

May 13, 2004

Mr. Stephen D. Floyd, Vice President
Nuclear Generating Division, Regulatory Affairs
Nuclear Energy Institute (NEI)
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: THE PROPOSED FINAL RISK-INFORMED, PERFORMANCE-BASED FIRE
PROTECTION RULE, 10 CFR 50.48(c)

Dear Mr. Floyd:

I am responding to Mr. Marvin Fertel's letter dated April 30, 2004, in which he provided comments on "The Proposed Final Risk-Informed, Performance-Based Fire Protection Rule, 10 CFR 50.48(c)." We appreciate the Nuclear Energy Institute's continued interest in this rulemaking. These comments, as well as those previously submitted, were considered in formulating this rule. The Commission voted on May 11, 2004, to approve the final rule. A *Federal Register* announcement for the final rule should be issued shortly.

Please contact Joseph Birmingham of my staff (301 415-2829) should you have any questions regarding this rulemaking.

Sincerely,

/RA/

Cathy Haney, Program Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

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Project No. 689

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