

FORM 14: Order Imposing Civil Monetary Penalty

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
LICENSEE)	Docket No. _____
<u>(Facility Name)</u> (for power reactor))	License No. _____
<u>(City, State)</u> (if other than reactor))	EA-YY-XXX

ORDER IMPOSING CIVIL MONETARY PENALTY

I

[Double space from here to end, except single space title of signing official]

(Name of licensee) (Licensee) is the holder of (type of license, e.g., Operating, Materials, etc.) License No. _____ issued by the Nuclear Regulatory Commission (NRC or Commission) on (date). The license authorizes the Licensee to (authorization) in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted on (or during) (date of inspection). The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty(ies) (Notice) was served upon the Licensee by letter dated (date). The Notice states the nature of the violation(s), the provision(s) of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty(ies) proposed for the violation(s).

The Licensee responded to the Notice in a letter dated (date). In its response, the Licensee [describe the Licensee's position. A one sentence summary of the licensee's response regarding denial, admittance, or mitigation].

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, [if applicable, include: as set forth in the Appendix to this Order,] that [state the conclusion, such as, "the violation(s) occurred as stated and that the penalty(ies) proposed for the violation(s) designated in the Notice should be imposed," or "Violations __ and __ occurred as stated, Violation __ occurred as modified in the Appendix, Violation __ should be withdrawn, the amount of the proposed penalty(ies) should be reduced by (\$ __) based on withdrawal of Violation __, and civil penalty(ies) in the amount of (\$ __) should be imposed."]

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The Licensee pay a civil penalty(ies) in the amount of \$XXX,XXX within 30 days of the date of this Order, in accordance with NUREG/BR-0254. In addition, at the time of making the payment, the licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region __, (regional address). Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to hearingdocket@nrc.gov and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

- ¹(a) whether the Licensee was in violation of the Commission's requirements as set forth in the Notice referenced in Section II above, [include the following for violations that were subsequently modified, "and Violation __ as amended in the Appendix to this Order,"] and

¹ For those cases where the Licensee has specifically admitted all the violations, delete (a) and (b) and use:

Whether on the basis of the violations admitted by the Licensee, this Order should be sustained.
For those cases where the Licensee has admitted some of the violations, delete existing (a) and (b) and use:

- (a) whether the Licensee was in violation of the Commission's requirements as set forth in Violations (reference the violations not admitted) of the Notice referenced in Section II above, [include the following for violations that were subsequently modified, "and Violation __ as amended in the Appendix to this Order,"] and
- (b) whether, on the basis of such violations and the additional violations set forth in the Notice of Violation that the Licensee admitted, this Order should be sustained.

(b) whether, on the basis of such violation, this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION

Deputy Executive Director²
for _____

Dated this _____ day of (Month) 20(XX)

² For materials cases other than Severity Level I, substitute: "Director, Office of Enforcement".