

FORM 20-II: Order Modifying License (Effective Immediately) (Materials Licensees)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

(LICENSEE)

(City, State)

)

)

)

)

Docket No.

License No.

EA-YY-XXX

ORDER MODIFYING LICENSE
(EFFECTIVE IMMEDIATELY)

[Double space from here to end, except single space signature block.]

I

(Name of licensee) (Licensee) is the holder of Byproduct/Source/Special Nuclear Material License No. ____ issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part _____. The license authorizes [possession and use of (amount) curies of (type of material) in the manufacture, installation, servicing and operation of devices. The license further authorizes [State what the license 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 [Describe why an inspection/investigation was conducted]. As a result of the inspection (investigation), apparent violations of regulatory requirements were identified. These violations include [Include the violation(s) that were identified.] During the inspection (investigation), Licensee's employees informed NRC inspectors (investigators) that [Briefly describe the allegation that was made, e.g., “Mr. A stated _____. Mr. B denied this occurred. Mr. C admitted that this occurred. Contrary to the statements of Mr. A and Mr. B, the NRC 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 demonstrated careless disregard for NRC requirements and/or has violated NRC requirements and has provided false information to NRC inspectors (investigators).”]

Consequently, I lack the requisite reasonable assurance that the Licensee's current operations can be conducted under License No. ____ 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. ____ be modified to require (prohibit) [State what the order will require or prohibit]. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the violation(s) (conduct) described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to Sections [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 ____, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT LICENSE NO. ____ IS MODIFIED AS FOLLOWS:

[Specifically list how the 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 this Order or other such time as may be specified in this Order. In addition, the Licensee and any other person adversely affected by this Order may request a hearing on this Order within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this order and set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; to the Assistant General Counsel for Materials Litigation and Enforcement at the same address; to the Regional Administrator, NRC Region ____, (regional address); and to the Licensee if the answer or hearing request is by a person other than the Licensee. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to hearingdocket@nrc.gov and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by

e-mail to OGCMailCenter@nrc.gov. 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).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

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 of this Order 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. AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION

Deputy Executive Director
for _____

Dated this ____ day of (Month) 20(XX)