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Date: 2/20/03 5:15PM
Subject: Questions Regarding NRC Order EA-03-009

Mr. Marshall.

Please address the following questions regarding NRC Order EA-03-009 in the February 24, 2003 public meeting. Please document the responses to these questions in the meeting summary.

Thank you,

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1) Section IV.F of the order states that, in the 20 day response required by Section V, licensees shall notify the Commission if: (1) they are unable to comply with any of the requirements of Section IV, or (2) compliance with any of the requirements of Section IV is unnecessary. Section IV.F also states that licensees proposing to deviate from any of the requirements of the order shall seek relaxation of the order by requesting that the Director, Office of Nuclear Reactor Regulation, relax or rescind the requirement in accordance with the process specified in Section IV.F.

It appears that these provisions require that the 20 day response identify those order requirements from which the licensee intends to subsequently request deviation. It appears that the 20 day response need only identify the requirement that can't be met or that is unnecessary, and need not provide an explanation or justification. The explanation or justification would be contained in the request for relaxation subsequently submitted to the Director, Office of Nuclear Reactor Regulation. Is this understanding correct?

2) If a licensee discovers, subsequent to submitting the 20 day response required by Section V, that a requirement in the order can't be met or is unnecessary, may the licensee still request relaxation from the Director, Office of Nuclear Reactor Regulation?

3) Since the order is a modification of the facility license, would a request for relaxation, as described in Section IV of the order, have to be submitted under 10 CFR 50.90 as a license amendment request?

4) Section IV of the order describes additional requirements (similar to those applied to 10 CFR 50.55a(a)(3) requests) that would be invoked for a relaxation regarding inspection of "specific nozzles." However, the additional requirements would also seem to be relevant to a relaxation request that affects inspection requirements for all nozzles on a reactor vessel head. Please explain the distinction intended by use of the term "specific nozzles."

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