

ENCLOSURE 1

NOTICE OF VIOLATION

Mr. Gary Cowan

IA 98-008

During an investigation conducted by the NRC Office of Investigations (OI) at the Defense Logistic Agency's (DLA) Letterkenny Army Depot, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 30.3 requires, in part, that except for persons exempted, no person shall possess or use byproduct material except as authorized by a specific or general license issued pursuant to Title 10, Chapter 1, Code of Federal Regulations.

Contrary to the above, during August 1997, Mr. Gary L. Cowan, a motor vehicle operator for the licensee, possessed seven radioactive sources (each containing 3 curies of tritium and required to be licensed by the NRC) at his personal residence without a valid NRC license. Mr. Cowan removed the sources from his employer who had possessed the sources at its Letterkenny Army Depot under authorization from the NRC, and Mr. Cowan was not exempt from the requirements for a license. (01013)

This is a Severity Level III violation (Supplement VII).

The NRC has concluded that the reason for the violation, and your corrective actions already adequately address the violation. However, 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).

Because your response, if any, will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, or proprietary, information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy).

Dated at King of Prussia, Pennsylvania  
this 11th day of March 1998

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SYNOPSIS

This investigation was initiated by the Office of Investigations (OI), U.S. Nuclear Regulatory Commission (NRC), Region I (RI), on September 2, 1997, in response to information from the Defense Logistics Agency that seven (7) three curie tritium sources utilized in aiming alignment devices were missing and presumed stolen from the Letterkenny Army Depot.

Based on the evidence developed during the investigation and a review of evidence in the investigation reports provided by the DLA, it is concluded that a motor vehicle operator deliberately took seven tritium sources from Letterkenny Army Depot to his personal residence, knowing that to remove them for his personal use was in violation of regulations pertaining to the control of radioactive materials.