



NUCLEAR ENERGY INSTITUTE

**Alexander Marion**  
DIRECTOR, ENGINEERING  
NUCLEAR GENERATION DIVISION

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Mr. John Hannon  
Chief, Plant Systems Branch  
Office of Nuclear Reactor Regulation  
Mail Stop O11-A11  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**PROJECT NUMBER: 689**

Dear Mr. Hannon:

NEI proposed NRC adoption of certain regulatory incentives to maintain or improve safety and reduce the burden of transition to a risk-informed, performance-based fire protection licensing basis on February 13, 2003. In your August 28 response NRC addressed each of these requests. With this letter, we request your consideration of an additional incentive.

A number of licensees have initiated consideration of significant and expensive fire protection and safe shutdown program changes in response to NRC inspections and internal self-assessments of these programs. Such program changes constitute prime opportunities for optimizing the risk and cost benefit using the tools in NFPA 805. With the rulemaking and implementing guidance not yet complete, however, these licensees will have to carry out these changes under the deterministic regulations and guidance now extant. Once the changes are made, these licensees will have much less incentive to adopt NFPA 805 when the new rule is completed.


We therefore recommend that NRC provide as an incentive the opportunity to postpone performance of such projects, if they are being driven by inspection findings, until the rule and the implementing guidance are available. This will allow these licensees to adopt methods for resolving the issues that are tailored to the risk significance of the issues, and avoids the potential that is always inherent in deterministic solutions to these issues for either under-predicting or over-predicting the risk reduction benefit. Since the inspection issues driving such projects rarely have a high risk significance, there is no detriment to plant safety from agreeing to this incentive. Furthering the adoption of a risk-informed performance-based licensing basis will benefit both the NRC and the affected licensees in the long run.

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We look forward to your early response to this proposal. An early response will assist licensees pursuing these projects to consider a resolution under a risk-informed licensing basis before they are fully committed to a deterministic response.

Please contact Fred Emerson with any questions about this proposal.

Sincerely,



Alexander Marion

c: Suzanne Black, NRC  
Sunil Weerakkody, NRC