

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION  
WASHINGTON, D.C. 20555-0001

September 30, 1997

NRC ADMINISTRATIVE LETTER 97-04: NRC STAFF APPROVAL FOR CHANGES TO  
10 CFR PART 50, APPENDIX H, REACTOR  
VESSEL SURVEILLANCE SPECIMEN  
WITHDRAWAL SCHEDULES

Addressees

All holders of operating licenses for nuclear power reactors except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this administrative letter to inform licensees that changes to their facilities' reactor vessel surveillance specimen capsule withdrawal schedules as specified in Appendix H to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR) that do not conform to the required ASTM standard referenced in Appendix H will be treated as license amendments requiring public notice and opportunity for a hearing.

Background

In a Memorandum and Order (CLI-96-13) issued in the Perry operating license amendment proceeding on December 6, 1996, the Commission reversed and vacated the Atomic Safety and Licensing Board Order, LBP-95-17, which required that all future proposed withdrawal schedule changes be treated as license amendments. The Commission found that while 10 CFR Part 50, Appendix H, II.B.3 requires prior NRC approval for all withdrawal schedule changes, only certain changes require license amendments as the process to be followed for such approval. Specifically, those changes that do not conform to the ASTM standard referenced in Appendix H (ASTM E-185, Standard Practice for Conducting Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels) will require approval by the license amendment process, whereas changes that conform to the ASTM standard require only staff verification of such conformance.

Discussion

Plant technical specifications often direct licensees to conduct testing and surveillance of material specimens according to Appendix H. Appendix H, in turn, requires withdrawal schedules to meet an applicable ASTM standard. In this instance, as long as the plant's withdrawal schedule change meets the applicable ASTM standard, the plant will not be

9709290106

updated on  
10/16/97

PDR ADDOCK 970930



1510-512  
DPO3/1

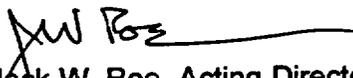
exceeding the operating authority already granted in its license. Therefore, a license amendment would not be required, although prior NRC approval to verify conformance with the ASTM standard is required by Appendix H.

However, if the plant's withdrawal schedule change does not meet the applicable ASTM standard, then the change will be treated as a license amendment requiring public notice and opportunity for a hearing in accordance with Section 189a of the Atomic Energy Act. Therefore, the information required by 10 CFR 50.91 and 50.92 should be included in such submittals.

#### Backfit Discussion

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this administrative letter. This information is being provided in light of the Memorandum and Order and does not constitute a backfit in that the substance of the regulations is not being changed in any respect by this action, and no substantive regulatory requirements that are different from or greater than those that existed heretofore are being imposed on NRC licensees. This administrative letter does not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1), and a backfit analysis is, therefore, not required.

This administrative letter requires no specific action or written response. If you have any questions about this matter, please contact the lead project manager listed below or your appropriate Office of Nuclear Reactor Regulation (NRR) project manager.

  
Jack W. Roe, Acting Director  
Division of Reactor Program Management  
Office of Nuclear Reactor Regulation

Contact: Jon Hopkins, NRR  
301-415-3027  
E-mail: jbh1@nrc.gov

Attachment: List of Recently Issued Administrative Letters

LIST OF RECENTLY ISSUED  
 NRC ADMINISTRATIVE LETTERS

Administrative Letter No.	Subject	Date of Issuance	Issued to
97-03	Plant Restart Discussions Following Natural Disasters	03/28/97	All holders of OLs or CPs for nuclear power reactors
97-02	Elimination of National Examination Schedule for Operator Licensing	03/06/97	All holders of OLs or CPs for nuclear power reactors
97-01	State Initiatives to Legalize Schedule 1 Drugs	01/17/97	All holders of OLs or for nuclear power reactors and all licensees authorized to possess or transport Category 1 nuclear material
96-05	Compliance with the Rule "Timeliness in Decommissioning of Material Facilities"	11/05/96	All material and fuel cycle licensees
96-04	Efficient Adoption of Improved Standard Technical Specifications	10/09/96	All holders of OLs for nuclear power reactors who have not converted to the improved standard technical specifications
96-03	Centralization of Quality Assurance Program Review Responsibility in the Office of Nuclear Reactor Regulation	09/27/96	All holders of OLs or CPs for nuclear power reactors
95-03, Rev. 1	Availability of Reactor Vessel Integrity Database	07/10/96	All holders of OLs or CPs for nuclear power reactors
96-02	Licensee Responsibilities Related to Financial Qualifications	06/21/96	All holders of OLs or CPs for nuclear power reactors

OL = Operating License  
 CP = Construction Permit

exceeding the operating authority already granted in its license. Therefore, a license amendment would not be required, although prior NRC approval to verify conformance with the ASTM standard is required by Appendix H.

However, if the plant's withdrawal schedule change does not meet the applicable ASTM standard, then the change will be treated as a license amendment requiring public notice and opportunity for a hearing in accordance with Section 189a of the Atomic Energy Act. Therefore, the information required by 10 CFR 50.91 and 50.92 should be included in such submittals.

Backfit Discussion

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this administrative letter. This information is being provided in light of the Memorandum and Order and does not constitute a backfit in that the substance of the regulations is not being changed in any respect by this action, and no substantive regulatory requirements that are different from or greater than those that existed heretofore are being imposed on NRC licensees. This administrative letter does not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1), and a backfit analysis is, therefore, not required.

This administrative letter requires no specific action or written response. If you have any questions about this matter, please contact the lead project manager listed below or your appropriate Office of Nuclear Reactor Regulation (NRR) project manager.

original signed by  
 Jack W. Roe, Acting Director  
 Division of Reactor Program Management  
 Office of Nuclear Reactor Regulation

Contact: Jon Hopkins, NRR  
 301-415-3027  
 E-mail: jbh1@nrc.gov

Attachment: List of Recently Issued Administrative Letters

DOCUMENT NAME: 97-04.AL \*SEE PREVIOUS CONCURRENCES

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	PD3-3:PM	E	PD3-3:LA	N	OGC		PD3-3:D		PECB	
NAME	JHopkins*		CBoyle*		STurk*		GMarcus*		CPetrone*	
DATE	08/05/97		08/04/97		08/07/97		08/19/97		08/21/97	
(A)C:PECB		DE:EMCB	(A)D:DRPM							
RDennig*		EJSullivan*	JRoe*							
08/22/97		09/23/97	09/24/97							

OFFICIAL RECORD COPY

exceeding the operating authority already granted in its license. Therefore, a license amendment would not be required, although prior NRC approval to verify conformance with the ASTM standard is required by Appendix H.

However, if the plant's withdrawal schedule change does not meet the applicable ASTM standard, then the change will be treated as a license amendment requiring public notice and opportunity for a hearing in accordance with Section 189a of the Atomic Energy Act. Therefore, the information required by 10 CFR 50.91 and 50.92 should be included in such submittals.

Backfit Discussion

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this administrative letter. This information is being provided in light of the Memorandum and Order and does not constitute a backfit in that the substance of the regulations is not being changed in any respect by this action, and no substantive regulatory requirements that are different from or greater than those that existed heretofore are being imposed on NRC licensees. This administrative letter does not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1), and a backfit analysis is, therefore, not required.

This administrative letter requires no specific action or written response. If you have any questions about this matter, please contact the lead project manager listed below or your appropriate Office of Nuclear Reactor Regulation (NRR) project manager.

Jack W. Roe, Acting Director  
 Division of Reactor Program Management  
 Office of Nuclear Reactor Regulation

Contact: Jon Hopkins, NRR  
 301-415-3027  
 E-mail: jbh1@nrc.gov

Attachment: List of Recently Issued Administrative Letters

DOCUMENT NAME: 97-04.AL

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	PD3-3:PM	E	PD3-3:LA	N	OGC		PD3-3:D		PECB	
NAME	JHopkins*		CBoyle*		STurk*		GMarcus*		CPetrone*	
DATE	08/05/97		08/04/97		08/07/97		08/19/97		08/21/97	
(A)C:PECB		(A)D:DRPM								
RDennig*		JRoe								
08/22/97		09/ /97								

*Handwritten notes:*  
 DM 7/15/97  
 PE:EMCB  
 EJ Sullivan  
 9/23/97 EJS

OFFICIAL RECORD COPY

exceeding the operating authority already granted in its license. Therefore, a license amendment would not be required, although prior NRC approval to verify conformance with the ASTM standard is required by Appendix H.

However, if the plant's withdrawal schedule change does not meet the applicable ASTM standard, then the change will be treated as a license amendment requiring public notice and opportunity for a hearing in accordance with Section 189a of the Atomic Energy Act. Therefore, the information required by 10 CFR 50.91 and 50.92 should be included in such submittals.

Backfit Discussion

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this administrative letter. This information is being provided in light of the Memorandum and Order and does not constitute a backfit in that the substance of the regulations is not being changed in any respect by this action, and no substantive regulatory requirements that are different from or greater than those that existed heretofore are being imposed on NRC licensees. This administrative letter does not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1), and a backfit analysis is, therefore, not required.

This administrative letter requires no specific action or written response. If you have any questions about this matter, please contact the lead project manager listed below or your appropriate Office of Nuclear Reactor Regulation (NRR) project manager.

Jack W. Roe, Acting Director  
 Division of Reactor Program Management  
 Office of Nuclear Reactor Regulation

Contact: Jon Hopkins, NRR  
 301-415-3027  
 E-mail: jbh1@nrc.gov

Attachment: List of Recently Issued Administrative Letters

DOCUMENT NAME: G:\CDPVADMIN.LTR

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	PD3-3:PM	E	PD3-3:LA	N	OGC		PD3-3:D		PECB	
NAME	JHopkins*		CBoyle*		STurk*		GMarcus*		CPetrone*	
DATE	08/05/97		08/04/97		08/07/97		08/19/97		08/21/97	

(A)C:PECB		(A)D:DRPM	
RDennig*		JRoe	
08/22/97		08/ /97	

*JWR*  
 8/12/97

*mkm 8/22/97*

OFFICIAL RECORD COPY

However, if the plant's withdrawal schedule change does not meet the applicable ASTM standard, then the change will be treated as a license amendment requiring public notice and opportunity for a hearing in accordance with Section 189a of the Atomic Energy Act. Therefore, the information required by 10 CFR 50.91 and 50.92 should be included in such submittals.

**Backfit Discussion**

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this administrative letter. This information is being provided in light of the Memorandum and Order and does not constitute a backfit in that the substance of the regulations is not being changed in any respect by this action, and no substantive regulatory requirements that are different from or greater than those that existed heretofore are being imposed on NRC licensees. This administrative letter does not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1), and a backfit analysis is, therefore, not required.

This administrative letter requires no specific action or written response. If you have any questions about this matter, please contact the lead project manager listed below or your appropriate Office of Nuclear Reactor Regulation (NRR) project manager.

Jack W. Roe, Acting Director  
 Division of Reactor Program Management  
 Office of Nuclear Reactor Regulation

Contact: Jon Hopkins, NRR  
 (301) 415-3027  
 E-mail: JBH1@nrc.gov

DOCUMENT NAME: G:\CDP\ADMIN.LTR

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	PD3-3:PM	E	PD3-3:LA	N	OGC		PD3-3:D		PECB	<input checked="" type="checkbox"/>
NAME	JHopkins*		CBoyle*		STurk*		GMarcus*		CPetrone	
DATE	08/05/97		08/04/97		08/07/97		08/19/97		08/21/97	

(A)C:PECB	(A)D:DRPM
RDennig	JRoe
08/24/97	08/ /97

OFFICIAL RECORD COPY