



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 22, 2012

Mr. Thomas D. Gatlin
Vice President, Nuclear Operations
South Carolina Electric & Gas Company
Virgil C. Summer Nuclear Station
Post Office Box 88
Jenkinsville, SC 29065

SUBJECT: VIRGIL C. SUMMER NUCLEAR STATION, UNIT NO. 1, ISSUANCE OF
AMENDMENT REGARDING REPORTING REQUIREMENTS (TAC NO. ME7088)

Dear Mr. Gatlin:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 185 to Renewed Facility Operating License No. NPF-12 for the Virgil C. Summer Nuclear Station (VCSNS), Unit No. 1, in response to your letter dated August 23, 2011 (Agencywide Documents Access and Management System Accession No. ML11237A103). This amendment deleted the license condition that requires reporting of violations of other requirements in Section 2.C of the operating license and deletes reporting requirements in Section 6.6 of the Technical Specifications.

A copy of the related Safety Evaluation is enclosed. Notice of Issuance will be included in the Commission's Biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in cursive script, reading "Robert E. Martin", is positioned above the typed name and title.

Robert E. Martin, Senior Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-395

Enclosures:

1. Amendment No. 185 to NPF-12
2. Safety Evaluation

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SOUTH CAROLINA ELECTRIC & GAS COMPANY

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

DOCKET NO. 50-395

VIRGIL C. SUMMER NUCLEAR STATION, UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 185
Renewed License No. NPF-12

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by South Carolina Electric & Gas Company (the licensee), dated August 23, 2011, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications (TSs), as indicated in the attachment to this license amendment; and paragraph 2.C.(2) of Renewed Facility Operating License No. NPF-12 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The TSs contained in Appendix A, as revised through Amendment No. 185, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. South Carolina Electric & Gas Company shall operate the facility in accordance with the TSs and the Environmental Protection Plan.

3. This amendment is effective as of its date of issuance and shall be implemented within one hundred twenty (120) days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "N. Salgado", with a horizontal line extending to the right.

for
Nancy Salgado, Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to Renewed Facility
Operating License No. NPF-12
and the Technical Specifications

Date of Issuance: February 22, 2012

ATTACHMENT TO LICENSE AMENDMENT NO. 185
TO RENEWED FACILITY OPERATING LICENSE NO. NPF-12
DOCKET NO. 50-395

Replace the following pages of the License and Appendix "A" Technical Specifications with the enclosed pages as indicated. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

License

License No. NPF-12, page 3
License No. NPF-12, page 12

TS

XIX
6-10

Insert Pages

License

License No. NPF-12, page 3
License No. NPF-12, page 12

TS

XIX
6-10

- (3) SCE&G, pursuant to the Act and 10 CFR Part 70, to receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as amended through Amendment No. 33;
- (4) SCE&G, pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed neutron sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (5) SCE&G, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus of components; and
- (6) SCE&G, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This renewed license shall be deemed to contain, and is subject to, the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

SCE&G is authorized to operate the facility at reactor core power levels not in excess of 2900 megawatts thermal in accordance with the conditions specified herein and in Attachment 1 to this renewed license. The preoccupation tests, startup tests and other items identified in Attachment 1 to this renewed license shall be completed as specified. Attachment 1 is hereby incorporated into this renewed license.

(2) Technical Specifications and Environmental Protection Plan

The technical Specifications contained in Appendix A, as revised through Amendment No. 185 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the renewed license. South Carolina Electric & Gas Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

- F. This renewed license is subject to the following additional condition for the protection of the environment:

Before engaging in activities that may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement, SCE&G shall provide a written notification of such activities to the NRC Office of Nuclear Reactor Regulation and receive written approval from that office before proceeding with such activities.

- G. Reporting to the Commission:

(1) DELETED

(2) SCE&G shall notify the Commission, as soon as possible but not later than one hour, of any accident at this facility which could result in an unplanned release of quantities of fission products in excess of allowable limits for normal operation established by the Commission.

- H. The licensees shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

- I. In accordance with the Commission's direction in its Statement of policy, Licensing and Regulatory Policy and Procedures for Environmental Protection: Uranium Fuel Cycle Impacts, October 29, 1982, this license is subject to the final resolution of the pending litigation involving Table S-3. See, Natural Resources Defense Council v. NRC, No. 74-1586 (April 27, 1982).

- J. Additional License Conditions

The Additional Conditions contained in Appendix C, as revised through Amendment No. 185, are hereby incorporated into this renewed license. South Carolina Electric & Gas Company shall operate the facility in accordance with the Additional Conditions.

- K. Updated Final Safety Analysis Report

The South Carolina Electric & Gas Company Updated Final Safety Analysis Report supplement, submitted pursuant to 10 CFR 54.21(d), describes certain future activities to be completed prior to the period of extended operation. The

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ADMINISTRATIVE CONTROLS

- c. Proposed tests and experiments which affect plant nuclear safety and are not addressed in the Final Safety Analysis Report shall be reviewed by an individual/group other than the individual/group which prepared the proposed test or experiment.
- d. Events reportable pursuant to the Technical Specification 6.9 and violations of Technical Specifications shall be investigated and a report prepared which evaluates the event and which provides recommendations to prevent recurrence. Such report shall be approved by the General Manager, Nuclear Plant Operations and forwarded to the Chairman of the Nuclear Safety Review Committee.
- e. Individuals responsible for reviews performed in accordance with 6.5.3.1.a, 6.5.3.1.b, 6.5.3.1.c and 6.5.3.1.d shall be members of the plant staff that meet or exceed the qualification requirements of Section 4 of ANSI 18.1, 1971, as previously designated by the General Manager, Nuclear Plant Operations. Each such review shall include a determination of whether or not additional, cross-disciplinary, review is necessary. If deemed necessary, such review shall be performed by the review personnel of the appropriate discipline.
- f. Each review will include a determination of whether or not an unreviewed safety question is involved.

RECORDS

6.5.3.2 Records of the above activities shall be provided to the General Manager, Nuclear Plant Operations, PSRC and/or NSRC as necessary for required reviews.

6.6 NOT USED

6.7 SAFETY LIMIT VIOLATION

6.7.1 The following actions shall be taken in the event a Safety Limit is violated:

- a. The NRC Operations Center shall be notified by telephone as soon as possible and in all cases within one hour. The Vice President, Nuclear Operations and the NSRC shall be notified within 24 hours.
- b. A Safety Limit Violation Report shall be prepared. The report shall be reviewed by the PSRC. This report shall describe (1) applicable circumstances preceding the violation, (2) effects of the violation upon facility components, systems or structures, and (3) corrective action taken to prevent recurrence.
- c. The Safety Limit Violation Report shall be submitted to the Commission, the NSRC and the Vice President, Nuclear Operations within 14 days of the violation.



UNITED STATES
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WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 185 TO

RENEWED FACILITY OPERATING LICENSE NO. NPF-12

SOUTH CAROLINA ELECTRIC & GAS COMPANY

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

VIRGIL C. SUMMER NUCLEAR STATION, UNIT NO. 1

DOCKET NO. 50-395

1.0 INTRODUCTION

By application dated August 23, 2011 to the U.S. Nuclear Regulatory Commission (NRC), (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11237A103), South Carolina Electric & Gas Company (SCE&G, the licensee), requested an amendment to the Facility Operating License for Virgil C. Summer Nuclear Station (VCSNS) Unit 1. The proposed amendment would delete Section 2.G.1 of the Facility Operating License, which requires reporting of violations of the requirements in Section 2, items C(1), C(3) through (33), E, F, K, and L of the Facility Operating License. The proposed amendment would also delete Section 6.6 of the Technical Specifications (TSs) regarding reportable events. Section 6.6 of the Technical Specification (TS) is redundant to requirements that have since been embodied in the regulations and, accordingly, may be deleted from the TS.

The licensee stated that the license amendment request (LAR) is consistent with the NRC-approved Consolidated Line Item Improvement Process (CLIIP). The availability of this TS improvement was announced in the *Federal Register* on November 4, 2005 (70 FR 67202) as part of the consolidated line item improvement process.

The licensee also stated that "The reporting requirement defined in TS 6.6 for VCSNS requires a report to the NRC for reportable events related to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.72 and 50.73. As discussed in the *Federal Register* notices are associated with the use of the CLIIP to remove the reporting requirements of Section 2.G.1 of the Facility Operating License, this application also includes the deletion of TS 6.6."

2.0 REGULATORY EVALUATION

A section or condition was included in the facility operating licenses issued to some nuclear plants requiring the licensee to make reports to the NRC regarding violations of other section of the operating license (typically Section 2.C). A typical license condition reads as follows:

Except as otherwise provided in the license and its appendices, the Licensee shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written follow-up within thirty days in accordance with the procedures described in 10 CFR 50.73 (Licensee event report system).

In addition to the information provided to support licensing decisions, the NRC obtains information about plant operation, licensee programs, and other matters using a combination of inspections and reporting requirements. Routine or scheduled reports that are required to be submitted to the NRC are defined in the related regulation, specific license condition, technical specifications, or an NRC-approved program document. The reporting of emergencies, unplanned events or conditions, and other special cases may also be addressed within such documents by the inclusion of reporting thresholds and are also the focus of the reporting requirements in 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and 10 CFR 50.73, "Licensee event report system." Changes to the reporting regulations in 10 CFR 50.72 and 50.73 became effective in January 2001 (see *Federal Register* notice on October 25, 2000 (65 FR 63769) and included extending the allowable reporting times for licensee event reports (LERs) from 30 days to 60 days.

The Administrative Section of TSs for VCSNS, TS Section 6.6, "Reportable Event Action," also includes a reporting requirement that duplicates the requirements in 10 CFR 50.72 and 10 CFR 50.73, but which does not reflect subsequent changes in those regulations such as requiring LERs within 60 days instead of 30 days.

3.0 TECHNICAL EVALUATION

Section 2.G.1 of the Facility Operating License requires the licensee to report any violation of the requirements of Section 2, items C(1), C(3) through (33), E, F, K, and L of the Facility Operating License and defines the method and allowable time periods for such reports. The reporting threshold (i.e. violation) for some of the conditions included in Section 2.G.1 of the Facility Operating License duplicates those defined in 10 CFR 50.72 and 10 CFR 50.73. However, the requirement in the Facility Operating License may have different deadlines than those defined in the regulations (following a rule change in 2001). This difference in reporting requirements has led to variations in reporting since many facility operations do not contain the subject condition. For those licensees with a 30-day reporting requirement in the Facility Operating License, the condition has decreased the benefits of the rulemaking. For those cases where the current Facility Operating License requirement to report violations is also reportable in accordance with the regulations defined in 10 CFR 50.72 and 10 CFR 50.73, the NRC staff finds that the regulations adequately address this issue and the elimination of the duplicative requirement in the Facility Operating License is acceptable.

Some of the conditions addressed in Section 2.G.1 of the Facility Operating License may address the maintenance of particular programs, administrative requirements, or other matters where a violation of the requirements would not result in a report to the NRC in accordance with 10 CFR 50.72 and 10 CFR 50.73. In most cases, there are requirements for reports to the NRC related to these conditions in other regulations, the specific license condition or technical specification, or an NRC-approved program document. In other cases there are reports to other agencies or new releases that would prompt a report to the NRC (in accordance with

10 CFR 50.72(b)(2)(xi)). The NRC staff also assessed violations of administrative requirements that could be reportable under the current License Condition but that may not have a duplicative requirement in a regulation or other regulatory requirement. The NRC staff finds that the requirements to report such problems within 24 hours with written reports to follow using the LER process is not needed. The NRC staff is confident that the information related to such violations is that is actually important to the NRC's regulatory functions would come to light in a time frame comparable to the 60-day LER requirements. The information would become available to the appropriate NRC staff through the inspection program, updates to program documents, resultant licensing actions, public announcements, or some other reliable mechanism.

The NRC staff finds that the elimination of Section 2.G.1 of the Facility Operating License will not result in a loss of information to the NRC that would adversely affect either its goal to protect public health and safety or its ability to carry out its various other regulatory responsibilities.

TS 6.6, "Reportable Event Action," for VCSNS requires that the NRC be notified pursuant to the requirements of 10 CFR 50.73 for each "REPORTABLE EVENTS," but does not reflect subsequent changes in those regulations such as requiring LERs within 60 days instead of 30 days. The NRC staff finds the elimination of the TS requirement acceptable since the required reports are defined in an established NRC regulation that is also applicable to this licensee.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the South Carolina State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Shaun Anderson, NRR/DSS

Date: February 22, 2012

February 22, 2012

Mr. Thomas D. Gatlin
Vice President, Nuclear Operations
South Carolina Electric & Gas Company
Virgil C. Summer Nuclear Station
Post Office Box 88
Jenkinsville, SC 29065

SUBJECT: VIRGIL C. SUMMER NUCLEAR STATION, UNIT NO. 1, ISSUANCE OF
AMENDMENT REGARDING REPORTING REQUIREMENTS (TAC NO. ME7088)

Dear Mr. Gatlin:

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Sincerely,

/RA/

Robert E. Martin, Senior Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-395

Enclosures:

1. Amendment No. 185 to NPF-12
2. Safety Evaluation

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DATE	02/02/12	01/30/12	01/30/12	02/08/12		02/14/12	02/22/12

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