

FORM 3-IV: Cover Letter for Notice of Violation to Individual

IA-YY-XXX

NMED No. (if applicable)

(Name of individual)

[HOME ADDRESS DELETED

UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION

(NRC Inspection Report No(s). (XXXXXXXX/YYYNNN)

[if applicable, add "and (Investigation Report No(s). X-XXXX-XXX)"]

Dear _____:

This refers to the inspection (investigation) conducted on (date(s)) regarding your activities at the (plant name) facility. [Use (City, State) for material licensees]. [This section should address (1) the purpose of the inspection, (2) if and how it was reported, e.g., 50.72, LER etc., and (3) when the inspection report(s) (or factual summary of OI report(s)) related to this action were issued.]

[Add one of the following two paragraphs, as applicable:]

“On (date), a predecisional enforcement conference was conducted (location, e.g., in the Region III office) with you to discuss the apparent violations, their significance, their root causes, and your corrective actions.”

“In the letter transmitting the inspection report (factual summary of the OI report), we provided you the opportunity to address the apparent violation(s) identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated (date), you provided a response to the apparent violations. [Alternatively, “Since you have not requested a predecisional enforcement conference nor replied in writing, the NRC is proceeding with its enforcement action based on the results of the inspection (OI investigation)”].

Based on the information developed during the inspection (investigation) (and the information that you provided during the conference)(and the information that you provided in your response to the inspection report dated, (date), the NRC has determined that a deliberate violation of NRC requirements occurred. The(se) violation(s) is (are) cited in the enclosed Notice of Violation (Notice) (Enclosure 1). [This section should include a summary of the event or circumstances that resulted in the violation including such issues as the length of time the violation lasted, the number of times the violation occurred, the actual or potential significance of the underlying technical issue, the apparent root cause of or motivation for the violation, and any other major attributes of the violation necessary for supporting the safety significance of the violation. The summary should be sufficiently detailed to permit others who may review the action to understand the safety significance.] Your deliberate actions placed (name of licensee) in violation of [Indicate the requirements that were violated] and you in violation of 10 CFR 50.5, “Deliberate Misconduct.” Enclosure 2 includes a copy of the letter and Notice of Violation issued to (name of licensee). Given the significance of the underlying issue and the deliberate nature of your actions, this (these) violation(s) has (have) been categorized in accordance with

the NRC Enforcement Policy at Severity Level ____.

[Include an additional explanation if an Order was considered, such as the following paragraph:

“In determining the appropriate sanction to be issued in this case, the NRC considered issuing an Order prohibiting your involvement in NRC-licensed activities as a result of you actions. However, after consultation with the Director, Office of Enforcement, and after considering the circumstances of this case, including the facts that: (1) the actual safety significance was low, and (2) (name of licensee) took action regarding your wrongdoing, including removing your access to the (name of facility), I have decided to issue the enclosed Notice of Violation.”

You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal action.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. [Other specific responses required should be addressed as appropriate.] 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 "Rules of Practice," a copy of this letter, its enclosure(s), and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction [NOTE: For NOV's that are subject to a 45-day hold because the individual has not had a chance to present his/her views to the NRC through a conference or a response to a DFI, include the following: "unless you provide a sufficient basis to withdraw this violation within the 30 days specified above for a response to this Notice of Violation."]. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Significant Enforcement Actions**. In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html> .

Please feel free to contact (name of NRC contact) of my staff at (phone number) if you have any questions.

Sincerely,

Regional Administrator
(or designee)

Enclosures: 1. Notice of Violation
2. Notice of Violation to (name of licensee)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED