

May 11, 2004

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.

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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.

## Commissioner Comments on SECY-04-0050

### Chairman Diaz

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.

### Commissioner McGaffigan

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.”

### Commissioner Merrifield

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.