

## 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.

302471

## Licensee

1. City of South Bend Engineering  
Department  
County City Building, Room 1316  
227 W. Jefferson Boulevard  
South Bend, IN 46601
- 2.

In accordance with the letter dated  
March 24, 1997

3. License Number 13-15243-03 is amended in  
its entirety to read as follows:

4. Expiration Date February 28, 2004

5. Docket or  
Reference No. 030-18412

6. Byproduct, Source, and/or  
Special Nuclear Material

A. Cesium-137

B. Americium-241

7. Chemical and/or Physical  
Form

A. Sealed source  
(Troxler Dwg.  
No. A-102112)B. Sealed source  
(Troxler Dwg.  
No. A-102451)

8. Maximum Amount that Licensee  
May Possess at Any One Time  
Under This License

A. No single source  
to exceed 10  
millicuriesB. No single source  
to exceed 50  
millicuries

9. Authorized Use:

- A. and B. To be used in Troxler Model 3400 Series surface moisture/density gauges.

CONDITIONS

10. Licensed material shall be used only at the licensee's facilities located at 701 W. Sample, 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 satisfactorily completed the device manufacturer's training program for gauge users and have been designated by the licensee's Radiation Protection Officer. The licensee shall maintain records of the individuals who have been designated as authorized users.
  - B. The Radiation Protection Officer for the activities authorized by this license is Greg Scherpereel.

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MATERIALS LICENSE  
SUPPLEMENTARY SHEET

License Number

13-15243-03

Docket or Reference Number

030-18412

Amendment No. 04

12. A. (1) The source(s) specified in Item(s) 7.A. and 7.B. shall be tested for leakage and/or contamination at intervals not to exceed 6 months. Any source received from another person which is not accompanied by a certificate indicating that a test was performed within 6 months before the transfer shall not be put into use until tested.
- (2) Notwithstanding the periodic leak test required by this condition, any licensed sealed source is except from such leak tests when the source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material.
- B. Any source in storage and not being used need not be tested. When the source is removed from storage for use or transfer to another person, it shall be tested before use or transfer.
- C. The 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, the source shall be removed from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. A report shall be filed within 5 days of the date with the Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, ATTN: Chief, Nuclear Materials Safety and Safeguards Branch. The report shall specify the source involved, the test results, and corrective action taken. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. Records may be disposed of following Commission inspection.
- D. The licensee is authorized to collect leak test samples for analysis by Troxler Electronic Laboratories, Inc. or tests for leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
13. Sealed sources containing licensed material shall not be opened or removed from the gauges by the licensee.
14. 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.
15. 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, storage, or when not under the direct surveillance of an authorized user.

COPY

MATERIALS LICENSE  
SUPPLEMENTARY SHEET

License Number

13-15243-03

Docket or Reference Number

030-18412

Amendment No. 04

16. The licensee shall conduct a physical inventory every six (6) months to account for all gauges received and possessed under the license. The records of the inventories shall be maintained for two (2) years from the date of the inventory for inspection by the Commission, and shall include the quantities and kinds of byproduct material, manufacturer's name and model numbers, location of gauges and the date of the inventory.
17. The licensee may transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
18. The licensee shall instruct all users that any maintenance or repair on the gauges involving removal of the source holders shall be performed only by the device manufacturer or by other persons specifically authorized by the Commission or an Agreement State to perform such services.
19. The licensee shall exchange personnel monitoring equipment (i.e., whole body film badges) at intervals not to exceed 1 month.
20. 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.
21. 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 January 21, 1994.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date

MAY 19 1997

By

*Michael F. White*

Nuclear Materials Licensing Branch, Region III

COPY



(FOR LFMS USE)  
INFORMATION FROM LYS

BETWEEN:

License Fee Management Branch, ARM  
and  
Regional Licensing Sections

Program Code: 03121  
Status Code: 0  
Fee Category: 3P  
Exp. Date: 20040228  
Fee Comments:  
Decom Fin Assur Req'd: N

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: SOUTH BEND, CITY OF  
Received Date: 970328  
Docket No: 3018412  
Control No.: 302471  
License No.: 13-15243-03  
Action Type: Amendment

2. FEE ATTACHED

Amount:             
Check No.:           

3. COMMENTS

Signed D. Hersey  
Date 4-1-97

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered ☒)

1. Fee Category and Amount: 3P \$300

2. Correct Fee Paid. Application may be processed for:

Amendment ☒  
Renewal ☐  
License ☐

3. OTHER

Signed SC  
Date 5/9/97

MAY 19 1997

Log	<u>Apr 1 III</u>
Remitter	<u>          </u>
Check No.	<u>114018</u>
Amount	<u>\$300</u>
Fee Category	<u>3P</u>
Type of Fee	<u>AMP</u>
Date Check Rec'd	<u>5/7/97</u>
Date Completed	<u>          </u>
By	<u>SC</u>

## LICENSE FEE REQUIREMENTS

LICENSE FEE AND DEBT COLLECTION BRANCH  
DIVISION OF ACCOUNTING AND FINANCE  
OFFICE OF THE CONTROLLER  
U.S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555-0001

CITY OF SOUTH BEND  
ATTN: CARL P. LITTELL, P.E.  
DIRECTOR  
DIVISION OF ENGINEERING  
COUNTY - CITY BUILDING  
SOUTH BEND, IN 46601-1830

## TYPE OF ACTION

- ☐ NEW LICENSE  
☐ RENEWAL OF LICENSE  
☒ AMENDMENT TO LICENSE

REQUESTED DATE

3-24-97

LICENSE NUMBER

13-15243-03

CONTROL NUMBER

302471

## I. APPLICATION FEE DUE

Your request for a licensing action is subject to the fee(s) in the category(ies) noted below in accordance with Section 170.31 of the enclosed Federal Register notice. Payment of the fee is required prior to the issuance of the license, renewal, or amendment.

FEE CATEGORY	APPLICATION	RENEWAL	AMENDMENT
3P	\$	\$	\$ 300.00
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

FEE(s) DUE	\$	300.00
PAYMENT RECEIVED	\$	0.00
AMOUNT DUE	\$	300.00

- ☒ Your request was received without the prescribed application fee.
- ☐ We received your Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. Payment of the additional fee noted above is required.
- ☐ Your request will increase the scope of your license program. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(d)(2).
- ☐ Your license expired prior to the receipt of your application for renewal. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(a).

MAKE PAYMENT OF THE FEE(S) TO THE U.S. NUCLEAR REGULATORY COMMISSION AND MAIL THE PAYMENT TO THE ADDRESS LISTED AT THE TOP OF THIS FORM. IF WE DO NOT RECEIVE A REPLY FROM YOU WITHIN 30 CALENDAR DAYS FROM THE DATE LISTED BELOW, WE SHALL ASSUME THAT YOU DO NOT WISH TO PURSUE YOUR APPLICATION AND WILL VOID THIS ACTION.

SIGNATURE -- LICENSE FEE ANALYST

SHIRLEY CRUTCHFIELD

LFDCB

4/4/97

LFDCB

## II. FEE NOT REQUIRED

- ☐ Enclosed is Check No. \_\_\_\_\_ which accompanied your request. The fee is not required because:
- ☐ We received your Check No. \_\_\_\_\_ in payment of the fee.
- ☐ The Licensing staff has informed us that your request is to be considered as a continuation of your request dated \_\_\_\_\_, Control No. \_\_\_\_\_.
- ☐ Your request was combined, prior to review, with your \_\_\_\_\_ request, Control No. \_\_\_\_\_.

## III. CHECK RETURNED

- ☐ Enclosed is Check No. \_\_\_\_\_ which was returned to us by the bank for:
- ☐ INSUFFICIENT FUNDS
- ☐ ACCOUNT CLOSED
- ☐ OTHER

MAIL THE REPLACEMENT CHECK TO THE ADDRESS LISTED AT THE TOP OF THIS FORM AND REFERENCE THE ABOVE CONTROL NUMBER.

## IV. LICENSE ISSUED WITHOUT THE REQUIRED FEE

- ☐ License No. \_\_\_\_\_, Amendment No. \_\_\_\_\_, issued on \_\_\_\_\_ was issued without the required fee being collected. The fee required is noted in Section I of this form.
- ☐ The scope of your licensed program was increased. Therefore, your request is subject to the application fee(s) noted in Section 1 of this form. Refer to Section 170.31 and Footnote 1(d)(2).
- ☐ Because of the urgency of your request, the license was issued without remittance of the prescribed fee noted in Section 1 of this form.

Distribution:

Pending Fee File OC/DAF/SF(LF-3.2.7)  
LFARB R/F (2) Region 3

DATE

Apr. 4 1997

COUNTY - CITY BUILDING  
219/235-9251  
SOUTH BEND, INDIANA 46601-1830



PHONE  
FAX 219/235/9171  
TDD 219/235-5567

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

March 24, 1997

U.S. Nuclear Regulatory Commission  
Materials Licensing Section  
Region III  
801 Warrenville Road  
Lisle, Illinois 60532

Dear Sirs:

This letter is to inform you that Mr. Toy Villa who is presently our Radiation Safety Officer has been promoted to a new position and will no longer serve as the R.S.O. for the City of South Bend Engineering Department. Greg Scherpereel who has been with the City of South Bend Engineering Department for seven years and a graduate from Western Michigan has been designated as the new R.S.O.. Greg has taken a course on Nuclear Radiation Safety through the Troxler Company and is familiar with the principles and practices of radiation protection, procedures for nuclear gauge storage and transportation, accident and incident procedures, general safety precautions, leak testing procedures, biological effects of radiation and proper gauge operations. He is certified by Troxler Electronic Laboratories, Inc..

If you have any questions please give me a call at (219)235-9251.

Sincerely,

Carl P. Littrell, P.E., Director  
Division of Engineering

**RECEIVED**  
**MAR 28 1997**  
**REGION III**

*pm 3-26-97*

ENGINEERING	ENVIRONMENTAL SERVICES	EQUIPMENT SERVICES	TRANSPORTATION	WATER WORKS
CARL LITTRELL, P.E.	JOHN J. DILLON, PH.D.	MATT CHLEBOWSKI	SAM HENSLEY	JOHN F. STANCATI
235-9251	277-8515	235-9316	235-9444	235-9322
FAX 235-9171	FAX 277-8980	FAX 235-9007	FAX 235-9272	FAX 235-9728

*302471*  
**MAR 28 1997**

# TROXLER ELECTRONIC LABORATORIES, INC.

HEREBY CERTIFIES THAT

GREG A. SCHERPEREEL

of

SOUTH BEND ENG DEPT.

HAS SUCCESSFULLY COMPLETED THE TROXLER ELECTRONIC LABORATORIES, INC.  
TRAINING COURSE FOR THE USE OF NUCLEAR TESTING EQUIPMENT.

SUBJECTS INCLUDED IN THIS COURSE WERE AS FOLLOWS:

## Radiological Safety

- |  |  |
|--|--|
| 1. Principles and practices of radiation protection                              | 5. Radioactivity measurement standardization and monitoring techniques and |
| 2. Leak testing procedures   |  |
| 3. Mathematics and instrumentation for the use and measurement of radioactivity. | 4. Procedures for nuclear gauge storage and transportation                 |
| 4. Biological effects of radiation   | 3. General safety precautions.   |

- |                         |                      |
|-------------------------|----------------------|
| 1. Instrument theory    | 4. Field application |
| 2. Operating procedures | 5. Gauge calibration |
| 3. Maintenance          |                      |

TOM DONNELLY

INSTRUCTOR

CERTIFICATE #: 057719

3/25/93

DATE

WILLIAM F. TROXLER

PRESIDENT



MAY 19 1997

Carl P. Littrell, P.E., Director  
Division of Engineering  
City of South Bend Engineering  
Department  
County City Building, Room 1316  
227 W. Jefferson Blvd.  
South Bend, IN 46601

Dear Mr. Littrell:

Enclosed is Amendment No. 04 to your NRC Material License No. 13-15243-03 in accordance with your request.

This amendment names Greg Scherpereel as the Radiation Protection Officer. Please note that you are required to request and obtain a license amendment before you change the Radiation Safety Officer.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

Please be advised that your license expires at the end of the day, in the month, and year stated in the license. Unless your license has been terminated, you must conduct your program involving byproduct materials in accordance with the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate in accordance with NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC, in writing, within 30 days:
  - a. When the Radiation Safety Officer permanently discontinues performance of duties under the license or has a name change; or

302471



- b. When the mailing address listed on the license changes. (No fee is required if the location of byproduct material remains the same.)
3. In accordance with 10 CFR 30.36(b) and/or license condition, notify NRC, promptly, in writing, and request termination of the license when a decision is made to terminate all activities involving materials authorized under the license.
4. Request and obtain a license amendment before you:
  - a. Change Radiation Safety Officers;
  - b. Order byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license;
  - c. Add or change the areas of use or address or addresses of use identified in the license application or on the license; or
  - d. Change ownership of your organization.
5. Submit a complete renewal application with proper fee or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations. A license will not normally be renewed, except on a case-by-case basis, in instances where licensed material has never been possessed or used.

In addition, please note that NRC Form 313 requires the applicant, by his/her signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC

C. Littrell

-3-

requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

Sincerely,

Original Signed By  
Michael F. Weber  
Nuclear Materials Licensing Branch

License No. 13-15243-03  
Docket No. 030-18412

Enclosure: Amendment No. 04

DOCUMENT NAME: M:\03018412.CL7

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS/RIII	<input checked="checked" type="checkbox"/>							
NAME	MFWeber;brt								
DATE	04/ 11 /97								

OFFICIAL RECORD COPY



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

April 2, 1997

Greg Scherpereel  
Radiation Safety Officer  
South Bend, City of  
Board of Public Works - Eng. Dept.  
County/City Bldg., Room 1316  
227 West Jefferson Boulevard  
South Bend, IN 46601

SUBJECT: ACKNOWLEDGEMENT OF CORRESPONDENCE (Letter Dated 03/24/97)

Dear Licensee:

In response to your request, we have completed the initial processing, which is an administrative review of your application for a(n):

☐ New License      ☒ Amendment      ☐ Renewal

Administrative deficiencies were identified during this initial review as outlined below. However, it should be noted that a technical review may identify additional omissions in the submitted information.

It appears that your request is routine (see 1-3 below as applicable).

Incomplete information is as follows: In order for us to complete your amendment request to change RSO's the required fee is necessary. Please contact our License Fee & Debt Collection Branch, as referenced below, to obtain the correct fee amount.

1. New and amendment actions are normally processed within 90 days, unless we find major deficiencies, or policy issues requiring central program office assistance.
2. Renewal actions are normally processed within 180 days, however under timely filing (before expiration) you may continue to operate under your existing license.
3. Termination actions are normally processed within 90 days, unless confirmatory surveys following decontamination/decommissioning activities are involved.

A copy of your correspondence has been forwarded to our Licensing Fee and Debt Collection Branch (301/415-6097) for approval of the fee category and amount, if required.

If you have a compelling safety or business-related reason for requesting expedited review, please contact the Materials Licensing Branch at (630) 829-9887. We will try to complete your request as soon as practicable. Any correspondence about this request should reference the control number.

Nuclear Materials Support Branch

Mail Control No. 302471  
License No. 13-15243-03