



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 19, 2009

Mr. Jeffrey B. Archie
Vice President, Nuclear Operations
South Carolina Electric & Gas Company
Post Office Box 88
Jenkinsville, SC 29065

SUBJECT: VIRGIL C. SUMMER NUCLEAR STATION, UNIT 1 – EVALUATION OF THE
REQUEST FOR AN EXTENSION OF ENFORCEMENT DISCRETION IN
ACCORDANCE WITH THE INTERIM ENFORCEMENT POLICY FOR FIRE
PROTECTION ISSUES DURING TRANSITION TO NATIONAL FIRE
PROTECTION STANDARD NFPA 805 (TAC NO. ME1726)

Dear Mr. Archie:

On September 10, 2008, the U.S. Nuclear Regulatory Commission (NRC) published in the *Federal Register* (73 FR 52705) a revision to its Interim Enforcement Policy regarding enforcement discretion for certain fire protection issues, allowing licensees the option to request an extended enforcement discretion period for submittal of a license amendment request (LAR) if they are pursuing transition to Title 10 of the *Code of Federal Regulations* Section 50.48(c), "National Fire Protection Association Standard NFPA 805." The revised policy states that an additional period of enforcement discretion may be granted on a case-by-case basis, if a licensee has made substantial progress in its transition effort.

By letter dated July 16, 2009, South Carolina Electric & Gas (SCE&G, the licensee) requested that the period of fire protection enforcement discretion for the Virgil C. Summer Nuclear Station (VCSNS) be extended until 6 months after the NRC's approval of the second pilot plant LAR to transition to the National Fire Protection Association's risk-informed, performance-based standard for light water reactors (NFPA 805). Licensees requesting such an extension should submit information in the categories discussed in the Federal Register Notice. These categories of information and the licensee's assessment of its progress in each category are summarized in the Enclosure.

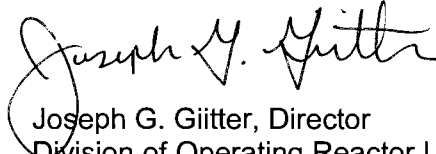
The NRC staff reviewed SCE&G's request, and has determined that the licensee has made substantial enough progress in its transition to NFPA 805 to grant the additional enforcement discretion. Accordingly, the enforcement discretion period for VCSNS is hereby extended until 6 months after the date of the safety evaluation approving the second pilot plant LAR.

J. Archie

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If you have any questions regarding this matter, please contact Bob Martin, at (301) 415-1493.

Sincerely,

A handwritten signature in black ink, reading "Joseph G. Giitter". The signature is fluid and cursive, with a large initial "J" and "G".

Joseph G. Giitter, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-395

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VIRGIL C SUMMER NUCLEAR STATION

Task	Progress Reported by the Licensee ¹
Required	
Compile a list of all fire protection related noncompliances and the related compensatory measures for those noncompliances. These lists should be maintained on-site and up to date for inspector review.	These are available in the site corrective action program. The licensee reported that appropriate compensatory measures have been implemented in accordance with the existing Fire Protection Program (FPP).
Document that each Operator Manual Action put in place as compensatory measures are feasible and reliable, in accordance with guidance in Regulatory Issue Summary (RIS) 2005-07. These lists should be maintained on-site and up to date for inspector review	Unapproved Operator Manual Actions are considered compensatory measures under the FPP. Currently existing Operator Manual Actions have been evaluated for feasibility and reliability based on existing Safe-Shutdown (SSD) and PRA analyses. Those that will be managed forward upon completion of the NFPA-805 analysis must comply with RIS 2005-07. Their feasibility will be reanalyzed based on the Nuclear Compliance Assessment Fire PRA Analysis and Fire Modeling within the bounds of the NFPA-805 analysis, consistent with the pilot plants, since there may be changes as the transition progresses. This analysis will be performed after the Fire PRA is completed.
Submit a description of the physical modifications performed, if any, to address existing risk-significant fire protection issues.	None have been performed to address fire protection issues. Any that are required will be included in the license amendment request with schedule and commitments.
Submit a status report of the transition, including a schedule of milestones for completing the fire PRA. The status report should be broken down into the following major areas:	
<ul style="list-style-type: none"> Classical fire protection transition (in accordance with National Fire Protection Association's (NFPA) 805 Chapter 3). 	Fundamental FPP Elements and Minimum Design Requirements (Table B-1) are 95 percent complete with completion scheduled for December 2009. Open items may require iterative resolution through CAP, Fire Modeling or Fire PRA.
<ul style="list-style-type: none"> Nuclear Safety Performance Criteria transition (in accordance with NFPA 805 chapters 1, 2 and 4). 	Nuclear Safety Capability Assessment, Methodology (Table B-2) is 95 percent complete with completion scheduled for December 2009. Nuclear Safety Capability Assessment, Fire Area-by-Fire Area Review (Table B-3) is 10 percent complete with completion scheduled for December 2009.
<ul style="list-style-type: none"> Non-power operational transitions. 	Non-Power Operational Modes (Table F-1) are 35 percent complete with completion scheduled for September 2009.

¹ Percentage completion is reported as in the licensee's letter of July 16, 2009.

<ul style="list-style-type: none"> NFPA 805 monitoring program. 	This depends highly on the Fire PRA results and traditional FPP issues, rendering it one of the last items to be completed (consistent with pilot plants).
<ul style="list-style-type: none"> Fire PRA. 	Fire PRA Development is 40 percent complete with completion scheduled for December 2009.
Optional	
Radioactive Release	Radioactive Release (Table G-1) is 100 percent complete.
SSD Analysis	Although marked as "N/A" with respect to the Pilot Plant NFPA 805 LAR/Transition Reports, it is included as a pre-requisite task.

NRC Staff Overall Assessment of Progress:

On balance, the NRC staff finds that the licensee has made substantial progress in its transition effort.

J. Archie

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If you have any questions regarding this matter, please contact Bob Martin, at (301) 415-1493.

Sincerely,

/RA/

Joseph G. Giitter, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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