

February 27, 2001

Mr. Ralph E. Beedle
Senior Vice President and
Chief Nuclear Officer
Nuclear Generation
Nuclear Energy Institute
1776 I St., NW, Suite 400
Washington, D.C. 20006-3708

Dear Mr. Beedle:

I am writing in response to your letter of January 18, 2001, about the staff's proposal to endorse National Fire Protection Association (NFPA) 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," by a rulemaking in accordance with the Commission's staff requirements memorandum (SRM) of June 30, 1998. Your letter expressed a concern that, although NFPA 805 is a step forward in the development of risk-informed, performance-based standards, licensees will not use NFPA 805 as an alternative approach to addressing fire protection program requirements. You state that the critical issue is that it prescribes fundamental fire protection program and design elements that cannot be tempered by the risk-informed, performance-based methods permitted elsewhere in the standard. You also expressed the belief that the Commission should reconsider a plan to pursue rulemaking and recommended that we consider promulgating regulatory guidance within the context of current fire protection regulations.

Both the staff and the industry have committed significant resources to the development of the NFPA standard, and it would be unfortunate for both the NRC and the industry if this effort was not to provide an alternative means to assure fire protection of interest to licensees. If a more risk-informed, performance-based regulatory framework for fire protection in nuclear power plants is to be developed, then a rulemaking is necessary. It was our expectation that NFPA 805 could serve as the basis for the rulemaking.

It is important for the Commission to understand fully your specific concerns with the standard before determining whether or not to proceed with the rulemaking or whether to consider an alternative approach. To better understand your concerns, I have asked the staff to arrange a public meeting with the Nuclear Energy Institute to discuss the matter. The Commission will take your concerns into consideration as it develops a recommended course of action.

Thank you for your comments.

Sincerely,

/RA/

Richard A. Meserve