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FINAL REPLY:

Ralph E. Beedle  
Nuclear Energy Institute (NEI)

TO:

Chairman Meserve

FOR SIGNATURE OF : \*\* PRI \*\* CRC NO: 01-0055

Chairman

DESC: ROUTING:

Revising R.G. 1.174, "An Approach for Using  
Probabilistic Risk Assessment In Risk-Informed  
Decisions on Plant-Specific Changes to the  
Licensing Basis

Travers  
Paperiello  
Miraglia  
Norry  
Craig  
Burns/Cyr

DATE: 01/24/01

ASSIGNED TO: CONTACT:  
NRR Collins

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY  
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AFFILIATION: NEI

ADDRESSEE: RICHARD MESERV

SUBJECT: NEPA 805--PEFORMANCE BASED STANDARD FOR FIRE PROTECTION FOR LIGHT WATER REACTOR ELECTRIC GENERATING PLANTS.....

ACTION: Signature of Chairman

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LETTER DATE: 01/18/2000

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02/06/01

DATE SIGNED:



NUCLEAR ENERGY INSTITUTE

**Ralph E. Beedle**

SENIOR VICE PRESIDENT AND  
CHIEF NUCLEAR OFFICER  
NUCLEAR GENERATION

January 18, 2001

The Honorable Richard A. Meserve  
Chairman  
U. S. Nuclear Regulatory Commission  
Mail Stop O16-C1  
Washington, DC 20555-0001

Dear Chairman Meserve:

In June 1998, the Commission directed the staff to work with the National Fire Protection Association (NFPA) to develop a consensus standard that would eventually be adopted in a rulemaking. That standard became NFPA 805, *Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants*, which was approved by the general membership in November 2000.

In a December 22, 2000, memorandum to the Commission, the staff stated its intention to proceed with a notice of proposed rulemaking to endorse NFPA 805. The staff included in that memorandum an acknowledgement of industry concerns with the standard. At this juncture, NEI believes the Commission should reconsider a plan to pursue rulemaking. Our reasons are outlined below.

The primary purpose of the proposed rulemaking activity was to permit the use of NFPA 805 as an optional, alternative risk-informed, performance-based approach to establishing plant-specific fire protection program requirements. The benefit, as stated in SECY 97-127, was to transition to a structure for fire protection regulation that could "evaluate the safety-impact of proposed plant changes in an integrated manner to reduce regulatory burden and to identify areas where requirements should be increased."

While NFPA 805 is a step forward in the development of risk-informed, performance-based fire protection standards, it is very likely that licensees will not use it as an alternative approach to addressing fire protection program requirements. In fact, licensees who were considering shifting to a risk-informed, performance-based approach have informed us that they will not do so with the standard in its current form.



The Honorable Richard A. Meserve

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The critical issue is that NFPA 805 prescribes fundamental fire protection program and design elements that cannot be tempered by the risk-informed, performance-based methods permitted elsewhere in the standard. Some of these elements go beyond current regulatory requirements with no obvious benefit to safety. The lack of flexibility and increased regulatory requirements offer little motivation to a licensee to expend resources to make a fundamental change in its fire protection program bases.

In its December 22 memorandum, the NRC staff suggests that industry and staff concerns with NFPA 805 may be addressed by taking exceptions to the standard during the rulemaking process. A similar approach with revisions to §50.55a has not worked well in the past. To initiate rulemaking to codify a standard which is recognized at the outset to be flawed is not sound policy.

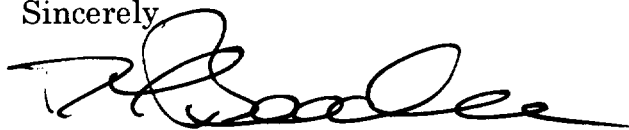
Consequently, the planned rulemaking will not achieve the original Commission objective of reducing regulatory burden while providing a more integrated risk-informed, performance-based focus on safety. It would be unfortunate to expend resources on a lengthy rulemaking that is likely to produce an outcome that will not be used.

As an alternative, we recommend that the Commission consider promulgating regulatory guidance within the context of current fire protection regulations that endorses useful risk-informed, performance-based fire protection methods, including those discussed in NFPA 805. This can be accomplished by revising Regulatory Guide 1.174, *An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis*.

We are prepared to work with NRC under the regulatory guide approach to maximize this benefit.

Please call me if you have any questions.

Sincerely



Ralph E. Beedle

- c: The Honorable Greta Joy Dicus, Commissioner, NRC
- The Honorable Nils J. Diaz, Commissioner, NRC
- The Honorable Edward McGaffigan, Jr., Commissioner, NRC
- The Honorable Jeffrey S. Merrifield, Commissioner, NRC
- Dr. William D. Travers, Executive Director for Operations, NRC
- Mr. Samuel J. Collins, Director, Office of Nuclear Reactor Regulation, NRC