

From: Robert Schin *RS*
To: Nelson (HQ-OE), David
Date: 1/22/04 3:29PM
Subject: Re: Hatch NCV Denial

Dave,

No - The licensee requested an exemption from Appendix R Section III.J related to the power supply to control room emergency lights. Section III.J requires 8-hour battery powered lights; the licensee requested and the NRC approved a power supply from the station battery, backed by the EDGs and battery charger.

The manual action of repowering the battery charger to keep the control room emergency lights lit was stated. However, no exemption from III.G.2 was requested for power to equipment required to maintain the reactor in hot shutdown. Also, it was not stated that the manual action of repowering the battery charger was needed to maintain instrumentation & control for the reactor. (e.g., for control of HPCI, RCIC, ADS).

Carolyn Evans reviewed the referenced letters from the licensee and the NRC SER and concluded that the NRC did not approve an exemption from III.G.2 for power to instrumentation & control needed to maintain the reactor in hot shutdown.

Bob

OE
>>> David Nelson (HQ-OE) 01/22/04 03:09PM >>>
Bob - one quick question based only on a quick read:

For item 3 concerning the battery chargers, did the 1986/87 information exchange related to the SER reasonably represent NRC tacit approval of the manual actions? In other words, regardless of whether we approved or disapproved of anything else, was enough information given to the NRC at that time for us to know that the licensee was relying upon manual actions and we should have concluded then that a violation of III.G.2 existed? If so, we should follow the rules for a compliance backfit for this example and consider VII.B.6 discretion. A backfit conclusion could be necessary if we're now taking a different position than we did in the past. This doesn't mean it's not a violation and they don't have to fix it - only that we knew about it before and we made a mistake by not saying it was a violation then, thus we shouldn't take an enforcement action now after all these years. Did the licensee claim backfit?

Dave

RS
>>> Robert Schin 01/22/04 02:46PM >>>
Dave,

Our DRAFT letter responding to a Hatch request that NRC withdraw an NCV is attached for your concurrence. All of the required concurrences have been obtained, except for yours. Also; C. Casto, H. Christensen, L. Plisco, and L. Reyes have been briefed, have read the DRAFT letter, and have no objections.

The concurrence copy of the letter is on Scott's desk.

Bob Schin

CC: Ogle, Charles R.; Sparks, Scott

Q-4

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From: Robert Schin

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