

FORM 18: Affidavit to Support the Immediate Effectiveness of an Order

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
(LICENSEE)) Docket No. _____
(City, State)) License No. _____
) EA-YY-XXX

AFFIDAVIT OF (INDIVIDUAL'S NAME)

[Double space from here to signature block]

(Individual's name), first being duly sworn, deposes and states:

1. My name is (individual's name). I am employed by the U.S. Nuclear Regulatory Commission (NRC) as a (job title) in the (name of employee's organization). A statement of my professional qualifications is attached hereto as Attachment 1.

2. In performing my duties as (job title), I am assigned the responsibility of [Insert job responsibilities] and was assigned to assist the (name of Office) in developing the Order to [Insert Title of Order] (Effective Immediately) (Order) issued to (name of person to whom order was issued) on (date).

3. The purpose of my affidavit is to describe the circumstances surrounding the issuance of the Order, the potential safety concern that resulted in the issuance of this order, and why the public health, safety and interest require that [Provide the required action, e.g., "That Dr. X dispose of the byproduct material immediately."]

4. [This section should provide a description of the relevant events, facts, violations, technical or legal reasons that form the substantive basis for issuing the order.]

5. [This section should provide a description of the potential safety concern(s) based on the circumstances of the case. This description should address the risk to the public and the potential consequences. The risk may be based on an actual threat or because the circumstance of the case raise an integrity issue and a potential threat.]

6. [This section should provide a description of why the public health, safety and interest require that the action described in the order be immediately effective, e.g., "Based on the circumstances discussed above, it is in the public interest for Dr. X to properly and orderly remove the byproduct material without allowing any additional length of time, rather than have a situation where the byproduct material could be abandoned. The byproduct material is extremely hazardous, any lack of oversight could pose an immediate safety threat to the public, and the byproduct material should be removed and secured by an entity authorized to receive such material to remove the existing threat to public health and safety."]

7. [This section should be included in the event that the NRC will be required to take further action if the immediate effectiveness of this Order is set aside, e.g., "If the immediate effectiveness of this Order is set aside, the Staff will need to seek the Department of Energy's assistance in removal of the byproduct material at public expense because the NRC cannot tolerate a radioactive source of this magnitude in the public domain not under legally binding requirements such as those imposed by an NRC license. If the Department of Energy is requested to remove the byproduct material, then the government would seek whatever recourse available to have Dr. X reimburse the government for removing the byproduct material."]

8. The matters stated above are true and correct to the best of my knowledge, information and belief.

(Individual's name)

Subscribed and sworn to before
me this _____ day of , 20(XX)

Notary Public

My commission expires: _____

Statement of Professional Qualifications for (individual's name)

Current Titles and Business Address:

Experience:

Education:

Training: