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Lewis Sumner
Vice President
Hatch Project Support

**Southern Nuclear
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Holahan



June 2, 1998

Docket Nos. 50-321
50-366

HL-5637

U.S. Nuclear Regulatory Commission
Attn: Mr. Samuel J. Collins
Director, Office of Nuclear Regulatory Regulation
Mail Stop 05E7
Washington, DC 20555-001

Edwin I. Hatch Nuclear Plant
Consent to Confirmatory Order Modifying License

Dear Mr. Collins:

By letter dated May 11, 1998, Southern Nuclear Operating Company (SNC) responded to your letter dated April 29, 1998, regarding the Consent to Confirmatory Order for completion of Thermo-Lag 330-1 fire barrier corrective actions at Plant Hatch Units 1 and 2. This letter supersedes that letter. Enclosed is a commitment form similar to the form attached to your April 29, 1998, letter. The commitment form properly reflects SNC's previous commitments to implement Thermo-Lag 330-1 fire barrier corrective actions at Plant Hatch. The commitment form differs from the commitment form in your April 29, 1998, letter in that a number of the submittals referenced in that form do not reflect Plant Hatch's final commitment. Also included in the commitment form is reference to another SNC letter dated May 11, 1998 (HL-5632), which is a clarification of SNC's letter dated March 28, 1995. The basis for removing each of the other letters referenced in the commitment form in your letter dated April 29, 1998, is provided below.

SNC's letter dated July 20, 1992, provided a response to NRC Bulletin No. 92-01, which only identified plant areas that contained Thermo-Lag 330-1 and described temporary compensatory measures taken to restore fire barrier operability at that time. SNC's letter dated September 2, 1992, provided a response to NRC Bulletin No. 92-01, Supplement 1, and identified temporary compensatory measures relative to Thermo-Lag 330-1 and shutdown pathways. The letter dated December 22, 1993, was not from SNC; rather, the letter was transmitted by TSI, and identified the plants having Thermo-Lag 330-1 and advised of its technical characteristics. SNC's letters dated April 16, 1993, and February 10, 1994, were submitted in response to Generic Letter 92-08 and described SNC's program for retaining Thermo-Lag 330-1 at Plant Hatch. Both of these letters were superseded by SNC's letters to the NRC dated December 13, 1994, and March 28, 1995, in which SNC committed to remove Thermo-Lag 330-1 from both Plant Hatch units.

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SNC agrees to incorporation of the enclosed commitment into a Confirmatory Order Modifying License ("Hatch Order") that will become effective immediately upon issuance. I also recognize that by signing the enclosed commitment, SNC consents to the issuance of an immediately effective Hatch Order incorporating the enclosed commitment for each Plant Hatch unit and, by doing so, pursuant to 10 CFR § 2.202(a)(3), SNC will not have a right to request a hearing on all or any part of the Hatch Order. However, SNC believes that this waiver of a right to a hearing is limited to the four corners of the specific Hatch Order and not to any future right to a hearing, or to any other legal process, that SNC might have concerning any other order, issuance or determination by the NRC, including, for example, any NRC determination that good cause has not been shown for the relaxation or rescission of the Hatch Order. Moreover, it is SNC's belief that, in the event SNC requests a hearing on the NRC's denial of a showing of good cause, the effectiveness of the above commitment will be suspended until the completion of the hearing.

Additionally, consistent with the confirmatory order issued to Washington Public Power Supply System concerning Nuclear Project No. 2, dated March 25, 1998, I understand that the Hatch Order will expressly provide that "The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause." By way of example, and not by way of limitation, SNC considers a showing of good cause to include delays or disruptions which directly affect SNC's ability to satisfy the Hatch Order and which result from unforeseeable conditions beyond the control of SNC, including, but not limited to, acts of God, labor difficulty, unavailability of materials, embargoes, or acts of governmental authorities, including changes in laws, regulations, licenses, or orders. Further, SNC believes that a showing of good cause would include such matters as the need to revise the completion date of the above commitment in order to perform other work because SNC determines that the safety significance of such work takes precedence over the above-described Thermo-Lag 330-1 modifications. SNC recognizes that the showing of good cause should also demonstrate that the new work cannot be performed at the same time as the Thermo-Lag 330-1 modifications due to budget, resource, or space constraints. Finally, once a showing of good cause is made by SNC, SNC shall consider its obligation under the commitment to be relieved, unless and until the NRC staff formally finds that SNC's showing of good cause is not adequate.

Please contact Mr. Don Crowe (205-992-7248) if you have any questions concerning this matter.

Sincerely,



H. L. Sumner, Jr.
Vice President
Plant Hatch

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June 2, 1998

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Enclosure: Consent to Confirmatory Order Modifying License (Order) Commitment
Form

cc: U.S. Nuclear Regulatory Commission, Region II
Mr. L. A. Reyes, Regional Administrator
Mr. B. L. Holbrook, Senior Resident Inspector - Hatch

Southern Nuclear Operating Company
SNC Document Management (R-Type A02.001)

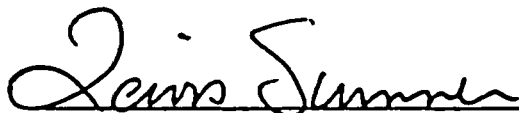
Enclosure

Consent to Confirmatory Order Modifying License (Order)
Commitment Form

I, Mr. H. Lewis Sumner, Jr., Vice President, Hatch Support Project of Southern Nuclear Operating Company, Inc., licensee for the Edwin I. Hatch Nuclear Plant, Units 1 and 2, hereby agree on behalf of Southern Nuclear Operating Company (SNC) that SNC will comply with the following commitment:

SNC shall complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Plant Hatch Units 1 and 2, described in the SNC submittals to the NRC dated December 13, 1994, March 28, 1995, and May 11, 1998 (HL-5632), by startup of Unit 2 from the fall 1998 refueling outage.

SNC also agrees to incorporating this commitment into a Confirmatory Order Modifying License (Order) that will be effective immediately upon issuance. I recognize that by signing below, SNC consents to the issuance of an immediately effective Order incorporating the above commitment for each Hatch unit and, by doing so, pursuant to 10 CFR 2.202(a)(3), SNC will not have a right to request a hearing on all or any part of this Order.



H. Lewis Sumner, Jr., Vice President
Hatch Support Project
Southern Nuclear Operating Company, Inc.

6/2/98
Date