

October 15, 1999

Secretary of the Commission  
Attention: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Re: 64 FR 41338; 10 CFR Part 70  
Proposed rule: Domestic Licensing of Special  
Nuclear Material; Possession of a Critical Mass  
of Special Nuclear Material/RIN 3150 AF22**

To Whom It May Concern:

The National Fire Protection Association (NFPA), founded in 1896, is an international nonprofit membership organization, with over 68,000 members, dedicated to reducing the worldwide burden of fire and other hazards on the quality of life by providing and advocating scientifically based codes and standards, research, training, and education. NFPA's standards making system is based on a consensus process through a democratic, dynamic and expeditious system. NFPA codes and standards are recognized and used around the world as reliable, state-of-the-art information for achieving fire safety.

NFPA commends the NRC for its on-going efforts to increase confidence in the margin of safety governing the domestic licensing of special nuclear material for licensees authorized to possess a critical mass of special nuclear material and that are engaged in special activities.

NFPA strongly recommends the NRC adopt by reference the 1998 edition of *NFPA 801, Facilities Handling Radioactive Materials*. NFPA 801 would apply to Section 70.62, Safety Program and Integrated Safety Analysis, which addresses protection from all relevant hazards, including radiological, criticality, fire and chemical. The NFPA standard would also apply to Section 70.64, Requirements for New Facilities or New Processes at Existing Facilities, which addresses fire protection.

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Reference of NFPA 801 is in keeping with the requirements of Public Law 104-113 "*National Technology Transfer and Advancement Act*" which requires Federal government agencies to use private sector-developed national consensus technical standards in carrying out public policy wherever appropriate.

Thank you for the opportunity to provide this statement. Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

Sara C. Yerkes  
Director, Government Affairs

Cc: Anthony R. O'Neill, Vice President, Government Affairs  
Richard P. Bielen, Chief Systems and Applications Engineer