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Energy to Serve Your World
NL-09-0442

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

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

Ladies and Gentlemen:

This letter supersedes the March 6, 2009 Southern Nuclear Operating Company (SNC) letter on this topic to provide additional information on interim compensatory operator manual actions and to update the status of modifications being made to eliminate these manual actions.

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 Units 1 & 2 of the Edwin I. Hatch Nuclear Plant (HNP) 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.

The interim compensatory manual operator actions to be eliminated by design modifications at HNP Unit 1 are listed in Enclosure 1, which has been revised from the March 6, 2009 letter to reflect completion of the design modifications to eliminate manual actions in Fire Areas 1104 and 1205 and the expected spring 2010 completion for the design modifications to eliminate manual actions in Fire Area 0014, as well as to provide additional descriptive information. Each of the remaining five compensatory manual operator actions has been walked down to assure its feasibility and the operator manual actions are contained in plant procedures.

Accordingly, SNC requests an extension of enforcement discretion with respect to the requirements of 10 CFR 50, Appendix R, III.G.2 for the five pending interim compensatory operator manual actions for HNP Unit 1 identified in Enclosure 1, to encompass a period of approximately 12 months, i.e. to the end of the next Unit 1 outage, currently scheduled for March 17, 2010. This extension would allow the continued use of operator manual actions, as described in Enclosure 1, to achieve and maintain hot shutdown conditions in lieu of compliance with the cable separation criteria of Section III.G.2.

The NRC commitments contained in this letter are unchanged from the March 6, 2009 letter and are provided as a table in Enclosure 2. If you have any questions, please advise.

Sincerely,



M. J. Ajluni
Manager, Nuclear Licensing

MJA/DWD/phr

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

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cc: Southern Nuclear Operating Company
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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, per procedure 34AB-X43-001-1. Access through Fire Area 0014 is required within 2 hours.	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, per procedure 34AB-X43-001-1. Access through Fire Area 0014 is required within 2 hours.	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, per procedure 34AB-X43-001-1. No access through a fire-affected area is required.	Reroute cables out of unprotected trays in area.	Implement Spring 2010 Outage – Enforcement discretion requested
0014	Open 30-A breaker SA in 1R23-S004, Frame 8, and verify closed or close 1R23-S004 Frame 4B, per procedure 34AB-X43-001-1. No access through a fire-affected area is required.	Reroute cables out of unprotected trays in area.	Implement Spring 2010 Outage – Enforcement discretion requested
1101	If unable to close or verify position, use handwheel to manually close valve 1P41-F310B per procedure 34AB-X43-001-1. No access through a fire-affected area is required.	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. (No longer needed since new cable installed.)	Install new cable in dedicated conduit.	Complete
1205	Rack out breaker in 1R23-S004 Frame 6M and manually reopen E51-F105 prior to RCIC restart. (No longer needed since new cable installed.)	Install new cable in dedicated conduit.	Complete

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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.