**FORM 7: Notice of Violation Assessing a Civil Penalty in addition to a Violation Not Assessing a Civil Penalty**

 NOTICE OF VIOLATION

 AND

 PROPOSED IMPOSITION OF CIVIL PENALTY(IES)

[Name of Licensee] Docket No. [Docket No.]

[Facility Name] (for power reactor) License No. [License No.]

[City, State] (if other than power reactor) EA-[YY]-[XXX] {if more than one EA number, “, EA-[YY]-[AAA], EA-[YY]-[BBB], and EA-[YY]-[CCC]” }

During an NRC inspection (investigation) conducted on [date(s)] a violation(s) of NRC requirements was (were) identified. In accordance with the NRC Enforcement Policy, the NRC proposes to impose (a) civil penalty(ies) pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violation(s) and associated civil penalty(ies) are set forth below:

I. Violation(s) Assessed a Civil Penalty

A. {Provide statement of the requirement(s) that was (were) violated.}

Contrary to the above, {date and description of precisely how the requirement was violated}.

This is a Severity Level [SL] violation (problem) (Section [Policy Section Number]).

Civil Penalty - $[Amount]. {If specific to an EA number, include: “(EA-[YY]-[AAA])”}

B. {Provide statement of the requirement(s) that was (were) violated.}

Contrary to the above, {date and description of precisely how the requirement was violated}.

This is a Severity Level [SL] violation (problem) (Section [Policy Section Number]).

Civil Penalty - $[Amount]. {If specific to an EA number, include: “(EA-[YY]-[BBB])”}

II. Violation(s) Not Assessed a Civil Penalty

C. {Provide statement of the requirement(s) that was (were) violated.}

Contrary to the above, {date and description of precisely how the requirement was violated}.

This is a Severity Level [SL] violation (problem) (Section [Policy Section Number]).

Civil Penalty - $[Amount]. {If specific to an EA number, include: “(EA-[YY]-[CCC])”}

D. {Provide statement of the requirement(s) that was (were) violated.}

Contrary to the above, {date and description of precisely how the requirement was violated}.

This is a Severity Level [SL] violation (problem) (Section [Policy Section Number]).

Civil Penalty - $[Amount]. {If specific to an EA number, include: “(EA-[YY]-[XXX])”}

Pursuant to the provisions of 10 CFR 2.201, [Name of Licensee] (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a copy to the Document Control Desk, Washington, DC 20555-0001, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty(ies) (Notice). This reply should be clearly marked as a “Reply to a Notice of Violation and Proposed Imposition of Civil Penalty(ies); (EA-[YY]-[XXX] {as applicable}, EA-[YY]-[AAA], EA-[YY]-[BBB] and EA-[YY]-[CCC])” and should include for each alleged violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved.

Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, the NRC may issue an order or a Demand for Information requiring you to explain why your license should not be modified, suspended, or revoked or why the NRC should not take other action as may be proper. Consideration may be given to extending the response time for good cause shown.

{For violations where the region has determined that no 10 CFR 2.201 response is required, the following paragraph may be substituted:}

The NRC has concluded that information regarding the reason for the violation, {If more than one violation, specify which violation(s)} the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be (was) achieved is already adequately addressed on the docket in {indicate the correspondence, e.g., “Inspection Report No. ([XXXXXXXX/YYYYY-NNN]), or letter from the licensee, dated [date].”} However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a Reply to a Notice of Violation, and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region [#] and the Document Control Desk, Washington, DC 20555-0001. {If applicable, add “and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.”}

The Licensee may pay the civil penalty(ies) proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, through one of the following two methods:

1. Submit the payment with the enclosed invoice for Civil Penalty(ies) EA-[YY]-[XXX] {as applicable}, EA-[YY]-[AAA], EA-[YY]-[BBB] and EA-[YY]-[CCC], issued to [Name of Licensee], to the following address:

Office of the Chief Financial Officer

U.S. Nuclear Regulatory Commission

P.O. Box 979051

St. Louis, MO 63197

OR

2. Submit the payment in accordance with NUREG/BR-0254.

The Licensee may protest the imposition of the civil penalty(ies) in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. Should the Licensee fail to answer within 30 days of the date of this Notice, the NRC will issue an order imposing the civil penalty(ies). Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty(ies), in whole or in part, such answer should be clearly marked as an “Answer to a Notice of Violation” and may: (1) deny the violation(s) listed in this Notice, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty(ies) should not be imposed. In addition to protesting the civil penalty(ies) in whole or in part, such answer may request remission or mitigation of the penalty(ies).

In requesting mitigation of the proposed penalty(ies), the response should address the factors addressed in Section 2.3.4 of the Enforcement Policy. Any written answer addressing these factors pursuant to 10 CFR 2.205 should be set forth separately from the statement or explanation provided pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing (a) civil penalty(ies).

Upon failure to pay any civil penalty(ies) which subsequently has (have) been determined in accordance with the applicable provisions of 10 CFR 2.205 to be due, this matter may be referred to the Attorney General, and the penalty(ies), unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The responses noted above, i.e., Reply to Notice of Violation, Statement as to payment of civil penalty(ies), and Answer to a Notice of Violation, should be addressed to: [Name of Director, OE], Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region [#] and the Document Control Center, Washington, DC 20555-0001. {If applicable, add “and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.”}

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC’s Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. {NOTE: If this NOV states that the region has determined that a 10 CFR 2.201 response is not required, substitute the following phrase to begin the first sentence of this paragraph: “If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in ADAMS.”} To the extent possible, your response should not include any personal privacy, proprietary, classified 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, then 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 that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this day of [Month] [Year]