



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

April 23, 2007

Docket No. 99990001

Non-Licensee

Michael P. Nunno  
42 Huxley Circle  
Marlton, NJ 08053

SUBJECT: INSPECTION 99990001/2007013, BRYN MAWR, PENNSYLVANIA SITE AND  
NOTICE OF VIOLATION

Dear Mr. Nunno:

On February 14, 2007, Steven Courtemanche of this office conducted a safety inspection by telephone of licensed activities conducted by yourself on behalf of National Medical Imaging. The inspection concluded on March 27, 2007, at National Medical Imaging in Bryn Mawr, Pennsylvania. The inspection was an examination of licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes the violation by severity level. The violation is being issued because you removed sealed source leak test samples from the licensee's facility and analyzed them for contamination without a specific license to do so as required by the Commission or an Agreement State. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC requirements.

Current NRC regulations are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

M. Nunno

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Your cooperation with us is appreciated.

Sincerely,

***Original signed by James P. Dwyer***

James P. Dwyer, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
State of New Jersey

M. Nunno

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Your cooperation with us is appreciated.

Sincerely,

**Original signed by James P. Dwyer**

James P. Dwyer, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
State of New Jersey

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**SUNSI Review Complete: SCourtemanche**

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NAME	SCourtemanche/src		JDwyer/jpd				
DATE	04/23/2007		4/23/2007				

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## NOTICE OF VIOLATION

Michael Nunno  
Marlton, NJ

Docket No. 99990001  
Non-Licensee

During an NRC inspection conducted on February 14 and March 27, 2007, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.3 requires, in part, that except for persons exempted, no person shall possess or use byproduct material except as authorized by a specific or general license issued pursuant to Title 10, Chapter 1, Code of Federal Regulations.

Contrary to the above, from January 2005 until February 2007, Michael Nunno possessed wipe test samples potentially contaminated with cesium-137 without a valid NRC license, and he was not exempt from the requirements for a license. Specifically, Mr. Nunno removed the wipe tests from the licensee's facility and analyzed the wipes using a different client's equipment which was an activity requiring a leak test service license.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Michael Nunno is hereby required to submit a written statement of explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued as to why such other enforcement action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Notice of Violation

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 23 day of April 2007