

October 9, 2001

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

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

SUBJECT: REACTOR FIRE PROTECTION RULEMAKING

On May 15, 2001, the staff provided to the Commission a memorandum on the status of the staff's activities related to rulemaking to adopt National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants." In its memorandum, the staff stated that it expected to issue an updated schedule for the rulemaking in September 2001 after meeting with the Nuclear Energy Institute (NEI).

Following a series of public, staff-level meetings and an exchange of correspondence, NRC senior management met with NEI on August 30, 2001, and reached an agreement on a process for the resolution of the remaining substantive issues.

In view of these interactions with stakeholders, the staff has revised the schedule for the rulemaking plan submitted to the Commission in SECY-00-0009, "Rulemaking Plan, Reactor Fire Protection Risk-Informed, Performance-Based Rulemaking," dated January 13, 2000, (ADAMS Accession No. ML003671923). In accordance with the revised schedule, the staff will submit a proposed rule for Commission approval within 9 months from the date of this memorandum, and a final rule for Commission approval within 12 months following the publication of the proposed rule for public comment. In addition, the staff will keep interested stakeholders informed by making the drafts of the proposed rulemaking language available to the public. Meanwhile, the Commission should note that the NEI guidance document for implementation of NFPA 805 and the rulemaking are on separate paths so that the development of the implementing guidance does not constrain the rulemaking schedule. NEI indicated in an August 29, 2001, letter that NEI would issue the implementing guidance by December 30, 2002. The staff will also provide a detailed schedule with milestones in the next update of the Chairman's Tasking Memorandum.

cc: SECY
OPA
OGC
CFO
OCA

CONTACT: Eric Weiss, SPLB/DSSA/NRR
301-415-3264

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OPA Accession Number: **ML012560401**
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