

~~SECURITY-RELATED INFORMATION~~

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

EA-YY-XX

(Name of Licensee)

(Address)

SUBJECT: [For ROP-related]FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY RELATED GREATER THAN GREEN FINDING or [For non-ROP] LICENSEE, SECURITY INSPECTION [For all, if applicable, add: AND NOTICE OF VIOLATION] [For all:NRC Inspection Report No. (XXXXXXXX/YYYNNN) [For all:Include name of facility]

Dear _____:

This letter provides the final results of our significance determination of the preliminary [Greater than Green finding and/or enforcement decision] identified in our previous communication dated _____, which included the subject inspection report. This Greater than Green finding [and/or escalated enforcement finding] was discussed in detail in Section XXX.X [and YYY.Y] of the subject inspection report.

[When a regulatory conference/Enforcement 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/Enforcement Conference or to provide a written response.]

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

At your request, a Regulatory Conference/Enforcement Conference was held on [date] to further discuss your views on this issue. During the meeting your staff described your assessment of the significance of the finding, the corrective actions taken to resolve it, and the root cause of the finding.]

The enclosure contains [Sensitive Unclassified Non-Safeguards Information or Safeguards Information]. Upon separation, this cover letter is DECONTROLLED.

Last Revised or Reviewed – XXX YYYY
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[When the licensee provided a written response, use the following paragraph:

In letter dated [date], you provided a response to the NRC staff preliminary determination regarding the finding. [Add the following sentence if applicable: Enclosure 2 includes a point-by-point discussion of each disagreement, followed by the NRC conclusion for accepting or rejecting your position.]

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 Regulatory Conference/Enforcement Conference], the NRC has concluded that the inspection finding is appropriately characterized as [an escalated enforcement action or Greater-than-Green], in accordance the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>) The violation is cited in the Notice of Violation (Notice) provided as Enclosure 1 (non-public). Enclosure 2 provides the basis for the NRC's conclusion (non-public).

[Add the following paragraph if applicable: Note: According to NRC Inspection Manual Chapter (IMC) 0609, appeal rights only apply to those licensees that have either attended a regulatory conference or submitted a written response to the preliminary determination letter.]

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/escalated enforcement finding. [Add if ROP related: Such appeals will be considered to have merit only if they meet the criteria given in the NRC Inspection Manual Chapter 0609, Attachment 2.]

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

[Add the following paragraph if applicable: Because poor plant performance for this issue has been determined to be beyond the licensee response band, we will use the NRC's 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 in the NRC's Agencywide Documents Access and Management 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 following paragraph:

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However, 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 in the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. If Security-Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related 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 of your response.]

(Note: Use latest web address; always verify it works and advise OE if an update is needed.)

[For packages containing security-related information use the following paragraph:

However, 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 in the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If Security Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related 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,

Regional Administrator
(or designee)

Docket No.
License No.

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

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