

February 16, 2005

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

On May 16, 2004, I responded to your letter of March 3, 2004, concerning ongoing operator manual action rulemaking efforts related to the revision of current fire protection requirements, as specified in Section III.G.2 of Appendix R to Title 10, Part 50, of the *Code of Federal Regulations* (10 CFR Part 50) (RIN 3150-AH54). On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am providing you an updated status on the operator manual actions rulemaking efforts.

The Commission has approved the rulemaking package, and the staff is preparing the NRC documents for publication in the *Federal Register* with a 75-day public comment period. The rulemaking documents include the proposed rule, the environmental assessment, notice of availability in the *Federal Register* of the regulatory analysis and the draft regulatory guide, and the Office of Management and Budget clearance package. In my earlier letter, I advised that NRC anticipated issuing interim acceptance criteria for use by our inspectors until the final rule is approved and issued. Presently, as discussed in the *Federal Register Notice*, NRC plans to rely on an existing Enforcement Guidance Memorandum for fire-induced circuit failures (ADAMS Accession No. ML003710123) as its interim enforcement policy. The current NRC fire protection inspection module (ADAMS Accession No. ML042600573), in conjunction with this interim enforcement policy, provides the NRC sufficient tools to ensure that licensees continue to take appropriate actions to achieve and maintain safe shutdown conditions in the event of a fire until the final rule is issued in 2006.

If you have further questions, please feel free to contact me.

Sincerely,

/RA/

Nils J. Diaz

cc: The Honorable Joe Barton, Chairman
Committee on Energy and Commerce

The Honorable Ralph M. Hall, Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce

The Honorable Rick Boucher, Ranking Member
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce

Identical letter sent to:

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The Honorable Rick Boucher, Ranking Member
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Committee on Energy and Commerce

The Honorable John D. Dingell, Ranking Member
Committee on Energy and Commerce
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