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

September 4, 2002

General Licensee

Docket No. 99990001

Emanuel Hedvat
President
Chemtech Consulting Group
284 Sheffield Street
Mountainside, NJ 07092

SUBJECT: INSPECTION 99990001/2002004, CHEMTECH CONSULTING GROUP, MOUNTAINSIDE, NEW JERSEY SITE AND NOTICE OF VIOLATION

Dear Mr. Hedvat:

On August 15, 2002, Mr. Steven Courtemanche of this office conducted a safety inspection at the above address of activities authorized by the above license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations. 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 each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600. 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 regulatory requirements.

In accordance with 10 CFR 2.790, a copy of this letter will be placed in the NRC Public Document Room and will be accessible from the NRC web site at http://www.nrc.gov/reading-rm.html.
Your cooperation with us is appreciated.

Sincerely,

Original signed by Pamela J. Henderson

Pamela J. Henderson, Chief
Nuclear Materials Safety Branch 1
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Divyajit Mehta, Chief Operating Officer
State of New Jersey

Distribution:
D. J. Holody, RI

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML022470131.wpd

To receive a copy of this document, indicate in the box: "**C**" = Copy w/o attach/encl "**E**" = Copy w/ attach/encl "**N**" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI			
NAME	SCourtemanche/src		PHenderson/pjh					
DATE	08/22/2002		9/3/02					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Chemtech Consulting Group
Mountainside, NJ

Docket No. 99990001
General Licensee

During an NRC inspection conducted on August 15, 2002, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violations are listed below:

A. 10 CFR 31.5(c)(1) requires, in part, that any person who acquires, receives, possesses, uses, or transfers byproduct material in a device pursuant to the general license in 10 CFR 31.5(a) assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon.

Contrary to the above, as of August 15, 2002, the licensee possessed and used byproduct material in a device pursuant to the general license in 10 CFR 31.5(a) and did not assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited was maintained thereon. Specifically, only one of two Electron Capture Detectors (ECD's) containing nickel-63, a byproduct material, in a Hewlett Packard Model 5890 Series II gas chromatograph bore the required tag.

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

B. 10 CFR 31.5(c)(2) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in 10 CFR 31.5(a) assure that the device is tested for leakage of radioactive material at no longer than six-month intervals or at such intervals as are specified in the label with certain exceptions described in 10 CFR 31.5(c)(2)(i) and (ii).

Contrary to the above, as of August 15, 2002, the licensee possessed and used byproduct material in a device pursuant to the general license in 10 CFR 31.5(a) and did not assure that the device was tested for leakage of radioactive material at no longer than six-month intervals specified in the label and the exceptions described in 10 CFR 31.5(c)(2)(i) and (ii) did not apply. Specifically, three ECD (Hewlett Packard SN E3216, L4587, and F2507) were not tested for leakage of radioactive material since March 1999, one Perkin Elmer ECD was not tested since September 1998, and the other Hewlett Packard ECD were not tested since April 2000, intervals greater than six months.

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

Pursuant to the provisions of 10 CFR 2.201, Chemtech Consulting Group 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.

To the extent possible, your response 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.

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

Dated This _4th_ day of _September 2002_

ENCLOSURE XX
INSPECTION RECORD

Region I License No. General

Inspection Report No. 2002-004 Docket No. 999-90001

Licenseee (Name & Address): Chemtech Consulting Group, 284 Sheffield Street

Mountainside, New Jersey 07092

Location (Authorized Site) Being Inspected: The above address

Licensee Contact: Divyajit Mehta, COO Telephone No. 908-789-8900

Priority: N/A Program Code: N/A

Date of Last Inspection: N/A

Date of This Inspection: 8/15/2002

Next Inspection Date:

Justification for change in normal inspection frequency: None

Summary of Findings and Actions:

( ) No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued.

( ) Non-cited violations (NCVs)

( ) Violation(s), Form 591 issued

(X) Violation(s), regional letter issued

( ) Followup on previous violations

Inspector(s) _____**/RA/**_____ Date: ___8/26/2002_____
(Sign Name)

_Steven R. Courtemanche_____ Date: ___8/26/2002_____
(Print Name)

Approved _**Original signed by: James P. Dwyer**_ Date: ___**9/04/2002**_____
(Sign Name)

PART I-LICENSE, INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY

1. AMENDMENTS AND PROGRAM CHANGES:
(License amendments issued since last inspection, or program changes noted in the license)

AMENDMENT NO. N/A DATE:

SUBJECT:

2. INSPECTION AND ENFORCEMENT HISTORY:
(Unresolved issues; previous and repeat violations; Confirmatory Action Letters; and orders)

None

3. INCIDENT/EVENT HISTORY:
(List any incidents, or events reported to NRC since the last inspection. Citing "None" indicates that regional event logs, event files, and the licensing file have no evidence of any incidents or events since the last inspection.)

None

PART II - INSPECTION DOCUMENTATION

The inspection documentation part is to be used by the inspector to assist with the performance of the inspection. Note that not all areas indicated in the applicable inspection procedure(s) are required to be addressed during each inspection.

All areas covered during the inspection should be listed in Section 2. In addition, the types of records that were reviewed and the time periods covered by those records should be noted. For any violations identified, Section 4 should state the requirement, how and when the licensee violated the requirement, and the licensee's proposed corrective actions. For an NCV, indicate why the violation was not cited. Attach copies of all licensee documents and records that are needed to support violations.

1. ORGANIZATION AND SCOPE OF PROGRAM:
(Management organizational structure; authorized locations of use, including field offices and temporary job sites; type, quantity, and frequency of material use; staff size; delegation of authority)

The Chief Operating Officer (COO) has extensive knowledge in the workings of Electron Capture Detectors (ECD's) and the requirements pertaining to them since he was a supervisor when Chemtech was a specific licensee. The COO committed to increased supervision of the program to ensure that the Laboratory Supervisor followed the requirements in 10 CFR 31.5. The licensee has three ECD in storage (Hewlett Packard SN L6229 and M1958 and Perkin Elmer SN 0389) and 14 in use (HP SN F3349, F5033,K4729, L3516, L7739, L5558, E5216, L4587, F2834, F4104, F3935, F2507, K5362, L7053) All of the ECD contain Nickel-63 sources not exceeding the amount specified in the Sealed Source and Device Catalogue. The ECD's in use are used on a daily basis. The COO indicated that the three ECD in storage would be removed from the gas chromatographs and stored in the laboratory so that they are not outsourced with the unwanted equipment.

2. INSPECTION SCOPE:

INSPECTION PROCEDURE(S) USED: 87110, TI 2800/32

INSPECTION FOCUS AREAS: Sections 02.02, 02.04(a), (b), (c), 02.05, 02.06(a), 02.08, 02.10(b), 02.11(a), 02.12(a), (c), (d), 02.14, 02.20

SCOPE:

The inspector interviewed personnel concerning the transfer of equipment from the Edison, NJ facility to Mountainside, NJ, reviewed records concerning the sale of equipment to Chemtech by ANALAB, Inc., leak test records, and a police report concerning stolen laboratory equipment, and inspected all equipment in storage and in use that contained ECD's.

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:
(Areas surveyed, both restricted and unrestricted, and measurements made; comparison of data with licensee's results and regulations; and instrument type and calibration date.)

None made.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:
(State requirement and how and when licensee violated the requirement. For NCVs, indicate why the violation was not cited. Attach copies of all licensee documents needed to support violations.)

10 CFR 31.5(c)(1) Licensee failed to maintain the label affixed to the device with the statement that removal of the label was prohibited. The label came off of the device at an unknown time prior to the inspection. The licensee committed to contacting the manufacturer (Hewlett Packard) for a replacement label and to examine the labels whenever the leak tests of the devices were performed or every six months whichever came first. Severity Level IV

10 CFR 31.5(c)(2) Licensee failed to test the device for leakage of radioactive material at the interval that was specified on the label (i.e., six months) and the exceptions in 10 CFR 31.5(c)(2)(i) and (ii) did not apply. Specifically, Hewlett Packard ECD SN L7053, F3935, F4104, F2834, L5558, L7739 L3516, K4729, F5033, F3349, M1958, and L6229 were not tested since April 2000, Hewlett Packard ECD SN E3216, L4587 and F2507 were not tested since March 1999 and the Perkin Elmer ECD SN 0389 was last tested in September 1998. The licensee committed to placing the devices on a schedule of six months and the schedule would be overseen by the Laboratory Supervisor. Severity Level IV.

5. PERSONNEL CONTACTED:
[Identify licensee personnel contacted during the inspection (including those individuals contacted by telephone).]

Divyajit Mehta, Chief Operating Officer *#
Floyd Grahm, Operations Manager (Ex ANALAB employee)
Emanuel Hevdat, President*
Mildred Reyas, QA/QC Supervisor (Ex ANALAB employee)
Vyomesh Parekh, Supervisor

Use the following identification symbols:
Individual(s) present at entrance meeting
* Individual(s) present at exit meeting