

FORM 3-III(S): Cover Letter Transmitting Security-Related Final Greater than Green Finding (and Notice of Violation, if applicable)

EA-YY-XX

(Name of Licensee)

(Address)

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY RELATED GREATER THAN GREEN FINDING [If applicable, add: "AND NOTICE OF VIOLATION"] [NRC Inspection Report No. (XXXXXXXX/YYYNNN)] [Include name of facility]

Dear _____:

This letter provides you the final results of our significance determination of the preliminary Greater than Green finding(s) identified in [our previous communication dated _____] which included the subject inspection report. This [These] Greater than Green finding(s) was [were] discussed in detail in Section XXX.X [and YYY.Y] of the subject inspection report.

[When a regulatory conference has been offered and the licensee declines this offer, include the following paragraph:

"In a telephone conversation with Mr. (Ms.) _____ of NRC, Region __, on (date), [Indicate the responsible licensee contact] of your staff indicated that (Licensee's Name) did not contest the characterization of this finding and that you declined your opportunity to discuss this issue in a Regulatory Conference or to provide a written response."

[When the licensee accepted and attended a regulatory conference, use the following paragraph:

"At your request, a Regulatory Conference was held on (date), to further discuss your views on this (these) issue(s). During the meeting your staff described your assessment of the significance of the finding(s), the corrective actions taken to resolve it [them], including the root cause of the finding(s).

[When the licensee provided a written response, use the following paragraph:]

On [date], you provided additional information regarding the finding(s).

After considering the information developed during the inspection [If applicable, add: "the additional information you provided in your letter dated (date), and the information you provided at the conference, the NRC has concluded that the inspection finding is appropriately characterized as [Indicate the color of the finding, i.e., White, Yellow, Red, or Greater than Green, followed by the significance associated with the color].

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified Greater than Green finding. Such appeals will be considered to have merit only if they meet the criteria given in the NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC has also determined that the condition(s) discussed is(are) a violation(s) of [Indicate the requirement], as cited in the attached Notice of Violation (Notice). In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a Greater than Green finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

Because poor plant performance for this issue has been determined to be beyond the licensee response band, we will use the NRC's Security Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

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: The material enclosed herewith contains Safeguards Information as defined by 10 CFR Part 73.21 (or 10 CFR Part 95 for classified information) and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. or, for packages containing security-related information, use: The material enclosed herewith contains security-related information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. 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)