**FORM 3-III: Cover Letter Transmitting Final White/Yellow/Red Finding (and Notice of Violation, if applicable)**

EA-[YY]-[XXX]

[Licensee Official]

[Title]

[Name of Licensee]

[Address]

SUBJECT: [PLANT NAME] - FINAL SIGNIFICANCE DETERMINATION OF A {*Indicate the color of the finding, i.e.,* “WHITE”, “YELLOW”, “RED”, *or* “GREATER THAN GREEN”} FINDING {*If applicable, add:* “AND NOTICE OF VIOLATION”}; NRC {*Include type of inspection, e.g.,* “INTEGRATED” *or* “SPECIAL”} INSPECTION REPORT ([XXXXXXXX/YYYYY-NNN])

Dear Mr. (Ms.) (Mrs.) [Licensee Official–Last]:

This letter provides you the final significance determination of the preliminary {*Indicate the color of the finding, i.e.,* “White,” “Yellow,” “Red,” or “Greater than Green”} finding discussed in our previous communication dated [date] which included the subject inspection report. The finding involved [Briefly describe the finding in plain language for the broadest audience]*.* {*Do not include information that may be proprietary or SUNSI.*}

***When the licensee declined a regulatory conference and did not provide a written response, include the following paragraph:***

“In a telephone conversation with Mr. (Ms.) [Name] of NRC, Region [#], on [date], {*Indicate the* [responsible licensee contact]} of your staff indicated that [Licensee’s Name] did not contest the characterization of the risk significance 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 discuss your views on this (these) issue(s). A copy of the handout you provided at this meeting is attached. During the meeting your staff described your assessment of the significance of the finding(s), and the corrective actions taken to resolve it (them), including the root cause evaluation of the finding(s). Specifically, [Provide additional details of the licensee assessment and a point-by-point discussion of and justification for accepting/not accepting the licensee perspectives presented at the conference].”

***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. Your response indicated [Provide the details regarding the licensee’s response. Include a point-by-point discussion of each disagreement, followed by the NRC conclusion for accepting or rejecting the licensee’s position.]”

After considering the information developed during the inspection {*If applicable, add:* “and the additional information you provided in your letter dated [date]” *or* “and the information you provided at the regulatory conference”}, the NRC has concluded that the finding(s) is (are) 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].}

{*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 {*Indicate the color of the finding, i.e.,* “White,” “Yellow,” “Red,” or “Greater than Green”} finding. Such appeals will be considered to have merit only if they meet the criteria given in the IMC 0609, Attachment 2. An appeal must be sent in writing to the Regional Administrator, Region [#], [Address].

{*Add the following, if applicable:* “The NRC has also determined that [describe the violation] is a violation of [indicate the requirement], as cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a {*Indicate the color of the finding, i.e.,* “White,” “Yellow,” “Red,” or “Greater than Green”} finding.”}

***If a response is required, use:***

“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 review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.”

***If a response is not required, use:***

The NRC has concluded that the information regarding the reason for the violation (if more than one violation, specify the violations) the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be (was) achieved is already adequately addressed on the docket in (indicate correspondence). Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

{*Add the following, if applicable:* “Because 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, its enclosure(s), and your response, {*if no response is required add:* “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.

Sincerely,

Regional Administrator

 (Or designee)

Docket No.

License No.

Enclosure(s): Inspection Report No.

Notice of Violation (if applicable)