

September 4, 1998

Part 170 Ex

Mr. Keith E. Moon
Support Consultants
Route 2, Box 252
DeLeon, TX 76444

*ON GLENDA'S 8/30/01
LISTING of exemptions
Granted*

*Alpha
Sample
Rating*

Dear Mr. Moon:

I am responding to your letters faxed to Judith Joustra, Region I, and John Thoma, of the Executive Director for Operations' office, which were received August 25, 1998.

You are writing on behalf of your client, Superior Well Services, Ltd., of Black Lick, PA, who filed for an amendment to License No. 37-30412-01 on April 22, 1998, to add a Cesium 137 Sealed Source, Model 5190, manufactured by TN Technologies, to their license. Since the sealed source is one that could be generally-licensed as well as specifically-licensed, you are requesting that the application be withdrawn and the licensee refunded the \$850.00 amendment fee. Based on your letter to Region I, the amendment request has been voided.

The licensee obtained the generally-licensed devices from the manufacturer on May 8 and June 8 and we have concluded that the application could have been withdrawn at that time. Unfortunately, the license reviewer at the time of receipt of the amendment request has since died and his work was assigned to other staff to complete. When Ms. Joustra contacted the licensee on or about August 13, 1998, she was not told that the devices had already been obtained under the general license provisions of the regulations. Therefore, she issued the request for information letter to Superior Well Services, Ltd., after informing Dan Coffee, the RSO, that the devices could be either generally-licensed or specifically-licensed.

After consideration of these facts and in accordance with 10 CFR 170.11(b)(1), I am granting an exemption from the requirement to assess the amendment fee for the instant case. We will be issuing a refund to Superior Well Services, Ltd., within the next week. Please contact Glenda Jackson at 301-415-6057 if you have any questions about our fee policy.

Sincerely,

Jesse L. Funches
Chief Financial Officer

cc: Superior Well Services, Ltd.
PO Box 458
Black Lick, PA 15716

Distribution: (See attached list)

*See previous concurrence

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J...*