

## CLOSED PREDECISIONAL ENFORCEMENT CONFERENCE SUMMARY

---

Licensee: Department of the Air Force  
Facility: Kirtland Air Force Base, New Mexico  
License No.: 42-23539-01AF  
Docket No.: 030-28641  
EA-18-072

On September 20, 2018, representatives of the Department of the Air Force (licensee) met with U.S. Nuclear Regulatory Commission (NRC) personnel in the Region IV Office located in Arlington, Texas, to discuss apparent violations identified in NRC Inspection Report 030-28641/2018-001 (Agencywide Documents Access and Management System [ADAMS] Accession ML18208A144).

The NRC provided opening remarks and described the enforcement process. The licensee presented a summary of the apparent violations, timeline for violation resolution, causes of the apparent violations, and corrective actions for the apparent violations. The meeting participants also discussed the significance of each violation.

The attendance list, the NRC's presentation, and the licensee's presentation are attached to this summary.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this summary will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, Enclosure 3 contains Security-Related Information in accordance with 10 CFR 2.390(d)(1), and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS.

Enclosures:

1. Attendance List
2. NRC Enforcement Process
3. Radioisotope Committee Presentation

Enclosure 3 contains Official Use Only - Security-Related Information. When separated from Enclosure 3, this cover Memo and Enclosures 1 and 2 are decontrolled.

**ATTENDANCE LIST**

**PREDECISIONAL ENFORCEMENT CONFERENCE**

Department of the Air Force

September 20, 2018

Col P. Gourley	USAF Radioisotope Committee
Lt Col S. Nemmers	USAF Radioisotope Committee
Lt Col A. Hale	USAF Radioisotope Committee
T. Curtis	USAF Radioisotope Committee
S. Morris	NRC Region IV
L. Howell	NRC Region IV
M. Hay	NRC Region IV
R. Evans	NRC Region IV
M. Vasquez	NRC Region IV
D. Cylkowski	NRC Region IV
J. Kramer	NRC Region IV
C. Alldredge	NRC Region IV
M. Burgess (by telephone)	NRC Office of Nuclear Material Safety and Safeguards
D. Furst (by telephone)	NRC Office of Enforcement

Enclosure 1

# **NRC ENFORCEMENT PROCESS**



---

# NRC Enforcement Program Predecisional Enforcement Conference

Department of the Air Force

September 20, 2018

Arlington, Texas

# FOR TODAY'S MEETING

- No Final Decision Yet
- We Want Your Perspective
  - Whether violations occurred
  - Significance of the violations
  - Enforcement actions (if any)

# SIGNIFICANCE = “Severity Level”

## SEVERITY LEVEL – I

(most significant regulatory concern)

## SEVERITY LEVEL – II

(very significant regulatory concern)

## SEVERITY LEVEL – III

(significant regulatory concern)

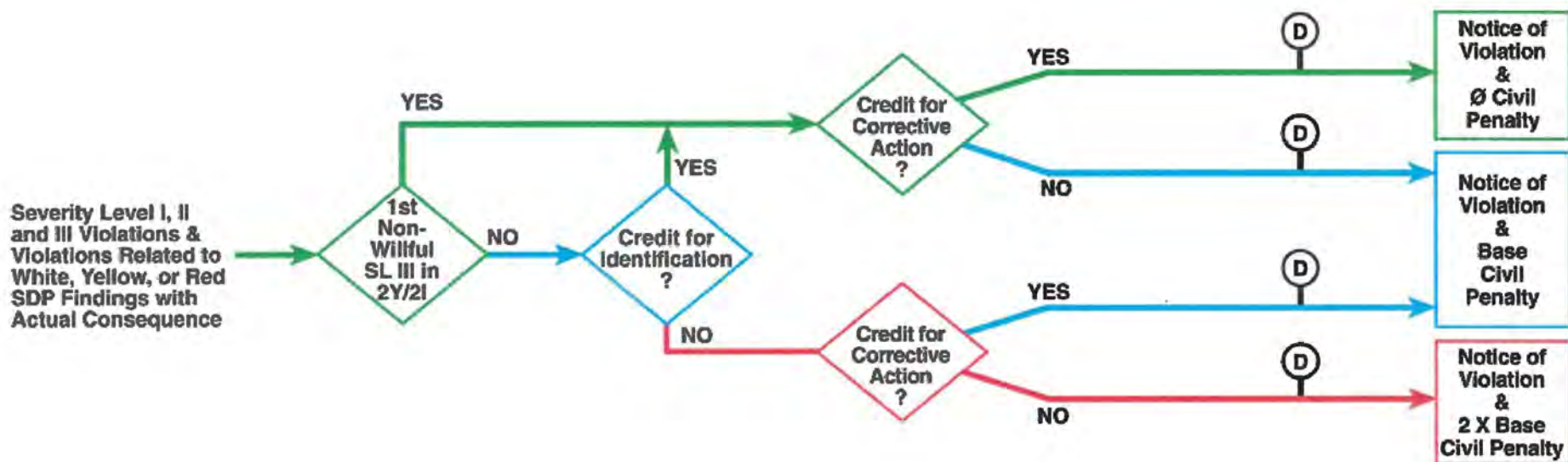
(Escalated Enforcement)

(Non-Escalated Enforcement)

## SEVERITY LEVEL – IV

(less significant concern, but more than minor)

# CP: WHEN & HOW MUCH?



## Primary Considerations:

- How the violation was identified
- The promptness and completeness of any corrective actions

# WHAT IS A BASE CP?

## Table of Base Civil Penalties

a. Power reactors	\$290,000
b. Fuel Fabricators and uranium conversion facilities	\$145,000
c. All other fuel fabricators and uranium enrichment facilities, etc.	\$72,500
d. Test reactors, industrial radiographers, and other large material users	<u>\$29,000</u>
e. Research Reactors, academic, small material users, medical or other	\$14,500

**TABLE B**

Severity Level	Base Civil Penalty Amount (Percent of amount listed in Table A)
I.....	100%
II.....	80%
III.....	50%



# POSSIBLE OUTCOMES

- No Action
- Notice of Violation (NOV)
- NOV with Civil Penalty (\$)
- Order

# PUBLIC INFORMATION

- If NRC takes enforcement action, it is generally **Publicly Available** on NRC's website
- Security-related information will not be publicly available
- In the event a civil penalty or an Order is issued, normally, a Press Release will be issued

# APPEAL RIGHTS

- Any NRC action may be challenged
- Civil Penalties and Orders provide hearing rights

**Any questions?**