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

EA-[YY]-[XXX]

[Licensee Official]

[Title]

[Name of Licensee]

[Address]

SUBJECT: [PLANT NAME] - FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY-RELATED GREATER THAN GREEN FINDING {*If applicable, add:* “AND NOTICE OF VIOLATION”}; NRC SECURITY INSPECTION REPORT ([XXXXXXXX/YYYYY-NNN])

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

This letter provides the final results of our significance determination of the preliminary Greater than Green finding(s) identified in our previous communication dated [date] 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 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.”}

***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,

Regional Administrator

(Or designee)

Docket No.

License No.

Enclosure(s): Inspection Report No.

Notice of Violation (if applicable)