

VOID SHEET

May 19
3P
112545

TO: License Fee Management Branch
FROM: Region I
SUBJECT: VOIDED APPLICATION

Control Number: 112545

Applicant: Earthmovers Unlimited, Inc.

Abandoned:
Date Voided: 8-8-90

Reason for Void: LFMB has entered an OI for non-payment of fees
& therefore considers the applicant to have
abandoned their request for a new license.

RJ. Brown
Signature

8-8-90
Date

Attachment:
Official Record Copy of
Voided Action

FOR LFMB USE ONLY

Final Review of VOID Completed:

Refund Authorized and processed

No Refund Due

Fee Exempt or Fee Not Required

Comments: Abandoned

Log completed
Processed by: JK



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

JUL 8 0 1990

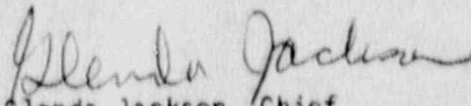
MEMORANDUM FOR: John White, Chief
Nuclear Materials Safety Section C
Nuclear Materials Safety and Safeguards
Branch, Region I

FROM: Glenda Jackson, Chief
Materials License Fee Section
License Fee and Debt Collection Branch
Division of Accounting and Finance
Office of the Controller

SUBJECT: ABANDONED APPLICATION

We consider the enclosed application from Earthmovers Unlimited, Inc. to be abandoned for nonpayment of fee. The applicant has not responded to our June 6, 1990, request for fee payment.

We have closed out our records for the case and are forwarding it to you for whatever action you deem necessary.


Glenda Jackson, Chief
Materials License Fee Section
License Fee and Debt Collection Branch
Division of Accounting and Finance
Office of the Controller

Enclosure:
4/27/90, app., Earthmovers
Unlimited, Inc. (112545)

APPLICATION FOR MATERIAL LICENSE

lth-28536
030-31740
ppc:03121

INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

FEDERAL AGENCIES FILE APPLICATIONS WITH:
 U.S. NUCLEAR REGULATORY COMMISSION
 DIVISION OF FUEL CYCLE AND MATERIAL SAFETY, NMSS
 WASHINGTON, DC 20545

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS, IF YOU ARE LOCATED IN:
 CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND, MASSACHUSETTS, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, OR VERMONT, SEND APPLICATIONS TO:
 U.S. NUCLEAR REGULATORY COMMISSION, REGION I
 NUCLEAR MATERIAL SECTION B
 621 PARK AVENUE
 KING OF PRUSSIA, PA 19406

ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:
 U.S. NUCLEAR REGULATORY COMMISSION, REGION II
 MATERIAL RADIATION PROTECTION SECTION
 101 MARIETTA STREET, SUITE 2000
 ATLANTA, GA 30323

IF YOU ARE LOCATED IN:
 ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:
 U.S. NUCLEAR REGULATORY COMMISSION, REGION III
 MATERIALS LICENSING SECTION
 796 ROOSEVELT ROAD
 GLEN ELLYN, IL 60137

ARKANSAS, COLORADO, IDAHO, KANSAS, LOUISIANA, MONTANA, NEBRASKA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, SOUTH DAKOTA, TEXAS, UTAH, OR WYOMING, SEND APPLICATIONS TO:
 U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
 MATERIAL RADIATION PROTECTION SECTION
 611 RYAN PLAZA DRIVE, SUITE 1000
 ARLINGTON, TX 76011

ALASKA, ARIZONA, CALIFORNIA, HAWAII, NEVADA, OREGON, WASHINGTON, AND U.S. TERRITORIES AND POSSESSIONS IN THE PACIFIC, SEND APPLICATIONS TO:
 U.S. NUCLEAR REGULATORY COMMISSION, REGION V
 MATERIAL RADIATION PROTECTION SECTION
 1480 MARIA LANE, SUITE 210
 WALNUT CREEK, CA 94596

PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTION.

1. THIS IS AN APPLICATION FOR (Check appropriate item)

A. NEW LICENSE

B. AMENDMENT TO LICENSE NUMBER _____

C. RENEWAL OF LICENSE NUMBER _____

2. NAME AND MAILING ADDRESS OF APPLICANT (Include Zip Code)

Earthmovers Unlimited, Inc.
 P.O. Box J
 Tyrone, PA 16686

3. ADDRESSES WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED.

Licensed material will be used at the address listed in Item 2 and at temporary job sites throughout the United States.

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

John P. Niebauer Jr.

TELEPHONE NUMBER (814) 684-3707

SUBMIT ITEMS 5 THROUGH 11 ON 8 1/2" X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

6. RADIOACTIVE MATERIAL
 a. Element and mass number, b. chemical and/or physical form, and c. maximum amount which will be processed at any one time.

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE.

9. FACILITIES AND EQUIPMENT.

11. WASTE MANAGEMENT.

8. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

10. RADIATION SAFETY PROGRAM.

12. LICENSEE FEES (See 10 CFR 170 and Section 170.31)
 FEE CATEGORY 3P AMOUNT ENCLOSED \$ 230.00

13. CERTIFICATION (Must be completed by applicant): THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 38, AND 40 AND THAT ALL INFORMATION CONTAINED HEREIN, IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948, 62 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

SIGNATURE - CERTIFYING OFFICER <i>John P. Niebauer Jr.</i>	TYPED/PRINTED NAME John P. Niebauer Jr.	TITLE President	DATE 4/27/90
14. ANNUAL RECEIPTS a. <\$200K b. \$200K - \$500K c. \$500K - \$750K d. \$750K - \$1M e. >\$10M		15. VOLUNTARY ECONOMIC DATA a. NUMBER OF EMPLOYEES (Total for entire facility excluding outside contractors) b. NUMBER OF BEDS c. WOULD YOU BE WILLING TO FURNISH COST INFORMATION ON THE ECONOMIC IMPACT OF CURRENT NRC REGULATIONS OR ANY FUTURE PROPOSED NRC REGULATIONS THAT MAY AFFECT YOUR NRC APPLICATIONS PERMIT IT TO PROTECT CONFIDENTIAL COMMERCIAL OR FINANCIAL INFORMATION FURNISHED TO THE AGENCY IN CONFIDENCE?	
< \$200K \$200K - \$500K \$500K - \$750K \$750K - \$1M > \$10M		150 None YES <input checked="" type="checkbox"/>	

TYPE OF FEE APP	FEE LOG May 19 1990	FEE CATEGORY 3P	COMMENTS No check enclosed	APPROVED BY Ak
AMOUNT RECEIVED	CHECK NUMBER	FOR NRC USE ONLY		DATE 7/24/90

Withdrawn/Abandoned

OFFICIAL RECORD COPY ML 10

112545
MAY 18 1990

PRIVACY ACT STATEMENT

Pursuant to 5 U.S.C. 552a(e)(3), enacted into law by section 3 of the Privacy Act of 1974 (Public Law 93-579), the following statement is furnished to individuals who supply information to the Nuclear Regulatory Commission on NRC Form 313. This information is maintained in a system of records designated as NRC-3 and described at 40 Federal Register 45334 (October 1, 1975).

- 1. AUTHORITY:** Sections 81 and 161(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2111 and 2201(b)).
- 2. PRINCIPAL PURPOSE(S):** The information is evaluated by the NRC staff pursuant to the criteria set forth in 10 CFR Parts 30, 32, 33, 34, 35 and 40 to determine whether the application meets the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations, for the issuance of a radioactive material license or amendment thereof.
- 3. ROUTINE USES:** The information may be (a) provided to State health departments for their information and use; and (b) provided to Federal, State, and local health officials and other persons in the event of incident or exposure, for their information, investigation, and protection of the public health and safety. The information may also be disclosed to appropriate Federal, State, and local agencies in the event that the information indicates a violation or potential violation of law and in the course of an administrative or judicial proceeding. In addition, this information may be transferred to an appropriate Federal, State, or local agency to the extent relevant and necessary for an NRC decision or to an appropriate Federal agency to the extent relevant and necessary for that agency's decision about you.
- 4. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** Disclosure of the requested information is voluntary. If the requested information is not furnished, however, the application for radioactive material license, or amendment thereof, will not be processed. A request that information be held from public inspection must be in accordance with the provisions of 10 CFR 2.790. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned need to inspect the document.
- 5. SYSTEM MANAGER(S) AND ADDRESS:** U.S. Nuclear Regulatory Commission
Director, Division of Fuel Cycle and Material Safety
Office of Nuclear Material Safety and Safeguards
Washington, D.C. 20555

EARTHMOVERS UNLIMITED, INC.

(Attachment to Application For Material License)

ITEM 5. RADIOACTIVE MATERIAL

a. Radioisotope	b. Form	c. Troxler Drawing #	d. Maximum Amount
A. Cs-137	Special Form	A-102112	Not to exceed 9 mCi per source
B. Am241:Be	Special Form	A-102451	Not to exceed 4. mCi per source
C. Am241:Be	Special Form	A-102700	Not to exceed 10 mCi per source
D. Am241:Be	Special Form	A-100608 or A-100337	Not to exceed 300 mCi per source
E. Cs-137	Special Form	A-100601	Not to exceed 6 mCi per source

ITEM 6. MATERIAL USE

- A. For use in a Troxler model 3400 series, or 4640, or 4545, or 3565 portable measuring gauge.
- B. For use in a Troxler model 3400 series, or 3216, or 3218 portable measuring gauge.
- C. For use in a Troxler model 3200 series, or 3300 series portable measuring gauge.
- D. For use in a Troxler model 3241 portable measuring gauge.
- E. For use in a Troxler model 2376 portable measuring gauge.

ITEM 7. RADIATION SAFETY OFFICER

Robert Comly has been designated as the company Radiation Safety Officer. He will be attending a Troxler Nuclear Gauge Training Class shortly. Upon completion, he will send you a copy of his training certificate for your review. The duties of the Radiation Safety Officer are specified in Item 10.

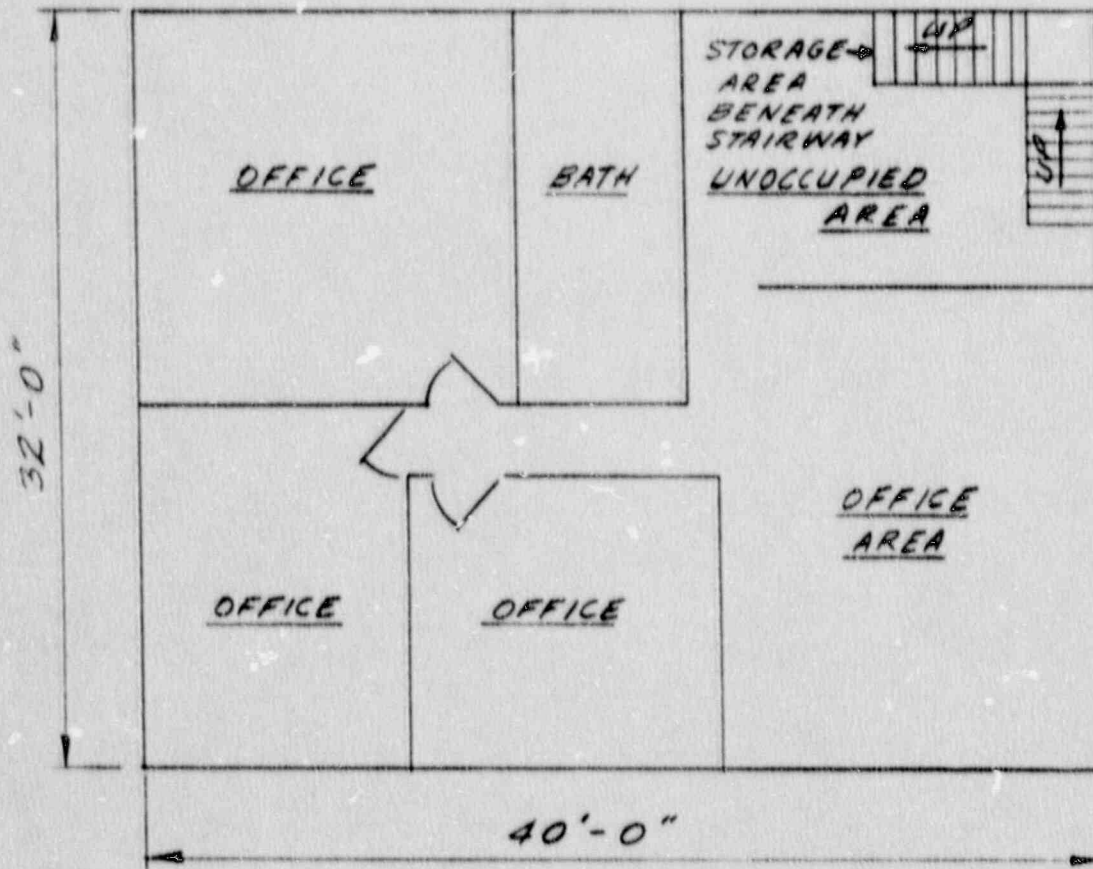
ITEM 8. TRAINING OF GAUGE USERS

Each individual that will operate the nuclear gauge will complete the Troxler nuclear gauge training course, read and understand our radiation safety procedures; and be approved by our Radiation Safety Officer. Copies of each individual's training certificate will be maintained on file.

ITEM 9. FACILITIES AND EQUIPMENT

FACILITIES:

The area where gauges will be stored when not in use is shown on the following facility plan:



FACILITY PLAN

Scale 1/8" = 1'0"
(first floor)

The equipment will be stored in a locked equipment storage room when not in use. The storage room is located in the basement area beneath the stairway leading up to the first floor level. The distance to the nearest occupied area is approximately 18'-0".

The owner, John P. Niebauer, will keep the keys to the locked equipment storage room.

EQUIPMENT:

Personnel Monitoring Devices:

Type: Thermoluminescent Dosimeter (TLD)

Exchange Frequency: Quarterly

Supplier: Troxler Radiation Monitoring Services
Division of Troxler Electronic Laboratories, Inc.
P.O. Box 12057
Research Triangle Park, NC 27709

ITEM 10. RADIATION SAFETY PROGRAM

1. Radiation Safety Officer

A. Robert Comly has been designated as the company Radiation Safety Officer and will assume the duties and responsibilities that include the following:

1. To ensure that all terms and conditions of the license are being met and that the information contained in the license is up-to-date.
2. To ensure that the equipment has been leak tested in the required timely manner and that the leak test is performed in the manner prescribed by the equipment manufacturer.
3. To ensure that the use of the equipment is only by individuals who have been authorized by the Radiation Safety Officer and that all users wear personnel monitoring equipment when utilizing the equipment. Personnel monitoring equipment will consist of TLD Badges supplied by Troxler Radiation Monitoring Services on a Quarterly exchange period.
4. To maintain the records as required by the license and the regulations. These records shall include personnel exposure records, leak test records and training certificates for all users.
5. To ensure that the equipment is properly secured against unauthorized removal at all times when it is not in use.
6. To serve as a point of contact and give assistance in case of emergency such as equipment damaged in the field or theft and to notify the proper authorities in case of emergency.
7. To ensure that all users have read and understand the radiation safety operating and emergency procedures.

2. Operating Procedures

A. Transportation of Equipment

1. All possible means shall be provided to ensure that the equipment secured in the transporting vehicle and the equipment is away from passenger compartment. When transporting in an open bed vehicle, the gauge should be securely fastened and locked to the truck bed.

2. The gauge will be transported in the TROXLER transportation case.
3. At all times during transport, the operator will have a properly completed Bill of Lading for each gauge.

B. Utilization Procedures

1. When the gauge is in the field, you as the authorized user must maintain control over the gauge at all times. The gauge must never be left unattended.
2. When not making measurements, the gauge should be placed in the transportation case and returned to its permanent storage area as soon as possible. The gauge is to be used for its intended purpose only. By doing so, you will maintain any radiation exposure to as low as reasonable attainable.
3. When using the equipment, you will wear the personnel monitoring device that has been assigned to you. When you are not using the equipment, your monitoring device is to be stored in the radiation free area that has been designated in the office.

C. Maintenance and Leak Test Procedures

1. Periodic maintenance will include cleaning the gauge. During any maintenance, you must wear your personnel monitoring device. Accepted cleaning and lubrication procedures developed by the manufacturer will be followed.
2. No maintenance will be performed in which the radioactive source is removed from the gauge. For this type of maintenance, the gauge will be returned to the manufacturer.
3. The leak test will be performed using the TROXLER Model 3880 Leak Test Kit. The leak test will be performed using the manufacturer's instructions. Again, the personnel monitoring device will be employed. Gauges will be leak tested at intervals not to exceed six (6) months.

3. Emergency Procedures

A. In the event of physical damage to a gauge, the following will be performed.

1. Immediately cordon off an area around the gauge. An area radius of 15 feet will be sufficient.
2. If a vehicle is involved, it must be stopped until the extent of contamination, if any, can be established.
3. A visual inspection of the gauge is to be made to determine if the source housing and/or shielding has been damaged.

4. At the earliest possible time, when the situation is under control, you must contact, Robert Comly at (814) 684-3707. Describe the present conditions and follow the instructions of the Radiation Safety Officer.
- B. In the event the gauge is lost or stolen, immediately notify the Radiation Safety Officer as listed above in Item 3.A.4.

Item 11. WASTE MANAGEMENT

Disposal of the gauge will be by transfer to another facility specifically licensed for the material; or returned to the gauge manufacturer. Records of transfer will be maintained on file.

JUN 6 • 1990

Earthmovers Unlimited, Inc.
ATTN: John P. Niebauer, Jr.
P.O. Box J
Tyrone, PA 16686

Gentlemen:

This refers to your application dated April 27, 1990, for a materials license.

Your application referenced the enclosure of a \$230 fee, which we did not receive. An application fee of \$230 is required as specified in §170.31 (3P) of 10 CFR 170, copy enclosed. Payment should be made to the U.S. Nuclear Regulatory Commission and mailed to the attention of Sandra Kimberley at our Washington, D.C. address.

Your application will be processed by the Region I Licensing staff located at 475 Allendale Road, King of Prussia, Pennsylvania 19406. The fee, however, is required prior to issuance of the license. When submitting the fee, please refer to CONTROL NUMBER 112545.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we shall assume that you do not wish to pursue your application and will void this action.

Sincerely,

Signed by:
Glenda Jackson

for
Maurice Messier
License Fee and Debt Collection Branch
Division of Accounting and Finance
Office of the Controller

Enclosure:
10 CFR 170

cc: Region I

DISTRIBUTION:
Pending Fee File
OC/DAF R/F
LFDCB R/F (2)
DW/RI/Earthmovers

OFFICE: OC/LFDCB *AL*
SURNAME: SKimberley:ab
DATE: 6/4/90

OC/LFDCB *SMW/4/90*
MMessier
6/4/90

OC/LFDCB *GG*
GJackson
6/4/90

BETWEEN:

LICENSE FEE MANAGEMENT BRANCH, ARM
AND
REGIONAL LICENSING SECTIONS

(FOR LFMS USE)
INFORMATION FROM LTS

PROGRAM CODE: 03121
STATUS CODE: 3
FEE CATEGORY: _____
EXP. DATE: 0
FEE COMMENTS: _____

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

APPLICANT/LICENSEE: EARTHMOVERS UNLIMITED, INC.
RECEIVED DATE: 900518
DOCKET NO: 3031740
CONTROL NO.: 112545
LICENSE NO.: _____
ACTION TYPE: NEW LICENSEE

*Do Not Issue
Milestone 06
Antenna log*

2. FEE ATTACHED

AMOUNT: _____
CHECK NO.: _____

3. COMMENTS

No check included

SIGNED *Zoster*
DATE *5/21/90*

B. LICENSE FEE MANAGEMENT BRANCH (CHECK WHEN MILESTONE 03 IS ENTERED)

1. FEE CATEGORY AND AMOUNT: *3P*

Fee Unpaid

2. CORRECT FEE PAID. APPLICATION MAY BE PROCESSED FOR:
AMENDMENT _____
RENEWAL _____
LICENSE _____

Withdrawn/Abandoned

3. OTHER _____

SIGNED *AK*
DATE *7/30/90*