

65FR# 24231  
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Fire Protection

Section 4.1.5 of the February 22, 2000, draft of NEI 96-07, states that the standard license condition establishes specific criteria for control of fire protection changes and falls within the scope of 10 CFR 50.59(c)(4). This regulation states that when applicable *regulations* establish more specific criteria for controlling changes, the requirements in 10 CFR 50.59, do not apply. The statement of considerations, published with the final rule in the *Federal Register* on October 4, 1999, states that, the Commission proposed to exclude from the scope of 50.59, review, specific types of changes to procedures where other requirements and criteria have been established by *regulation*. This language refers to situations, such as 50.54(a) and 50.54(q), where the *regulations explicitly* define how changes are to be *reviewed, documented, and reported*; and thus, where a 50.59, evaluation would be duplicative. Since the standard fire protection license condition is not a regulation and *does not explicitly* define the review, documentation and reporting requirements for fire protection program changes, it is not clear how the standard license condition is duplicative or how the guidance provided in NEI 96-07, concerning the review, documentation and reporting of changes to the fire protection program is enforceable for licensee's that do not voluntarily adopt the NEI guidance. Therefore, the final version of the guide should be revised to state that changes to the fire protection program are within the scope of 10 CFR 50.59, and should be controlled accordingly.

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