**FORM 3-II: Letter Transmitting Preliminary White/Yellow/Red/Greater than Green Finding (ChoiceLetter)**

EA-[YY]-[XXX]

[Licensee Official]

[Title]

[Name of Licensee]

[Address]

SUBJECT: [PLANT NAME] - NRC {*Include type of inspection, e.g.,* “INTEGRATED” *or* “SPECIAL”} INSPECTION REPORT ([XXXXXXXX/YYYYY-NNN]); PRELIMINARY {*Indicate the color of the finding, i.e.,* “WHITE”, “YELLOW”, “RED”, *or* “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 that has preliminarily been determined to be a {*Indicate the color of the finding, i.e., White –* “a finding with low to moderate increased safety significance that may require additional NRC inspections;” *Yellow –* “a finding with substantial safety significance that will result in additional NRC inspections and potentially other NRC action;” *Red –* “a finding of high safety significance that will result in increased NRC inspection and other NRC action;” *or Greater than Green –* “a finding of greater than very low safety significance, 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 assessed based on the best available information, using the applicable Significance Determination Process (SDP). The final resolution of this finding will be conveyed in separate correspondence.

{*Add either in the body of the letter, or as an attachment to the letter,* [the basis for the staff’s significance determination]. *Include in this discussion* [important assumptions used in the staff’s evaluation and other information that will clearly identify to the licensee the basis for the staff’s preliminary significance determination, with the objective of promoting a common understanding of the significance of the finding]. *If the preliminary determination is Greater than Green and additional information is required to make a final determination,* [request additional information from the licensee necessary for the staff in making its final determination]. *Do not include information that may be proprietary or SUNSI.*}

{*Where applicable,* [describe the licensee’s compensatory measure(s) taken while long term corrective action is being implemented.]} {*If an apparent violation is not associated with the finding, include:* “As described in NRC Inspection Manual Chapter 0612, a finding may or may not be associated with regulatory non-compliance and, therefore, may or may not result in a violation. Based on the review of this issue and in accordance with NRC Inspection Manual Chapter 0612, the NRC determined that no violation of a regulatory requirement occurred.”} {*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/about-nrc/regulatory/enforcement/enforce-pol.html>.”}

In accordance with NRC Inspection Manual Chapter 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 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 and its enclosure 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), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>

Sincerely,

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

Division Director

(Or designee)

Docket No.

License No.

Enclosure(s): Inspection Report No.