

FORM 45-I: Close-Out Letter to Individual Engaged in Deliberate Misconduct

IA-YY-XXX

Name of Individual

[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: NRC INVESTIGATION REPORT NO. R-YYYY-SSS
[If applicable, add "and (Investigation Report No(s). X-XXXX-XXX)"]

Dear M(r/s). NAME:

This refers to the investigation completed on [OI REPORT DATE] by the NRC Office of Investigations (OI) at [LICENSEE/FACILITY] to determine, in part, whether you, [POSITION OF INDIVIDUAL], deliberately failed to [ALLEGED WRONGDOING]. [INSERT AS APPROPRIATE: As a result of the investigation, the NRC provided, by letter dated [PEC INVITATION LETTER DATE] [LICENSEE] and you the opportunity to attend closed, predecisional enforcement conferences to discuss this apparent violation, its causes, and your corrective actions. The conference(s) was (were) held on [DATE], [you declined an individual predecisional enforcement conference.]]

Based on [the results of the OI investigation OR the results of your predecisional enforcement conference], the NRC has concluded that you deliberately [short description of wrongdoing]. Your actions caused [LICENSEE] to be in violation of NRC regulations in [cite the regulation]. Since your actions were deliberate, you violated the NRC's deliberate misconduct rule (10 CFR [insert appropriate regulation]), which prohibits employees from engaging in deliberate misconduct that [if not detected] would cause a licensee to be in violation of any regulation.

After considering the information developed during the investigation [and the predecisional enforcement conference], the NRC has concluded no further action is warranted. This decision was made after considering [insert reason(s) no action will be taken]. Nonetheless, you caused [LICENSEE] to be in violation of NRC requirements. A copy of the enforcement action issued to [LICENSEE] is enclosed.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region [NUMBER, address] and marked "Open by Addressee Only," within 30 days of the date of this letter. You may contact [NAME] of my staff if you have any questions. [NAME] can be reached at [PHONE NUMBER].

This letter, and your response, if you choose to submit one, will not be made publicly available either electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). However, you should be aware that all final NRC documents, including the final OI investigation report, are official agency records and may be made available to the public under the Freedom

of Information Act (FOIA), subject to redaction of certain information in accordance with the FOIA. 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 our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Sincerely,

[NAME]
Regional Administrator¹

Enclosure: as stated

DISTRIBUTION:

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[Regional Enforcement Coordinator]
[Regional Allegation Coordinator]
OEMAIL
OE: IA File

¹ Director, Office of Enforcement for discrimination cases