



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 11, 2004

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-04-0050

TITLE: FINAL RULE: REVISION OF 10 CFR 50.48 TO
ALLOW PERFORMANCE-BASED
APPROACHES USING NATIONAL FIRE
PROTECTION ASSOCIATION (NFPA)
STANDARD 805, "PERFORMANCE-BASED
STANDARD FOR FIRE PROTECTION FOR
LIGHT WATER REACTOR ELECTRIC
GENERATING PLANTS," 2001 EDITION

The Commission (with all Commissioners agreeing) approved the final rule as noted in an Affirmation Session and recorded in the Staff Requirements Memorandum (SRM) of May 11, 2004.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, reading "Annette L. Vietti-Cook", is positioned above the printed name.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR

VOTING SUMMARY - SECY-04-0050

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	4/8/04
COMR. McGAFFIGAN	X				X	5/4/04
COMR. MERRIFIELD	X				X	4/21/04

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the final rule and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the final rule as noted in an Affirmation Session and reflected in the SRM issued on May 11, 2004.

AFFIRMATION ITEM

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Chairman Diaz


SUBJECT: **SECY-04-0050 - FINAL RULE: REVISION OF 10 CFR
50.48 TO ALLOW PERFORMANCE-BASED
APPROACHES USING NATIONAL FIRE PROTECTION
ASSOCIATION (NFPA) STANDARD 805 (NFPA 805)
"PERFORMANCE-BASED STANDARD FOR FIRE
PROTECTION FOR LIGHT WATER REACTOR
ELECTRIC GENERATING PLANTS," 2001 EDITION**

Approved ☒ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

I commend the staff on the final rule which allows a performance-based approach to fire protection requirements. This is an important step in the development of risk-informed and performance-based regulations. It also provides a means for licensees to address fire protection issues in a manner consistent with the risk significance of the issue.



SIGNATURE

Apr 8, 04

DATE

Entered on "STARS" Yes ☒ No _____

AFFIRMATION ITEM

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner McGaffigan

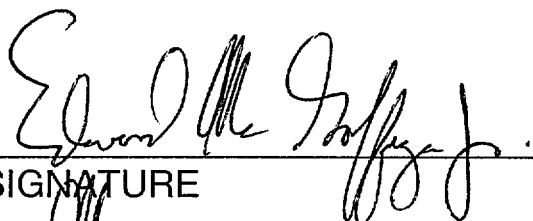
SUBJECT: **SECY-04-0050 - FINAL RULE: REVISION OF 10 CFR
50.48 TO ALLOW PERFORMANCE-BASED
APPROACHES USING NATIONAL FIRE PROTECTION
ASSOCIATION (NFPA) STANDARD 805 (NFPA 805)
"PERFORMANCE-BASED STANDARD FOR FIRE
PROTECTION FOR LIGHT WATER REACTOR
ELECTRIC GENERATING PLANTS," 2001 EDITION**

Approved ☒ w/comments Disapproved _____ Abstain _____

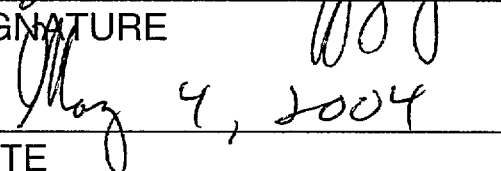
Not Participating _____

COMMENTS:

See attached comments.



SIGNATURE



DATE

Entered on "STARS" Yes ☒ No _____

Commissioner McGaffigan's Comments on SECY-04-0050

I join with Chairman Diaz and Commissioner Merrifield in commending the staff for their efforts in crafting this performance-based alternative approach to the existing NRC regulations in the risk significant area of fire protection. I approve the recommendation by the staff to publish the notice of final rule and interim enforcement discretion in the Federal Register, subject to the following editorial correction:

- Attachment 1, Page 18, the sentence beginning on Line 6 should read:

"NFPA 805, Chapter 1, states the radioactive release performance criteria to maintain radiation release from the effects of fire suppression activities as low as reasonably achievable and not to exceed 10 CFR Part 20 limits."



AFFIRMATION ITEM

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Merrifield

SUBJECT: **SECY-04-0050 - FINAL RULE: REVISION OF 10 CFR
50.48 TO ALLOW PERFORMANCE-BASED
APPROACHES USING NATIONAL FIRE PROTECTION
ASSOCIATION (NFPA) STANDARD 805 (NFPA 805)
"PERFORMANCE-BASED STANDARD FOR FIRE
PROTECTION FOR LIGHT WATER REACTOR
ELECTRIC GENERATING PLANTS," 2001 EDITION**

Approved ☒ Disapproved ☐ Abstain ☐

Not Participating ☐

COMMENTS:

See attached comments.



SIGNATURE

6/21/01

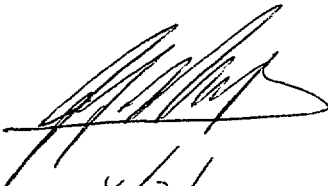
DATE

Entered on "STARS" Yes ☒ No ☐

Commissioner Merrifield's Comments on SECY-04-0050

I approve the staff's recommendation to publish the notice of final rule and interim enforcement discretion in the Federal Register.

I join Chairman Diaz in commending the staff for their considerable efforts on this rulemaking. In addition, I appreciate the staff's extensive open dialogue and coordination with external stakeholders. I encourage the staff to continue their focus and ensure that the associated implementation and inspection guidance is finalized in a timely manner so this effort is brought to closure.



4/21/04