

November 5, 2001

Alexander Marion
Director, Engineering Department
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Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Dear Mr. Marion:

This is in response to your letter of September 26, 2001, to Mr. Edward A. Connell of my staff concerning Regulatory Guide (RG) 1.189, Fire Protection Programs for Operating Nuclear Power Plants. This letter was a follow up to a recent discussion held with the Nuclear Energy Institute (NEI) staff, Mr. Richard K. Hoefling of the Office of the General Counsel and Mr. Connell. In the letter you requested confirmation on how RG 1.189 will be used by the NRC staff in evaluating licensee's fire protection programs.

As stated in RG 1.189, regulatory guides are not substitutes for regulations, and compliance with them is not required. Methods and solutions different from those set out in the regulatory guide will be acceptable if they provide a basis for the Regulatory findings needed to support the issuance or continuance of a permit or license by the Commission. In addition, no backfitting is intended or approved in connection with issuance of RG 1.189. If the staff determines that a backfit of a facility to the provisions of RG 1.189 is necessary, the staff will pursue the backfit in accordance with the requirements specified in 10 CFR 50.109. The methods described in the guide will be used by the staff in the evaluation of license compliance with the requirements of 10 CFR 50.48, only in those cases where the licensee has not proposed an acceptable alternative method for compliance with NRC fire protection requirements. The guide will also be used by the NRC staff to evaluate licensee initiated changes to their fire protection programs if there is a clear nexus between the proposed change and the guidance contained in the guide, and it will also be used in the review of fire protection programs by licensees that have committed to the regulatory guide.

I hope that this letter resolves any confusion concerning the NRC staff use of RG 1.189. If you have additional questions please contact Mr. Connell at (301) 415-2838.

Sincerely,

/RA/

Eric Weiss, Chief
Fire Protection Section
Plant Systems Branch
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission

