



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

October 14, 2005

Docket No. 03036033

License No. 19-30738-01

Amrish A. Patel, P.E.
President
AB Consultants, Inc.
9450 Annapolis Road
Lanham, MD 20706

SUBJECT: INSPECTION 03036033/2005001, AB CONSULTANTS, INC., LANHAM,
MARYLAND SITE AND NOTICE OF VIOLATION

Dear Mr. Patel:

On August 26, 2005, Craig Gordon of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. 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 inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. Additional information provided in your correspondence dated September 8, 2005 (ML052780436) and the telephone conversation on September 16, 2005 between Mr. K. Taiwo of your organization and this office were also examined as part of the inspection. The findings of the inspection were discussed with you and Mr. Taiwo 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. 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.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. The current Enforcement Policy is included on the NRC's website at 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 9:00 p.m. EST, Monday through Friday (except Federal holidays).

A. Patel
AB Consultants, Inc.

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Your cooperation with us is appreciated.

Sincerely,

Original signed by John D. Kinneman

John D. Kinneman, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
State of Maryland

A. Patel
AB Consultants, Inc.

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NAME	Cgordon/CZG		JDKinneman/JDK			
DATE	10/13/05		10/13/05			

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NOTICE OF VIOLATION

AB Consultants, Inc.
Lanham, MD

Docket No. 03036033
License No. 19-30738-01

During an NRC inspection conducted on August 26, 2005, five violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 12 of License No. 19-30738-01 requires that the Radiation Safety Officer (RSO) for the license is a named individual.

Contrary to the above, the named individual did not serve as Radiation Safety Officer since the individual was added to the license in April 2003.

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

- B. Condition 21 of License No. 19-30738-01 requires, in part, that the licensee conduct its program in accordance with statements, representations, and procedures contained in the application dated May 15, 2002.

1. In Section 10 of the license application, "Radiation Safety Program - Operating and Emergency Procedures," the licensee committed to implementing the criteria of its Radiation Safety Program. The "Transportation" section of the Radiation Safety Program states that, "during transportation, the equipment shall be fully secured in the transportation vehicle and located away from personnel".

Contrary to the above, an individual user drove the vehicle to work locations while the gauge was positioned near the driver inside the truck cab, resulting in elevated radiation exposure for the period April 2003 to June 2003.

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

2. In Section 10 of the license application, "Radiation Safety Program - Survey Instruments," the licensee committed to possess and use, or have access to and use, a radiation survey meter that meets the Criteria in the section entitled, "Radiation Safety Program- Instruments" in NUREG-1556, Vol. 1, dated May 1997, in the event of an incident.

Contrary to the above, the licensee did not possess or have access to and use a radiation survey meter that meets the criteria in NUREG-1556, Vol.1.

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

- C. 10 CFR 71.5 requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable

requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 172.702 requires that each hazmat employer shall ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR Parts 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172.

Contrary to the above, during the period between June 2002 and August 2005, the licensee did not provide training for its hazmat employees as required by Subpart H to 49 CFR Part 172. Three employees performed work with licensed gauges without attending hazmat training.

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

- D. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, between June 2002 and August 2005, the licensee did not periodically (at least annually) review the radiation protection program content and implementation at least annually.

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

Pursuant to the provisions of 10 CFR 2.201, AB Consultants, 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

Notice of Violation
AB Consultants, Inc.

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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 14th day of October 2005