

EDO Principal Correspondence Control

FROM: DUE: 02/28/12

EDO CONTROL: G20110883

DOC DT: 12/21/11

FINAL REPLY:

R. W. Borchardt, EDO

TO:

RES/OGC/NRR

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO:

Holian, RES

DESC:

ROUTING:

Backfit Appeal Associated with Component Design  
Bases Inspection at Edwin I. Hatch Nuclear Plant  
(EDATS: OEDO-2011-0800)

Borchardt  
Weber  
Virgilio  
Ash  
Mamish  
OGC/GC  
Leeds, NRR  
Burns, OGC  
McCree, RII  
Kotzalas, OEDO

DATE: 12/29/11

ASSIGNED TO:

CONTACT:

RES

Sheron

SPECIAL INSTRUCTIONS OR REMARKS:

The panel (Brian Holian, RES, Steve Burns, OGC and James Andersen, NRR) should complete the review and provide recommendations with responses to the questions via memo to the EDO by February 28, 2012. NRR, OGC and Region II provide input to RES (Brian Holian) prior to the February 28, 2012 due date. Also, please be sure to provide a copy of response to Margie Kotzalas, OEDO.

Template: EDO-001

E-RIDS: EDO-01

**EDATS Number:** OEDO-2011-0800**Source:** OEDO**General Information****Assigned To:** RES**OEDO Due Date:** 2/28/2012 11:00 PM**Other Assignees:****SECY Due Date:** NONE**Subject:** Backfit Appeal Associated with Component Design Bases Inspection at Edwin I. Hatch Nuclear Plant**Description:****CC Routing:** NRR; OGC; RegionII**ADAMS Accession Numbers - Incoming:** NONE**Response/Package:** NONE**Other Information****Cross Reference Number:** G20110883**Staff Initiated:** NO**Related Task:****Recurring Item:** NO**File Routing:** EDATS**Agency Lesson Learned:** NO**OEDO Monthly Report Item:** NO**Process Information****Action Type:** Memo**Priority:** Medium**Signature Level:** RES**Sensitivity:** None**Urgency:** NO**Approval Level:** No Approval Required**OEDO Concurrence:** NO**OCM Concurrence:** NO**OCA Concurrence:** NO

**Special Instructions:** Panel (Brian Holian, RES, Steve Burns, OGC and James Andersen, NRR) should complete the review and provide recommendations with responses to the questions via memo to the EDO by February 28, 2012. NRR, OGC and Region II to provide input to RES (Brian Holian) prior to the February 28, 2012 due date. Also, please be sure to provide a copy of response to Margie Kotzalas, OEDO.

**Document Information****Originator Name:** R. W. Borchardt**Date of Incoming:** 12/21/2011**Originating Organization:** OEDO**Document Received by OEDO Date:** 12/29/2011**Addressee:** Committee for Review of Generic Requirements(CRGR)**Date Response Requested by Originator:** NONE**Incoming Task Received:** Memo

December 21, 2011

MEMORANDUM TO: Brian Holian, Backfit Appeal Panel Chairman  
Committee for Review of Generic Requirements

Steven Burns  
General Counsel

James Andersen, Chief  
Electrical Engineering Branch  
Division of Engineering  
Office of Nuclear Reactor Regulation

FROM: R. W. Borchardt */RA by Martin J. Virgilio for/*  
Executive Director for Operations

SUBJECT: CHARTER FOR BACKFIT APPEAL REVIEW PANEL  
ASSOCIATED WITH COMPONENT DESIGN BASES  
INSPECTION AT EDWIN I. HATCH NUCLEAR PLANT

In accordance with Management Directive (MD) 8.4, "Management of Facility-specific Backfitting and Information Collection," I am appointing you as members of a Backfit Appeal Review Panel (Panel) to review Southern Nuclear Operating Company's (the licensee's) appeal of the U.S. Nuclear Regulatory Commission (NRC) staff's determination that a backfit is necessary at Edwin I. Hatch Nuclear Plant (Hatch) and the staff's application of the compliance backfit exception.

In a May 25, 2011, letter, the NRC forwarded the findings of a component design bases inspection in Inspection Report 05000321/2011009 and 05000366/2011009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML111450793). The staff stated that Hatch was not in compliance with the degraded voltage protection requirements of General Design Criteria 17 of 10 CFR 50, Appendix A and 10 CFR 50.55a(h)(2) and directed the licensee to implement a backfit excluding reliance on manual actions to maintain grid voltages. On June 17, 2011, the licensee appealed the staff's decision stating that the current configuration of Hatch with respect to degraded grid voltage, which was approved by the NRC through license amendments in 1995, meets regulatory requirements and that the staff's application of compliance backfit exception is not appropriate (ADAMS Accession No. ML111680360). In a letter dated September 29, 2011, the NRC responded to the licensee's

CONTACT: M. Kotzalas, OEDO  
301-415-1727

EDO --G20110883

appeal and reaffirmed its decision that the backfit per the compliance exception provisions of 10 CFR 50.109(a)(4)(i) issued to the licensee is appropriate. On October 28, 2011, the licensee again appealed the staff's decision (ADAMS Accession No. ML11335A179). The Nuclear Energy Institute (NEI), in a letter dated November 14, 2011, supported the licensee's backfit appeal (ADAMS Accession No. ML11319A049).

The Panel should review the October 28, 2011, appeal and supporting information and provide a response to the following:

1. Was approval of the current Hatch degraded voltage configuration in 1995 based on a mistake? If so, what was the mistake and what are the implications for Hatch?
2. Does the current Hatch degraded voltage configuration comply with the applicable regulations?
3. What is the relative risk of the current configuration at Hatch?
4. Is the current Hatch degraded voltage configuration adequate?
5. Explain whether the requirements of the compliance backfit exception of 10 CFR 50.109(a)(4)(i) are met.

The responses to these questions should be sufficient to provide a recommendation of whether a backfit is necessary at Hatch and whether the staff's application of the compliance backfit exception is appropriate. The panel should also review NEI's concerns and recommend a response.

In conducting its review, the Panel may seek staff support. It should review appropriate background information including the May 25, 2011, inspection report, the 1995 safety evaluations, the licensee's June 17, 2011, appeal to Region II, and the September 29, 2011, staff response. The panel should also take into consideration the 1991 enforcement action mentioned in the licensee's October 28, 2011, letter and determine whether it has implications in the issuance of a backfit.

The Panel should complete its review and provide recommendations and written responses to the questions by February 28, 2012.