**FORM 21-II: Order Modifying License (Non-Immediately Effective) (Materials Licensees)**

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of )

)

[LICENSEE] ) [Docket Number] {*if applicable*}

[CITY], [STATE] ) [License Number] {*if applicable*}

) EA-[YY]-[XXX]

)

ORDER MODIFYING LICENSE

***Double space from here to end, except single space in signature block.***

I

[Licensee/Company’s Full Legal Name] (Licensee) {*or other abbreviation*} is the holder of [Type of license] {*e.g.,* “Byproduct,” “Source Material” or “Special Nuclear Material”} License No. [License Number] issued on [Date] by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part [Part Number] of *Title 10 of the Code of Federal* Regulations (10 CFR). The license authorizes {*State what the license authorizes, e.g.,* “possession and use of [Amount] curies of [Type of Material] in the manufacture, installation, servicing and operation of [Type of Device] devices. The license further authorizes .”} The license, originally issued on [Date], was renewed on [Date], and is due to expire on [Date] (is under timely renewal).

II

{*This section should provide a description of relevant events, facts, violations, technical or legal reasons that provide the substantive basis for issuing the Order, e.g.:*

On [Date], an inspection (investigation) of licensed activities was conducted at Licensee's facility at [Location] in response to allegations received in NRC Region on [Date] regarding {*Provide information regarding the allegation*.} As a result of the inspection (investigation), apparent violations of regulatory requirements were identified. These violations include {*Describe the violations that were identified*.} During the inspection (investigation), the Licensee's employees informed NRC inspectors (investigators) that {*Describe the information that the employees provided to NRC*.} Mr. A stated . Mr. B denied . Mr. C admitted . Contrary to the statements of Mr. A and Mr. B, it was determined that .}

III

{*This section should provide the justification for issuing the Order, in light of the facts described in Section II, e.g.,* “Based on the above, it appears that the Licensee has willfully violated NRC requirements or Based on the above, it appears that the Licensee has violated NRC requirements and has provided false information to NRC inspectors (investigators).” *This section should also describe how the violation adversely affects public health and safety.* “Moreover, the Commission must be able to rely on its licensees to provide complete and accurate information.”}

Consequently, I lack the requisite reasonable assurance that the Licensee's current operations can be conducted under License No. [License Number] in compliance with the Commission's requirements and that the health and safety of the public, including the Licensee's employees, will be protected. Therefore, the public health, safety and interest require that License No. [License Number] be modified to require (prohibit) {*State what the order will require or prohibit.*}

IV

Accordingly, pursuant to Sections 103, {*Include 104b if any of the licenses subject to the order were issued under Section 104b*}, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, IT IS HEREBY ORDERED THAT LICENSE NO. [LICENSE NUMBER] IS MODIFIED AS FOLLOWS:

{*Specifically list how license is modified, e.g.:*

A.

B.

C.

D. }

The Regional Administrator, Region [#], may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

V

In accordance with 10 CFR 2.202, the licensee must, and any other person adversely affected by this Order may, submit an answer to this Order within 20 days of its publication in the Federal Register. In addition, the licensee and any other person adversely affected by this Order may request a hearing on this Order within 20 days of its publication in the Federal Register. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

***Verify E-Filing Requirements at****:* <http://fusion.nrc.gov/adm/team/DAS/RADB/rt/Templates/Lists/Miscellaneous%20General%20Notice%20Templates/AllItems.aspx>

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007, as amended by 77 FR 46562, August 3, 2012), codified in pertinent part at 10 CFR Part 2, Subpart C. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC’s public Web site at [*http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*](http://www.nrc.gov/site-help/e-submittals/apply-certificates.html). System requirements for accessing the E-Submittal server are detailed in NRC’s “Guidance for Electronic Submission,” which is available on the agency’s public Web site at [*http://www.nrc.gov/site-help/e-submittals.html*](http://www.nrc.gov/site-help/e-submittals.html). Participants may attempt to use other software not listed on the web site, but should note that the NRC’s E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E‑Filing rule, the participant must file the document using the NRC’s online, web-based submission form. In order to serve documents through EIE, users will be required to install a web browser plug-in from the NRC web site. Further information on the web-based submission form, including the installation of the Web browser plug-in, is available on the NRC’s public web site at [*http://www.nrc.gov/site-help/e-submittals.html*](http://www.nrc.gov/site-help/e-submittals.html).

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene through the EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at [*http://www.nrc.gov/site-help/e-submittals.html*](http://www.nrc.gov/site-help/e-submittals.html). A filing is considered complete at the time the documents are submitted through the NRC’s E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time (ET) on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency’s adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the “Contact Us” link located on the NRC web site at [*http://www.nrc.gov/site-help/e-submittals.html*](http://www.nrc.gov/site-help/e-submittals.html), by e-mail at MSHD.Resource@nrc.gov, or by a toll-free call at (866) 672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., ET, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC’s electronic hearing docket which is available to the public at [*https://adams.nrc.gov/ehd*](https://adams.nrc.gov/ehd)*,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC’s electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date this Order is published in the Federal Register without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

***{Ensure that there are at least 3 lines of text on the signature page}***

FOR THE NUCLEAR REGULATORY COMMISSION

[Name]

Deputy Executive Director

for

Dated this \_\_\_\_ day of [Month] [Year]