

**FORM XX: ADR Confirmatory Order Modifying License (Effective Immediately)**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 ) **[Insert Docket No. \_\_\_\_ if  
licensee]**  
**[INSERT LICENSEE/COMPANY/  
INDIVIDUAL FULL LEGAL NAME]** ) **[Insert License No. \_\_\_\_if licensee]**  
**[INSERT Facility name,if applicable]** ) EA-YY-XXX

CONFIRMATORY ORDER **[Insert by adding “MODIFYING LICENSE” if licensee]**  
(EFFECTIVE IMMEDIATELY)

**[Double space from here to end, except single space signature block.]**

I

**[IF THE PARTY IS A LICENSEE USE THE FOLLOWING OPENNING PARAGRAPH]**

**[Insert Name of licensee]** (Licensee) is the holder of **[INSERT Type of license]** License No. \_\_\_\_ issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part (\_\_) on (date). The license authorizes the operation of **[INSERT name of facility]** (facility) in accordance with conditions specified therein. The facility is located on the Licensee's site in **[INSERT City, State]**.

**[IF THE PARTY IS NOT A LICENSEE USE THE FOLLOWING OPENNING PARAGRAPH]**

**[Insert Name of COMPANY/INDIVIDUAL]** **[INSERT SHORT NAME FOR COMPANY/INDIVIDUAL]** **[IF COMPANY INSERT A SHORT DESCRIPTION OF THE COMPANY (E.G. LINE OF BUSINESS) AND THE TYPE OF WORK IT WAS PERFORMING GIVING RISE TO THE ISSUE AND THE LOCATION.]** **[IF AN INDIVIDUAL'S TITLE AND ROLE AND LOCATION OF WORK GIVING RISE TO THE ISSUE]**

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on **[Insert date]** **[if subsequent discussions, insert “and subsequent discussions completed on (date)].**

II

**[This section should provide a description of relevant events, facts, violations, technical or legal reasons that provide the substantive basis and procedural or process history for issuing the Order]**

On **[Insert date]**, the NRC Office of Investigations (OI) began an investigation (**OI Case No. R-YYYY-SSS**) at (**licensee name**). Based on the evidence developed during its investigation,

OI substantiated that **[insert OI's synopsis conclusion]**. The results of the investigation, completed on **[insert date]**, were sent to **(Insert licensee/company/individual)** in a letter dated \_\_\_\_\_. **[Additional process or procedural history may be necessary depending on the point in the enforcement process at which ADR was requested.]**

On **[insert mediation session date]**, the NRC and **(insert licensee/company/individual)** met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement on resolving any differences regarding the dispute. This confirmatory order is issued pursuant to the agreement reached during the ADR process.

### III

In response to the NRC's offer, **[INSERT Licensee/COMPANY/INDIVIDUAL]** requested use of the NRC ADR process to resolve differences it had with the NRC. During that ADR session, a preliminary settlement agreement was reached. The elements of the agreement consisted of the following:

**[Insert the bullets from the agreement in principle. If the licensee took corrective actions prior to the mediation that they were given "credit" for in the mediation, ensure they are mentioned if they are not specifically included in the agreement in principle. Similarly, if the NRC agreed to an action (change a severity level, withdraw a violation) include that action as well if it is not included in the agreement in principle.]**

On **[INSERT DATE]**, the Licensee consented to issuing this Order with the commitments, as described in Section V below. **[Insert licensee/company/individual]** further agreed that this Order is to be effective upon issuance and that it has waived its right to a hearing.

### IV

Since the licensee has agreed to take additional actions to address NRC concerns, as set forth in Item III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that the **[Insert licensee/company/individual's]** commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that **[Insert licensee/company/individual's]** commitments be confirmed by this Order. Based on the above and **[Insert licensee/company/individual's]** consent, this Confirmatory Order is immediately effective upon issuance.

V

Accordingly, pursuant to Sections **[81 (typical for materials), 103 (rare for currently operating reactors), or 104b (typical for currently operating reactors) as applicable]**, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part [20, 30, 50, 55, 73, 76, etc] IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT **[IF LICENSEE INSERT LICENSE NO. ( ) IS MODIFIED AS FOLLOWS]:**

**[Specifically list the action requirements from the preliminary agreement:]**

A. \_\_\_\_\_;

B. \_\_\_\_\_;

C. \_\_\_\_\_;

D. \_\_\_\_\_.]

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by the **[Insert licensee/company/individual]** of good cause.

VI

Any person adversely affected by this Confirmatory Order, other than **[INSERT LICENSEE/COMPANY/INDIVIDUAL]**, may request a hearing within 20 days of its publication in the *Federal Register*. 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.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov), or by telephone at (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>. System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange (EIE), users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by e-mail at [MShD.Resource@nrc.gov](mailto:MShD.Resource@nrc.gov), or by a toll-free call at (866) 672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants.

Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person (other than **[INSERT LICENSEE/COMPANY/INDIVIDUAL]**) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 C.F.R. 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 20 days from the date this Confirmatory Order is published in the *Federal Register* without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION

\_\_\_\_\_, Director or Regional Administrator  
Office of Enforcement or NRC Region

Dated this \_\_\_\_ day of (Month) 20(XX)