

March 14, 2003

EA-03-009

Holders of Licenses for Operating
Pressurized Water Reactors as listed in
Attachment to the Enclosed Errata

SUBJECT: ISSUANCE OF ERRATA TO ORDER ESTABLISHING INTERIM INSPECTION
REQUIREMENTS FOR REACTOR PRESSURE VESSEL HEADS AT
PRESSURIZED WATER REACTORS

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed errata to the Order issued on February 11, 2003, that imposed inspection requirements for reactor pressure vessel heads at pressurized water reactors.

The enclosed errata corrects an administrative part of the Order related to relaxation provisions. Licensees are not required to respond to this errata. Contact your Licensing Project Manager regarding any issues related the enclosed errata, or if you have any other questions.

The enclosed errata to the Order has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

R. William Borchardt, Acting Director
Office of Nuclear Reactor Regulation

Enclosure: Errata to Order (EA-03-009)

cc w/encl: See next page*

* For a complete listing off all parties who received courtesy copies, see ADAMS Accession number ML030410402. In order to reduce size and weight of documents mailed, the enclosed plant mailing list is that associated with the specific facility noted.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
) Docket Nos. (as shown in Attachment 1)
ALL PRESSURIZED WATER) License Nos. (as shown in Attachment 1)
REACTOR LICENSEES) EA-03-009

**ERRATA TO
ORDER MODIFYING LICENSES
(EFFECTIVE IMMEDIATELY)**

I.

On February 11, 2003, the Nuclear Regulatory Commission (NRC) issued "Order Modifying Licenses (Effective Immediately)" (Order), EA-03-009, to all Licensees for pressurized water reactors. The Order imposes interim inspection requirements for reactor pressure vessel (RPV) heads and associated penetration nozzles.

The Order includes a provision for Licensees to request relaxations and if appropriate for the NRC to rescind or relax requirements imposed by the Order. In anticipation of numerous requests for relaxation of the Order for inspections of specific penetration nozzles, the Order specified that the NRC staff would evaluate requests for relaxation of inspection requirements for specific penetration nozzles using its procedure for proposed alternatives to Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code pursuant to 10 C.F.R. §50.55a, "Codes and standards." To ensure that this provision may be used as intended and as it has been explained to Licensees and other stakeholders following the issuance of the Order, it is necessary to amend a procedural aspect of the Order with respect to the authority to act on requests for relaxation regarding specific nozzle penetrations.

This Errata does not in any way alter any substantive provision of the Order or requirements imposed thereby on any Licensee.

II.

Accordingly, pursuant to Sections 103, 104b, 161b, 161i, 161o, 182 and 186, of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 C.F.R. §2.202 and 10 C.F.R. Part 50, IT IS HEREBY ORDERED, **EFFECTIVE IMMEDIATELY**, THAT my authority to relax or rescind any of the conditions of Section IV of the Order in regard to requests for relaxation associated with specific penetration nozzles has been delegated to Project Directors or higher management positions within the Division of Licensing Project Management within the Office of Nuclear Reactor Regulation.

III.

Since this Errata makes no substantive change to the Order, Licensees are not required to submit an answer pursuant to 10 C.F.R. § 2.202. In accordance with 10 C.F.R. § 2.202, any other persons adversely affected by this Errata may submit an answer to this Errata, and Licensees and any other person adversely affected by this Errata may request a hearing on this Errata, within twenty (20) days of the date of this Errata. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time in which to submit an answer or request a hearing must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Errata. Unless the answer consents to this Errata, the answer shall, in writing and under oath or affirmation, specifically set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Errata should not have been issued. Any answer or request for a hearing shall be submitted to the

Secretary, Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; to the Assistant General Counsel for Materials Litigation and Enforcement at the same address; to the Regional Administrator for NRC Region I, II, III, or IV, as appropriate for the specific plant; and to the Licensee if the answer or hearing request is by a person other than the Licensee. Because of possible disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to hearingdocket@nrc.gov and also to the Assistant General Counsel for Materials Litigation and Enforcement either by means of facsimile transmission to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Errata and shall address the criteria set forth in 10 C.F.R. § 2.714(d).¹

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Errata should be sustained.

Pursuant to 10 C.F.R. § 2.202(c)(2)(i), the Licensee may, in addition to demanding a hearing at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Errata on the ground that the Errata, including the need for

¹ The version of Title 10 of the *Code of Federal Regulations*, published January 1, 2002, inadvertently omitted the last sentence of 10 C.F.R. 2.714 (d) and paragraphs (d)(1) and (d)(2) regarding petitions to intervene and contentions. For the complete, corrected text of 10 C.F.R. 2.714 (d), please see 67 FR 20884, April 29, 2002.

immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section II above shall be final twenty (20) days from the date of this Errata without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section II shall be final when the extension expires if a hearing request has not been received. AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ERRATA.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

R. William Borchardt, Acting Director
Office of Nuclear Reactor Regulation

Dated this 14th day of March 2003