

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

NRC-2018-000182

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RESPONSE  
TYPE

INTERIM



FINAL

## REQUESTER:

Julian Tarver

## DATE:

12/21/2017

## DESCRIPTION OF REQUESTED RECORDS:

ML100740454, ML101470489, and ML100540294

## PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>

- ☒ Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.
- ☒ Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☒ We are continuing to process your request.
- ☒ See Comments.

## PART I.A -- FEES

## NO FEES

AMOUNT\*

\*See Comments for details

- ☐ You will be billed by NRC for the amount listed.
- ☐ You will receive a refund for the amount listed.
- ☐ Fees waived.

- ☐ Minimum fee threshold not met.
- ☐ Due to our delayed response, you will not be charged fees.

## PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- ☐ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☒ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- ☐ You may appeal this final determination within 90 calendar days of the date of this response by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

## PART I.C COMMENTS ( Use attached Comments continuation page if required)

This also serves to acknowledge receipt of your request. Two of the three documents you have requested, ML101470489 and ML100540294, are already publicly available; copies of them are enclosed. We will address the third document, ML100740454, in our final response to you, after conferring with the NRC program office(s) having equity in the document, as well as the licensee that submitted it.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney  
Date: 2017.12.21 09:59:37 -05'00'

March 2, 2010

Mr. Anthony R. Pietrangelo  
Senior Vice President and  
Chief Nuclear Officer  
Nuclear Energy Institute  
1776 I Street, NW, Suite 400  
Washington, D.C. 20006

Dear Mr. Pietrangelo:

I am responding to your letter of September 25, 2009 to Gregory B. Jaczko, Chairman of the U.S. Nuclear Regulatory Commission (NRC), requesting the NRC to conduct an expedited rulemaking to change the compliance date for specific requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, "Physical Protection of Plants and Materials." By letter dated October 1, 2009, the NRC informed you that it treated your submission as a petition for rulemaking (PRM) under 10 CFR 2.802, "Petition for Rulemaking" and assigned it docket number PRM-73-14. Due to the exigent circumstances associated with your request, the agency did not publish a notice of receipt and request for public comment on PRM-73-14 in the *Federal Register*; instead the NRC gave immediate attention to your request and convened a petition review board on November 9, 2009.

As discussed further in the enclosed notice, which will be published in the *Federal Register*, the NRC is denying your request for expedited rulemaking. The NRC has concluded its evaluation of PRM-73-14; therefore, this PRM is considered closed.

Please direct any questions you may have regarding this matter to NRC staff member Timothy Reed, by phone at 301-415-1462 or by e-mail at [Timothy.Reed@nrc.gov](mailto:Timothy.Reed@nrc.gov).

Sincerely,

/RA/

Annette L. Vietti-Cook

Enclosure:  
*Federal Register* Notice

June 11, 2010

The Honorable David Price  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Price:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of May 7, 2010, in which you request a status of our efforts in the area of fire safety, particularly the status of the pilot projects, the timeline for licensee compliance, and information on the implementation of any regulatory changes that might be planned.

I am pleased to report that the NRC's reviews of the two pilot plant license amendment requests (LAR) to transition to the new licensing basis using 10 CFR 50.48(c) "National Fire Protection Association Standard 805" (NFPA 805) are nearing completion. The review of the Shearon Harris LAR is in its final stages and the staff expects to issue its licensing decision and Safety Evaluation Report (SER) by the end of June. The review of the Oconee pilot is expected to be complete, and the licensing decision made, by the end of December.

In addition to the pilot plants, about 50% of the nation's reactors are developing LARs seeking permission to transition to the NFPA 805 risk-informed, performance-based rule. We expect most of these licensees to submit those LARs by mid-2011 (with NRC review completed by mid-2013), and the remaining licensees committed to this transition submitting their LARs by mid-2012 (with NRC review completed by mid-2014).

The NRC requires all licensees to operate in accordance with the regulations and their approved fire protection program. At this time, a large number of licensees rely on compensatory measures to comply with their approved program. We expect the number of such measures to begin to decline as plants transition to the risk-informed, performance-based fire protection rule.

Regarding potential regulatory changes associated with the transition to NFPA 805, our experience to date in reviewing the pilot project LARs does not indicate that any revisions to current regulations are necessary. However, we have identified and implemented updates to our regulatory guidance documents and plan to make additional updates to those documents to share lessons learned from the pilot plants with plants that have not yet submitted LARs to transition to NFPA 805.

As you noted, I met with some of your constituents earlier this year and subsequently received a letter outlining a number of their concerns. I believe the NRC staff has provided guidance and opportunities for public meetings, workshops, and other interactions to address their questions. Nevertheless, I did forward their concerns to the Office of the Inspector General for an independent review.

My staff would be happy to brief you on the licensing decision and safety evaluation report when they are completed. I will have Ms. Rebecca L. Schmidt, Director of the Office of Congressional Affairs, contact your office to update you on the progress of the Shearon Harris NFPA 805 LAR.

Sincerely,

/RA/

Gregory B. Jaczko