



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

October 25, 2018

EA-18-072

Col. Paul Gourley, Acting Chair
USAF Radioisotope Committee
AFMSA/SG3PB
7700 Arlington Blvd., Suite 5151
Falls Church, VA 22042

SUBJECT: NOTICE OF VIOLATION; NRC INSPECTION REPORT 030-28641/2018-001

Dear Col. Gourley:

This letter refers to the in-office inspection conducted by the U.S. Nuclear Regulatory Commission (NRC) Region IV Office regarding your implementation of Master Materials License activities at Kirtland Air Force Base, New Mexico. The purpose of the NRC inspection was to review the results of a Department of the Air Force inspection of Permit NM-30470-04/00. The Department of the Air Force identified a violation that was categorized as escalated enforcement in accordance with its procedures. The results of the NRC in-office inspection and details regarding the apparent violations were provided to you in a nonpublicly available NRC Inspection Report 030-28641/2018-001, dated July 26, 2018.

On September 20, 2018, a predecisional enforcement conference was conducted at the NRC's Region IV office with you and members of your staff to discuss the apparent violations, their significance, their root causes, and your corrective actions. The conference was closed to public observation because Security-Related Information was discussed.

Based on the information developed during the inspection and the information that you provided during the predecisional enforcement conference, the NRC has determined that violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. Because of the potential consequences associated with the violations, the violations have been categorized as an escalated enforcement action in accordance with the NRC Enforcement Policy.

Because your facility has not been the subject of escalated enforcement actions within the last 2 years (two inspections), the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC determined that *Corrective Action* credit is warranted for your corrective actions, which were considered both prompt and comprehensive following the NRC's teleconference with your staff on March 12, 2018, and the predecisional enforcement conference on September 20, 2018.

Enclosure

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Therefore, to encourage prompt and comprehensive correction of the violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of these violations constitutes an escalated enforcement action that may subject you to increased inspection effort.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. Your response should focus on the long term corrective actions associated with the violations. If you have additional information that you believe the NRC should consider, you may also provide it in your response to the Notice. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be made available for public inspection in the NRC's Public Document Room or from the Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

However, the material enclosed 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 material in the enclosure will not be made available for public inspection in the NRC's Public Document Room or electronically from the NRC's ADAMS. If Security-Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

If you have any questions concerning this matter, please contact Mr. James Thompson at 817-200-1538 or Ms. Linda Howell at 817-200-1287.

Sincerely,

/RA/

Kriss M. Kennedy
Regional Administrator

Docket: 030-28641
License: 42-23539-01AF

Nonpublic Enclosure:
Notice of Violation

cc w/o enclosure:
S. Rodriguez, Chief
New Mexico Radiation Control Program

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NOTICE OF VIOLATION; NRC INSPECTION REPORT 030-28641/2018-001 – DATED OCTOBER 25, 2018

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ADAMS ACCESSION NUMBER:

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 SUNSI Review By: CCA Yes No Publicly Available Sensitive MD 3.4 A.3

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