

Interim Policy on Enforcement Discretion for 10 CFR 50.48(c)

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Policy on Enforcement Discretion

- Interim Policy allows for discretion during the transition to the new rule
 - Noncompliances identified during the transition
 - Existing noncompliances

Policy on Enforcement Discretion

- Licensees must inform NRC of their intention to adopt NFPA 805
- Discretion does not apply to violations categorized as a SL I or a Red finding
- Allows licensees up to 2 years for transition
- Consistent with Section VI.B.3, “Violations involving Old Design Issues” of the Enforcement Policy

Noncompliances Identified During The Transition to 10 CFR 50.48(c)

- Discretion applies to noncompliances with old or new requirement
- Criteria for Enforcement Discretion:
 - Licensee-Identified through voluntary initiative
 - Immediate corrective/compensatory measures taken and maintained
 - Long term corrective actions taken or scheduled
 - Not likely to be previously identified by routine efforts
 - It was not willful
 - Entered into corrective action program

Noncompliances Identified Prior To The Transition to 10 CFR 50.48(c)

- Applies if licensees notify NRC by 01/16/2005 of their intention to adopt NFPA 805
- NEI requested an extension until 12/31/2005
- Issue must be entered into the licensee's corrective action program
- Compensatory measures must be taken and maintained
- Long term corrective actions taken or scheduled

Withdrawing From 10 CFR 50.48(c)

- Noncompliances corrected during the transition are unaffected
- Previously identified noncompliances that are not corrected will be addressed on a case specific basis
- New noncompliances are not covered by discretion policy

Policy on Enforcement Discretion

- Inspection reports will document severity level or significance - no violation cited and no action matrix entry
- NRC will address requests to extend the 2-year evaluation period on case specific basis
- Interim Policy on Enforcement Discretion can be found on NRC web site
- Policy published in the Federal Register on 6/16/2004 (69 FRN 33684)