



NUCLEAR ENERGY INSTITUTE

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September 13, 2001

Mr. Gary M. Holahan
Director, Division of Systems Safety and Analysis
Office of Nuclear Reactor Regulation
Mail Stop O10-A1
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: NRC Rulemaking to Adopt NFPA 805, *Performance-Based Standard for Fire Protection for Light Water Reactor Generating Plants*

PROJECT: 689

Dear Mr. Holahan:

During an August 30 meeting, you presented the NRC staff resolution of industry concerns about the proposed rulemaking to endorse NFPA 805. We support the staff resolution of these issues as noted below, and are prepared to develop implementing guidance to support this rulemaking on the schedule provided in our letter of August 28, 2001.

Your resolution and the industry responses are as follows:

- Staff resolution: The staff agreed that when a national standard is endorsed in a rulemaking, exceptions to that standard should also be reflected in the rulemaking.

Response: Industry supports this resolution.

- Staff resolution: The staff agreed that risk-informed and performance-based methods are acceptable to the NRC staff in lieu of deterministic methods (e.g., those in chapter 3 of NFPA 805) provided that those risk-informed and performance-based methods are approved by the staff.

Response: Industry supports this resolution, and expects to see in the draft rule language an exception to the current text in Section 3-1 of NFPA 805.



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This exception should carry out the resolution noted above as well as the industry-proposal in our letter of August 28.

- Staff resolution: The staff agreed that processes such as inspection and enforcement that existed for licensee commitments in effect under an existing licensing basis will continue under a new licensing basis i.e., anything that was unreviewed and unapproved remains so.

Response: Industry supports this resolution, with the understanding that the exception to Section 3-1 will include a provision for docketed licensing bases (rather than previously approved alternatives) taking precedence over the provisions of NFPA 805 Section 3, when identified by the licensee in the license amendment application.

- Staff resolution: The staff agreed that the NRC staff will accept for review and approval exceptions to a rulemaking consistent with the resources available to it instead of requiring those exceptions be submitted to a national standards organization.

Response: Industry supports this resolution.

With regard to the schedule for preparing implementing guidance, the next step is for NRC to provide by October 15, 2001, any additional regulatory information on format, content, or process for developing the implementing guidance document. This regulatory information may include legal guidance from the NRC's Office of General Counsel, recommended milestones for public meetings to discuss issues related to the rulemaking, recommendations for the content of the industry guidance outline to be provided in December, or other pertinent information.

Please contact Fred Emerson at 202-739-8086, fae@nei.org or me, if you require additional information.

Sincerely,



Alex Marion

FAE/maa

c: Mr. Joseph L. Birmingham, U. S. Nuclear Regulatory Commission
Mr. John N. Hannon, U. S. Nuclear Regulatory Commission
Mr. Eric W. Weiss, U. S. Nuclear Regulatory Commission

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ADDRESS SERVICE REQUESTED



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