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

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OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Ms. Annette L. Vietti-Cook, Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

ATTENTION: Rulemaking and Adjudication Staff

SUBJECT: Comments on "Voluntary Fire Protection Requirements
for Light Water Reactors; Adoption of NFPA 805 as a
Risk-Informed, Performance-Based Alternative, "67 FR 66578"

Dear Ms. Vietti-Cook:

As an active participant in the Nuclear Regulatory Commission's ("NRC") fire protection regulatory activities for over 20 years, I find the NRC's proposal to adopt a risk-informed, performance-based regulatory regime such as that contained in NFPA-805, can establish a welcome advance in cost-effectively assuring fire protection safety. This view is shared by many of my contacts in the nuclear utility industry, provided that the NRC's establishment of this licensing basis alternative is consistent with the changes recommended by the Nuclear Energy Institute ("NEI") and includes the following process changes:

- For each licensee which adopts NFPA-805 as an alternative licensing basis, skip the first post-transition triennial inspection in reliance on the extensive program review that will have been conducted by that license to make the transition
- As was done when other rules were adopted, exercise enforcement discretion for non-compliances with the new requirements during the first year after the transition to the new fire protection requirements
- Conform inspection guidance and the process for resolving non-compliances to the risk-informed, performance-based methodology in the new rule
- Follow the inspection practice for the ASME Boiler and Pressure Vessel Code and adopt a 10 year inspection cycle
- Exercise enforcement discretion to eliminate the need to come into compliance with deviations from current licensing basis requirements if compliance will be attained by transitioning to the new requirements under NFPA-805
- Define the scope of fundamental attributes broadly enough to encompass current fire protection programs and adopt a simple and predictable process for finding that fundamental attributes have been previously approved by the NRC
- Adopt a simple, swift process for approving the transition license amendment

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I further recommend that these process changes be memorialized in the NRC's letter transmitting the transition license amendment to each licensee.

Sincerely,



Sheldon L. Trubatch