



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

March 14, 2011

Mr. Peter T. Dietrich  
Senior Vice President and  
Chief Nuclear Officer  
Southern California Edison Company  
San Onofre Nuclear Generating Station  
P.O. Box 128  
San Clemente, CA 92674-0128

SUBJECT: SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2 AND 3 -  
REQUEST FOR AN EXTENSION OF THE FIRE PROTECTION  
ENFORCEMENT DISCRETION (TAC NOS. ME5339 AND ME5340)

Dear Mr. Dietrich:

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* (10 CFR) Section 50.48(c), "National Fire Protection Association Standard NFPA 805."

This revision states that an additional period of enforcement discretion may be granted on a case-by-case basis if the NRC staff determines that a licensee has made substantial progress in its transition effort. This additional period of enforcement discretion, if granted, would end 6 months after the date of the safety evaluation approving the second pilot plant LAR. These changes are in accordance with COMSECY-08-0022, "Request for an Extension of Discretion for the Interim Enforcement Policy for Fire Protection Issues on 10 CFR Section 50.48(c), "National Fire Protection Association Standard NFPA 805," dated July 16, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML081830592), as approved by the Commission on August 19, 2008 (ADAMS Accession No. ML082320579).

By letter dated December 20, 2010 (ADAMS Accession No. ML103550491), Southern California Edison (SCE, the licensee) requested that the period of fire protection enforcement discretion for the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, be extended to 6 months past the NRC approval of the second pilot plant LAR to transition to the risk-informed, performance-based standard for light-water reactors, NFPA 805.

To be granted this extension, a licensee must:

1. Compile a list of all fire protection-related noncompliances and the related compensatory measures for those noncompliances;

2. Document that each Operator Manual Action put in place as a compensatory measure is feasible and reliable, in accordance with the guidance in NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," dated April 19, 2005 (ADAMS Accession No. ML042360547);
3. Submit a description of the physical modifications performed, if any, to address existing risk-significant fire protection issues; and
4. Submit a status report with milestones of the progress made in the following transition areas:
  - classical fire protection
  - nuclear safety performance
  - non-power operations
  - the NFPA 805 monitoring program
  - fire probabilistic risk assessment development

The lists of noncompliances, compensatory measures, and Operator Manual Action feasibility determinations should be maintained on-site for inspector review and, at the NRC staffs discretion, may or may not be used for the enforcement discretion extension review.

SCE's letter dated December 20, 2010, noted that substantial progress toward the completion of the transition to NFPA 805 has been made and requested that enforcement discretion be extended until 6 months past the approval of the second pilot plant LAR, and continue during the period between submittal of the LAR for SONGS and NRC's approval of that LAR. The 3-year period for enforcement discretion for NFPA 805 for SONGS is currently scheduled to expire on March 28, 2011 (ADAMS Accession No. ML082710004).

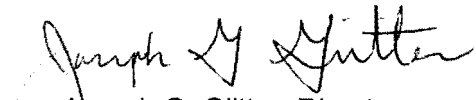
SCE's enforcement discretion extension request for SONGS is summarized in the enclosed matrix. Based on the information provided in the licensee's letter, the NRC staff has determined that the licensee has addressed the specified criteria and has made sufficient progress towards transitioning to NFPA 805 to grant the extension of enforcement discretion. Accordingly, the enforcement discretion period for the transition to NFPA 805 for SONGS, Units 2 and 3, is hereby extended until 6 months after the date of the NRC safety evaluation approving the second pilot plant LAR, in accordance with the NRC's interim enforcement policy on fire protection.

P. Dietrich

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If you have any questions regarding this matter, please contact the project manager, Randy Hall, at (301) 415-4032.

Sincerely,



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

Docket Nos. 50-361 and 50-362

Enclosure:  
As stated

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### SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2 AND 3

Task	Document Location	Progress Reported by the Licensee
<b>Required</b>		
1. Compile a list of all fire protection-related noncompliances and related compensatory measures.	On-Site	The licensee reported that the fire protection-related noncompliances and appropriate compensatory measures are entered in the site corrective action program and available for NRC review.
2. Document each Operator Manual Action put in place as a compensatory measure is feasible and reliable, in accordance with guidance in NRC Regulatory Issue Summary 2005-07.	On-Site	The licensee reported that Operator Manual Actions that were put in place as compensatory measures were evaluated to ensure they were feasible and reliable and are documented onsite and available for NRC review.
3. Submit a description of the physical modifications performed to address existing risk-significant fire protection issues.	NRC HQ	The licensee reported that while physical modifications that will be required for National Fire Protection Association (NFPA) 805 compliance have been identified as part of the transition effort, to date, no physical modifications have been installed. The licensee noted that any required plant modifications will be identified in the LAR and include a schedule for completion.
4. Submit a status report of the transition, broken down into the following major areas and include a scheduled milestones for completing the fire probabilistic risk assessment (PRA): <ul style="list-style-type: none"> <li>Classical Fire Protection Transition (in accordance with NFPA 805, Chapter 3).</li> </ul>	NRC HQ	55% Fundamental Fire Protection Program Elements and Minimum Design Requirements (Table B-1), completion is scheduled for February, 2011.
<ul style="list-style-type: none"> <li>Nuclear Safety Performance Criteria transition (in accordance with NFPA 805, Chapters 1, 2, and 4).</li> </ul>	NRC HQ	80% Nuclear Safety Capability Assessment Methodology (Table B-2), completion scheduled for December 2010. 80% Nuclear Safety Capability Assessment, Fire Area-by-Fire Area Review (Table B-3), completion scheduled for April 2011.

Enclosure

Task	Document Location	Progress Reported by the Licensee
<b>Required</b>		
<ul style="list-style-type: none"> <li>Non-power operations.</li> </ul>	NRC HQ	35% Non-Power Operations (Table F-1), completion scheduled for second quarter 2011.
<ul style="list-style-type: none"> <li>NFPA 805 monitoring program.</li> </ul>	NRC HQ	0% Monitoring Program, scheduled for late in the transition.
<ul style="list-style-type: none"> <li>Fire PRA.</li> </ul>	NRC HQ	100% Fire PRA development (peer reviewed July 2010). 5% Fire Risk Evaluations, completion scheduled April 2011.
<b>Optional</b>		
Radioactive Release	On-site	85% on Radioactive Release (Table G-1), completion scheduled for January 2011.
SSD Analysis	On-site	80% on Circuit Analysis, completion scheduled for April 2011.

Overall NRC staff assessment of progress: On balance, enough substantial progress has been made based on the overall reported progress taken as a whole.

P. Dietrich

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If you have any questions regarding this matter, please contact the project manager, Randy Hall, at (301) 415-4032.

Sincerely,

/RA/

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

Docket Nos. 50-361 and 50-362

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As stated

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**ADAMS Accession No. ML110630175**

\* by memorandum

\*\*via email

OFFICE	NRR/LPL4/PM	NRR/LPL4/LA	NRR/AFP/BC
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DATE	2/28/11	3/14/11	3/14/11

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