



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

May 3, 2007

Docket No. 03037221

License No. 29-31162-01

Vishal Bahal, D.O.  
520 Beckett Road, Suite 300  
Swedesboro, NJ 08062

SUBJECT: INSPECTION 03037221/2007001, VISHAL BAHAL, D.O., SWEDESBORO,  
NEW JERSEY SITE AND NOTICE OF VIOLATION

Dear Dr. Bahal:

On April 3, 2007, Steven Courtemanche 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. The findings of the inspection were discussed with you at the conclusion of the inspection and you submitted a letter, dated April 17, 2007, that responded to our findings.

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. The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in your letter dated April 17, 2007. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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 Page**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC; Organization and Functions; Office of Enforcement; About Enforcement**; then **Enforcement Policy**. You may also 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).

V. Bahal, D.O.

2

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

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

V. Bahal, D.O.

2

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

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/jpd f/		JDwyer/jpd				
DATE	05/02/2007		05/03/2007				

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## NOTICE OF VIOLATION

Vishal Bahal, D.O.  
Swedesboro, NJ

Docket No. 03037221  
License No. 29-31162-01

During an NRC inspection conducted on April 3, 2007, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 35.14(b)(4) requires, in part, that a licensee notify the Commission no later than 30 days after the licensee adds to or changes the areas of use identified in the application where byproduct material is used in accordance with either 10 CFR 35.100 or 35.200.

Contrary to the above, as of April 3, 2007, the licensee did not notify the Commission within thirty days after the licensee added to or changed the areas of use identified in the application where byproduct material was used in accordance with either 10 CFR 35.100 or 35.200. Specifically, the facility diagram was included as an enclosure to an application dated May 29, 2006. The facility diagram did not accurately depict the areas of use in that the licensee installed the imaging camera in the treadmill room and the treadmill in the imaging camera room because the imaging camera did not fit in the original room.

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

- B. 10 CFR 35.67(b)(2) requires that a licensee in possession of a sealed source test the source for leakage at intervals not to exceed six months or at other intervals approved by the Commission or an Agreement State in the Sealed Source and Device Registry.

Contrary to the above, as of April 3, 2007, the licensee was in possession of sealed sources and did not test the sources for leakage at intervals not to exceed six months and another interval was not approved by the Commission or an Agreement State in the Sealed Source and Device Registry. Specifically, the licensee received a Cesium-137 (Cs-137) dose calibrator reference source and a Cs-137 rod source with activities of 195 and 118 microcuries, respectively, in August of 2006 and had not leak tested the sources as of April 3, 2007, an interval in excess of six months.

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

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it 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).

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.

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

Dated This 3 day of May 2007