



CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR
DEPARTMENT OF PUBLIC WORKS

May 14, 2010

Mr. Michael G. Herr, CHP
Materials Licensing Branch
U.S. Nuclear Regulatory Commission
Region III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-9752

RE: License Number 13-15243-03

Dear Mr. Herr,

The City of South Bend sold and shipped our Troxler 3440 Nuclear Density Gauge (Serial Number 28219) to Surveying Solutions Inc. They are authorized to receive the gauge under their license number 21-32687-01. Enclosed is NRC form 314, a copy of the leak test and a copy of our license. Our other gauge is scheduled to ship on Wednesday May 19. I will send correspondence to cancel our license next week when this occurs.

If you have any questions please contact me at (574)235-5932.

Sincerely,

Robert A. Nichols, E.I.
Engineer II

RECEIVED MAY 18 2010

Estimated burden per response to comply with this mandatory collection request: 30 minutes. This submittal is used by NRC as part of the basis for its determination that the facility is released for unrestricted use. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0028), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

CERTIFICATE OF DISPOSITION OF MATERIALS

LICENSEE NAME AND ADDRESS

City of South Bend - Department of Public Works
County-City Bldg. Rm. 1316, 227 W. Jefferson Blvd.
South Bend, IN 46601

LICENSE NUMBER

13-15243-03

DOCKET NUMBER

030-18412

LICENSE EXPIRATION DATE

06/30/2014

- A. LICENSE STATUS (Check the appropriate box)**
- This license has expired. This license has not yet expired; please terminate it.

B. DISPOSAL OF RADIOACTIVE MATERIAL

(Check the appropriate boxes and complete as necessary. If additional space is needed, provide attachments)

The licensee, or any individual executing this certificate on behalf of the licensee, certifies that:

1. No radioactive materials have ever been procured or possessed by the licensee under this license.
2. All activities authorized by this license have ceased, and all radioactive materials procured and/or possessed by the licensee under this license number cited above have been disposed of in the following manner:
- a. Transfer of radioactive materials to the licensee listed below:
Surveying Solutions, Inc., 4471 M-61, Standish, MI 48658 License #21-32687-01 ADAM BALL
- b. Disposal of radioactive materials:
1. Directly by the licensee:
2. By licensed disposal site:
3. By waste contractor:
- c. All radioactive materials have been removed such that any remaining residual radioactivity is within the limits of 10 CFR Part 20, Subpart E, and is ALARA.

C. SURVEYS PERFORMED AND REPORTED

1. A radiation survey was conducted by the licensee. The survey confirms:
- a. the absence of licensed radioactive materials
- b. that any remaining residual radioactivity is within the limits of 10 CFR 20, Subpart E, and is ALARA.
2. A copy of the radiation survey results:
- a. is attached; or b. is not attached (Provide explanation); or c. was forwarded to NRC on: _____ Date
3. A radiation survey is not required as only sealed sources were ever possessed under this license, and
- a. The results of the latest leak test are attached; and/or b. No leaking sources have ever been identified.

The person to be contacted regarding the information provided on this form:

NAME Larry Camparone	TITLE Engineering Inspector	TELEPHONE (Include Area Code) (574) 235-5929	E-MAIL ADDRESS
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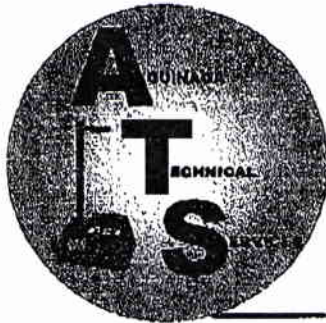
Mail all future correspondence regarding this license to:

227 W. Jefferson Blvd, County-City Bldg. Rm. 1316, South Bend, IN 46601

C. CERTIFYING OFFICIAL
I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

PRINTED NAME AND TITLE Carl P. Littrell, P.E. - City Engineer	SIGNATURE 	DATE 05/14/2010
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WARNING: FALSE STATEMENTS IN THIS CERTIFICATE MAY BE SUBJECT TO CIVIL AND/OR CRIMINAL PENALTIES. NRC REGULATIONS REQUIRE THAT SUBMISSIONS TO THE NRC BE COMPLETE AND ACCURATE IN ALL MATERIAL RESPECT. 18 U.S.C. SECTION 1001 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.



Where Customer Service is a Priority!

Richard Aguinaga
Aguinaga Technical Services
1924-C Calumet Drive
Sheboygan, WI 53081
Phone: (920) 803-8789
Fax: (920) 803-6707

LEAK TEST CERTIFICATE

Attn: Jeff Blum
Weaver Boos Consultants
820 Monroe NW Suite 333C
Grand Rapids MI 49503

A leak test has been performed on the following gauge:

Manufacturer: Troxler
Model: 3440
Serial Number: 28219
Cs137 Serial Number: 750-2189
Am241/Be Serial Number: 47-24900

Date Sample Collected: 2/1/2005
Date Sample Analyzed: 2/5/2010
Collected by: Jeff Blum
Analyzed By: Richard Aguinaga
Sample Activity α : < .000004 μ Ci
Sample Activity β : < .00006 μ Ci

A sample activity of 0.005 μ Ci or greater is considered by Federal and most Agreement state regulations to be a leaking source and must be removed from service and reported to the applicable regulatory agency within five days of the test.

Analysis found contamination of less than 0.005 microcurie.

Analysis authorized by WI License 117-1005-01


Richard Aguinaga
Radiation Safety Officer

REVIEWED BY RADIATION SAFETY OFFICER
(If required by your license sign below)

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p style="text-align: center;">Licensee</p> <p>1. City of South Bend Department of Public Works</p> <p>2. County-City Building, Room 1316 227 W. Jefferson Boulevard South Bend, IN 46601</p>	<p>In accordance with the facsimile dated January 19, 2010,</p> <p>3. License number 13-15243-03 is amended in its entirety to read as follows:</p>
	4. Expiration date June 30, 2014
	5. Docket No. 030-18412 Reference No.

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|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Cesium-137</p> <p>B. Americium-241</p> | <p>7. Chemical and/or physical form</p> <p>A. Sealed sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible gauging device as specified in Item 9 of this license.</p> <p>B. Sealed sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible gauging device as specified in Item 9 of this license.</p> | <p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State. Total possession limit of 17 millicuries.</p> <p>B. No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State. Total possession limit of 80 millicuries.</p> |
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9. Authorized Use:
- A. and B. To be used in Troxler Model 3400 Series surface moisture/density gauges.

CONDITIONS

10. Licensed material shall be stored at the licensee's facilities located at Department of Streets, **731 S. Lafayette Street, South Bend, Indiana**, and at temporary job sites throughout the State of Indiana.
11. A. Licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the application dated December 30, 2003 and facsimile dated June 29, 2004.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
13-15243-03Docket or Reference Number
030-18412

Amendment No. 08

- B. The Radiation Protection Officer for the activities authorized by this license is **Larry Camparone**.
12. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by NRC under 10 CFR 32.210 or by an Agreement State.
- B. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by NRC under 10 CFR 32.210 or by an Agreement State prior to the transfer, a sealed source received from another person shall not be put into use until tested.
- C. Sealed sources need not be tested if they are in storage and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- D. The leak test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie or more of removable contamination, a report shall be filed with the U. S. Nuclear Regulatory Commission in accordance with **10 CFR 30.50(c)(2)**, and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. **The report shall be filed within 5 days of the date the leak test result is known with the appropriate U.S. Nuclear Regulatory Commission, Regional Office referenced in Appendix D of 10 CFR Part 20. The report shall specify the source involved, the test results, and corrective action taken.**
- E. Tests for leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services. In addition, the licensee is authorized to collect leak test samples but not perform the analysis: analysis of leak test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
- F. Records of leak test results shall be kept in units of microcuries and shall be maintained for 3 years.**
13. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
14. Sealed sources or source rods containing licensed material shall not be opened or sources removed or detached from source rods or gauges by the licensee, except as specifically authorized.
15. The licensee shall conduct a physical inventory every 6 months or at other interval approved by the Commission, to account for all sources and/or devices received and possessed under the license.
16. Except for maintaining labeling as required by 10 CFR Part 20 or 71, the **licensee** shall obtain authorization from the Commission before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications as indicated in the respective Registration Certificates issued by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.

**MATERIALS LICENSE
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17. **Each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport. A minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever the portable gauge is not under the control and constant surveillance of the licensee are required**
18. When performing tests at temporary job sites, the authorized user shall not leave the moisture/density gauge unattended. Upon completion of tests the device shall be locked in the licensee's vehicle or a secure building to prevent unauthorized use, loss or theft.
19. Any cleaning, maintenance, or repair of the gauge(s) that requires removal of the source rod shall be performed only by the manufacturer or by other persons specifically licensed by the Commission or an Agreement State to perform such services.
20. The licensee may transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
21. A. If the licensee uses unshielded sealed sources extended more than 3 feet below the surface, the licensee shall use surface casing that extends from the lowest depth to 12 inches above the surface and other appropriate procedures to reduce the probability of the source or probe becoming lodged below the surface. If it is not feasible to extend the casing 12 inches above the surface, the licensee shall implement procedures to ensure that the cased hole is free of obstruction before making measurements.
- B. If a sealed source or probe **containing** sealed sources becomes lodged below the surface and it becomes apparent that efforts to recover the sealed source or probe may not be successful, the licensee shall notify the U. S. Nuclear Regulatory Commission and submit the report required by 10 CFR 30.50(b)(2) and (c). The licensee shall not abandon the sealed source or probe without obtaining the Commission's prior written consent.

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22. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

- A. Application dated December 30, 2003; and,
- B. Facsimiles dated June 29, 2004, and **February 22, 2010 (with attachments)**.



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date FEB 26 2010By *Colleen Carol Casey*
Colleen Carol Casey
Materials Licensing Branch
Region III



CITY OF SOUTH BEND

STEPHEN J. LUECKE, MAYOR

DEPARTMENT OF PUBLIC WORKS
1316 COUNTY-CITY BUILDING

227 W. JEFFERSON BOULEVARD, • SOUTH BEND, INDIANA 46601

CERTIFIED MAIL™



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MAY 14 2010

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Materials Licensing Branch
U.S. Nuclear Regulatory Commission
Region III
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Lisle, Illinois 60532-9752

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