



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

September 8, 2010

Mr. Michael Herr, CHP
Materials Licensing Branch
United States Nuclear Regulatory Commission
Region III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352

SUBJECT: Control Number 319069
License No.: 13-15243-03

Dear Mr. Herr:

This letter is in response to your fax received on August 16, 2010. You requested additional information to continue the process to terminate our license.

In reference to number one on your fax, I have enclosed copies of the *Letters of Receipt* from both parties receiving our gauges (Instrotek and Surveying Solutions).

In response to number 2: The City of South Bend chose to utilize Weaver Boos Consultants to perform the leak tests on our gauges. The tests were performed by an authorized licensee in the State of Wisconsin. Please note that the serial numbers of the gauges that were tested are in fact the gauges that were in our possession.

In response to number 3: The discrepancy in the date was a clerical error on Aguinaga Technical Services part. I have enclosed a copy of the corrected, certified test results with the correct date.

I hope this clarifies any questions you may have had. For reference I have enclosed a copy of your original fax and all of the above referenced information. I will send via certified mail to your office today. I will also fax a copy as well. If you have any additional questions or concerns please feel free to contact me at (574)235-5932. Thank you again for your patience as we get this termination resolved.

Sincerely,

Robert A. Nichols, E.I.
Engineer II

RECEIVED SEP 13 2010

Enc.

Department of Public Works	Engineering	Water Works	Central Services	Streets	Environmental Services
Gary A. Gilot, Director	Carl P. Littrell, P.E.	David Tungate	Matt Chlebowski	Sam Hensley	John J. Dillon, Ph.D.
574/ 235-9251	574/ 235-9251	574/ 235-9322	574/ 235-9316	574/ 235-9244	574/ 277-8515
Fax 574/ 235-9171	Fax 574/ 235-9171	Fax 574/ 235-5595	Fax 574/ 235-9007	Fax 574/ 235-9272	Fax 574/ 277-8980



AN INSTROTEK® COMPANY

Advanced Instrumentation for Testing

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JUN 07 2010

CITY OF SOUTH BEND
DIV. OF ENGINEERING

Return Authorization Number: 1347

LETTER OF RECEIPT OF GAUGE / SEALED SOURCE

To Radioactive Material Licensing Agencies:

CPN International Inc. has taken possession of the following nuclear gauge(s). A certificate of leak test is on file.

Date of Transfer: May 26, 2010

Model No. 3411

Serial No. 10376

Activity: 40 mCi

Nuclide: Am-241/Be

Activity: 8 mCi

Nuclide: Cs-137

Licensee: City of South Bend
227 West Jefferson Blvd., Suite 1200 N.
South Bend, IN 46601

Attn: Rob Nichols

Ph: (574) 235-5932

Authorized Returns
CPN Division of InstroTek
(California License No. 1100-07)



SURVEYING • ENGINEERING • CONSTRUCTION SERVICES

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LETTER OF RECEIPT OF GAUGE / SEALED SOURCE

To Radioactive Material Licensing Agencies:

Surveying Solutions, Inc. has taken possession of the following nuclear gauge(s). A certificate of leak test is on file at our office.

Date of Transfer: May 18th, 2010

Model No.: Troxler 3440
Serial Number: 28219

Am-241:BE 1.48 GBq (40.0 mCi)

Cs-137 0.30 GBq (8.0 mCi)

Licensee: City of South Bend
227 West Jefferson Blvd., Suite 1200 N.
South Bend, IN 46601

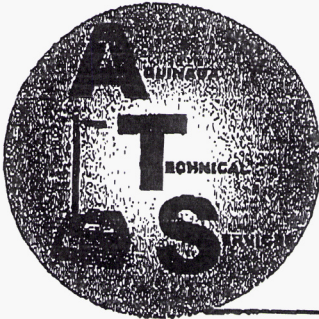
Attn: Rob Nichols
Ph: (574) 235-5932

A handwritten signature in black ink, appearing to read "Adam R. Ball".

Adam R. Ball, P.E.
Project Engineer
Surveying Solutions, Inc.
NRC License # 21-32687-01

surveying FOR TODAY... **solutions** FOR THE FUTURE...

4471 M-61, Standish, Michigan 48658 • tel 989-846-6601 • fax 989-846-6607 • www.ssi-mi.com

*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: 3411B

Serial Number: 10376

Cs137 Serial Number: 40-7790

Am241/Be Serial Number: 46-1778

Date Sample Collected: 2/1/2010

Date Sample Analyzed: 2/5/2010

Collected by: Jeff Blum

Analyzed By: Richard Aguinaga

Sample Activity α : < .000004 μCi

Sample Activity β : < .00005 μCi

A sample activity of 0.005 μCi 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)

*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: 750-2169

Am241/Be Serial Number: 47-24900

Date Sample Collected: 2/1/2010

Date Sample Analyzed: 2/5/2010

Collected by: Jeff Blum

Analyzed By: Richard Aguinaga

Sample Activity α : < .000004 μ Ci

Sample Activity β : < .00005 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)

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: 8/16/10

NUMBER OF PAGES:
(including this page)

3

SEND TO: Robert Nichols

LOCATION: City of South Bend, Dept. of Public Works.

FAX NUMBER: 574 - 235 - 9171

VERIFY BY CALLING SENDER

FROM:
(SENDER)

COLLEEN CAROL CASEY

TELEPHONE NUMBER: 630 - 829 - 9841 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

Please call Mike Hen or Colleen Casey if you have questions. Thank you.

Colleen Carol Casey for Michael G. Hen.

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.

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

10:45 am

DATE

Actually Faxed: YES.**8/13/10**

NAME OF PERSON(S) CONTACTED

Robert A. Nichols, E.I.
Engineer II

ORGANIZATION

City of South Bend
Department of Public Works

TELEPHONE NO.

O: (574) 235-5932
F: (574) 235-9171

SUBJECT

License No.: 13-15243-03

Control No.: **319069**

SUMMARY

This refers to your letters and attached "Certificates of Disposition," NRC Form 314 (with attachments) dated May 20, 2010, and May 24, 2010. This also refers to the telephone discussions between you and my associate, Colleen Carol Casey, on August 13, 2010. We find that we will need the following additional information to continue our review of your termination request:

1. We noted that signed and dated "acknowledgements of receipt" for each gauge transferred to other entities were not included in your correspondence above, which would confirm that InstroTek, Inc. and Surveying Solutions, Inc. received the Troxler sealed sources/gauging devices. Please provide acknowledgements of receipt from InstroTek and Surveying Solutions, Inc. confirming they received the sealed sources/gauging devices. Ensure model numbers are included in the description on the acknowledgements of receipt and that they are signed and dated appropriately by the receiving parties.
2. Please explain why the leak test results submitted with the correspondence above were provided to the attention of Jeff Blum of Weaver Boos Consultants in Grand Rapids, Michigan. These records also indicate that the analysis was performed under a license authorized by the state of Wisconsin - please explain.
3. Also, we observed that the leak test submitted for the Troxler gauge Model 3440 with serial number 28219 shows a "date sample collected" of "2/1/2005" and a "date sample analyzed" of "2/6/2010." Please explain the apparent five year discrepancy in this record.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

ACTION REQUIRED

As we are unable to complete our review of your termination request at this time, we are voiding this request, which takes it out of our active database until it is reactivated by our receipt of your written response. This should enable you to prepare a quality response without time constraints. This is done without prejudice to the resubmission of your request at a later date. Upon receipt of your response we will resume our review.

Please submit the requested information by referencing control number 319069 to facilitate proper handling. Please address your written response to my attention at the above location (top of first page).

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

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

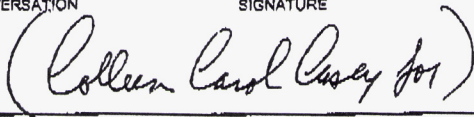
In the alternative, if you cannot reach me, you may contact Colleen Carol Casey at 630-829-9841 or (800) 522-3025, EXT. 9841.

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Michael G. Herr, CHP

August 16, 2010

VOID SHEET

TO: License Fee Management Branch

FROM: RIII - MICHAEL G. HERR, CHP.

SUBJECT: VOIDED APPLICATION

Control Number:

319069

Applicant:

CITY OF SOUTH BEND

License Number:

13-15243-03

Docket Number:

030-18412

Date Voided:

AUG. 16, 2010

Reason for Void:

Licenses requests for termination were too
deficient to complete processing. Deficiencies communicated to licensee
on 8/13/10 (telecon) and 8/16/10 (fax). Re-activate upon receipt of written
response.

Signature

Colleen Carol Casey for
Michael G. Herr, CHP.

Date

8/16/10

Attachment:
Official Record Copy of
Voided Action

FOR LFMB USE ONLY☐ Refund Authorized and processed☐ No Refund Due☐ Fee Exempt or Fee Not Required

Comments: _____

Log completed _____

Processed by: _____



CITY OF SOUTH BEND

STEPHEN J. LUECKE, MAYOR

DEPARTMENT OF PUBLIC WORKS
1316 COUNTY-CITY BUILDING

227 W. JEFFERSON BOULEVARD, • SOUTH BEND, INDIANA 46601-1830

CERTIFIED MAIL™



7008 1830 0004 0257 1604

Mr. Michael Herr, CHP
Materials Licensing Branch
United States Nuclear Regulatory Commission
Region III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352



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