

FORM 38: Letter of Reprimand to an Unlicensed Individual

IA-YY-XXX

Mr.(Ms.) (Name)

[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: (NRC Inspection Report No(s). XX-XXX/YY-NN)
[If applicable, add "and (Investigation Report No(s). X-XXXX-XXX)"]

Dear Mr. (Ms.) (Name):

This refers to the inspection (investigation) conducted on (date(s)) at the (plant name or company name) facility located in (City, State). [At a minimum, the narrative that follows should include a description of relevant events, facts, or circumstances that substantiate issuing the LOR. This description should reference relevant inspection reports, OI reports, previous correspondence, or enforcement conferences.] Based on the conclusions of the OI investigation, it appears that you were involved in actions that caused a licensee to be in violation of requirements.

[This section should include a discussion of enforcement action, if any, that was taken against the facility licensee. If an enforcement action was issued to the facility, a copy should be enclosed.]

While formal enforcement action is not being taken against you, you should be aware that the NRC's regulations allow the issuance of civil sanctions to be taken directly against unlicensed persons who, through their deliberate misconduct, cause a licensee to be in violation of NRC requirements. Deliberate misconduct includes an intentional act or omission that the person knows constitutes a violation of a requirement, procedure or training instruction. An order may also be issued to an individual to prevent his or her engaging in licensed activities at all NRC licensed facilities. A violation of this regulation as set forth in 10 CFR (e.g., 30.10, 50.5, 60.110), "Deliberate Misconduct" (Enclosure __), may also lead to criminal prosecution. Similar failures in the future could lead to formal NRC enforcement action against you.

You are not required to respond to this letter. However, if you choose to provide a response, please provide it to me within 30 days at U.S. Nuclear Regulatory Commission, Region __, (regional address).

[Include the following paragraph for cases where the individual has had a chance to present their views to the NRC, such as at a predecisional enforcement conference or in response to a DFI:

"In accordance with Section 2.390 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your response, if you choose to provide one, (with your address removed) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. A copy of this letter with your address removed, and your response, if you choose to submit one, will also be placed in the docket file for your license. In addition, this letter will be maintained by the Office of

Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html> ."]

[Alternatively, use the following paragraph for cases where the individual has not had a chance to present their views to the NRC and the letter will be held for 45 days: (NOTE: The letter and the individual's response should not be made public in ADAMS if the staff concludes that the individual has provided an adequate basis to withdraw the letter.)

"Unless you provide a sufficient basis to withdraw this letter within the 30 days specified above, in accordance with Section 2.390 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your response, if you choose to provide one, (with your address removed) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html> ."]

If you have any questions or comments, please contact (name, title, and organization), at (phone number).

Sincerely,

Regional Administrator
(or designee)

Enclosure(s):

1. Letter to Licensee (if applicable)
2. Copy of Deliberate Misconduct Rule

cc: (name of facility licensee)