



July 16, 2009
RC-09-0084

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

Dear Sir / Madam:

Subject: VIRGIL C. SUMMER NUCLEAR STATION (VCSNS)
DOCKET NO. 50-395
OPERATING LICENSE NO. NPF-12
REQUEST FOR EXTENSION OF ENFORCEMENT DISCRETION AND
REVISED SUBMITTAL SCHEDULE FOR 10 CFR 50.48(c) LICENSE
AMENDMENT REQUEST (LAR 08-03929)

- Reference:
1. Jeffrey B. Archie, SCE&G, Letter (RC-06-0186) to Document Control Desk, USNRC, dated October 19, 2006 (ML062990453), "Letter of Intent to Adopt NFPA 805, Performance-Based Standard for Fire Protection for Light Water Reactor Generating Plants, 2001 Edition"
 2. John W. Lubinski, USNRC, Letter to Jeffrey B. Archie, SCE&G, dated January 19, 2007 (ML063520409), "NRC Response to Letter of Intent to Adopt Title 10 of the *Code of Federal Regulations*, Part 50, Section 50.48(c) for Virgil C. Summer Nuclear Station"

In accordance with COMSECY-08-022, South Carolina Electric & Gas Company (SCE&G), the licensee for VCSNS, requests enforcement discretion and the due date for the 10 CFR 50.48(c) License Amendment Request (LAR) be extended to six (6) months past the date of the safety evaluation approving the second pilot plant LAR review.

In 2006, SCE&G decided to transition the fire protection licensing basis for VCSNS to the Risk-Informed, Performance-Based alternative in 10 CFR 50.48(c). On October 19, 2006, SCE&G submitted to the Nuclear Regulatory Commission (NRC) a letter of intent (ML062990453) to adopt National Fire Protection Association Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Generating Plants, 2001 Edition", (NFPA 805).

By letter dated January 19, 2007 (ML063520409) the NRC acknowledged receipt of the letter of intent and granted a 36 month enforcement discretion period which began on October 19, 2006 and expires on October 19, 2009. In accordance with NRC

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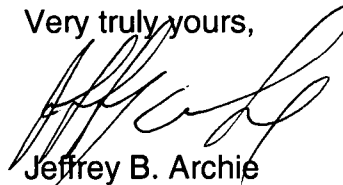
Enforcement Policy, the enforcement discretion period will continue until the NRC approval of the license amendment request is completed.

In accordance with COMSECY-08-022, SCE&G is requesting that enforcement discretion and the LAR submittal due date be extended for VCSNS until after the Safety Evaluation is issued for the second pilot plant. VCSNS has made substantial progress toward completion of the transition to NFPA 805 which is discussed in the attachment to this letter.

This letter contains no new commitments nor revises any previous commitments.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey B. Archie', is written over the typed name.

Jeffrey B. Archie

GAR/JBA/dr
Attachment

c: K. B. Marsh
S. A. Byrne
N. S. Carns
J. H. Hamilton
R. J. White
W. M. Cherry
L. A. Reyes
R. E. Martin
NRC Resident Inspector
K. M. Sutton
RTS (CR-08-03929)
File (810.26-8)
PRSF (RC-09-0084)

NFPA 805 Transition Progress

COMSECY-08-0022 requested information from licensees on demonstrated progress toward completion of NFPA 805 transition, as a condition of granting an extension of enforcement discretion. VCSNS has made substantial progress in the NFPA 805 transition effort. VCSNS has participated in the NEI NFPA 805 Task Force, Fire PRA Task Forces, and the Frequently Asked Question (FAQ) process and has made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process.

The following table represents the major work activities for VCSNS associated with NFPA 805 transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports that document the results of the NFPA 805 Transition Reports. As shown in the table below, VCSNS has demonstrated substantial progress in the NFPA 805 transition process.

LAR/TR Reference	Topic	Approximate % Complete (2)(4)	Current Milestone (3) Completion Schedule
N/A	Safe Shutdown Analysis Update (pre-requisite task)	(1)	Complete
4.1 Attachment A	Fundamental FP Program Elements and Minimum Design Requirements (Table B-1)	95% (2)	December, 2009
4.2.1 Attachment B	Nuclear Safety Capability Assessment – Methodology (Table B-2)	95%	December, 2009
Section 4.2.2 Attachment C	Nuclear Safety Capability Assessment- Fire Area by Fire Area Review (Table B-3)	10%	December, 2009
Section 4.3 Attachment D	Non Power Operational Modes (Table F-1)	35%	September, 2009
Section 4.4 Attachment E	Radioactive Release Table (G-1)	100%	Complete
4.5.1	Fire PRA Development	40%	December, 2009

Notes:

1. VCSNS has taken an approach to improve risk associated with its safe shutdown methodology, which is consistent with NFPA 805. This alternate approach, which abandons Self-Induced Station Blackout (SISBO) as a safe shutdown strategy, has been incorporated into the Nuclear Safety Capability Assessment. During the NFPA 805 transition, we will maintain the current Appendix R methodology and strategy which will be abandoned upon receipt of the SER for the station. Reference FAQ 09-0057.
2. Completion of these tables contain open items that may require resolution via the Corrective Action Program, Fire Modeling or Fire PRA to support NFPA 805 transition, some of which may be iterative in nature.
3. Schedule dates are current milestones based on approval and do not constitute commitments.
4. FAQs in process or under development and not yet approved may adversely impact schedule or work products already produced. We will continue to monitor progress of the pilot plants and resolution to assess impacts on schedule.

Physical Modifications

While physical modifications may be identified as part of the transition effort, no physical modifications have been performed to address any fire protection issues. Any modifications required will be identified in the LAR submittal letter and that letter will provide a schedule and commitments for any such modifications.

NFPA 805 Monitoring Program

COMSECY-08-0022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The NFPA 805 monitoring program is highly dependent on fire PRA results as well as the traditional fire protection program issues. Therefore, the monitoring program is one of the last items to be completed during the transition effort. This is consistent with the manner in which both pilot plants are proceeding.

Information Available On Site

In addition to the information contained in this attachment, COMSECY-08-0022 required additional information to be available on site and available for inspection/audit.

During the analysis, fire protection-related non-compliances will be entered into the site Corrective Action Program and appropriate compensatory measures initiated in accordance with the existing fire protection program when resolution cannot be achieved within the NFPA 805 process. This information will be contained within the site's Corrective Action Program and will be available for review.

At this time, Un-allowed Operator Manual Actions (those designated as bin H under NEI 04-02) are considered compensatory measures according to the Fire Protection Program (Reference NRC Inspection Report No. 05000395/2007006). The existing station Operator Manual Actions will be maintained as compensatory measures pending completion of the NFPA 805 analysis and issuance of the safety evaluation. Operator actions which will be managed forward upon completion of the NFPA 805 analysis will require that any such actions comply with RIS 2005-07. The feasibility review for these proposed manual actions are based on the Nuclear Compliance Assessment Fire PRA Analysis and Fire Modeling, as appropriate, within the bounds of the NFPA 805 analysis. Therefore, an existing manual action may not be required, or if required, will be shown to be feasible based on information generated by the NFPA 805 transition effort.

This final review of the Operator Manual Actions cannot be completed until most other transition efforts, including the fire PRA effort, are completed since the information generated during the transition effort may change which actions are required or the timing required for required actions. Therefore, the feasibility of some of these actions will be reviewed at the completion of the fire PRA effort. This approach is consistent with the pilot plants.