

November 21, 2011
RC-11-0192



Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Sir / Madam:

Subject: VIRGIL C. SUMMER NUCLEAR STATION (VCSNS) UNIT 1
DOCKET NO. 50-395
OPERATING LICENSE NO. NPF-12
REQUEST FOR CONTINUANCE OF ENFORCEMENT DISCRETION
RELATED TO LICENSE AMENDMENT REQUEST FOR TRANSITIONING THE
FIRE PROTECTION PROGRAM TO NFPA 805

Reference: Letter from T. D. Gatlin to USNRC Document Control Desk, dated November 15, 2011, License Amendment Request LAR-06-00055, "License Amendment Request to Adopt NFPA 805 Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants (2001 Edition)"

In October 2006, VCSNS decided to transition the fire protection licensing basis to the risk informed performance based alternative in 10 CFR 50.48(c). South Carolina Electric and Gas (SCE&G) submitted a letter of intent to the NRC on October 19, 2006 (ML062990453) for VCSNS to adopt NFPA 805 in accordance with 10 CFR 50.48(c).

By letter dated January 19, 2007 (ML063520409), the NRC granted a three year enforcement discretion period from October 19, 2006 to October 19, 2009. In accordance with NRC Enforcement Policy, the enforcement discretion period will continue until the NRC approval of the license amendment request (LAR) is completed. On July 16, 2009 SCE&G submitted a request in accordance with COMSECY-08-022 to extend the enforcement discretion to six months past the date of the safety evaluation approving the second pilot plant LAR review. In a letter (ML092920297) dated October 19, 2009, the NRC granted this enforcement discretion extension request.

The NRC expected approximately 23 LARs by the end of June 2011. As a result, the Commission worked with the industry to develop and create a staggered LAR submittal schedule. On April 14, 2011, the NRC held a public meeting during which the staff and stakeholders discussed the staggered approach method. In a letter (ML111101452) dated April 20, 2011, the Commission approved the staff's recommendation to develop a staggered submittal and review process for these reviews, and submit a revision to the Enforcement Policy for Commission approval which would propose to extend enforcement discretion to correspond with the new LAR submittal dates. In a letter (ML111610616) dated June 10, 2011, the Commission approved the staff's recommendation to publish the Federal Register Notice (FRN) announcing the revision to the Enforcement Policy to extend the enforcement discretion to correspond with a staggered LAR submittal schedule. On June 23, 2011, SCE&G submitted a

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letter (RC-11-0099) requesting extension of their enforcement discretion and committed to the submittal date of September 30, 2011. In a letter (RC-11-0161) dated September 30, 2011, SCE&G informed the NRC that additional evaluation and clarification was needed to ensure the Transition Report met the completeness expectation, and that the LAR would be submitted by November 17, 2011.

On November 15, 2011, SCE&G submitted License Amendment Request LAR-06-00055 to Adopt NFPA 805 (RC-11-0149).

With the submittal of the LAR, SCE&G requests continuance of the enforcement discretion.

The justification for this request is as follows:

The LAR submittal was delayed due to incomplete Fire Protection Engineering Equivalency Evaluations and Code Compliance Reviews. Members of the NFPA 805 project initially believed that these evaluations and reviews were not required to be completed prior to the LAR submittal, but could be completed during the NRC's LAR acceptance review. Station management determined that they needed to be complete prior to the submittal to meet the NRC's completeness expectation. Significant effort had been undertaken to support their development, but they were not of the quality and engineering rigor to support the station's review and approval process. Once the evaluations and reviews were complete, the LAR was submitted. It should be noted that this additional effort had no appreciable effect on the contents of the LAR submittal.

If you have any questions or require additional information, please contact Mr. Bruce Thompson at (803) 931-5042.

Sincerely,



Thomas D. Gatlin

GAR/BLT/jw

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RTS (CR-06-00055)
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