



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

Edwin Lyman  
Director, Nuclear Safety Project  
Union of Concerned Scientists  
PO Box 15316  
Chattanooga, TN 37415

Dear Dr. Lyman:

I am responding to the petition for rulemaking (PRM) dated May 1, 2017, submitted by Mr. David Lochbaum on behalf of the Union of Concerned Scientists, and by Mr. Paul Gunter of Beyond Nuclear. The petition, docketed by the U.S. Nuclear Regulatory Commission (NRC) as PRM-50-115, requested that the NRC issue regulations establishing acceptable conditions for the use of compensatory measures (e.g., fire watches, surveillance cameras) during periods when fire protection regulations are not met.

The petition stated that violations of the NRC's fire protection regulations are often discovered, but the compensatory measures intended to provide sufficient protection until compliance is restored have not been properly established and that regulations are necessary. The petitioners ~~You have~~ requested that the NRC amend its regulations to include compensatory measures that would provide enforceable requirements for the licensee. In particular, the petitioners requested that the NRC issue a final rule to (1) define ~~when and under what conditions the~~ compensatory measures authorized for use and the conditions under which such measures are required during periods when the fire protection regulations are not met and (2) define the maximum duration for reliance on compensatory measures.

The NRC considered the petition, public comments, and the arguments raised therein, and finds that the petition did not present sufficient new information or arguments to warrant the requested changes to the regulations in light of the NRC's relevant past decisions and current policies ~~raise a significant safety or security concern~~. The existing NRC regulations provide reasonable assurance of adequate protection of public health and safety. ~~The NRC staff concludes that the arguments raised in the petition do not support the requested revisions to the regulations and are not necessary because the petition does not raise any new significant safety or security concerns.~~ For these and the reasons stated in the enclosed *Federal Register* notice, ~~your~~ the petition for rulemaking, PRM-50-115, is denied.

The NRC tracks the status of all PRMs on its Web sites at <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/petitions-by-year.html> and <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html>. The notice and the public comments that were submitted on the petition can be found at [www.regulations.gov](http://www.regulations.gov) under Docket ID NRC-2017-0132.

E. Lyman

- 2 -

This petition is considered closed. If you have any questions regarding this matter, please direct them to Pamela Noto at 301-415-6795 or [Pamela.Noto@nrc.gov](mailto:Pamela.Noto@nrc.gov).

Sincerely,

Annette L. Vietti-Cook  
Secretary of the Commission

Enclosure:  
*Federal Register* Notice

cc: Paul Gunter, Beyond Nuclear  
David Lochbaum