

**FORM 1-IV: Cover Letter Transmitting an Apparent Violation of Decommissioning Requirements as a Result of a Records Review and Requesting Response (“Choice Letter”)**

EA-YY-XXX

(Name of licensee)  
(Address)

SUBJECT: APPARENT VIOLATION - 10 CFR (specify, e.g. 30.35(c)(4))

Dear \_\_\_\_\_:

This refers to a review of records associated with your NRC License No. \_\_\_\_\_. The purpose of this review was to determine your compliance with [Specify, e.g., “the financial assurance requirements in 10 CFR 30.35”, or “the decommissioning requirements in 10 CFR 30.36”.] At the conclusion of the review, the findings were discussed with (name(s) of licensee representative(s)) of your facility in a telephone conversation (meeting) on (date).

Based on the results of this review, the following (number) apparent violation(s) was (were) identified and is (are) being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC’s Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**.

[The narrative that follows should briefly discuss the nature of the apparent violation(s) with references to the applicable section(s) of the regulations or regulatory requirements. The text for this section should be adapted from the examples provided in Appendix C of the Manual, “Standard Citations,” e.g.,

"10 CFR 30.35(c)(4) requires that any licensee who submitted an application before July 27, 1990, for renewal of license in accordance with 10 CFR 30.37 must provide financial assurance for decommissioning in accordance with paragraphs (a) and (b) of 10 CFR 30.35 by November 24, 1995. Your license, authorizing the possession and use of (quantity) of (nuclide), was issued on (date), and is, therefore, subject to this requirement. Contrary to this requirement, however, our records review indicates that you have failed to submit a decommissioning funding plan."

or

"Decommissioning your facility will involve techniques that you did not use during your operations, which could increase potential safety impacts on workers. These decontamination procedures have not been previously approved by the Commission. Specifically, [State the decommissioning procedure(s) and describe their potential safety impact]. Therefore, you are required to submit a decommissioning plan pursuant to 10 CFR 30.36(g)(1). However, our records review indicates that you have failed to submit a decommissioning plan."

or

"10 CFR 30.36(d) requires that a licensee submit a decommissioning plan within 12 months after notifying the NRC that it has decided to permanently cease principal activities. You notified the NRC that you permanently ceased operations by letter dated (date). Therefore, you were required to submit a decommissioning plan on or before (date + 12 months). However, our records review indicates that you have failed to submit a decommissioning plan."]

The circumstances surrounding this (these) apparent violation(s), the significance of the issues, and the need for prompt corrective action were discussed with your staff during the telephone conversation (meeting) on (date). As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. However, the NRC is not presently issuing a Notice of Violation for results of the records review. Instead, before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violation(s) described above within 30 days of the date of this letter or (2) request a predecisional enforcement conference within 7 days of the date of this letter.

Your response should be clearly marked as a "Response to (An) Apparent Violation(s); (EA-YY-XX1), (EA-YY-XX2)" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response should be submitted under oath or affirmation and may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

In addition, please be advised that the number and characterization of apparent violations described above may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

Please note that the promptness and comprehensiveness of your corrective action will be an important factor in deciding any enforcement sanction. Violations of decommissioning requirements may be categorized at Severity Level III in accordance with the Enforcement Policy and may be subject to escalated enforcement action, including the imposition of civil penalties. However, in accordance with the Enforcement Policy, if you provide an acceptable plan for meeting the requirement(s) and fully implement the plan in accordance with a schedule agreed upon by the NRC staff, the NRC will give consideration to categorizing the violation(s) at Severity Level IV and not assessing a civil penalty. You should be aware that the severity level of a violation may be increased if a licensee has notice of a violation but is either unwilling or unable to achieve compliance. In such cases, daily civil penalties may be assessed until the violation is corrected.

Should you have any questions, please contact (name of Region contact) at (phone number).

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. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection, described in 10 CFR 73.21.

Sincerely,

\_\_\_\_\_  
Regional Administrator  
(or designated Division Director)

Docket No. \_\_\_\_\_

License No. \_\_\_\_\_