

FORM 3-II: Letter Transmitting Preliminary White/Yellow/Red/Greater than Green Finding (Choice Letter)

EA-YY-XX

(Name of Licensee)

(Address)

SUBJECT: NRC [Indicate the type of inspection] REPORT DOCKET/YYNNN;
PRELIMINARY [Indicate the color of the finding, i.e., White, Yellow, Red, or
Greater than Green] FINDING [Include name of facility].

Dear _____:

This letter of the attached supporting documentation (Attachment) discusses a finding that appears to have [Indicate the color of the finding, i.e., White - low to moderate; Yellow - substantial; Red - high; or Greater than Green - greater than very low] safety significance. As described in Section XXX.X of this report, [Include a more detailed description of the finding]. This finding was assessed based on the best available information, including influential assumptions, using the applicable Significance Determination Process (SDP) and was preliminarily determined to be a [Indicate the color of the finding, i.e, White, Yellow, Red, or Greater than Green] finding. The final resolution of this finding will convey the increment in the importance to safety by assigning the corresponding color, i.e., [Indicate the color of the finding followed by the significance associated with the color, i.e., White, a finding with low to moderate increased importance to safety that may require additional NRC inspections; Yellow, a finding with substantial importance to safety that will result in additional NRC inspections and potentially other NRC action; Red, a finding of high importance to safety that will result in increased NRC inspection and other NRC action; or Greater than Green, a finding of greater than very low safety significance resulting in the need for further evaluation to determine significance and therefore the need for additional NRC action.] The finding has a [Indicate the significance, i.e., low to moderate; substantial; high, or greater than very low safety significance because [Describe the main reason(s) the issue resulted in a [Indicate the color of the finding, i.e., White, Yellow, Red, or Greater than Green] finding under the SDP, including most risk-significant scenario and duration of the condition].

[Add either in the body of the letter or as an attachment to the letter the basis for the staff's significance determination. Include in this discussion important assumptions used in the staff's evaluation and other information that will clearly identify to the licensee the basis for the staff's preliminary significance determination with the objective of promoting a common understanding of the significance of the finding. If the preliminary determination is Greater than Green, request from the licensee additional information needed to assist the staff in making its final determination.]

[Where applicable, describe the licensee's compensatory measure(s) taken while long term corrective action is being implemented.]

[If a violation is associated with the finding, include: "The finding is also an apparent violation of NRC requirements and is being considered for escalated enforcement action in accordance with the Enforcement Policy, which can be found on the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Before we make a final decision on this matter, we are providing you with an opportunity (1) to attend a Regulatory Conference where you can present to the NRC your perspective on the facts and assumptions the NRC used to arrive at the finding and assess its significance, or (2) submit your position on the finding to the NRC in writing. If you request a Regulatory Conference, it should be held within 30 days of the receipt of this letter and we encourage you to submit supporting documentation at least one week prior to the conference in an effort to make the conference more efficient and effective. If a Regulatory Conference is held, it will be open for public observation. If you decide to submit only a written response, such submittal should be sent to the NRC within 30 days of your receipt of this letter.

Please contact (name of NRC contact) at (phone number) within 10 business days of the date of your receipt of this letter to notify the NRC of your intentions. If we have not heard from you within 10 business days, we will continue with our significance determination and enforcement decision and you will be advised by separate correspondence of the results of our deliberations on this matter.

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 the apparent violation(s) described in the enclosed inspection report may change as a result of further NRC review.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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>. [For those packages containing Safeguards Information, remove the preceding sentence 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,

Division Director
(or designee)

Docket No. _____
License No. _____

Enclosure(s): Inspection Report No. _____