



NUCLEAR ENERGY INSTITUTE

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Mr. John Hannon
Chief, Plant Systems Branch
Office of Nuclear Reactor Regulation
Mail Stop O11-A11
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Second Draft of Fire Protection Rulemaking Language

PROJECT NUMBER: 689

Dear Mr. Hannon:

NRC recently posted on its website a document containing revised draft language for the fire protection rulemaking. This rulemaking would permit the adoption of NFPA 805 as an alternate licensing basis. NEI requests clarification of certain elements of this rule language, and recommends a public meeting for NRC to provide these clarifications.

Among the more important areas for clarification are the following:

1. Paragraph (2): The listed exceptions do not address NEI comments on the previous rulemaking language draft. These comments must be addressed prior to the further development of the implementing guidance.
2. Paragraph (2)(v): NRC and industry should agree on the definitions of the terms from Section 3.1 of NFPA 805: "fundamental elements of a fire protection program," "minimum design requirements for fire protection systems and features," and "fundamental [fire] protection program attributes." In addition, the terminology in this section should conform to the terminology in NFPA 805 regarding minimum design requirements for fire protection systems.
3. Paragraph (2)(v): This paragraph does not address the substitution of "docketed licensing basis" versus "previously approved," with respect to bring forward elements of the previous licensing basis to replace certain fundamental elements in Section 3.1 of NFPA 805. Resolution of this issue is of key importance in establishing a transition process (see also

DOH

Comment 5 below).

4. Paragraph (2)(viii): If NRC does not endorse Appendices B, C, D, and E. Does this mean that NRC will not accept information from these appendices in the NEI implementing guidance? If the appendices are included in the implementing guidance as a method of compliance acceptable to the NRC will any deviations from the appendices constitute "alternative methods and analytic approaches" for the purposes of 50.48(c)(4)? If the appendices are not incorporated in the guidance, how will "alternative method and analytic approaches" be identified?
5. Paragraphs (3) (iii) and (4): The transition process addressed in these paragraphs is unclear. It does not state at what point the licensee is considered to have an NFPA-805 type licensing basis, or whether the licensee can adopt NFPA 805 on a partial basis. It states that a license amendment is not required for changing technical specifications, which seems to violate current regulations, but is required under Part 50.90 for alternative methods. These two statements about the need for license amendments seem inconsistent.

Further, it does not address whether the alternative methods include previous licensing basis information, what information is required for the license amendment submittal, or the compliance situation in which a licensee will want to make physical changes to the plant that will put it outside its current licensing basis but in compliance after the new licensing basis is adopted.

We request a meeting to discuss these clarifications at your earliest convenience. Please contact Fred Emerson at 202-739-8086, fae@nei.org or me to schedule this meeting.

Sincerely,



Alex Marion

FAE/maa

- c: Mr. Eric Weiss, U. S. Nuclear Regulatory Commission
Mr. Leon Whitney, U. S. Nuclear Regulatory Commission
Mr. Joe Birmingham, U. S. Nuclear Regulatory Commission