

Lewis Sumner
Vice President
Hatch Project Support

Southern Nuclear
Operating Company, Inc.
40 Inverness Parkway
Post Office Box 1295
Birmingham, Alabama 35201
Tel 205.992.7279
Fax 205.992.0341



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May 11, 1998

Docket Nos. 50-321
50-366

HL-5629

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:

In response to your April 29, 1998 letter, I, Mr. H. Lewis Sumner, Jr., Vice President, Plant Hatch of Southern Nuclear Operating Company, Inc. (SNC), operating licensee for the Edwin I. Hatch Nuclear Plant, Units 1 and 2, hereby agree on behalf of 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, by startup of Unit 2 from the Fall, 1998 refueling outage.

This commitment properly reflects the commitments previously made by SNC to implement Thermo-Lag 330-1 fire barrier corrective actions at Plant Hatch Units 1 and 2. This commitment differs from the commitment proposed in your April 29, 1998 letter because a number of the submittals referenced in your letter do not reflect the Plant Hatch Units 1 and 2 final commitment. Specifically, the July 20, 1992 letter was a response to NRC Bulletin No. 92-01 which only identified areas that contained Thermo-Lag 330-1 and described compensatory temporary measures taken to restore fire barrier operability at that time. The September 2, 1992 letter, a response to NRC Bulletin No. 92-01, Supplement 1, identified temporary compensatory measures relative to Thermo-Lag 330-1 and shutdown pathways requested in the bulletin. The letter dated December 22, 1993 is not a letter from SNC at all but, rather, is a letter from TSI identifying the plants having Thermo-Lag 330-1 and advising of its technical characteristics. The April 16, 1993 and February 10, 1994 SNC letters submitted in response to Generic Letter 92-08, and which described the SNC program retaining Thermo-Lag 330-1 at Plant Hatch Units 1 and 2, have been superseded by the SNC letters to the NRC dated December 13, 1994 and March 28, 1995 in which we committed to remove Thermo-Lag 330-1.

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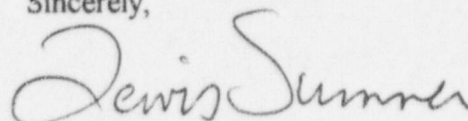
May 11, 1998

SNC also agrees to incorporating the above commitment into a Confirmatory Order Modifying License ("Hatch Order") that will be effective immediately upon issuance. I also recognize that by signing below, SNC consents to the issuance of an immediately effective Hatch Order incorporating the above 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, I understand 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 Southern Nuclear 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, SNC's agreement to the above commitment is conditioned on the understanding 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, I understand 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. In that case, 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Lewis Sumner".

H. L. Sumner, Jr.

Mr. Samuel J. Collins

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DMC/eb

cc: U.S. Nuclear Regulatory Commission, Region II

Mr. L. A. Reyes, Regional Administrator

Mr. B. L. Holbrook, Senior Resident Inspector - Hatch

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