NRC FORM 386 (RIII)
(4-2004)

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352

TELEFAX TRANSMITTAL

DATE: 2/22/2010

NUMBER OF PAGES: 4
(including this page)

SEND TO: TOY VILLA

LOCATION: CITY OF SOUTH BEND DPW

FAX NUMBER: 574-235-9171 ☐ ***VERIFY BY CALLING SENDER***

FROM:
(SENDER) MIKE HERR / COLLEEN CASEY

TELEPHONE NUMBER: **630** - 829 - 9752 FAX NUMBER: **630** - 515 - 1078

If you do not receive the complete fax transmittal, please contact the sender as soon as possible at the telephone number provided above.

MESSAGE

NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone and return the original to the above address , by U.S. Mail. Thank you.

PRINTED ON RECYCLED PAPER

Michael G. Herr, CHP
MATERIALS LICENSING BRANCH
UNITED STATES NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD SUITE 210
LISLE, ILLINOIS 60532-4352
OFFICE: (630)-829-9752 FAX: (630) 515-1078

CONVERSATION RECORD

TIME	DATE
2:48-3:10pm	2/18/10

Telephone contact on 2/18/10

NAME OF PERSON(S) CONTACTED	ORGANIZATION	TELEPHONE NO.
Toy Villa	City of South Bend Department of Public Works	O: (574) 235-9251 F.: (574) 235-9171

SUBJECT
License No.: 13-15243-03 Control No.: **318763**

SUMMARY

We have reviewed your correspondence and facsimiles dated January 19, 2010, February 10, 2010, February 11, 2010 and Mr. Camparone's training certificate. We will need additional information as follows:

1. **It appears that you have been storing gauges containing licensed material at an address not authorized by this license since approximately 2002. Please explicitly request authorization to store gauging devices containing licensed material at the location in question, 731 S. Lafayette St, South Bend, Indiana.**

2. **Please submit a copy of Mr. Camparone's radiation safety/nuclear gauge training certificate(s) <u>under cover of an appropriate transmittal letter which includes attribution to your license, license number, a senior management person's signature and position (legible and full name, please) and the current date.</u> We cannot accept the previously transmitted fax of Mr. Camparone's certificate because it was not attached to any document identifying it or attributing it to your license.**

3. **The facsimile letter dated February 10, 2010, was not signed by a senior management representative. Please resubmit this letter, with the information requested in this record, and ensure that the transmittal letter is appropriately signed, as specified in number 2 above.**

4. **The facsimile letter dated February 11, 2010, consisted of the special form source certificate for your sealed sources. This was a document that we did not request and we do not need. In addition, it was not signed, and we cannot accept any correspondence that is unsigned by an appropriate senior management representative.**

   no, Mike requested it earlier - my mistake. CCKC 2/23/10

   Please note that certain sections of NUREG-1556, Vol. 4, dated October 1998 have been modified since its last revision, as noted below:

   We now require a total possession limit <u>for each radionuclide</u> listed on your

license, as well as the "per source" activity you need, which should match the Sealed Source and Device Registry certificate provided by or available from your vendor.

5. **Please also be reminded of the provisions in 10 CFR 30.9(a), "Completeness and accuracy of information,"..."(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects."**

The license termination will be handled as separate request. For this future action, you will need to provide the following:

1. **A completed and SIGNED NRC form 314. (only one form is needed to document the termination of your license)**
2. **A copy of the last leak test results for all the gauges currently in your possession.**
3. **For those gauges being transferred to another licensee or to the vendor, you will need to include a written and signed acknowledgment of receipt and a copy of the recipient's NRC or Agreement State license. Please refer to 10 CFR 30.41 and 30.51 if you need additional information on what is required.**

For all transfer of materials; a SIGNED and dated acknowledgement of receipt from the recipient must be provided.

We will be unable to continue processing your request until we receive this information.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice, " a copy of this letter will be available electronically in the NRC Public Document Room or from the Publicly Available Record (PARS) component of NRC's document system (ADAMS) accessible from the NRC Website at http://www.nrc.gov/reading-rem/adams.html.

ACTION REQUIRED

Please submit the requested information within **6 calendar days (by February 24, 2010)** by referencing control number **318763** to facilitate proper handling.

If we do not receive an adequate response by this date, we may **VOID** the current action without attempting to contact you further and without prejudice to resubmission of your request at a later date.

Upon receipt of your response we would reactivate placement of your request in our database and resume our review. Address your written response to my attention at the above address.

PLEASE NOTE THAT A "VOID" IS AN ADMINISTRATIVE PROCEDURE THAT PUTS YOUR AMENDMENT REQUEST "ON HOLD" (TAKES IT OUT OF OUR ACTIVE CASEWORK DATABASE) UNTIL YOU REACTIVATE IT VIA A WRITTEN RESPONSE. IT "BUYS" YOU TIME TO PREPARE A QUALITY RESPONSE AND IS OFTEN REGARDED AS A "GOOD THING."

PLEASE DIRECT ANY QUESTIONS YOU MAY HAVE TO ME AT 630-829-9752 or (800) 522-3025, EXT. 9752.

NAME OF PPERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
Michael G. Herr, CHP Colleen Carol Casey	Michael G. Herr Colleen Carol Casey	February 22, 2010 (Date Faxsent)