

Ms. Annette L. Vietti-Cook
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(66FR 65661)

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF



NUCLEAR ENERGY INSTITUTE

Alexander Marion
DIRECTOR
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February 7, 2002

Ms. Annette L. Vietti-Cook
Office of the Secretary of the Commission
Mail Stop O16-C1
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTENTION: Rulemaking and Adjudications Staff

SUBJECT: Industry Comments on NRC Draft Rule Language for Risk-Informed,
Performance-Based Fire Protection Rulemaking

PROJECT: 689

Dear Ms. Vietti-Cook:

On behalf of the commercial nuclear energy industry, the Nuclear Energy Institute submits comments on the NRC draft rule language for its risk-informed, performance-based fire protection rulemaking, as noticed in 66 FR 65661. These comments are detailed in Enclosure 1.

Please address any questions about these comments to Fred Emerson at 202-739-8086 or fae@nei.org, or me.

Sincerely,

A handwritten signature in cursive script that reads "Alex Marion".

Alex Marion

FAE/maa
Enclosure

c: Mr. Eric Weiss, United States Nuclear Regulatory Commission

Template = SECY-067

SECY-02

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Enclosure 1

Comments on Draft Fire Protection Rulemaking Language

NEI provides the following comments on the draft rulemaking language.

1. Paragraph 2, "As an alternative to compliance..."

Comment: This paragraph indicates that a licensee may maintain a fire protection program that complies with NFPA 805 relating to nuclear safety and radiological release. Section 1.5.2 of NFPA 805 indicates that the release due to fire suppression activities should not exceed Part 20 limits. Part 20 generally applies to normal plant operations and transients. Part 100 generally applies to design basis accidents.

The ultimate goal of fire protection regulation is to protect the health and safety of the public. Based on this goal, Part 100 limits may be applicable. However, the first two elements of fire protection defense-in-depth (prevention and suppression) are more related to abnormal plant operations, suggesting that Part 20 may be more applicable.

NRC should provide an exception to Section 1.5.2 that recognizes and explains the appropriate role of Part 100 limits versus Part 20 limits.

2. Paragraph 2 (iii), Section 1.5.1

Comment: We agree that a high pressure charging/injection pump coupled with the pressurizer power-operated relief valves (PORVs) should not be the sole fire-protected safe shutdown path for maintaining reactor coolant inventory, pressure control, and decay heat removal for PWRs. However, the rule language should recognize previously approved designs and allow licensees to identify this as one of the multiple ways of achieving these functions.

3. Paragraph 2 (iv), Section 2.7.3.5

Comment: NEI agrees with the proposed NRC language.

4. Paragraph 2 (v), Section 3.1

Comment: Change "At the end of the third sentence of Section 3.1 add..." to "Replace the second sentence of Section 3.1 with..." If the NRC's proposed rule language is maintained, Section 3.1 would state both that performance-based approaches are not permitted (second sentence) and that they are permitted (added sentence), an obvious conflict that should be avoided.

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This proposed exception to NFPA 805 also should indicate that "docketed licensing bases" instead of "previously approved alternatives" can take precedence over Section 3 requirements.

6. Paragraph 2 (vi), Section 3.3.5.3

Comment: Not endorsing the italicized exception to this section would exclude current as-built plant configurations. This italicized exception should be retained.

7. New Paragraph 2 exception, Section 3.5.4

Comment: NRC should add an exception related to NFPA 805 Section 3.5.4. This exception should delete the phrases "seismic Category I Class IE" and "connected to redundant Class IE emergency power buses" from this section. These requirements would exclude current plant configurations.

8. Paragraph 2 (vii), Section 3.6.4

The italicized exception, as stated in NFPA 805, permits a licensee not having seismically designed standpipes for fire hose stations to provide a plan for manual fire fighting capabilities following an earthquake. Not endorsing this exception would require a licensee that does not have seismic standpipes, or whose licensing basis is silent concerning seismic standpipes, to redesign the system or propose an alternative to the requirement.

9. New Paragraph 2 exception, Section 4.2.3.1

Comment: This section states, "Use of recovery actions to demonstrate availability of a success path for the nuclear safety performance criteria automatically shall imply use of the performance-based approach as outlined in 4.2.4." Use of recovery actions should not be limited to a performance-based approach. An italicized exception should be added to this section that states, "*Exception: Recovery actions that are credited in the current docketed licensing basis shall also be allowed under this deterministic approach.*"

10. New Paragraph 2 exception, Section 4.2.3.2

Comment: This section requires fire barrier ratings of 3 hours. Barriers that are currently acceptable should be permitted in complying with this section. An italicized exception should be added to this section that states, "*Exception: Barriers whose fire ratings are credited in the current docketed licensing basis shall also be allowed under this deterministic approach.*"

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11. Paragraph 3

Comment: The rulemaking language should state that this paragraph applies to new performance-based approaches proposed by the licensee. It does not apply to provisions of the current licensing basis that are brought forward to take precedence over the provisions of Section 3. Also, the phrase "and nuclear safety" should be inserted between "fire protection" and "defense-in-depth."

From: "MARION, Alex" <am@nei.org>
To: "avc@nrc.gov" <avc@nrc.gov>
Date: Thu, Feb 7, 2002 2:40 PM
Subject: Industry Comments on NRC Draft Rule Language for Risk-Informed, Performance-Based Fire Protection Rulemaking

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ATTENTION: Rulemaking and Adjudications Staff

LetterDateSUBJECT: SubjectLineIndustry Comments on NRC Draft Rule Language
 for Risk-Informed, Performance-Based Fire Protection
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