



December 28, 2009

Docket No. 03032913

License No. 06-28785-01

Eugene Chuang, Ph.D., P.E.
President
Garg Consulting Services, Inc.
2096A Silas Deane Highway
Rocky Hill, CT 06067

SUBJECT: NRC INSPECTION REPORT NO. 03032913/2009001, GARG CONSULTING SERVICES, INC., ROCKY HILL, CONNECTICUT SITE AND NOTICE OF VIOLATION

Dear Mr. Chuang:

On December 2, 2009, 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 selective examination of representative records. The findings of the inspection were discussed with you and Mr. Zhou of your organization 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.

Item A in the Notice of Violation enclosed with this letter was identified during a previous inspection of your licensed activities and documented in a Notice of Violation enclosed with our letter dated January 3, 2005. From this inspection, it appears that your corrective actions were not effective since this item has recurred. Therefore, in your response to this letter, you should give particular attention to those actions taken or planned to ensure that identified items of noncompliance will be completely corrected and will not recur.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, 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

Notice of Violation
Garg Consulting Services, Inc.

2

include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations are included on the NRC's website at 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; select **About NRC; How We Regulate; Enforcement**; then **Enforcement Policy**. 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 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact me at 610-337-5205 if you have any questions regarding this matter.

Sincerely,

Original signed by Sattar Lodhi, Ph.D. For

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

Enclosure:
Notice of Violation

cc:
Zhen Zhou, Radiation Safety Officer
State of Connecticut

Notice of Violation
Garg Consulting Services, Inc.

2

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Enclosure:
Notice of Violation

cc:
Zhen Zhou, Radiation Safety Officer
State of Connecticut

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NAME	CGordon		MMiller/SL For				
DATE	12/24/09		12/28/09				

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NOTICE OF VIOLATION

Garg Consulting Services, Inc.
Rocky Hill, CT

Docket No. 03032913
License No. 06-28785-01

During an NRC inspection conducted on December 2, 2009, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

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

Contrary to the above, as of December 2, 2009, the licensee did not review the radiation protection program annually. Specifically, since the last two inspections conducted in 1999 and 2004, the licensee did not perform a periodic (at least annual) review of the radiation safety program content and implementation. This is a repeat violation.

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

- B. Condition 15 of NRC License No. 06-28785-01 requires that the licensee conduct a physical inventory every six months, or at intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and /or devices received and possessed under the license, and records of inventories be maintained for 5 years from the date of each inventory, and include the radionuclide, quantities, manufacturer's name and model number, and the date of the inventory.

Contrary to the above, as of December 2, 2009, the licensee did not conduct a physical inventory every six months to account for all sources and/or devices possessed under the license. Specifically, the licensee possessed three portable gauges and had not conducted a physical inventory since 2004.

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

- C. Condition 20 of NRC License No. 06-28785-01 requires, in part, that the licensee conduct its program in accordance with statements, representation, and procedures contained in the application dated October 29, 2002.

Item 10 of Appendix B to the licensee's facsimile dated October 29, 2002, requires that the licensee implement and maintain the operating and emergency procedures in Appendix H of NUREG 1556, Vol. 1, Rev. 1, dated November 2001.

Paragraph 3 of Operating Procedures in Appendix H of NUREG 1556, Vol. 1, Rev. 1, requires, in part, that a gauge be signed out in a log book, including the dates of use, names of authorized users who will be responsible for the gauge, and the temporary job site where the gauge will be used.

Contrary to the above, as of February 2007, the licensee did not maintain a log book that included the date of use, names of authorized users who will be responsible for the gauge, and the temporary job site where the gauge will be used.

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

Pursuant to the provisions of 10 CFR 2.201, Garg Consulting Services, 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.

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

Dated This 28 day of December 2009