

E. For each inspection required in Paragraph C, the Licensee shall submit a report detailing the inspection results within sixty (60) days after returning the plant to operation.⁴ For each inspection required in Paragraph D, the Licensee shall submit a report detailing the inspection results within sixty (60) days after returning the plant to operation if a leak or boron deposit was found during the inspection.

F. In the response required by Section V of this Order, all 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. Licensees proposing to deviate from the requirements of this Order shall seek relaxation of this Order pursuant to the procedure specified below.

The Director, Office of Nuclear Reactor Regulation, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause. A request for relaxation regarding inspection of specific nozzles shall also address the following criteria:

(1) The proposed alternative(s) for inspection of specific nozzles will provide an acceptable level of quality and safety, or

(2) Compliance with this Order for specific nozzles would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

Requests for relaxation associated with specific penetration nozzles will be evaluated by the NRC staff using its procedure for evaluating proposed alternatives to the ASME Code in accordance with 10 CFR 50.55a(a)(3).

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within twenty (20) days of the date of this Order. 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 Order. Unless the answer consents

to this Order, 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 Order 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 Order and shall address the criteria set forth in 10 CFR 2.714(d).⁵

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 Order should be sustained.

Pursuant to 10 CFR 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 Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

⁵ The version of Title 10 of the Code of Federal Regulations, published January 1, 2002, inadvertently omitted the last sentence of 10 CFR 2.714 (d) and paragraphs (d)(1) and (d)(2) regarding petitions to intervene and contentions. For the complete, corrected text of 10 CFR 2.714 (d), please see 67 FR 20884, April 29, 2002.

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 IV above shall be final twenty (20) days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or request for hearing shall not stay the immediate effectiveness of this order.

Dated this 11th day of February, 2003.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

Attachment to Order:

Facilities

Beaver Valley Power Station, Units 1 and 2
Docket Nos. 50-334 and 50-412
License Nos. DPR-66 and NPF-73

Calvert Cliffs Nuclear Power Plant,
Units 1 and 2
Docket Nos. 50-317 and 50-318
License Nos. DPR-53 and DPR-69
R.E. Ginna Nuclear Power Plant
Docket No. 50-244
License No. DPR-18

Indian Point Nuclear Generating Station,
Units 2 and 3
Docket Nos. 50-247 and 50-286
License Nos. DPR-26 and DPR-64

Millstone Power Station, Units 2 and 3
Docket Nos. 50-336 and 50-423
License Nos. DPR-65 and NPF-49

Salem Nuclear Generating Station,
Units 1 and 2
Docket Nos. 50-272 and 50-311
License Nos. DPR-70 and DPR-75

Seabrook Station, Unit 1
Docket No. 50-443
License No. NPF-86

Three Mile Island Nuclear Station, Unit 1
Docket No. 50-289
License No. DPR-50

Catawba Nuclear Station, Units 1 and 2
Docket Nos. 50-413 and 50-414
License Nos. NPF-35 and NPF-52

Crystal River Nuclear Power Plant
Docket No. 50-302
License No. DPR-72

Joseph M. Farley Nuclear Plant,
Units 1 and 2
Docket Nos. 50-348 and 50-364
License Nos. NPF-2 and NPF-8

Shearon Harris Nuclear Power Plant, Unit 1
Docket No. 50-400
License No. NPF-63

William B. McGuire Nuclear Station,
Units 1 and 2
Docket Nos. 50-369 and 50-370
License Nos. NPF-9 and NPF-17

North Anna Power Station, Units 1 and 2
Docket Nos. 50-338 and 50-339
License Nos. NPF-4 and NPF-7

⁴ This reporting requirement supercedes the 30-day reports requested by NRC Bulletin 2002-02.