



April 29, 2016

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

**RE: Reply to a Notice of Violation
Milone & MacBroom, Inc.
Cheshire, Connecticut
Docket No. 03038287
License No. 06-31408-01**

To Whom It May Concern:

Milone & MacBroom, Inc. received a Notice of Violation dated April 13, 2016 as a result of an inspection by Mr. Steven Courtemanche of the Nuclear Regulatory Commission (NRC) on December 17, 2015. The inspection and continuing in-office review identified three apparent violations of various conditions of License No. 06-31408-01. These items and the requested responses are detailed below:

1. Condition 13.A of NRC License No. 06-31408-01 requires that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at intervals specified in the certification of registration issued by the U.S. NRC under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

Contrary to the above, as of December 17, 2015, sealed sources were not tested for leakage and/or contamination at intervals not to exceed 6 months or at intervals specified in the certificate of registration issued by the U.S. NRC under 10 CFR 32.210 or under equivalent regulations of an Agreement State. Specifically, Sealed Source and Device Registration Sheet Number NR-587-D-104-S requires that a Seaman Nuclear Corporation Model C-300 be tested every 6 months; the gauge was tested on March 1, 2013, November 4, 2013, and February 27, 2015, intervals exceeding six months, and the gauge was used at times between the leak test dates.

Response:

Reason for the violation:

Employee turnover resulted in person(s) with primary responsibility for performing the required tests no longer being employed by Milone & MacBroom, Inc. The required testing tasks were inadvertently not reassigned to other personnel.

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Corrective steps that have been taken and results achieved:

A leak test was performed on April 26, 2016. The test results are still pending; however, leak tests have historically indicated no leaks for this device.

Corrective steps that will be taken to avoid further violations:

A reminder system has been established using an automated calendar reminder notice (*Microsoft Outlook*). Notifications will be sent at 6-month intervals to the Radiation Safety Officer, all personnel trained in the use of the instrument (Seaman Nuclear Corporation Model C-300), the company Managing Directors, and the company President.

The date when full compliance will be achieved:

Compliance with the 6-month testing interval has been achieved as of the date of this response (April 29, 2016). The automated reminder system will be set up no later than May 2, 2016.

2. Condition 15 of NRC License No. 06-31408-01 requires, in part, that the licensee shall conduct a physical inventory every 6 months or at other intervals approved by the U.S. NRC to account for all sources and/or devices received and possessed under the license.

Contrary to the above, as of December 17, 2015, the licensee did not conduct physical inventories every 6 months, and another interval was not approved by the U.S. NRC to account for all sealed sources and/or devices received and possessed under the license. Specifically, physical inventories were conducted on February 26, 2013, November 4, 2013, and March 3, 2015, intervals exceeding 6 months.

Response:

Reason for the violation:

Employee turnover resulted in person(s) with primary responsibility for performing the required tests no longer being employed by Milone & MacBroom, Inc. The required testing tasks were inadvertently not reassigned to other personnel.

Corrective steps that have been taken and results achieved:

A physical inventory inspection was performed on January 20, 2016.

Corrective steps that will be taken to avoid further violations:

A reminder system has been established using an automated calendar reminder notice (*Microsoft Outlook*). Notifications will be sent at 6-month intervals to the Radiation Safety Officer, all personnel trained in the use of the instrument (Seaman Nuclear Corporation Model C-300), the company Managing Directors, and the company President.

The date when full compliance will be achieved:

Compliance with the 6-month physical inventory interval has been achieved as of the date of the January 20, 2016 inspection. The automated reminder system will be set up no later than May 2, 2016.

3. Condition 19 of NRC License No. 06-31408-01 requires that, except as specifically provided otherwise in the license, the licensee conduct its program in accordance with the statements, representations, and procedures contained in the application dated April 22, 2010. The U.S. NRC's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

Item 10.7, "Radiation Safety Program- Operating & Emergency Procedures" of the application dated April 22, 2010 requires that operating and emergency procedures be developed, implemented, and maintained and meet the criteria in the section entitled "Radiation Safety Program- Operating and Emergency Procedures" in NUREG-1556, Volume 1, Revision 1, "Consolidated Guidance about Materials Licenses: Program- Specific Guidance about Portable Gauge Licenses," dated November 2001.

The licensee developed an operating procedure whereby all portable gauge users would be provided radiation monitoring dosimetry to be worn while using portable gauges.

Contrary to the above, as of December 17, 2015, portable gauge users were provided radiation monitoring dosimetry, but the dosimetry was not worn while using portable gauges. Specifically, a portable gauge user used a portable gauge on October 24, 2014 and April 11, 2015, and the dosimetry reports listed the radiation monitoring devices were unused by the individual for the period of use.

Response:

Reason for the violation:

The gauge operator inadvertently forgot to use the dosimetry badge on the dates listed above.

Corrective steps that have been taken and results achieved:

Historically, dosimetry badges have been handed to gauge users when received from Landauer, and it has been the gauge users' responsibility to ensure the badges are with them while the gauge is in their possession. Badges will now only be given to the gauge users by the Radiation Safety Officer or his designee when the gauge is signed out for use and will be returned when the gauge is returned and signed back in.

Corrective steps that will be taken to avoid further violations:

A log tracking the dosimetry badges has been created to ensure that the gauge user has a badge when the gauge is in his/her possession. Gauge users will sign the log when taking their badges and returning them to confirm that the badges are being used.

All approved users will receive additional training with regard to the requirements for the wearing of radiation monitoring dosimetry badges.

In addition to the above corrective steps, the Radiation Safety Officer or his designee will conduct periodic unannounced audits of temporary job sites to confirm that radiation monitoring dosimetry badges are being worn by the portable gauge user(s).

The date when full compliance will be achieved:

Gauge users have been informed to make sure they have the dosimetry badges when using the gauge. The dosimetry log has been created, and all dosimetry badges from all approved users are currently being collected. This method of tracking dosimetry badges is expected to be implemented by May 13, 2016. Formal retraining concerning the use of dosimetry will be provided to all approved users prior to May 13, 2016.

Milone & MacBroom, Inc. considers the recent inspection and findings to represent an opportunity for the firm to improve our policies and procedures associated with the use of the portable gauge. We are fully committed to radiation safety and compliance with NRC requirements and license conditions. We have or will shortly implement systematic improvements to ensure continued worker safety and regulatory compliance.

Very truly yours,

MILONE & MACBROOM, INC.



Thomas P. Balskus, P.E.
Radiation Safety Officer



John M. Milone, P.E.
President

Attachment: NRC Inspection Report No. 03038287/2015001

cc: Regional Administrator
U.S. NRC Region I
2100 Renaissance Boulevard, Suite 100
King of Prussia, PA 19406-2713

1000-01-2-a2716-ltr



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**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

April 13, 2016

Docket No. 03038287

License No. 06-31408-01

John M. Milone, P.E.
President
Milone & MacBroom, Inc.
99 Realty Drive
Cheshire, CT 06410

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MILONE AND MACBROOM

SUBJECT: NRC INSPECTION REPORT NO. 03038287/2015001, MILONE & MACBROOM, INC., CHESHIRE, CONNECTICUT SITE AND NOTICE OF VIOLATION

Dear Mr. Milone:

On December 17, 2015, Steven Courtemanche of this office conducted a safety inspection at the above address with continuing in-office review through April 11, 2016. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The on-site inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with Jeanine A. Gouin of your organization via telephone at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations involved the failure to: 1) test sealed sources for leakage and/or contamination at the required interval (License Condition 13.A); 2) conduct physical inventories at the required frequencies (License Condition 15); and, 3) ensure that portable gauge users wore radiation monitoring dosimetry when using portable gauges (License Condition 19).

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

During our inspection exit meeting on April 11, 2016, Ms. Gouin indicated that Milone & MacBroom, Inc. is committed to radiation safety and to compliance with NRC requirements and licensed conditions. Further, you stated that you have taken, or will take, the following corrective and preventative actions to address each violation:

- 1) A reminder system will be set up to keep track of when leak tests and physical inventories were due,
- 2) Training will be provided to all portable gauge users on the requirement for the wearing of radiation monitoring dosimetry while using portable gauges; and
- 3) Audits of temporary jobsites will include confirmation that radiation monitoring dosimetry is worn by portable gauge users.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Steven R. Courtemanche at 610-337-5075 if you have any questions regarding this matter.

Sincerely,



Monica E. Ford, Acting Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/Encl: Thomas P. Balskus, P.E.,
Radiation Safety Officer
State of Connecticut

NOTICE OF VIOLATION

Milone & MacBroom, Inc.
Cheshire, CT

Docket No. 03038287
License No. 06-31408-01

During an NRC inspection conducted on December 17, 2015, with continuing in-office review through April 11, 2016, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 13.A of NRC License No. 06-31408-01 requires that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed six months or at intervals specified in the certification of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

Contrary to the above, as of December 17, 2015, sealed sources were not tested for leakage and/or contamination at intervals not to exceed six months or at intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State. Specifically, Sealed Source and Device Registration Sheet Number NR-587-D-104-S requires that a Seaman Nuclear Corporation Model C-300 be tested every six months; the gauge was tested on March 1, 2013; November 4, 2013; and February 27, 2015; intervals exceeding six months, and the gauge was used at times between the leak test dates.

This is a Severity Level IV violation (Enforcement Policy Section 6.7.d.4).

- B. Condition 15 of NRC License No. 06-31408-01 requires, in part, that the licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license.

Contrary to the above, as of December 17, 2015, the licensee did not conduct physical inventories every six months and another interval was not approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license. Specifically, physical inventories were conducted on February 26, 2013; November 4, 2013; and March 3, 2015; intervals exceeding six months.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d.3).

- C. Condition 19 of NRC License No. 06-31408-01 requires that, except as specifically provided otherwise in the license, the licensee conduct its program in accordance with the statements, representations and, procedures contained in the application dated April 22, 2010. 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.

Item 10.7, "Radiation Safety Program – Operating & Emergency Procedures" of the application dated April 22, 2010, requires that operating and emergency procedures be developed, implemented, and maintained; and meet the criteria in the section entitled "Radiation Safety Program – Operating and Emergency Procedures" in NUREG-1556, Volume 1, Revision 1, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses," dated November 2001.

The licensee developed an operating procedure whereby all portable gauge users would be provided radiation monitoring dosimetry to be worn while using portable gauges.

Contrary to the above, as of December 17, 2015, portable gauge users were provided radiation monitoring dosimetry but the dosimetry was not worn while using portable gauges. Specifically, a portable gauge user used a portable gauge on October 24, 2014, and April 11, 2015; and the dosimetry reports listed the radiation monitoring devices were unused by the individual for the period of use.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d.3).

Pursuant to the provisions of 10 CFR 2.201, Milone & MacBroom, Inc. is hereby required to submit a written statement or 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 the license should not be modified, suspended, or revoked, or why such other 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
Milone & MacBroom, Inc.

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

Dated This 13th day of April 2016