

Southern Nuclear  
Operating Company, Inc.  
40 Inverness Center Parkway  
Post Office Box 1286  
Birmingham, Alabama 35201-1295  
Tel. 205.992.5000



*Energy to Serve Your World*

March 6, 2009

Docket Nos.: 50-321  
50-366

NL-09-0344

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D. C. 20555-0001

Edwin I. Hatch Nuclear Plant  
Request for Extension of 10 CFR 50 Appendix R Enforcement Discretion

Ladies and Gentlemen:

Regulatory Issue Summary (RIS) 2006-10, "Regulatory Expectations with Appendix R Paragraph III.G.2 Operator Manual Actions" was issued on June 30, 2006 to clarify NRC expectations with regard to compliance with 10 CFR 50 Appendix R, III.G.2 requirements. NRC has been exercising enforcement discretion over the use of operator manual actions in order to allow licensees to come into compliance, as described in Enforcement Guidance Memoranda EGM-98-02, Rev. 2 (February 2, 2000) and EGM-07-004 (June 30, 2007), with March 6, 2009 specified as the date for the completion of corrective actions.

Non-compliant operator manual actions were first identified at Southern Nuclear Operating Company's (SNC's) Edwin I Hatch Nuclear Plant (HNP), Units 1 & 2, during the 2003 Triennial Fire Protection Inspection. SNC initiated a condition report (CR 2003110070) on this issue, which the resultant inspection reports, (05000321/2003006 and 05000366/2003006, September 1, 2003) characterized as a non-cited violation (NCV 50-366/03-06-04).

SNC initially disputed this NCV in a letter dated October 1, 2003 but in early 2006 the NRC denied the request to withdraw the NCV. As a result of the denial, SNC reopened CR 2003110070 to complete root cause and corrective action (RCCA) determination, including a broadness review which identified additional manual action issues.

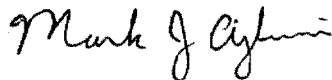
SNC originally planned to submit exemption requests addressing these manual actions, as provided by EGM-07-004. However, based on SNC's monitoring of industry and NRC enforcement actions, including revised guidance on manual actions, a more conservative approach was established. SNC initiated design modifications to eliminate all non-compliant operator manual actions. These design modifications (described in Enclosure 1) involve physical modifications to the plant, including inside the Main Control Room, which require a unit outage for implementation.

While the Unit 2 changes will be completed during the refueling outage now in progress on that unit, the timing of design change development with respect to the 24 month HNP operating cycle did not permit change implementation during the 2008 Unit 1 refueling outage. These changes can not be completed until the next Unit 1 refueling outage, in spring 2010.

Accordingly, SNC requests an extension of enforcement discretion with respect to the requirements of 10 CFR 50, Appendix R, III.G.2 for HNP Unit 1 from March 6, 2009 to the scheduled end of the next Unit 1 outage, March 17, 2010 for the five operator manual actions identified in Enclosure 1. This extension would allow the continued use of operator manual actions, in the specific instances identified in Enclosure 1, to achieve and maintain hot shutdown conditions in lieu of the cable separation criteria of Section III.G.2.

The NRC commitments contained in this letter are provided as a table in Enclosure 2. If you have any questions, please advise.

Sincerely,



M. J. Ajluni  
Manager, Nuclear Licensing

MJA/DWD/daj

Enclosures: 1. HNP Unit 1 – Status of App. R Operator Manual Action Elimination  
2. NRC Commitments – List of Regulatory Commitments

cc: Southern Nuclear Operating Company  
Mr. J. T. Gasser, Executive Vice President  
Mr. D. R. Madison, Vice President – Hatch  
Mr. D. H. Jones, Vice President – Engineering  
RTYPE: CHA02.004

U. S. Nuclear Regulatory Commission  
Mr. L. A. Reyes, Regional Administrator  
Mr. R. E. Martin, NRR Project Manager – Hatch  
Mr. J. A. Hickey, Senior Resident Inspector – Hatch

**Edwin I. Hatch Nuclear Plant  
Request for Extension of 10 CFR 50 Appendix R Enforcement Discretion**

**Enclosure 1**

**HNP Unit 1 – Status of App. R Operator Manual Action Elimination**

## Enclosure 1

### HNP Unit 1

#### Status of App. R Operator Manual Action Elimination

Fire Area	Operator Manual Action	Description of Design Modification	Modification Status
Generic	Close the 3 AC supply breakers to the battery charger switches on 600V switchgear control panel 1H21-P245.	Install control switches in the Main Control Room	Implement Spring 2010 Outage – Enforcement discretion requested
Generic	Close the 3 AC supply breakers to the battery charger switches on 600V switchgear control panel 1H21-P246.	Install control switches in the Main Control Room	Implement Spring 2010 Outage – Enforcement discretion requested
0014	Open breaker 21 in 1R25-S002 and verify closed or close the breakers in Frames 8B, 8M and 8T of 1R23-S004.	Reroute cables out of unprotected trays in area.	Complete
0014	Open 30-A breaker SA in 1R23-S004, Frame 8, and verify closed or close 1R23-S004 Frame 4B.	Reroute cables out of unprotected trays in area.	Complete
1101	If unable to close or verify position, manually close valve 1P41-F310B using the handwheel.	Install interposing relay to isolate circuit.	Implement Spring 2010 Outage – Enforcement discretion requested
1104	Rack out breaker 17B in MCC 1R24-S012 and manually reopen E51-F105 prior to RCIC restart.	Install new cable in dedicated conduit.	Implement Spring 2010 Outage – Enforcement discretion requested
1205	Rack out breaker in 1R23-S004 Frame 6M and manually reopen E51-F105 prior to RCIC restart.	Install new cable in dedicated conduit.	Implement Spring 2010 Outage – Enforcement discretion requested

**Edwin I. Hatch Nuclear Plant  
Request for Extension of 10 CFR 50 Appendix R Enforcement Discretion**

**Enclosure 2**

**NRC Commitments – List of Regulatory Commitments**

## Enclosure 2

### NRC Commitments List of Regulatory Commitments

The following table identifies the regulatory commitments in this document. Any other statements in this submittal represent intended or planned actions. They are provided for information purposes and are not considered to be regulatory commitments.

REGULATORY COMMITMENTS	DUE DATE / EVENT
[1.] SNC will implement design changes to eliminate operator manual actions not in compliance with 10 CFR 50 Appendix R, III.G.2 requirements, as described in Enclosure 1 of this submittal.	End of HNP Unit 1 spring 2010 outage, currently scheduled for March 17, 2010.