



November 22, 2010

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Dear Sir / Madam:

Subject: VIRGIL C. SUMMER NUCLEAR STATION, UNIT 1
DOCKET NO. 50-395
OPERATING LICENSE NO. NPF-12
REPLY TO NOTICE OF VIOLATION EA-10-204
NRC INSPECTION REPORT 05000395/2010004

Reference: Gerald J. McCoy, NRC, letter to Thomas D. Gatlin, SCE&G, dated October 29, 2010, "NRC Integrated Inspection Report 05000395/2010004 and NRC Emergency Preparedness Inspection Report 05000395/2010501 and Notice of Violation"

South Carolina Electric & Gas Company (SCE&G) acknowledges the receipt of the notice of violation dated October 29, 2010, for a Severity Level IV violation concerning the failure to notify the Commission within 30 day of learning of the diagnosis that a licensed operator had developed a permanent physical or mental condition that caused the licensed operator to fail to meet the requirements of 10 CFR 55.21. Specifically, a licensed operator was placed in a "no-solo" status by the facility licensee's medical review officer due to a permanent change in the individual's medical condition, and the licensee failed to notify the Commission within 30 days of learning of the change in medical condition as required.

SCE&G has reviewed the description of the subject violation and will not contest the violation. As requested, a reply to the notice of violation is attached.

If you have any questions, please contact Mr. Bruce L. Thompson at (803) 931-5042.

Very truly yours,

Thomas D. Gatlin

DWR/TDG/jg
Attachments

c: K. B. Marsh
S. A. Byrne
J. B. Archie
N. S. Carns
J. H. Hamilton
R. J. White
W. M. Cherry
L. A. Reyes

R. E. Martin
K. M. Sutton
NRC Resident Inspector
NSRC
RTS (CR-10-04337)
File (815.01)
PRSF (RC-10-0154)

Rec'd on
1/20/11

"Designated Original"
per B. Martin

IED
NR

ATTACHMENT I
Reply to Notice of Violation EA-10-204

During an NRC inspection conducted on August 23 through August 26, 2010, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR Part 55.25, "Incapacitation because of disability or illness," requires, in part, that if a licensed operator develops a permanent physical or mental condition that causes the licensed operator to fail to meet the requirements of 55.21, the facility licensee shall notify the Commission within 30 days of learning of the diagnosis.

Contrary to the above, from September 9, 2009, to August 26, 2010, the facility licensee failed to notify the Commission within 30 days of learning of the diagnosis that a licensed operator had developed a permanent physical or mental condition that caused the licensed operator to fail to meet the requirements of 55.21. Specifically, a licensed operator was placed in a "no-solo" status by the facility licensee's medical review officer due to a permanent change in the individual's medical condition, and the licensee failed to notify the Commission within 30 days of learning of the change in medical condition as required.

This is a Severity Level IV violation (Supplement I).

(1) Reason for the violation

The reason for the violation has been determined to be a failure to complete a timely review of the examination results and a failure to recognize that the new restriction required a notification to the NRC within 30 days.

The medical coordinator did not complete the review of the physical examination results that was required by SAP-1160 "Medical Requirements for Special Duties" section 6.7.2. In addition a parallel review by Nuclear Licensing was not conducted as required by SAP-1160 until several months later during a self assessment in preparation of the requalification inspection. When the review by Nuclear Licensing was conducted, it was not recognized that a new "no-solo" condition had been placed on the operator.

(2) Corrective steps that have been taken and the results achieved

The following action was taken immediately following the event:

- A review of the licensed operator's medical examination results was conducted. After discussions with station management, it was determined that this individual was no longer required to hold a senior reactor operator license. Letter RC-10-0125 was submitted to the NRC, requesting the operator's license be terminated.
- A review of all other licensed operators' medical examinations was conducted, to ensure no other issues requiring NRC notification were required. No additional notifications were determined to be required.

(3) The corrective steps that will be taken to avoid further violations

The individual performing medical coordinator duties at the time of this event has been replaced by an individual with formal medical assistant training and 18 years experience in medical office settings. In addition, this position now reports to the Nuclear Licensing Department to provide more oversight and to eliminate interdepartmental communications and coordination issues.

Root Cause Analysis 10-03348 has identified several measures to prevent recurrence. These actions include revising SAP-1160 "Medical Requirements for Special Duties" to require:

- Establishing a log or a holding file pending the results of the medical examination,
- Listing current license conditions on the operator's examination forms to facilitate medical examiner's evaluation as to whether changes to the conditions are required.
- Establishing a formal checklist for review of examination results and comparing the results to the operator's current license to determine if a notification to the NRC is required.

(4) The date when full compliance will be achieved

SAP-1160 will be revised as discussed above by December 31, 2010.

All other corrective actions are in place.

Time Table

(includes previous docketed correspondence)

1. March 15, 2006, Application for SRO Renewal – Informed NRC of lung cancer, tachycardia, medication, solo operation is not authorized at this time. (RC-06-0052)
2. March 31, 2006, Follow up Letter, Revised NRC Form 396 to remove “no solo” restriction. (RC-06-0057)
3. May 17, 2006, NRC License Amendment – added two new conditions:
 - You shall take medication as prescribed to maintain medical qualifications.
 - In August 2006, you shall submit a status report concerning your medical condition to include the prognosis, treatment, and your ability to perform licensed duties.
4. August 22, 2006, Follow up Letter. (RC-06-0153)
5. September 25, 2006 – NRC License Amendment – added one new condition:
 - In December 2006, you shall submit a status report concerning your medical condition to include the prognosis, treatment, and your ability to perform licensed duties.
6. December 27, 2006 – Provided a status report concerning a medical condition (RC-06-0226)
7. January 17, 2007 – VCSNS
Mr. Leschinsky’s status on the Watchstanding List has been changed to “INACTIVE” due to failure to meet medical requirements.
8. February 21, 2007 - NRC License Amendment – added one new condition:
 - In May 2007, you shall submit a status report concerning your medical condition to include the prognosis, treatment, and your ability to perform licensed duties.
9. May 31, 2007 – Provided a status report concerning a medical condition (RC-07-0083).
10. June 16, 2008 - NRC License Amendment – added two new conditions and modified one condition:
 - You shall take medication as prescribed to meet the requirements of ANSI/ANS 3.4 Standards.
 - You shall not perform any licensed activities that require the use of a respirator.
 - In June 2009, you shall submit a status report concerning your medical condition to include the prognosis, treatment, and your ability to perform licensed duties.
11. June 30, 2009 - Provided a status report concerning a medical condition (RC-09-0069)
12. August 31, 2009 - NRC License Amendment – changed one of the conditions back to the original wording:
 - You shall take medication as prescribed to maintain medical qualifications.
13. September 25, 2009 – VCSNS Medical Review Officer checked “Solo Operation is Not Authorized” on the September 2009 medical evaluation.