

FORM 3-II(S): Letter Transmitting Preliminary Security-Related Greater than Green Finding

EA-YY-XX

(Name of Licensee)
(Address)

SUBJECT: NRC [Indicate the type of inspection] REPORT Docket No./YYNNN;
PRELIMINARY GREATER THAN GREEN FINDING[S] [Include name of
facility].

Dear :

This letter transmits a finding [findings] that has [have] preliminarily been determined to be Greater than Green – i.e., a finding [findings] of greater than very low safety significance that may result in the need for further evaluation to determine significance, and therefore the need for additional NRC action. The finding was [These findings are] described in the enclosed inspection report. This finding was [These findings were] assessed based on the best available information, using the Physical Security Significance Determination Process (PPSDP).

[Where applicable and to the degree possible, describe the licensee's compensatory measure(s) taken while long term corrective action is being implemented.] [If an apparent 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/doc-collections/enforcement>.]

In accordance with NRC Inspection Manual Chapter (IMC) 0609, we intend to complete our evaluation using the best available information and issue our final determination of safety significance within 90 days of the date of this letter. The significance determination process encourages an open dialogue between the NRC staff and the licensee, however, the dialogue should not impact the timeliness of the staff's final determination.

Before we make our final significance determination, 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 not 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. In the interest of protecting sensitive, security-related information, if a Regulatory Conference is held, it will not be open for public observation.. If you decline to request a Regulatory Conference or submit a written response, you relinquish your right to appeal the final SDP determination, in that by not doing either, you fail to meet the appeal requirements stated in the Prerequisite and Limitation sections of Attachment 2 of IMC 0609.

Please contact (name of NRC contact) at (phone number) and in writing within 10 days from the issue date 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. The final resolution of this matter will be conveyed in separate correspondence.

Because 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. [If an apparent violation is associated with the finding, include: 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 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>. However, because of the security related information contained in the enclosure, and in accordance with 10 CFR 2.390, a copy of this letter's enclosure will not be available for public inspection.

Because this issue involves security-related information, your response, should you choose to respond in writing, 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>. [For those packages containing Safeguards Information use: If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. [Or use: "If Classified Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR Part 95."]] Otherwise, mark your entire response "Proprietary Information in accordance with 10 CFR 2.390(d)(1)" and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Sincerely,

Division Director
(or designee)

Docket No. _____
License No. _____
Enclosure(s): Inspection Report No. _____