



**RIC 2009  
Enforcement Discretion Policies  
in Fire Protection**

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**NFPA 805  
Interim Enforcement Policy**

- Licensees transitioning to 10 CFR 50.48(c), National Fire Protection Association Standard NFPA 805, receive enforcement discretion for 3-years (71 FR 19905)
- Additional enforcement discretion may be granted, on a case-by-case basis, to licensees making substantial progress in transition effort (73 FR 52705)

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**NFPA 805 – Discretion During NRC  
Review of License Amendment  
Request (LAR)**

- Enforcement discretion continues in place until NRC dispositions a licensee's LAR
- NRC will follow LAR acceptance review process described in NRR Office Instruction LIC-109 (ML081200811)
- Under certain conditions enforcement discretion ends if a licensee's LAR submittal is determined to be unacceptable (See letter to NEI, dated December 5, 2008, ML083240315)

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### NFPA-805 – Discretion During NRC Review of License Amendment Request - continued

- As described in LIC-109, if a licensee’s LAR submittal is determined to be “unacceptable with no opportunity to supplement”, the NRC would follow the Interim Enforcement Policy for NFPA-805 as if a licensee withdrew from the transition process.

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### RESOLUTION OF ISSUES RELATED TO FIRE-INDUCED CIRCUIT FAILURES

- SRM-SECY-08-0093, dated September 3, 2008, (ML082470571) directed the NRC staff to:
  - Provide licensees, who choose not to adopt NFPA 805, 36 months enforcement discretion to resolve issues related to fire-induced circuit failures:
    - 6 months for licensees to identify noncompliances, implement compensatory measure, place noncompliances into corrective action program.
    - Followed by 30 months to resolve fire-induced circuit failure related noncompliances identified and addressed by licensees during the first 6 months as described above.

Note: EGM-09-002, which will supersede EGM-98-002, Rev. 2, will be issued to implement the enforcement discretion described in SRM-SECY-08-0093.

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### OPTIONS FOR ACCELERATING COMPLETION OF VARIOUS FIRE PROTECTION TASKS

- SECY-09-0005, dated January 8, 2009, (ML083400236) - NRC staff proposed to the Commission options to accelerate closure of various fire protection tasks.
  - SECY-09-0005 under review by Commission
  - EGM-09-002 placed on hold pending issuance of SRM on SECY-09-0005

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### Operator Manual Actions Enforcement Guidance Memorandum (EGM)-07-004

- Enforcement discretion for noncompliances involving post-fire operator manual actions associated with fire induced single circuit failures ended March 6, 2009
- Licensees in noncompliance after March 6, 2009, are subject to enforcement action

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### Need More Information?

- US NRC Enforcement Policy (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>)
- US NRC Enforcement Manual (<http://www.nrc.gov/about-nrc/regulatory/enforcement/guidance.html#manual>)
- Enforcement Guidance Memorandum (<http://www.nrc.gov/reading-rm/basic-ref/enf-man/app-a.html>)

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