



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

September 7, 2001

Docket No. 99990001

License No. General License

Daniel Antos
President
Cardan Laboratories
Box 541
Northern Cambria, PA 15714

SUBJECT: INSPECTION 99990001/2001003, CARDAN LABORATORIES, NORTHERN
CAMBRIA, PENNSYLVANIA SITE AND NOTICE OF VIOLATION

Dear Mr. Antos:

On September 4, 2001, John R. McGrath and of this office conducted an inspection by telephone regarding activities authorized by the above listed NRC license. The inspection was limited to a review of the transfer of a generally licensed device. The findings of the inspection were discussed with you at the conclusion of the telephone conversation.

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 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.

In accordance with 10 CFR 2.790, a copy of this letter will be placed in the NRC Public Document Room and will be accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html>.

Your cooperation with us is appreciated.

Sincerely,

Original signed by Elizabeth Ullrich

John D. Kinneman, Chief
Nuclear Materials Safety Branch 2
Division of Nuclear Materials Safety

Enclosure:

D. Antos
Cardan Laboratories

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Notice of Violation

cc:
Commonwealth of Pennsylvania

D. Antos
Cardan Laboratories

Distribution:
D. J. Holody, RI

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OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	JmcGrath/bu for	Jkinneman/bu for				
DATE	9/7/01	9/7/01				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Cardan Laboratories
Northern Cambria, PA

Docket No. 99990001
General License

During an NRC inspection conducted on September 4, 2001, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violation is listed below:

10 CFR 31.5 (c)(9) states in part that any person who possesses byproduct material in a device pursuant to the general license in paragraph (a) shall transfer the device to another general licensee only if (i) the device remains in use at a particular location or (ii) the device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee.

Contrary to the above, in March 2001, a generally licensed Valco gas chromatograph containing 5 millicuries of nickel 63 was transferred by you to K Chem Lab, Inc.

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

Pursuant to the provisions of 10 CFR 2.201, Cardan Laboratories 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 at <http://www.nrc.gov/NRC/ADAMS/index.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.

Notice of Violation
Cardan Laboratories

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

Dated This 7 day of September 2001