



NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-027 and 52-028; NRC-2008-0441]

Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric and Gas; Reconciliation of Tier 1 Valve Differences

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption from certain Tier 1 information in the generic design control document (DCD) and issuing License Amendment No. 31 to combined licenses (COL), NPF-93 and NPF-94. The COLs were issued to South Carolina Electric and Gas (SCE&G) and South Carolina Public Service Authority (Santee Cooper) (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina. The granting of the exemption allows the changes to Tier 1 information and promotes consistency with the VCSNS updated final safety analysis report (UFSAR) Tier 2 information. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Please refer to Docket ID **NRC-2008-0441** when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2008-0441**. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the SUPPLEMENTARY INFORMATION section.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

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SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from Section III.B of appendix D, "Design Certification Rule for the AP1000," to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment No. 31 to COLs, NPF-93 and NPF-94, to the licensee. The exemption is required by paragraph A.4 of Section VIII, "Processes for Changes and Departures," appendix D to 10 CFR part 52 for changes to generic DCD Tier 1 information. Specifically, with the requested amendment, the licensee sought to make changes to Tier 1 tables and promote consistency with the UFSAR Tier 2 information. The request for the amendment and exemption were submitted by letter dated February 7, 2013 (ADAMS Accession No. ML13042A005), and supplemented by letters dated July 19, 2013, November 21, 2013, February 6, 2014, February 20, 2014, May 12, 2014, September 22, 2014, and November 19, 2014 (ADAMS Accession Nos. ML13205A148, ML13329A723, ML14041A095, ML14052A379, ML14133A488, ML14266A014, and ML14323A333, respectively).

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and 10 CFR 52.63(b)(1) of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML15204A476.

Identical exemption documents (except as needed to reflect the unique unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF-93 and NPF-94). These documents can be found in ADAMS under Accession Nos. ML15204A442 and ML15204A445, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF-93 and NPF-94 are available in ADAMS under Accession Nos. ML15204A416 and ML15204A426, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption issued to VCSNS Units 2 and 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC in order to grant the exemption:

1. In a letter dated February 7, 2013, and supplemented by the letters dated July 19, 2013, November 21, 2013, February 6, 2014, February 20, 2014, May 12, 2014, September 22, 2014, and November 19, 2014, South Carolina Electric & Gas Company (licensee) requested from the Nuclear Regulatory Commission (NRC/Commission) an exemption to allow departures from Tier 1 information in the certified design control document (DCD) incorporated by reference in title 10 of the *Code of Federal Regulations* (10 CFR), part 52, appendix D, "Design Certification Rule for the AP1000 Design," as part of license amendment request (LAR) 13-04, "Reconciliation of Tier 1 Valve Differences."

For the reasons set forth in Section 3.1 of the NRC staff's safety evaluation, which can be found in ADAMS under Accession No. ML15204A476, the Commission finds that:

- A. the exemption is authorized by law;
 - B. the exemption presents no undue risk to public health and safety;
 - C. the exemption is consistent with the common defense and security;
 - D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;
 - E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and
 - F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.
2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 and COL Appendix C, Tables 2.1.2-1, 2.2.1-1, 2.2.2-1, 2.2.3-1, 2.2.3-3, 2.2.5-1, 2.3.2-1, 2.3.2-3, and 2.3.6-1, as described in the licensee's request dated February 7, 2013, and supplemented by the letters dated July 19, 2013, November 21, 2013, February 6, 2014, February 20, 2014, May 12, 2014, September 22, 2014, and November 19, 2014. This exemption is related to, and necessary for the granting of License Amendment No. 31, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's safety evaluation (ADAMS Accession No. ML15204A476), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.
4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated February 7, 2013, as supplemented, the licensee requested that the NRC amend the COLs for VCSNS Units 2 and 3, COLs NPF-93 and NPF-94. The licensee request and supplements are listed in Section I, above.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the *Federal Register* on October 29, 2013 (78 FR 64541). No comments were received during the 60-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on September 3, 2015. The exemption and amendment were issued to the licensee on September 3, 2015 as part of a package of documents (ADAMS Accession No. ML15204A391).

Dated at Rockville, Maryland, this 30th day of March 2016.

For the Nuclear Regulatory Commission.

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