

May 15, 2001

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: William D. Travers */RA/*
Executive Director for Operations

SUBJECT: DELAY IN REACTOR FIRE PROTECTION RULEMAKING PLAN (WITS
199900032)

On December 22, 2000, the staff provided the Commission with an update on the status of the National Fire Protection Association (NFPA) activities related to the development of NFPA Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants." Subsequent to that update, in a January 18, 2001, letter to Chairman Meserve, Mr. Ralph Beedle of the Nuclear Energy Institute (NEI) expressed the nuclear industry's concerns that the staff's plan to adopt NFPA 805 as an alternative to the existing fire protection regulations would not achieve the Commission's original objectives for the rulemaking, and that licensees would not use it as an alternative approach to addressing fire protection requirements. The Chairman responded to NEI's letter on February 27, 2001, and informed NEI that the Commission had asked the staff to arrange a public meeting with NEI to discuss the matter in more detail.

This meeting was held on March 15, 2001, and was attended by senior NRR and NEI management and representatives of nine utilities. At this meeting NEI outlined its general concerns with the standard as currently written. Of particular concern to NEI is that the prescriptive fire protection elements in Chapter 3 of the standard do not allow for performance-based alternatives. NEI also requested that the staff provide its concerns with NFPA 805 to NEI for discussion. The staff agreed to provide this information. NEI agreed to provide the staff any additional concerns with NFPA 805 in a followup document. It was agreed to hold an additional meeting following receipt of the NEI concerns.

NEI provided its additional concerns with NFPA 805 on March 23, 2001 (ADAMS Accession No. ML010870179). The staff has conducted a thorough review of these concerns and believes, at this time, that these issues can be resolved through the rulemaking process with the appropriate NEI-developed implementation guidance. In a letter dated April 6, 2001 (ADAMS Accession No. ML010990346), the staff responded to the NEI letter, describing its technical concerns with NFPA 805. The staff is in the process of scheduling additional followup meetings with NEI to resolve the major outstanding issues. After these meetings, the staff will revise its rulemaking plan to adopt NFPA 805 to reflect our interactions with the industry.

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Pending the submittal to the Commission of the revised plan, the staff has delayed the rulemaking activities described in SECY 00-0009, "Rulemaking Plan, Reactor Fire Protection Risk-Informed, Performance-Based Rulemaking," dated January 13, 2000, and the Commission Tasking Memorandum. An updated schedule for the rulemaking will be included in the revised rulemaking plan which is expected to be issued in September 2001.

cc: SECY
OPA
OGC
CFO
OCA
CIO

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* See previous concurrences

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