

September 3, 2008

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-08-0093 – RESOLUTION OF
ISSUES RELATED TO FIRE-INDUCED CIRCUIT FAILURES

The Commission has approved the staff's proposed changes to the enforcement discretion guidance regarding fire-induced circuit failure violations for licensees who choose not to utilize the risk-informed approach contained in 10 CFR 50.48(c) – National Fire Protection Association Standard 805. The new enforcement discretion guidance will provide six months for licensees to identify noncompliances, implement compensatory measures and place the noncompliances in the licensee's corrective action program. This would be followed by 30 months for the licensees to resolve the fire-induced circuit failure related noncompliances without being cited with a violation. For both of these time periods, compensatory measures must be in place in order to receive enforcement discretion. At the end of 30 months, the enforcement discretion will end for all related, unresolved noncompliances. Licensees that submit a high quality and complete exemption request or license amendment before the end of the 30 months will receive enforcement discretion until the staff dispositions the exemption request or amendment

The Commission supports the staff's engagement of industry stakeholders in one or more public meetings to discuss the clarification of regulatory expectations regarding fire-induced circuit failures and the proposed guidance, to ensure common understanding of the path to closure for this issue. The staff should report progress to the Commission in one year.
(EDO) (SECY Suspense: 09/03/2009)

The staff should continue seeking opportunities to enhance the clarity and regulatory predictability of the fire protection regulations and regulatory guidance.

The staff should continue to encourage licensees to transition to NFPA 805 and work with stakeholders to improve the clarity of the PRA requirements necessary to comply with 10 CFR 50.48(c), in a manner that supports predictable regulatory review and oversight.

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR