

FORM 42: Predecisional Enforcement Conference Confirmation Letter to Individual

IA-YY-XXX

Mr. (Ms.) (Name)

[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: PREDECISIONAL ENFORCEMENT CONFERENCE
(NRC Investigation Report No. X-XX-XXX)

Dear Mr. (Ms.) (Name):

This is in reference to an investigation conducted by the NRC's Office of Investigations (OI) involving _____. The purpose of the investigation was to determine _____. The investigation found _____. [If appropriate, add "A copy of the investigation synopsis is enclosed." Note: Enclose when appropriate, use judgement, and check with OI/FOD).]

Based on our review of the investigation report, an apparent violation of the NRC's rule prohibiting deliberate misconduct, 10 CFR ___ has been identified. This rule prohibits [Cite the appropriate part of the rule for the case at hand.]

On (date), the conclusions of the investigation and the NRC's intention to conduct a predecisional enforcement conference were discussed with you. The conference will take place at (time) p.m./a.m. on (date), in (address of conference) and will be closed to the public. This conference will be transcribed.

As discussed with you, this conference is predecisional because the NRC has not made a final determination that violations of NRC requirements occurred or that enforcement action will be taken against you.

The purpose of the conference is to discuss the apparent violation and the circumstances surrounding it, and to give you an opportunity to provide your perspective on this issue and any other information that you believe is relevant to the NRC's enforcement determination. You are specifically invited to address the factors that the NRC would consider in determining whether enforcement action should be taken against you. These factors are described in Section VIII, Enforcement Actions Involving Individuals, of the enclosed copy of the NRC Enforcement Policy.

If the NRC concludes that you deliberately caused or committed a violation of NRC requirements, the possible sanctions include a Notice of Violation, a civil penalty, [NOTE: Civil penalties are not normally imposed on unlicensed individuals.] or an order. An order may prohibit involvement in NRC-licensed activities, require notice to the NRC before resuming involvement in NRC-licensed activities, or require other action. Accordingly, you should be prepared to address why NRC should not issue you an Order removing you from licensed activities.

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

An agenda for the conference is enclosed. Although not required, you may provide the NRC a written reply to the apparent violation prior to or during the conference. In addition, as discussed with you, you may have an attorney or personal representative attend the conference but it should be understood that the NRC will address its questions to you. Furthermore, you are not required to attend the conference, but you should understand that if you do not, the NRC will make an enforcement decision on the basis of the information developed during the investigation.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the(se) apparent violation(s) is required at this time. Should you have any questions about this letter or the conference, please contact the (responsible branch chief) at (phone number).

A copy of this letter and its enclosures will not be made publically available at this time. However, if the NRC subsequently issues an enforcement action to you, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, with your home address removed, and its enclosures will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Sincerely,

Regional Administrator

Docket No. _____

License No. _____

Enclosures:

1. Synopsis, OI X-XXXX-XXX (enclose if appropriate)
2. NRC Enforcement Policy
3. (Appropriate regulation, e.g., 10 CFR 30.10)

PREDECISIONAL ENFORCEMENT CONFERENCE AGENDA

CONFERENCE WITH [NAME]

XXXXXXXX XX, 20XX

NRC REGION __, (City), (State) (OR ALTERNATE LOCATION OF CONFERENCE)

1. INTRODUCTIONS/OPENING REMARKS - NRC
2. ENFORCEMENT PROCESS - EO
3. APPARENT VIOLATIONS & REGULATORY CONCERNS - NRC
4. INDIVIDUAL PRESENTATION - NAME
5. BREAK (10-MINUTES TO BE TAKEN NRC CAUCUS IF NECESSARY)
6. RESUMPTION OF CONFERENCE
7. CLOSING REMARKS - INDIVIDUAL
8. CLOSING REMARKS - NRC