

SAFEGUARDS INFORMATION

October 28, 2004

Mr. Jeffrey B. Archie
Vice President, Nuclear Operations
South Carolina Electric and Gas Company
Virgil C. Summer Nuclear Station
P.O. Box 88
Jenkinsville, SC 29065

SUBJECT: VIRGIL C. SUMMER NUCLEAR STATION - ADMINISTRATIVE CHANGE TO RENEWED FACILITY OPERATING LICENSE IN CONJUNCTION WITH THE COMMISSION ORDER EA-03-086 REGARDING REVISED DESIGN BASIS THREAT (DBT) AND REVISIONS TO PHYSICAL SECURITY PLAN, TRAINING AND QUALIFICATIONS PLAN, AND SAFEGUARDS CONTINGENCY PLAN (TAC NO. MC2976)

Dear Mr. Archie:

By letter dated April 29, 2004, South Carolina Electric and Gas Company submitted a supplemental response in accordance with Order EA-03-086, the order requiring compliance with the revised design basis threat, dated April 29, 2003, (DBT Order) for the Virgil C. Summer Nuclear Station. Section III.A of the Order requires licensees to revise their physical security plan (PSP), training and qualification plan (T&Q Plan), and safeguards contingency plan (SCP) to provide protection against the revised DBT set forth in Attachment 2 to the DBT Order. These revised plans, along with an implementation schedule, were required to be submitted to the Nuclear Regulatory Commission (NRC or the Commission) for review and approval no later than April 29, 2004.

The NRC staff's review of the PSP, SCP, and T&Q Plans submitted in your April 29, 2004, letter, as supplemented on July 1, July 13, July 26, August 11, August 13, August 23, August 24, August 31, September 3, September 13, September 24, and October 5, 2004, has focused on ensuring the necessary programmatic elements are contained in these plans to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.

**NOTICE: Enclosure 2 contains Safeguards Information.
Upon separation from Enclosure 2, this letter and
Enclosure 1 are DECONTROLLED.**

SAFEGUARDS INFORMATION

The NRC staff has determined that subject to subsequent inspection and evaluation, these plans contain the necessary programmatic elements to provide the required high assurance that the Virgil C. Summer Nuclear Station will be protected against the revised DBT. The NRC staff, therefore, approves the PSP, SCP, and T&Q Plan for the Virgil C. Summer Nuclear Station. However, ultimately, the effectiveness of these plans will be judged on your ability to meet regulatory requirements through facility implementing procedures and site practices. As such, your facility implementing procedures and practices will continue to be subject to future NRC review and inspection, including NRC-conducted force-on-force exercises.

In addition, the NRC staff noted that your PSP included alternatives to certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.55. In each case, the NRC staff found that the alternative measures provide an equivalent level of protection to that of the associated requirement and meet the high assurance objective of 10 CFR 73.55(a). The NRC staff, therefore, approves the alternatives shown in the table below. The NRC staff's evaluation is discussed further in the enclosed Safety Evaluation (SE).

Approved Alternatives to NRC Regulations

SE Section	Plan Section	Alternative to 10 CFR	Description
3.6.2	6.2	73.55(c)(3)	Isolation zones
3.9.4.3	PSP 9.4.3	73.55(d)(4)	Protected Area (PA) vehicle search requirements
3.9.4.4	PSP 9.4.4	73.55(d)(1)	PA personnel search requirements
3.9.5.2	PSP 9.5	73.55(d)(1) 73.55(d)(4)	PA access control requirements
3.10.1	PSP 10.1	73.55(c)(5)	PA illumination requirements
3.13.1	PSP 14.1	73.55(c)(1) 73.55(d)(7)(i)(B)	Temporary reclassification of Vital Areas to PA status (devitalization)

Finally, consistent with Order EA-03-086, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to Renewed FOL No. NPF-12 is being made to incorporate the reference to the revised **Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plan** required by the DBT Order. This change complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I. Please replace the enclosed page of your FOL as indicated in the Enclosure.

Mr. Archie

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A copy of our SE (designated as Safeguards Information), is also enclosed.

Sincerely,

/RA/

John A. Nakoski, Section Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-395

Enclosures: 1. Administrative Change to Renewed FOL No. NPF-12
2. Safety Evaluation (**Safeguards Information**)

cc w/encl 1 only: See Mailing List 1

cc w/encls 1 & 2: Mark Findley

Mr. Archie

-3-

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Sincerely,

/RA/

John A. Nakoski, Section Chief,
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DATE	10-20-04	10-20-04	10-27-04	10-27-04	10-25-04	10-27-04	10/28/04

OFFICIAL RECORD COPY

Virgil C. Summer Nuclear Station

cc w/o encl.:

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SOUTH CAROLINA ELECTRIC AND GAS COMPANY

DOCKET NO. 50-395

VIRGIL C. SUMMER NUCLEAR STATION

ADMINISTRATIVE LICENSE CHANGE TO RENEWED FACILITY OPERATING LICENSE

Renewed License No. NPF-12

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. Consistent with Order EA-03-086, "Order Requiring Compliance with Revised Design Basis Threat," (DBT Order) dated April 29, 2003, conforming administrative license changes to Facility Operating Licenses are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to Renewed Facility Operating License (FOL) No. NPF-12 is being made to incorporate the reference to the revised **Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans** required by the DBT Order. This change complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, 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 administrative license change 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 administrative license change 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 administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the Renewed FOL is changed, as indicated in the attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Section Chief,
Security Plan Review Team,
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Renewed FOL

Date of Issuance:

CHANGES TO RENEWED FACILITY OPERATING LICENSE NO. NPF-12

DOCKET NO. 50-395

Replace the following page of the Renewed Facility Operating License NPF-12 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

Remove Page

12

Insert Page

12

- (31) Final NRC Approval of Emergency Preparedness (ASLB Supplemental Partial Initial Decision, August 4, 1982, Section VIII.9)

Prior to exceeding 5% of full power, final NRC staff approval of the state of emergency preparedness for the Virgil C. Summer Nuclear Station site shall be required.

- (32) Deleted

- (33) Emergency Preparedness Exercise (Section 13.3, SSER #5)

Prior to March 31, 1983, SCE&G shall conduct an emergency exercise similar to that conducted on May 5, 1982 but which includes full participation of the local governments and partial State participation.

- 2.D An exemption to the requirements of Paragraph III.B.4 of Appendix G to 10 CFR Part 50 is described in Section 5.3.1 of Supplement No. 1 to the Office of Nuclear Reactor Regulation's Safety Evaluation Report. A limited exemption to the requirements Section IV.F.1(b) of Appendix E to 10 CFR Part 50 is described in a letter from B. J. Youngblood, NRC to O. W. Dixon, Jr., dated November 2, 1982. These exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. The facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.
- 2.E SCE&G shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Virgil C. Summer Nuclear Station Security Plan," submitted October 5, 2004. This document includes the Security Training and Qualification Plan as Appendix B and the Safeguards Contingency Plan as Appendix C.