



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

August 9, 2006

Docket No. 03036957

License No. 29-31056-01

Khorshed Alam
Vice President
ABC Tech, Inc.
1908 Colonial Gardens Drive
Avenel, NJ 07001

SUBJECT: INSPECTION 03036957/2006001, ABC TECH, INC., AVENEL, NEW JERSEY
SITE AND NOTICE OF VIOLATION

Dear Mr. Alam:

On June 27, 2006, 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 electronic mail dated July 16, 2006 was also examined as part of the inspection. Your license amendment request dated July 13, 2006, to change storage locations for the device is under review. 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 the violations by severity level. 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 is already adequately addressed on the docket. 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; select **Nuclear Materials; Medical, Academic, and Industrial 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 8:00 p.m. EST, Monday through Friday (except Federal holidays).

K. Alam
ABC Tech, 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 New Jersey

K. Alam
ABC Tech, Inc.

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NOTICE OF VIOLATION

ABC Tech, Inc.
Avenel, NJ

Docket No. 03036957
License No. 29-31056-01

During an NRC inspection conducted on June 27, 2006, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violation are listed below:

- A. Condition 10 of License No. 29-31056-01 requires that licensed material may be used or stored at the licensee's facilities located at 8 Costco Way, Monroe Township, New Jersey.

Contrary to the above, on June 21, 2006, a Troxler Model 3411B moisture/density gauge was removed from the authorized storage location and transferred to the licensee's residence, a location not authorized on the license.

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

- B. 10 CFR 20.1502 requires that each licensee shall monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee and shall supply and require the use of individual monitoring devices.

Contrary to the above, between January 1, 2006 and July 31, 2006 the licensee did not provide adequate documentation that monitoring devices were used to monitor occupational exposure.

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

Notice of Violation
ABC Tech, 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 9 day of August 2006