

June 27, 2012

Joseph Comuzzi, Chair
Canadian Section
International Joint Commission
234 Laurier Avenue W., 22nd Floor
Ottawa, ON K1P 6K6

Lana Pollack, Chair
U.S. Section
International Joint Commission
2000 L St. NW, Suite 615
Washington, DC 20036

Dear Mr. Comuzzi and Ms. Pollack:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your May 18, 2012, letter to NRC Chairman Gregory B. Jaczko. In it, you described your concerns about the level of compliance of eleven operating reactors, on the shores of the Great Lakes, related to the NRC's most recent fire protection regulations, which allow the use of the referenced National Fire Protection Association (NFPA) 805.

All U.S. nuclear power plants on the great lakes are currently operating in accordance with the traditional deterministic fire regulatory approach contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979." A number of the plants have submitted a letter of intent to adopt the newer performance-based approach contained in 10 CFR 50.48(c), National Fire Protection Association Standard NFPA 805 (NFPA 805). Both 10 CFR 50, Appendix R and NFPA 805 provide adequate protection of public health and safety.

The voluntary performance-based approach of NFPA 805 enables licensees to incorporate risk insights into developing and maintaining their fire protection program. The NFPA 805 standard referenced in 10 CFR 50.48(c) provides greater use of engineering analysis, fire modeling, and fire probabilistic risk assessments. Licensees may receive enforcement discretion for issues that they identify when doing the analysis to support the transition. Enforcement discretion is not available for violations that are willful or of high safety significance and licensees must have compensatory measures in place to receive enforcement discretion. The NRC routinely inspects plants to verify that they are meeting the requirements and have implemented adequate compensatory measures.

The nuclear power plants adopting NFPA 805 are doing so in a staggered fashion consistent with SECY-11-0033, "Proposed NRC Staff Approach to Address Resource Challenges Associated with Review of a Large Number of NFPA 805 License Amendment Requests," dated March 4, 2011 (Agencywide Documents Access and Management System Accession No. ML11083A061). The eleven plants graphically identified in Mr. Lochbaum's slides (see the enclosure) are listed below:

1. DC Cook Units 1 and 2, submitted their amendment for NRC review July 1, 2011.
2. Davis Besse's submittal is scheduled for July 1, 2014.
3. Ginna's submittal is scheduled for April 1, 2013.
4. Kewaunee withdrew from NFPA 805 on January 13, 2012.
5. Nine Mile Point 1's (1 unit) submittal scheduled for July 1, 2012.
6. Nine Mile Point 2 (1 unit) withdrew from NFPA 805 on February 18, 2011.
7. Palisades' submittal is scheduled for January 1, 2013.
8. Perry Unit 1 has submitted a letter stating they intend to transition, but have not submitted a schedule.
9. Point Beach Units 1 and 2, submittal is scheduled for July 1, 2013.

Kewaunee and Nine Mile Point 2 have withdrawn their requests. The NRC staff does not interpret these withdrawals as an indication of safety issues. Perry has not committed to a date to submit their application. Kewaunee, Nine Mile Point 2, and Perry are not treated as nuclear power plants transitioning to NFPA 805 and remain under their deterministic fire protection program.

The Commission assures adequate protection of the public health and safety through inspections, including fire protection inspections, performed as part of the reactor oversight process. The results of those inspections are provided on the NRC Web site at <http://www.nrc.gov>. Currently, all U.S. plants on the Great Lakes are operating safely.

Thank you for your interest in these matters.

Sincerely,

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-220, 50-244, 50-255,
50-266, 50-301, 50-305,
50-315, 50-316, 50-346,
50-410, 50-440

Enclosure:
As stated

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/RA/

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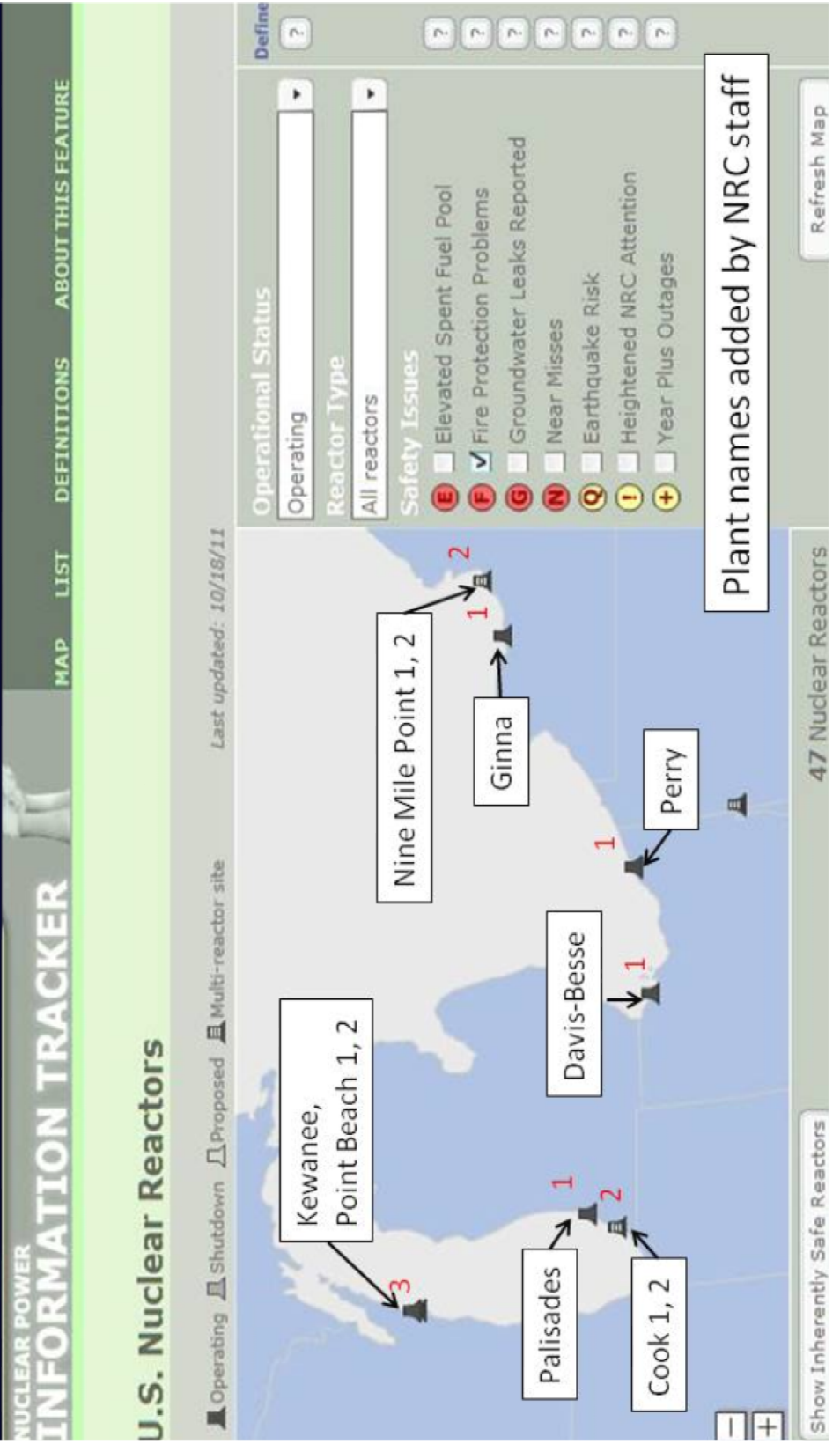
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RidsNrrDorLpl4	RidsNrrMailCenter	RidsOpaMail
RidsNrrDorl	RidsNrrDRA	RidsNrrDIRS
RShane	RidsOgcMailCenter	RidsOipMailCenter

ADAMS Accession Nos. Package: ML12172A175 , Incoming ML12153A027 , Response: ML12159A270 *via email

OFFICE	NRR/DRA/AFPB/TL*	NRR/DIRS	QTE*	NRR/DRA/AFPB/BC
NAME	DFrumkin	ALewin	CHsu	AKlein (DFrumkin for)
DATE	06/19/2012	06/21/2012	06/15/2012	06/25/2012
OFFICE	NRR/DIRS/D	NRR/DRA/D	NRR/D	
NAME	HNieh (TKobetz for)	JGitter	ELeeds	
DATE	06/25/2012	06/25/2012	06/ 27/2012	

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11 U.S. operating reactors on the Great Lakes do not meet NRC's fire protection regulations



ENCLOSURE