard the product is safe. The testing method and data can only be provided by the state-run institute who is qualified to make the test. Official certification is attached." However, neither this statement nor the attached "Radiation Safety Permit" explains how the byproduct material is properly contained in the product under the most severe conditions that are likely to be encountered in normal use and handling. Please provide the information required by 10 CFR 32.14(d).

4. Your letter dated May 26, 2017, stated: "Please note that the information provided in this letter is intended for internal review only and should not be released for public record. We intend to request for proprietary information to be withheld from public disclosure following 10 CFR 2.390(b) with compliance to 10 CFR 2.390(b)(1)."

We have not received an affidavit from you.

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.

The following guidance is derived from NUREG-1556, "Consolidated Guidance About Materials Licenses," Volume 20, "Guidance About Administrative Licensing Procedures."

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 signed under oath and affirmation (notarization may suffice).
 - 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 the organization is seeking to withhold and is authorized to apply for withholding on behalf of the organization.
 - 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.