

January 15, 2003

DOCKET NUMBER
PROPOSED RULE **PR 50**
(67 FR 66578)

10 CFR 2.805

DOCKETED
USNRC

Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

January 16, 2003 (8:15AM)

Attention: Rulemaking and Adjudications Staff

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

COMMENTS ON PROPOSED RULE: VOLUNTARY FIRE PROTECTION
REQUIREMENTS FOR LIGHT WATER REACTORS; ADOPTION OF NFPA 805 AS A
RISK-INFORMED, PERFORMANCE-BASED ALTERNATIVE

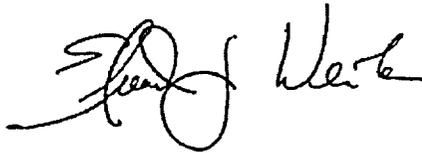
Nuclear Management Company, LLC, (NMC) respectfully offers the following comments on the proposed rule to allow voluntary adoption of NFPA 805, as published in the Federal Register (Volume 67, No. 212, Friday, November 1, 2002, Proposed Rules):

1. Section 50.48(c)(3) of the proposed rule indicates that "previously approved" fire protection elements remain acceptable "for purposes of transitioning" to NFPA 805. Section 50.48(c)(3)(i) further states that the utility must submit a request to comply with NFPA 805 and identify any orders or license conditions that must be revised or superseded. The discussion also makes reference to reinstatement of revoked exemptions. NFPA 805 Section 4.2.3 (via Section 2.2.7 and A.2.2.7) allows the use of "existing engineering equivalency evaluations (previously known as Generic Letter 86-10 evaluations, exemptions, deviations)". Does this mean that existing, approved exemption requests remain valid under NFPA 805? Would the licensee identify that the associated SER (license condition) remains in effect?
2. Section 50.48(c)(3)(i) of the proposed rule indicates that "... the proposed rule has the effect of precluding licensees from implementing NFPA 805 on a partial or selective basis..." NFPA 805 Section 4.2.2 indicates that either a deterministic or performance based approach may be used for each fire area. Since NFPA 805 must be adopted in its entirety, does this mean that the NFPA 805 deterministic approach can be selected for one fire area and the NFPA 805 performance based approach for another?

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NUCLEAR MANAGEMENT COMPANY, LLC

Please contact Jeff Kivi (651-388-1121) if you have any questions related to this letter.

A handwritten signature in black ink, appearing to read "Edward Weinkam". The signature is fluid and cursive, with the first name "Edward" written in a larger, more prominent script than the last name "Weinkam".

Edward Weinkam
Director of Regulatory Services