

FORM 26-IV: Enforcement Notification (Multiple Samples)

(Date)
EN YY-XXX

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: (Name of Licensee) EA-YY-XXX
(Facility)
Docket No. _____

Sample 1:

Subject: EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that the staff has issued today a letter exercising enforcement discretion to not issue enforcement action to (name of licensee). [Include a brief background discussion of the case and an explanation of why discretion is warranted, e.g., "Licensee ABC was using a portable moisture density gauge at a location within the NRC's jurisdiction without first obtaining an NRC specific or general license. Although the failure to file reciprocity is normally cited as a Severity Level III violation, the staff concluded that the lack of clarity of a license condition within the licensee's Florida license contributed to the licensee's misinterpretation that its Florida license permitted use of the licensed material anywhere in the State of Florida. Therefore, the staff concluded that enforcement discretion in accordance with Section VII.B.6 of the Enforcement Policy was appropriate."]

Sample 2:

Subject: ORDER SUSPENDING LICENSE (EFFECTIVE IMMEDIATELY) AND DEMAND FOR INFORMATION

This is to inform the Commission that an Order Suspending License (Effective Immediately) and Demand for Information will be issued on or about (date), to (name of licensee). [Include a brief background discussion of the case and an explanation of why the action is warranted. For example, "This action is based on the licensee's deliberate violations of NRC safety requirements, as well as its deliberate provision of inaccurate information to the NRC. Specifically, an exposure injury occurred while this licensee was working in an Agreement State (Maryland) because a radiographer approached the device, while the source was in an exposed position, without a survey meter to evaluate the radiological conditions, and without wearing an alarming ratemeter. The resulting inspection and investigation of the licensee's activities under NRC jurisdiction found that (1) the radiographer had not received required annual refresher training, nor taken the exam (an assistant radiographer completed the annual refresher exam for that radiographer); (2) the licensee certified the training and provided the inaccurate information to NRC; (3) equipment was used that was known to be in an unsafe condition; and (4) inaccurate information was provided to NRC regarding the status of that equipment. An Office of Investigations (OI) investigation is still open. As a result of these actions on the part of the Licensee, the NRC lacks reasonable assurance that the Licensee's current operations can be conducted in compliance with the Commission's requirements, and that the health and safety of the public, including the Licensee's employees, will be protected. Accordingly, the NRC is issuing an immediately effective Order suspending (name of licensee)'s license, and a DFI to provide the Licensee the opportunity to describe why its license should not be modified or revoked."]

Sample 3:

Subject: CONFIRMATORY ORDER RELAXING ORDER
(IMMEDIATELY EFFECTIVE)

This is to inform the Commission that a Confirmatory Order Relaxing the (date), Order will be issued today, (date), to (name of licensee). [Include a brief explanation of the original action that the Commission was informed of and an explanation of the current action. For example, "By EN YY-XXX, dated (date), the Commission was informed that an Order Withdrawing Quality Assurance Approval was to be issued to (name of licensee). The relaxation will allow shipments to and from any customer until (date)."]]

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice (date)
Telephone Notification of Licensee (date)

The State of _____ will be notified.

Contacts: (name), OE, 415-XXXX; (name), Director, OE, 415-2741

Distribution:

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PA	OI		
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**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**