

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