

**Question:** What are the current three base civil penalty amounts adjusted for inflation for loss, abandonment etc. of devices containing NRC-licensed material?

**Answer:**

Section 234 of the Atomic Energy Act of 1954 (AEA), as amended, limits the maximum civil penalty amount that the NRC may issue for violations of the AEA at \$100,000 per violation, per day. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 amended the Federal Civil Penalties Inflation Adjustment Act of 1990 and requires that all federal agencies make annual inflation adjustments to the maximum civil penalty. The maximum amount that the NRC can impose is codified in title 10 of the *Code of Federal Regulations* (10 CFR) 2.205(j) and is currently \$140,000, per day.

An amount equal to \$140,000 is currently assigned as the base civil penalty, for an example, power reactors where a Severity Level I violation is identified, the most significant severity level of violation. As a matter of policy, the Commission approved the use of lesser amounts for other types of licensees, primarily materials licensees, and for violations that are assessed at lower severity levels; this approach is set out in Table A and Table B in Section 8.0 of the NRC Enforcement Policy (Policy). The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

Depending on the severity level for a violation, the amount of the civil penalty proposed is a percentage (Table B) of the amounts identified in Table A. Specifically, 100% of the Table A amount is used for a Severity Level I violation, 80% for a Severity Level II violation, and 50% for a Severity Level III violation. Hence, the severity level identified for a violation along with the values specified in Table A of the Policy determines the amount of the civil penalty.

The base civil penalty amounts for the loss, abandonment, or improper transfer or disposal of regulated material, regardless of the use or type of licensee have been determined to be approximately 3 times the average cost of disposal. For specific cases, the NRC may adjust these amounts to correspond to 3 times the estimated or actual cost of authorized disposal for the particular material in question. This information is also included, as a footnote, in Table A of the Policy. The base civil penalty for loss the loss or abandonment etc. is specified in Table A and in listed below:

1. Sources or devices with a total activity greater than  $3.7 \times 10^4$  MBq (1 Curie), excluding hydrogen-3 (tritium) ..... \$54,000
2. Other sources or devices containing the materials and quantities listed in 10 CFR 31.5(c)(13)(i) ..... \$17,000
3. Sources and devices not otherwise described above..... \$7,000