

August 2, 2000

IA-98-012

Mr. Charles H. Hardison, Jr.  
[Home Address Deleted  
Under 10 CFR 2.790(a)]

SUBJECT: REQUEST TO WITHDRAW NOTICE OF VIOLATION

Dear Mr. Hardison:

I am responding to your letter dated July 10, 2000, requesting that the U.S. Nuclear Regulatory Commission (NRC) downgrade or withdraw a Notice of Violation (NOV) issued to you on March 13, 1998.

The NRC takes enforcement actions against individuals very seriously. Prior to issuing an enforcement action against an individual, each case undergoes extensive review by multiple offices within the NRC, an enforcement conference is held with both the licensee and the individual if they desire, and the individual is given the opportunity to respond after an enforcement action is taken. Possible enforcement sanctions range from an order prohibiting an individual from participating in licensed activities for the most serious cases, to NOV's for violations that do not warrant an order. In your case, we issued an NOV instead of an order and continue to believe that it was the appropriate enforcement sanction.

Once issued, an NOV would only be withdrawn if the NRC becomes aware of significant new information which indicates that the original NOV was incorrect. We are not aware of any information that would change our view of your case. Corrective actions are expected and, in fact, required for violations of regulatory requirements. Actions taken to prevent reoccurrence of the violation do not change the fact that a violation occurred.

NOV's are not intended to prevent an individual from engaging in licensed activities and, as indicated in your letter, you have successfully worked during numerous outages since your NOV was issued. However, it is reasonable for licensees to assess the violation history of individuals before granting access to the site.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your July 10, 2000, letter (with your home address and telephone number removed) will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html>.

Sincerely,

\RA\

R. W. Borchardt, Director  
Office of Enforcement

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