**FORM 3-II(S)(Public): Publicly Available Cover Letter Transmitting Preliminary Security-Related Greater than Green Finding or Apparent Violation(s) (Choice Letter)**

EA-[YY]-[XXX]

[Licensee Official]

[Title]

[Name of Licensee]

[Address]

SUBJECT: [PLANT NAME] - NRC SECURITY INSPECTION REPORT ([XXXXXXXX/YYYYY-NNN]) {*If applicable, add* “AND INVESTIGATION REPORT ([X-XXXX-XXX])}; PRELIMINARY GREATER THAN GREEN FINDING

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

This letter transmits (*or “*discusses”) [*describe the enclosed supporting documentation if included (Enclosure)*] a finding(s) that has (have) preliminarily been determined to be of Greater than Green, a finding of greater than very low safety significance {*DO NOT indicate the color of the finding, e.g., White*}, resulting (*or* “that may result”) in the need for further evaluation to determine significance and therefore the need for additional NRC action. As described in this letter (*or* “Section [XXX.X] of this report”), [Summarize the finding (and the associated degraded condition) and describe how/why it is significant in plain language for the broadest audience]. This finding was (These findings were) assessed based on the best available information, using the Physical Security Significance Determination Process (PPSDP).

{*If an apparent violation is associated with the finding, include:*  “The finding(s) is (are) also an apparent violation of NRC requirements and is (are) 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/about-nrc/regulatory/enforcement/enforce-pol.html>.”}

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.

The enclosure contains {*use:* “Sensitive Unclassified Non-Safeguards Information” *or* “Safeguards Information”}. Upon separation, this cover letter is DECONTROLLED.

Before we make a final decision on this matter, we are providing you with an opportunity to (1) 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 40 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. The focus of the Regulatory Conference is to discuss the significance of the finding and not necessarily the root cause(s) or corrective action(s) associated with the finding. 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 40 days of your receipt of this letter. If you decline to request a Regulatory Conference or to 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 NRC Inspection Manual Chapter 0609.

If you choose to send a response, it should be clearly marked as a "Response to (An) Apparent Violation(s); (EA-[YY]-[XXX])" and should include for the apparent violation(s): (1) the reason for the apparent violation(s) or, if contested, the basis for disputing the apparent violation(s); (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response should be submitted under oath or affirmation and may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. Additionally, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Center, Washington, DC 20555-0001 with a copy to [Branch Chief Name, Title], U.S. Nuclear Regulatory Commission, Region [#], [Address] within 40 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a Regulatory Conference.

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 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 and in the NRC’s Agencywide Documents Access and Management System (ADAMS) (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>

***For those packages containing Safeguards Information use:***

“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:***

“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,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Division Director

(Or designee)

Docket No.

License No.

Enclosure(s): Inspection Report No.