

FORM 2: Cover Letter Transmitting Inspection Report (includes optional paragraphs for Severity Level IV Notices of Violation, Notices of Violation associated with green SDP findings, Non-Cited Violations, and apparent violations subject to a conference)

EA-YY-XXX (If applicable)

NMED No. (If applicable)

(Name of licensee)

(Address)

SUBJECT: [Include FACILITY NAME for reactor cases] - NRC [include type of inspection, e.g., "INTEGRATED, SPECIAL"] INSPECTION REPORT NO(S). (XXXXXXXX/YYYNNN) [If applicable, add "AND (INVESTIGATION REPORT NO(S). X-XXXX-XXX)"] AND NOTICE OF VIOLATION

Dear _____:

This refers to the inspection conducted on (date(s)) at the [use (plant name) for reactor licensees; use (City, State) for material licensees] facility ((“Inspection Report No(s). (XXXXXXXX/YYYNNN) or, if applicable, Investigative Report No(s). X-XXXX-XXX”), enclosed). [May include purpose statement, e.g., "The purpose of the inspection was to follow up on the loss of main feedwater event that occurred on May 7, 2005."] The enclosed report presents the results of this inspection. [Any subsequent meetings and/or telephone discussions should be documented.]

[Routine inspections may use the following paragraph:

“This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission’s rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.”]

[For inspection reports with Severity Level IV NOVs or NOVs associated with green SDP findings, include the following paragraph:

“Based on the results of this inspection, the NRC has determined that a Severity Level IV violation(s) of NRC requirements occurred. [Alternatively, for violations associated with green SDP findings, use: “Based on the results of this inspection, the NRC has identified issues that were evaluated under the risk significance determination process as having very low safety significance (green). The NRC has also determined that violations are associated with these issues.] The(se) violation(s) was (were) evaluated in accordance with the NRC Enforcement Policy included on the NRC’s Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**.”]

The violation(s) is (are) cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it (them) are described in detail in the subject inspection report. The violation(s) is (are) being cited in the Notice because [An explanation MUST be included that clearly articulates why an NOV is being issued in terms of the Section VI.A criteria they met. This

explanation may be expanded, where warranted, to convey the appropriate message to the licensee in terms of those actions that require additional attention. In addition, for Severity Level IV citations beyond the normal Section VI.A criteria, this explanation must include the basis for issuing the citation, notwithstanding the normal policies.]

[Include either the “response required” or the “no response required” paragraph:

“You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. [Other specific responses required should be addressed as appropriate.] [Add the following sentence for material and fuel cycle licensees: "For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed."] The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.”

Or, for Severity Level IV NOV's where the region has determined that no response is required, the preceding paragraph can be replaced by the following paragraph:

“The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in [indicate correspondence, e.g., “Inspection Report No. (XXXXXXXXX/YYYYYNNN), LER YY-NNN, or letter from Licensee] dated (date). Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.”]

[For inspection reports with NCVs, include the following paragraph:

“Based on the results of this inspection, the NRC has (also) determined that (number) (additional) Severity Level IV violation(s) of NRC requirements occurred. [Alternatively, for NCVs associated with green SDP findings, use: Based on the results of this inspection, the NRC has (also) identified (additional) issues that were evaluated under the risk significance determination process as having very low safety significance (green). The NRC has also determined that violations are associated with these issues.] These violations are being treated as Non-Cited Violations (NCVs), consistent with Section VI.A of the Enforcement Policy. The(se) NCVs are described in the subject inspection report. If you contest the violation(s) or significance of the(se) NCV(s), you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region ___; (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001; and (3) (the name of the NRC Resident Inspector) at (plant name) facility.”]

[Include the next three paragraphs if apparent violations are being addressed and a predecisional enforcement conference is being confirmed (“conference letter”):

“In addition, (number) apparent violation(s) was (were) identified and is (are) being considered for escalated enforcement action in accordance with the NRC Enforcement Policy.

[The narrative that follows should briefly discuss the nature of the apparent violation(s).] Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued for these inspection findings at this time. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

An open (A closed) predecisional enforcement conference to discuss this (these) apparent violation(s) has been scheduled for (date). The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to assist the NRC in making an enforcement decision. This may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. The conference will provide an opportunity for you to provide your perspective on these matters and any other information that you believe the NRC should take into consideration in making an enforcement decision.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the(se) apparent violation(s) is required at this time.”]

[See IMC 0609 for choice letters and regulatory conferences involving SDP issues.]

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. [For those packages containing Safeguards Information, remove the preceding paragraph and replace with: "The material enclosed herewith contains Safeguards Information as defined by 10 CFR Part 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, the material will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

Regional Administrator
(or designee)

Docket No. _____
License No. _____
Enclosure(s): Inspection Report No. _____
 Notice of Violation (if applicable)