

November 2, 1994

Mr. John L. Skolds
Senior Vice President, Nuclear Operations
South Carolina Electric & Gas Company
Virgil C. Summer Nuclear Station
Post Office Box 88
Jenkinsville, South Carolina 29065

SUBJECT: TRANSMITTAL OF NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND OPPORTUNITY FOR HEARING FOR VIRGIL C. SUMMER NUCLEAR STATION, UNIT NO. 1, REGARDING SEISMIC MONITORING INSTRUMENTATION (M90765)

Dear Mr. Skolds:

The Nuclear Regulatory Commission has requested the Office of the Federal Register to publish the enclosed Notice.

This Notice relates to your application for amendment dated October 17, 1994, which would relocate the Seismic Monitoring Instrumentation Limiting Condition for Operation, Surveillance Requirements, and associated tables and bases. It would also delete the requirement for a special report when a seismic instrument is inoperable for more than 30 days.

Sincerely,

ORIGINAL SIGNED BY:

George F. Wunder, Project Manager
Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-395

Enclosure: Notice of Consideration

cc w/enclosure:
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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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Senior Vice President, Nuclear Operations
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Sincerely,

A handwritten signature in cursive script, appearing to read "George F. Wunder".

George F. Wunder, Project Manager
Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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See next page

Mr. John L. Skolds
South Carolina Electric & Gas Company

Virgil C. Summer Nuclear Station

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSION

SOUTH CAROLINA ELECTRIC & GAS COMPANY

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

DOCKET NO. 50-395

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. 50-395 issued to South Carolina Electric & Gas Company (the licensee) for operation of the Virgil C. Summer Nuclear Station, Unit No. 1, located in Fairfield County, South Carolina.

The proposed amendment would relocate the Seismic Monitoring Instrumentation (SMI) Limiting Condition for Operation (LCO), Surveillance Requirements (SRs), and associated tables and bases contained in Technical Specifications (TS) section 3/4.3.3.3 to the Final Safety Analysis Report (FSAR) or an equivalent controlled document. The change would also delete the requirement for a special report when a seismic instrument is inoperable for more than 30 days.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in

accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specification (TS) change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The function of the SMI system is to record the motion and effect of a seismic event. SMI can not initiate or mitigate a previously evaluated accident. Furthermore, the proposed TS change to relocate the SMI requirements from TS to the FSAR or equivalent controlled document is in accordance with the criteria (specifically Criterion 1) for determining those requirements that may be relocated from TS as defined by the NRC in its policy statement, "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors," dated July 22, 1993. The SMI LCO, SRs, and associated tables and bases proposed for relocation from TS will continue to be implemented by administrative controls that will satisfy the requirements of TS section 6 "Administrative Controls." These requirements include a review of changes to plant systems and equipment and to the applicable administrative controls in accordance with 10 CFR 50.59.

Criterion 2 of the July 22, 1993, NRC policy statement states, "A process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident or Transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier." The SMI system does not monitor a process variable that is an initial condition for accident or transient analysis. Also, the SMI is not a design feature or an operating restriction that is an initial condition since it only provides information regarding the motion of and the plant structure/equipment response to an earthquake. Therefore, the current VCSNS SMI TS requirements do not meet Criterion 2 of the July 22, 1993, NRC policy statement.

Criterion 3 of the NRC policy statement states, "A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or Transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier." The

VCSNS SMI system does not function or actuate in order to mitigate the consequences of a Design Basis Accident or Transient. Therefore, the current VCSNS SMI TS requirements do not meet Criterion 3 of the July 22, 1993, NRC policy statement.

Criterion 4 of the NRC policy statement states, "A structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety." Operating experience has shown that the VCSNS SMI system has no impact on public health and safety as defined by the NRC policy statement. Furthermore, VCSNS specific probabilistic risk assessment (PRA) does not credit the SMI system as a part of the plant response to an accident. Therefore, the current VCSNS SMI TS requirements do not meet Criterion 4 of the July 22, 1993, NRC policy statement for determining those requirements that should remain in TS.

The proposed TS change will maintain the current operation, maintenance, testing, and system operability controls for the SMI system. Furthermore, any future changes to the SMI system will be evaluated for the effect of those changes on system reliability and function as required by 10 CFR 50.59. The SMI system performance will not decrease due to the proposed TS change and the system will continue to be administratively controlled in accordance with TS section 6 (including the requirements of 10 CFR 50.59) thereby precluding a future decrease in SMI system performance/requirements.

The current TS Section 3.3.3.3, does not require plant shutdown if any SMI is inoperable and the provisions of TS Section 3.0.3 (i.e. plant shutdown) are not applicable. Therefore, the inoperability of this system and the consequences of an accident while this system is inoperable, were previously considered as not significant enough to require a change to the plant operating condition.

Since the SMI system does not meet the criteria for instrumentation required in TS and since it will continue to be administratively controlled (including the requirements of 10 CFR 50.59), the proposed TS change will not involve an increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS change does not create the possibility of a new and different kind of accident previously evaluated.

The function of the SMI system is to record the motion and effect of a seismic event. The proposed TS change to relocate the SMI requirements from TS to the FSAR or equivalent controlled document is in accordance with the criteria for determining TS candidates for relocation as defined by the NRC in the policy statement,

dated July 22, 1993. The SMI system does not monitor a process variable that is an initial condition for an accident or transient analysis. The SMI is also not a design feature or an operating restriction that is an initial condition of a Design Basis Accident or Transient analysis since it only provides information regarding the motion of and the plant structure/equipment response to an earthquake.

The proposed TS change to relocate the TS requirements will not alter the operation of the plant, or the manner in which the SMI system will perform its function. Any future changes will continue to be administratively controlled in accordance with TS section 6, including the requirements of 10 CFR 50.59.

The proposed TS change will not impose new conditions or result in new types of equipment malfunctions which have not been previously evaluated. Therefore, the proposed TS change does not create the possibility of a new or different type of accident from any accident previously evaluated.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

The proposed TS change to relocate the SMI requirements from TS is in accordance with the criteria for determining TS candidates for relocation as defined by the NRC in its policy statement, dated July 22, 1993.

Criterion 1 of the NRC final policy statement states, "Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary." The NRC policy statement explains that "...This criterion is intended to ensure that Technical Specifications control those instruments specifically installed to detect excessive reactor coolant leakage. This criterion should not, however, be interpreted to include instrumentation to detect precursors to reactor coolant pressure boundary leakage or instrumentation to identify the source of actual leakage (e.g. loose parts monitor, seismic instrumentation, valve position indicators)." Based on this NRC guidance, the VCSNS FSAR, and TS bases 3/4.3.3.3, the SMI does not "detect and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary." Therefore, the current VCSNS SMI TS requirements do not meet Criterion 1. Operating experience has shown that the VCSNS SMI system has no impact on public health and safety as defined by the NRC policy statement. In addition, the VCSNS PRA does not credit the SMI system as a part of the plant response to accidents.

The SMI LCO, SRs, and associated tables and bases proposed for relocation to the FSAR or equivalent controlled document will

continue to be covered by administrative controls that will satisfy the requirements of TS section 6 "Administrative Controls." Those requirements include a review of future changes to the system and applicable administrative controls in accordance with the provisions of 10 CFR 50.59.

Accordingly, based on NRC specific guidance, operating experience, and continued imposition of administrative controls, the proposed TS change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications

Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 8, 1994, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above. Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert

opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch,

or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number NI023 and the following message addressed to William H. Bateman: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Randolph R. Mahan, attorney for the licensee, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

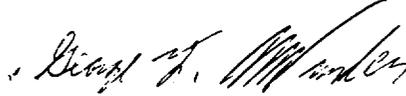
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 17, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at

Fairfield County Library, Garden and Washington Streets, Winnsboro, South
Carolina 29180.

Dated at Rockville, Maryland, this 2nd day of November 1994

FOR THE NUCLEAR REGULATORY COMMISSION



George F. Wunder, Project Manager
Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation