

GARG CONSULTING SERVICES, INC.

ENGINEERS • CONSULTANTS • CONSTRUCTION MANAGERS

United States Nuclear Regulatory Commission
Washington, D.C. 20555

Attn: Document Control Desk

Re: Reply to a Notice of Violation
Docket No. 03032913
License No. 06-28785-01

January 17, 2005

In response to the above-mentioned Notice of Violation, Garg Consulting Services offers the following responses:

Violation A. 10 CFR 20.1101(c) requires that each licensee at least annually review the radiation protection program content and implementation.

1. There was a misunderstanding of the required annual documentation for this regulation by the Radiation Safety Officer (RSO).
2. The RSO has been in contact with other firms and has gone over their protection programs and annual record keeping procedures as well as reading and understanding the regulation.
3. The RSO is implementing an annual review of all information regarding the nuclear gauges. This will include certification, additional training, leak tests, and yearly meetings with all certified personnel.
4. Garg will have the program fully implemented by March 15, 2005.

Violation B. Condition 17 of License Number 06-28785-01 requires that each portable nuclear gauge have a lock or outer locked container designed to prevent accidental or unauthorized removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage or when not under the direct surveillance of an authorized user.

1. The field personnel indicated that they were often losing the locks in the field and that the gauge was in their presence at all times during transport from the field office to the construction site.
2. The field personnel have been made aware that the gauge must be locked during transport. Additional locks keyed the same have been made available in case a lock becomes lost.
3. All certified people have been made aware of this violation verbally and in written form. (see attached memo)
4. Full compliance is in effect as of January 15, 2005.

Sincerely,




Eugene Chuang, Ph.D., P.E.
CEO

cc: United States Nuclear Regulatory Commission
Region 1
475 Allendale Road
King of Prussia, PA 19406-1415
Attn: Regional Administrator



Memo

To: Paul Stein, Paul Goodwin, Shawn Watrous,
James Walton
From: Frank K. Morse, RSO
Date: January 12, 2005 
Re: Transporting of the Nuclear Gauges

During a recent inspection by the Nuclear Regulatory Commission it was noted that a Nuclear Gauge was being transported in the field with out the proper locks installed.

Per our license the "gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport or storage, or when not under the direct surveillance of an authorized of an authorized user"

In the future when any employee transports one of the nuclear gauges both the trigger lock and the case lock are to be in place until it reaches the testing site.

Also, your transportation papers should be within arms length of you when transporting the gauges. The paperwork is not to be stored inside the protective case.

Any questions feel free to contact me in the office at 860-563-0582 or cellular 860-305-5900.



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

January 3, 2005

Docket No. 03032913

License No. 06-28785-01

Eugene Chuang, Ph.D.
Chief Executive Officer
Garg Consulting Services, Inc.
2096A Silas Dean Highway
Rocky Hill, CT 06067

SUBJECT: INSPECTION 03032913/2004001, GARG CONSULTING SERVICES, INC.,
ROCKY HILL, CONNECTICUT, AND NOTICE OF VIOLATION

Dear Dr. Chuang:

On November 30 and December 1, 2004, Jim Schmidt 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 Frank Morse and Jeffrey Scala 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 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.

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 August 6, 1999. From this inspection, it appears that your corrective actions were not effective since these items have recurred. Recurrent and uncorrected violations are given additional weight in the consideration and selection of appropriate enforcement action. 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.

E. Chuang
Garg Consulting Services, Inc.

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Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the NRC Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdr@nrc.gov.

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:
Frank Morse, P.E., Radiation Safety Officer
State of Connecticut

NOTICE OF VIOLATION

Garg Consulting Services, Inc.
Rocky Hill, CT

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

During an NRC inspection conducted on November 30 and December 1, 2004, 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 20.1101(c) requires that each licensee at least annually review the radiation protection program content and implementation.

Contrary to the above, the licensee had not performed a review of the radiation protection program content and implementation since October 1, 1999.

This is a Severity Level IV violation (Supplement IV)

- B. Condition 17 of License Number 06-28785-01 requires that each portable nuclear gauge have a lock or outer locked container designed to prevent accidental or unauthorized removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage or when not under the direct surveillance of an authorized user.

Contrary to the above, on November 30, 2004, Troxler Nuclear Gauge serial number 21421 was transported over public highways without the device trigger or its storage container locked.

This is a Severity Level IV violation (Supplement IV)

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,

Notice of Violation
Garg Consulting Services, Inc.

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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 at <http://www.nrc.gov/reading-rm.html>. 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 3rd day of January, 2005