

**From:** [Shawn Foxworth](#)  
**To:** [Reber, Eric](#)  
**Subject:** [External\_Sender] RE: Re: 2014 Exempt Distribution Report; ESAB Welding & Cutting; License No. 39-35180-01E  
**Date:** Monday, September 28, 2015 8:37:50 AM  
**Attachments:** [image001.gif](#)

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Hi Eric,

Thank you for your note. I am not sure I fully understand your concerns; therefore, I will call you to discuss this in further detail.

Shawn

***Shawn L. Foxworth, M.P.H., CSP, CHMM***  
Corporate Manager - Americas  
Environment, Health, Safety & Risk Management  
ESAB Welding & Cutting Products  
420 National Business Parkway, 5<sup>th</sup> Floor  
Annapolis Junction, MD 20701  
Office/VOIP: 843.664.4479 | Mobile: 843.245.8551  
Email: [sfoxworth@esab.com](mailto:sfoxworth@esab.com)

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**From:** Reber, Eric [<mailto:Eric.Reber@nrc.gov>]  
**Sent:** Friday, September 25, 2015 6:57 AM  
**To:** Shawn Foxworth  
**Subject:** RE: Re: 2014 Exempt Distribution Report; ESAB Welding & Cutting; License No. 39-35180-01E

Dear Mr. Foxworth,

I've reviewed your exempt distribution report dated September 17, 2015 ML15266A185).

In your report you did not state the type of source material in your products as required by 10 CFR 40.53(c)(ii), you only indicated that the products contained "source material." Also, while you did indicate the amount of source material in each individual product, you did not provide the total quantity of the source material as required by 10 CFR 40.53(c)(ii). This could be accomplished by adding another column to the table that you provided with the product of the "Source Material Quantity" column multiplied by the "Transferred Amount for CY14" column. Please revise and resubmit your report to address these items. Further information about the requirements that apply to annual reports of exempt distribution can be found in the attached Regulatory Issue Summary.

A hard copy of your revised RE report should be addressed and sent to:

ATTN: Document Control Desk/Exempt Distribution  
Director, Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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 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).

If you have any questions, please feel free to contact me.

Regards,  
Eric

Eric H. Reber  
General Engineer/Project Manager  
Materials Safety Licensing Branch  
Division of Material Safety, State, Tribal, and Rulemaking Programs  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Tel: +1 (301) 415-5608  
Office: T-8i04

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**From:** Reber, Eric  
**Sent:** Sunday, August 02, 2015 5:28 PM  
**To:** 'Shawn Foxworth' <[SFoxworth@esab.com](mailto:SFoxworth@esab.com)>  
**Subject:** RE: Re: 2014 Exempt Distribution Report; ESAB Welding & Cutting; License No. 39-35180-01E

Dear Shawn,

Your license was issued on November 5, 2014. The reporting requirement only applies to distributions under your license; therefore, you were required to report all distributions under the license from November 5, 2014 until December 31, 2014 and this report was due by January 31, 2015.

If you have further questions, please let me know.

Regards,  
Eric

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**From:** Shawn Foxworth [<mailto:SFoxworth@esab.com>]  
**Sent:** Saturday, August 01, 2015 10:45 AM  
**To:** Reber, Eric  
**Subject:** [External\_Sender] Re: 2014 Exempt Distribution Report; ESAB Welding & Cutting; License No.

39-35180-01E

Dear Mr. Reber-

First, I thank your follow regarding the above subject. After conversations with Shirley Xu, my understanding was that we would be required to submit a report for the current year next year but not the previous year given the rule did not take effect until November of last year. If my understanding was incorrect, please let me know and I'll work with internal personnel to obtain the information necessary and submit the report promptly. If a report is required, would our company be required to submit a report for all activity last year or just the period from which the license became active?

Please advise.

Thanks and I look forward to your response.

Shawn

Sent from my iPhone

On Jul 27, 2015, at 5:50 PM, Reber, Eric <[Eric.Reber@nrc.gov](mailto:Eric.Reber@nrc.gov)> wrote:

Dear Mr. Foxworth,

All holders of exempt distribution materials licenses are required to submit annual reports of their distribution of exempt products by January 31 of each year for the preceding year. From a review of our records it appears that you have not submitted a report of the distribution of exempt products under License No. 39-35180-01E for 2014. If you have already submitted such a report or believe that you are not required to submit such a report, please inform me. If you have already submitted a report, please send me a copy of the report so that I can verify that it is in our system. Otherwise, you should submit your report without delay. Information concerning the requirements for such reports is provided below.

License No. 39-35180-01E authorizes the distribution of exempt products pursuant to 10 CFR 40.52. The record keeping and reporting requirements for such licenses are located in 10 CFR 40.53(c). The reporting requirements are detailed and prescriptive and should be followed fastidiously.

*40.53 (c)(1) Each person licensed under 10 CFR 40.52 shall file a report with the Director, Office of Nuclear Material Safety and Safeguards by an appropriate method listed in 10 CFR 40.5(a), including in the address: ATTN: Document Control Desk/Exempt Distribution.*

*(2) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee and indicate that the products are transferred for use under 10 CFR 40.13(c), giving the specific paragraph designation, or equivalent regulations of an Agreement State.*

*(3) The report must include the following information on products transferred to other persons for use under 10 CFR 40.13(c) or equivalent regulations of an Agreement State:*

*(i) A description or identification of the type of each product and the model number(s), if applicable;*

*(ii) For each type of source material in each type of product and each model number, if applicable, the total quantity of the source material; and*

*(iii) The number of units of each type of product transferred during the reporting period by model number, if applicable.*

*(4) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year. Licensees who permanently discontinue activities authorized by the license issued under 10 CFR 40.52 shall file a report for the current calendar year within 30 days after ceasing distribution.*

*(5) If no transfers of source material have been made to persons exempt under 10 CFR 40.13(c) or the equivalent regulations of an Agreement State, during the reporting period, the report must so indicate.*

*(6) The licensee shall maintain all information concerning transfers that support the reports required by this section for 1 year after each transfer is included in a report to the Commission.*

Further information about the requirements that apply to annual reports of exempt distribution can be found in the attached Regulatory Issue Summary.

A hard copy of your revised report should be addressed and sent to:

ATTN: Document Control Desk/Exempt Distribution  
Director, Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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 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).

If you have any questions, please feel free to contact me.

Regards,  
Eric

Eric H. Reber  
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<RIS 2014-10 Exempt Distribution.pdf>