

**From:** Wagner, Katie  
**To:** [pjknapp@cox.net](mailto:pjknapp@cox.net)  
**Cc:** [Xu, Shirley; tohalloran@luxim.com; tnguyen@luxim.com](mailto:Xu,Shirley;tohalloran@luxim.com;tnguyen@luxim.com)  
**Subject:** RE:Fax dated 10-26-05 -- Affidavit  
**Date:** Tuesday, July 16, 2013 4:25:00 PM  
**Attachments:** [Luxim Letter dated 11-10-05.pdf](#)  
[ML053250196.pdf](#)

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Dear Mr. Knapp,

We located the documentation that was sent in 2005, including the attachment sent on Tuesday, July 16, 2013 (now attached) and the page labeled "All-Purpose Acknowledgement" was found in our records (attached, ML053250196). This existing documentation is deemed sufficient under 10 CFR 2.390 for withholding information from the public.

Sincerely,

Katie Wagner  
General Engineer  
U.S. Nuclear Regulatory Commission  
(301) 415.6202  
[Katie.Wagner@nrc.gov](mailto:Katie.Wagner@nrc.gov)

-----Original Message-----

From: [pjknapp@cox.net](mailto:pjknapp@cox.net) [<mailto:pjknapp@cox.net>]  
Sent: Tuesday, July 16, 2013 12:57 AM  
To: Wagner, Katie  
Cc: [tohalloran@luxim.com](mailto:tohalloran@luxim.com); [tnguyen@luxim.com](mailto:tnguyen@luxim.com); Xu, Shirley  
Subject: RE:Fax dated 10-26-05 -- Affidavit

Hello Ms. Wagner,

I have attached a copy of a letter submitted by Luxim on 11/10/05 which included a copy of another letter submitted by Luxim on 6/3/05. The third paragraph the June third letter contained the information, required at that time, to support a request that certain proprietary information be withheld from the public record.

There has been no change in the material requested to be withheld. Would it be sufficient to simply copy this paragraph, have it re-signed by an officer or designated upper level management official, have it notarized, and submit it?

I will try to give you a call tomorrow and I wanted you to have the attached material before I made the call.

---- "Wagner wrote:

> Dear Mr. Knapp,

>

> While reviewing your request for an amendment to E-License #04-23924-01E, we noted that pages of the attached document (specifically pages 5, 7-12, 14-23, 25, 27-32, and 34-43) were labeled as "Confidential Information submitted under 10 CFR 2.390." To make these pages non-publicly available, please note that we need further information from you in accordance with the regulatory requirements. Specifically:

>

> - Provide a notarized affidavit to request withholding the documents from public availability, see 10 CFR 2.390(b)(1);

> - The affidavit should address all five criteria for proprietary information, as listed in 10 CFR 2.390(b)(4)(i)-(v).

>

> If you need further information, please contact me by e-mail or on the phone.

>

> Sincerely,  
>  
> Katie Wagner  
> General Engineer  
> U.S. Nuclear Regulatory Commission  
> (301) 415.6202  
> Katie.Wagner@nrc.gov  
>  
> -----Original Message-----  
> From: pjknapp@cox.net [<mailto:pjknapp@cox.net>]  
> Sent: Thursday, July 11, 2013 12:02 AM  
> To: Wagner, Katie  
> Cc: tohalloran@luxim.com; tnguyen@luxim.com; pjknapp@cox.net  
> Subject: Fwd: Fax dated 10-26-05  
>  
> Hello Katie,  
>  
> It was a pleasure to speak with you this afternoon.  
>  
> In accord with our telephone conversation today, I am forwarding the attached pdf copy of the  
October 16, 2005 fax which was sent to the NRC at that time.  
>  
> Luxim expects to submit a formal request for an amendment to NRC License 04-23924-01E in the  
near future. The sole purpose of the requested amendment will be to have the license reflect the fact  
that Luxim will conduct source manufacture at a second site. Luxim has already submitted the  
appropriate application for amendment to California License 7466-43 and will add a copy of the  
amended State license to this application to the NRC as soon as it is received.  
>  
> Peter Knapp  
>  
> > From: Thoa Nguyen <tnguyen@luxim.com>  
> > To: "pjknapp@cox.net" <pjknapp@cox.net>  
> > CC: Tom OHalloran <tohalloran@luxim.com>  
> > Date: Wed, 10 Jul 2013 14:43:34 -0700  
> > Subject: Fax dated 10-26-05  
> >  
> > Hi Peter,  
> > Hope this is what Katie is looking for.  
> >  
> > Best,  
> > Thoa

Nuclear Materials Licensing Section  
U.S.Nuclear Regulatory Commission, Region IV  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011-8064

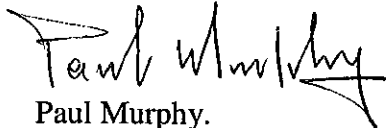
Dear Mr. Kirkwood

11/10/05

I am responding to your recent request to Renata Carico, for a notarized copy of my original request dated 6/03/05 for an exempt distribution license. The notarized letter is enclosed.

We are very eager to get the final approval so that we can begin to manufacture and ship this new product since time to market is critical in our business. If there is anything I can do to expedite this final approval, please do not hesitate to contact me, phone # 408-470 4767.

Sincerely,

A handwritten signature in black ink that reads "Paul Murphy". The signature is written in a cursive style with a large, sweeping initial "P" and a long, horizontal stroke at the end.

Paul Murphy.  
Vice President of Operations.  
Luxim Corporation  
1171 Borregas Ave.  
Sunnyvale Ca, 94089

**L U X I M**  
C O R P O R A T I O N

Nuclear Materials Licensing Section.  
U.S. Nuclear Regulatory Commission, Region IV  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011-8064

Dear Mr. Harris

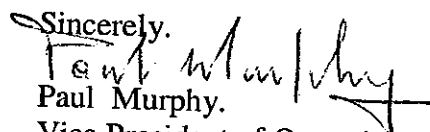
6/03/05

I hereby submit an application for an exempt distribution license to distribute or initially transfer products containing byproduct material to persons exempt from licensing. The purpose of this license is to allow us to manufacture and distribute our proprietary light sources under the terms of the US Nuclear Regulatory Commission exempt distribution license. These products will be used in Rear Projection TV's and overhead projectors.

Attached to this letter is the Radioactive Material License Application, and all of the required documentation to support it. Also included is a copy of the letter from Timothy E. Harris, dated May 16 2005 stating that "this product does not require a sealed source and device registration, because it contains radioactive material with an activity level that is less than specified by the regulations (10CFR 30.71) for registration".

Please note. Some parts of this information submitted under 10CFR 2.390 is to be considered Private and Confidential, and it is requested these parts are held from public disclosure according to the requirements of 10 CFR 2.390. The confidential material is clearly identified. This material has been held in confidence by Luxim and is information that is customarily held in confidence to avoid giving an advantage to potential competitors. It is not available in public sources. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the owner of the information, taking into account the value of the information to the owner; the amount of effort or money, if any, expended by the owner in developing the information; and the ease or difficulty with which the information could be properly acquired or duplicated by others.

For business reasons I would appreciate the timely completion of this determination, and I remain at your disposal to answer and resolve any questions you might have concerning the above application.

Sincerely,  
  
Paul Murphy.  
Vice President of Operations.  
Luxim Corporation.  
1171 Borregas Ave.  
Sunnyvale Ca, 94089

**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Santa Clara

} ss.

On 11/10/05 before me, Diana Lynn Harper,  
(DATE) (NOTARY)

personally appeared Paul Murphy  
SIGNER(S)

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Diana Lynn Harper  
NOTARY'S SIGNATURE

**OPTIONAL INFORMATION**

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER

- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

**DESCRIPTION OF ATTACHED DOCUMENT**

Application For A License  
TITLE OR TYPE OF DOCUMENT

1  
NUMBER OF PAGES

6/03/05  
DATE OF DOCUMENT

OTHER \_\_\_\_\_

RIGHT THUMBPRINT  
OF  
SIGNER

