

## PUBLIC AVAILABILITY OF INDIVIDUAL ACTIONS

ENFORCEMENT DOCUMENT	MAKE PUBLIC (ADAMS)	PUBLISH IN <i>FEDERAL REGISTER</i>	PLACE ON WEBSITE	Public Subject to FOIA request
PEC or Choice Letter to Individual	No <sup>1</sup>	No	No	Yes
Close-out letter with no action	No <sup>2</sup>	No	No	Yes
Letter of Reprimand	Yes <sup>3</sup>	No	No	Yes
NOV to Individual (SL III or higher)	Yes <sup>3</sup>	No	Yes <sup>4</sup>	Yes
NOV to Individual (SL IV)	Yes <sup>3</sup>	No	No	Yes
Order to Licensee Involving Individual	Yes	Yes	Yes	Yes
Order to Individual	Yes	Yes	Yes <sup>5</sup>	Yes
DFI to Licensee Regarding Individual	Yes <sup>6</sup>	No	No	Yes <sup>6</sup>
DFI to Individual	Yes <sup>6</sup>	No	No	Yes <sup>6</sup>

<sup>1</sup> Predecisional enforcement conference (PEC) and “choice” letters should not be made public when they are first issued. These documents can be made public only if an enforcement action is to be issued to the individual, in which case, the letter is made public at the same time as the action is made public.

<sup>2</sup> Close-out letters to individuals are not made public, but remain subject to release under FOIA. Close-out letters to licensed individuals are placed in the docket file for that license.

<sup>3</sup> NOV and LORs issued to individuals may be made public when they are originally issued only if the individual has been given an opportunity to present his or her views on the facts of the case to the NRC, such as during a predecisional enforcement conference, in response to a previously issued DFI, or during an OI investigation in which the individual was specifically provided an opportunity to challenge the alleged wrongdoing. If none of these has occurred, the individual is given 30 days to respond. The action is made public after 45 days if: (1) the individual has not replied within 30 days, or (2) after review of the response, the staff finds no basis to withdraw the action. Until the document is made public, copies should not be distributed outside the NRC other than to the subject individual.

Exceptions to this procedure may be approved by the Director, OE.

<sup>4</sup> NOV to Individuals (SLIII or higher) should remain on the Website for 1 year.

<sup>5</sup> Orders to Individuals should remain on the Website for the length of time the order is in effect.

<sup>6</sup> DFIs will be made public only if they result in the issuance of NOV or orders.

 NOTE: All correspondence to an individual (including close-out letters) should be issued an EA number during internal review and be issued an IA number when the document is issued. Actions issued subsequent to choice letters or PECs, should use the same IA as the choice or PEC letters.