

From: Robert Schin , R2
To: Evans, Carolyn
Date: 10/24/03 11:40AM
Subject: Legal opinion for violation denial

Carolyn,

I need a legal opinion to address one portion of a violation denial from Hatch. In their letter of October 1, 2003, Hatch gives a number of 'facts' in objection to an NCV. (As stated in the Hatch letter, the NCV was for failure to protect cables from fire damage as required by 10 CFR 50, Appendix R, Section III.G.2, and instead relying on local manual operator actions without NRC approval.)

The one I need help with is where Hatch implies that the NRC had approved their local manual action for restoring power to the battery chargers following a loss of offsite power that was caused by the fire. The question is - did the NRC grant an exemption from the requirements of III.G.2 and approve reliance on the manual action instead?

The concern of this example of the NCV is:

1. A fire in some III.G.2 plant areas outside of the control room (where shutdown from the control room is relied upon) can affect unprotected cables and consequently cause a loss of offsite power. (The licensee's Safe Shutdown Analysis assumes that a fire in any plant area can cause a loss of offsite power.) The loss of offsite power in turn causes a loss of the battery chargers, since they will not automatically load onto the emergency diesel generators.
2. The battery chargers are required for hot safe shutdown. Without the battery chargers, the batteries will expire in about two hours and then the control room will lose control of most of the needed safe shutdown equipment. (e.g., HPCI, RCIC, SRVs, LPCI) Control room lighting will also be lost.
3. Appendix R, Section III.G.2 requires that cables that could cause such a loss of needed safe shutdown equipment must be physically protected from fire damage.

DID THE NRC GRANT AN EXEMPTION FROM THIS REQUIREMENT? The docket files show:

1. Hatch letter of May 16, 1986, requested an exemption from the requirements of paragraph III.J of Appendix R for control room lighting, to the extent that 8-hour battery-powered emergency lights are required.
2. Hatch letter of October 31, 1986, responded to a verbal NRC RAI and stated that powering the control room emergency lights from the emergency diesel generators involved an operator action to re-energize the battery chargers after the emergency diesel generators start.
3. The NRC SER dated January 2, 1987, granted the licensee an exemption from the requirements of section III.J of Appendix R for the control room emergency lights to the extent that 8-hour battery-powered emergency lighting is required. The SER did not mention any local manual operator actions.

NOTE: The local manual operator action that is the focus of this example of the NCV (to restore power to the battery chargers) is the same action that Hatch described in their letter of October 31, 1986.

CC: Ogle, Charles R.

T-11