

Note to File

Date: July 23, 2013

Subject: Tie Down Corrected on Amendment No. 4 to Exempt Distribution License 04-23924-01E for the Luxim Corporation

Docket Number: 030-37036

From: Katie Wagner / RA /

During a review of documentation U.S. Nuclear Regulatory Commission (NRC) staff discovered that Tie Down D. "Facsimile dated October 16, 2005" on Exempt Distribution License 04-23924-01E, Amendment No. 3 was incorrectly dated and described as a facsimile. The letter faxed from Renata Carico of Luxim to Anthony Kirkwood that is dated "October 16, 2005" was actually faxed on October 26, 2005.

Initially the NRC staff were not able to locate Tie Down D. "Facsimile dated October 16, 2005" in NRC records. After searching available records, NRC staff asked the licensee if they had this document in their records. The licensee sent documentation to the NRC on July 11, 2013, as shown in ML13199A348 "Email from Peter Knapp with documentation dated October 26, 2005." That documentation received is in ML13199A351 "Response to RAI from Luxim Corporation." with a document date of October 26, 2005. The documentation in ML13199A351 "Response to RAI from Luxim Corporation." largely consisted of information that was already present in NRC records (although due to the unclear labeling it was not located prior to July 11, 2013):

- P. 2 of ML13199A351 is equivalent to p. 1 of ML053250205 "E-mail from Tony Kirkwood to Renata Carico dated October 18, 2005 regarding request for additional information docket number 030-37036 for Luxim Corp."
- Pages 3-23 of ML13199A351 are very similar to pages 29-49 of ML053250236 "June 3, 2005 application from Luxim Corp requesting an exempt distribution license to transfer products containing byproduct material to persons exempt from licensing." [The only detectable difference between the files is that there is a handwritten note on p. 3 of ML13199A351.]

(Note to File dated July 23, 2013, continued):

The following evidence led NRC staff to conclude that the document date should have been noted as October 26, 2005 on license documentation.

- Renata Carico was responding to Anthony Kirkwood's questions in the email dated October 18, 2005 (see ML053250205).
- The faxed letter (see pages 29-49 of ML053250236) shows a fax date stamp of "Oct 26 05."
- The licensee's handwritten statement on p. 3 of ML13199A351 that the date should have been October 26, 2005.

Tie Down D. has been corrected to "Letter dated October 26, 2005" on Exempt Distribution License 04-23924-01E, Amendment No. 4.

Side-note on documentation in ML13199A351 "Response to RAI from Luxim Corporation." :

An email exchange (including attachments to the email) between NRC staff and the licensee regarding documentation to withhold information from the public can be found under ML13199A344 "Affidavit to withhold information." The two pages sent by the licensee in an attachment are equivalent to:

- ML053250185 "Letter to Tony Kirkwood dated November 10, 2005 from Luxim Corporation in response to a June 3, 2005 request for an exempt distribution license." and
- p. 2 of ML053250236 "June 3, 2005 application from Luxim Corp requesting an exempt distribution license to transfer products containing byproduct material to persons exempt from licensing."