



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 EAST LAMAR BOULEVARD  
ARLINGTON, TEXAS 76011-4511

December 21, 2017

EA-17-087

Colonel Brant D. Hoskins,  
Commander  
U.S. Department of the Army  
Dugway Proving Grounds  
Dugway, UT 84002-5007

SUBJECT: NOTICE OF VIOLATION AND NRC INSPECTION REPORT 030-36202/2017-001

Dear Colonel Hoskins:

This letter refers to the routine, unannounced inspection conducted on March 24, 2017, and the announced inspection conducted on April 10-11, 2017, at your facility in Dugway, Utah. The purpose of the inspection was to examine activities conducted under your license as they relate to public health and safety, and the common defense and security, and to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules and regulations and with the conditions of your license. The results of the inspection and details regarding the apparent violations were provided in NRC Inspection Report 030-36202/2017-001, dated November 1, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession ML17305A520).

On November 30, 2017, 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. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The violations involved one or more failures associated with the security requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 37. 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.

In accordance with the NRC Enforcement Policy, a base civil penalty is considered for an escalated enforcement action. Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in

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Section 2.3.4 of the NRC Enforcement Policy. The NRC determined that *Corrective Action* credit is warranted for your prompt and comprehensive corrective actions described to the inspector following the inspection and presented during the predecisional enforcement conference. The corrective actions are not described here because they involve Security-Related Information.

Therefore, to encourage prompt and comprehensive correction of 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, escalated enforcement actions may subject your NRC-licensed program to increased inspection effort.

You are required to respond to this letter and should follow the instructions specified in the Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may 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 NRC's 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 electronically for public inspection in the NRC's Public Document Room or 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. Michael C. Hay of my staff at 817-200-1455.

Sincerely,

/RA/ SAM for

Kriss M. Kennedy  
Regional Administrator

Docket No.: 030-36202  
License No.: 43-01316-10

Non-Public Enclosure:  
Notice of Violation