



MATERIALS, L.L.C.

January 15, 2009

US NRC
Marie Miller, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Document Control Desk
Washington, DC 20555

Re: Notice of Violation; License # 06-28731-02, Docket # 03036050 / 2008001

Dear Ms. Miller:

We have received your communication of December 29, 2008 regarding the above-referenced matter.

Galasso Materials, LLC conducted a prompt and thorough investigation into the circumstances contributing to a number of activities that were not carried out in compliance with NRC requirements.

Our RSO of many years, Richard Murphy, retired rather abruptly in early 2008. He had been training our current RSO, Christopher Pearsall, to assume his duties when he eventually retired. It was my assumption and my error in believing that the transition would be seamless and that all documents, testing requirements and record keeping were up-to-date and fully compliant.

In reviewing our attached responses to the NOV I believe that you will find that we have addressed the problems and I can assure you that there will be no further lapses in compliance.

Please do not hesitate to contact Mr. Pearsall or myself with any questions or concerns.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "T.W. McAvoy", written over a horizontal line.

T.W. McAvoy, General Manager

NMSS/RGNI MATERIALS-004

Reply to a Notice of Violation

1/15/09

Docket # 03036050
License # 06-28731-02

A. Condition 14 of NRC Lic. # 06-28731-02

- Although physical inventories, proper device securing and operations logs were kept prior to 2008, In transition of RSO duties, These said logs and inventories were misplaced.
- A physical inventory has been completed and will continue to be done every six months, or as needed/required. A new operations log book has been established and posted. It will continue to be in use indefinitely.
- As of 11/28/08, Full compliance of Condition 14 has been met.

B. 10 CF 20.1101(c)

- As of January 2008, The incoming RSO was in the process of reviewing and updating the Radiation Safety and Protection Program. However, at time of NRC inspection, Program had not yet been re implemented.
- An updated Safety and Protection Program is being implemented and will continue to be reviewed at least annually.
- Full implementation of Radiation Safety and Protection will be completed by months end, January, 2009.

C. Condition 20 (item 10 of appendix B)

- A Prospective Evaluation and/or Dosimetry Program was not reinstated since RSO duties changed hands in 2008, Due to device being properly stored and secured with no need for use in said calendar year 2008.
- An Occupational Dosimetry Program is being reviewed and in the process of being reinstated. And will continue to be in use indefinitely.
- The said Occupational Dosimetry Program will be re implemented by months end, January, 2009.

C. (cont.) Condition 20 (item 10 of appendix B, NUREG 1556, vol.1, rev 1)

- An Operating and Emergency Procedure Program has been regularly in practice, However, log books and procedure plans were misplaced in 2008 due to RSO transfer of duties.
- An Operations Log has been re established and posted, And an Emergency Procedure Plan is being reviewed and updated, And will be implemented for future use.
- Full compliance of said violation will be completed by months end January, 2009

C. (cont.) Condition 20 (item 10 of appendix B, NUREG 1556, vol.1, rev. 1)

- A pre plan for determining source of integrity of a NDG incident has been in place, However, incoming RSO was not fully aware of said plan at time of inspection.
- The plan for determining the integrity of a NDG incident is pre planned In connection with the State of Connecticut "Nuclear Density Division" In that a Radiation Survey Meter will be available for use as needed or required.
- The Pre Plan/Plan is ongoing and in compliance to date.