



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SECRETARY

April 17, 2008

COMMISSION VOTING RECORD

DECISION ITEM: SECY-08-0028

TITLE: REPORT TO CONGRESS ON ABNORMAL
OCCURRENCES: FISCAL YEAR 2007

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 17, 2008.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", is written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
OGC
EDO
PDR

SECY NOTE: TO BE MADE PUBLICLY AVAILABLE 5 DAYS AFTER DISPATCH OF THE
LETTERS TO CONGRESS.

VOTING SUMMARY - SECY-08-0028

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	3/19/08
COMR. JACZKO	X				X	3/27/08
COMR. LYONS	X					3/10/08
COMR. SVINICKI	X				X	4/10/08

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on April 17, 2008.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN KLEIN

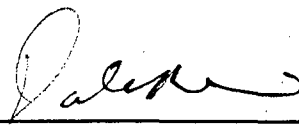
SUBJECT: SECY-08-0028 – REPORT TO CONGRESS ON
ABNORMAL OCCURRENCES: FISCAL YEAR 2007

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached XX None _____

See attached comments.



SIGNATURE

3/19/08

DATE

Entered on "STARS" Yes ☒ No _____

Chairman Klein's Comments on SECY-08-0028

I approve the staff's recommendations in SECY-08-0028 concerning the Report to Congress on Abnormal Occurrences for Fiscal Year 2007 as revised below. I compliment the staff for the clarity of the discussions provided, particularly for the discussion of the medical events.

The following revisions replace the discussion on Peach Bottom in Appendix C. The principal purpose of these revisions is to make the wording consistent with Congressional letters recently sent on this same topic. The discussion on Peach Bottom should read as follows:

"EOI-01 Peach Bottom Atomic Power Station: Security Officers Inattentive to Duty

In September 2007, NRC was provided video evidence of inattentive security officers at Peach Bottom Atomic Power Station. NRC staff immediately contacted Exelon to confirm that short-term compensatory actions were taken. Shortly afterwards, the NRC dispatched an Augmented Inspection Team (AIT) and a follow-up team to investigate. An AIT is an infrequent reactive inspection conducted for the purpose of event assessment and follow-up actions. The events that led to this inspection began when a Peach Bottom security officer videotaped multiple instances of several security officers inattentive to duty at the station's former power block "ready rooms." The ready rooms are locations within the protected area where officers are staged for response functions while not conducting security patrols.

The AIT conducted a public exit meeting on October 9, 2007, and concluded that Exelon's prompt compensatory measures and immediate actions were appropriate to ensure that Peach Bottom's continued ability to properly implement the Security Plan. The NRC determined that the inattentive security officers and deficiencies in Exelon's behavioral observation program, which could have identified and corrected the problem, represent a low-to-moderate significance finding in accordance with the NRC's reactor oversight program.

The NRC has taken extensive actions to confirm that the Peach Bottom security force remains attentive to its duties, including the issuance of a Confirmatory Action Letter to Exelon to confirm NRC expectations regarding the licensee's root cause determinations and effective implementation of corrective actions.

The NRC has also made security officer attentiveness a priority at other facilities nationwide. NRC resident inspector oversight of the security forces at all nuclear power plants has been enhanced through additional random checks and unannounced inspections at security posts, including inspections on nights and weekends. On September 27, 2007, the NRC issued a security advisory (SA-07-06) to reinforce with facility managers and other security personnel the responsibility for protecting nuclear facilities and to address the importance of remaining attentive while on duty. NRC senior managers conducted conference calls with senior executives from all NRC reactor licensees to discuss the significance of maintaining an attentive security force. The nuclear industry, through the Nuclear Energy Institute, has implemented initiatives regarding inattentive security officers. Finally, through issuance of Bulletin 2007-01, "Security Officer Attentiveness," dated December 12, 2007, the NRC has requested information from power reactor and Category I fuel facilities concerning the specific actions licensees have taken or plan to take to address these issues.

The NRC has received 100 percent of licensee responses to NRC Bulletin 2007-01, "Security

Officer Attentiveness." The NRC staff performed an initial review of the industry responses and has concluded that all licensees have provided answers to all questions as required by the bulletin. The NRC staff will likely request additional information from some of the licensees to obtain more details on certain responses."



Dale E. Klein

3/19/08

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: SECY-08-0028 – REPORT TO CONGRESS ON
ABNORMAL OCCURRENCES: FISCAL YEAR 2007

Approved __X^{w/edits}__ Disapproved ____ Abstain ____

Not Participating ____

COMMENTS: Below ____ Attached ____ None ____



SIGNATURE

DATE

3/27/08

Entered on "STARS" Yes ____ No ____

APPENDIX C

OTHER EVENTS OF INTEREST

This appendix discusses "Other Events of Interest" that do not meet the abnormal occurrence (AO) criteria in Appendix A, but have been perceived by Congress or the public to be of high health- and safety-significance, have received significant media coverage, or have caused the NRC to increase its attention to or oversight of a program area, including a group of similar events that have resulted in licensed materials entering the public domain in an uncontrolled manner.

NUCLEAR POWER PLANTS

EOI-01 Peach Bottom Atomic Power Station: Security Officers Inattentive to Duty

ADDITIONAL INFORMATION FROM NRCIT TO SEPTEMBER

The NRC initiated an Augmented Inspection Team (AIT) in the security area at the Peach Bottom Atomic Power Station (PBAPS) in late September 2007. An AIT is an infrequent reactive inspection conducted for the purpose of event assessment and follow-up actions. The events that led to this inspection began when a PBAPS security officer videotaped multiple instances of several security officers inattentive to duty at the station's former power block "ready rooms." The ready rooms are locations within the protected area where officers are staged for response functions while not conducting security patrols. The NRC was made aware of the existence of these videos by WCBS-TV (New York City), on September 10, 2007. While the validity and nature of inattentiveness were not yet known, the NRC began enhanced inspection and oversight of security at PBAPS and verbally communicated the information to Exelon management for investigation the same day. On September 19, 2007, the NRC had the opportunity to first view the subject videos, which depicted multiple security officers inattentive to duty on four separate occasions in the station's ready room between March and August 2007.

In response to the viewing of these allegations and NRC knowledge of Exelon's investigation details, the NRC determined that an AIT was warranted. A charter was developed for the AIT on September 20, 2007, and the NRC commenced the inspection on September 21, 2007. The team was comprised of several security inspectors and specialists and had oversight from a senior NRC manager, and concluded their inspection on September 28, 2007.

The AIT conducted a public exit meeting on October 9, 2007, and concluded that Exelon's prompt compensatory measures and immediate actions were appropriate to ensure the station's continued ability to properly implement the Security Plan. The NRC determined that the inattentive security officers and deficiencies in Exelon's behavioral observation program, which could have identified and corrected the problem, represent a low-to-moderate significance finding in accordance with the NRC's reactor oversight program.

The NRC issued Confirmatory Action Letter 1-07-005, dated October 19, 2007, to ensure that Exelon's compensatory measures remain in place until the NRC has completed its review of Exelon's causal evaluation and corrective action plan. The AIT inspection report and Exelon's submittals to the NRC in this matter are available to the public. The AIT inspection report is publicly available through ADAMS, under Accession No. ML073550590. A follow-up inspection was completed in November 2007 and the results published in mid-December 2007; enforcement considerations continue.

of an Agency Action Review Meeting on its actions to improve performance. The transcript of the closed meeting has been released to the public. The document is publicly available through ADAMS, under Accession No. ML071930389.

The NRC also took additional actions regarding its policy for withholding sensitive information from the public, including: (1) during June through July 2007, the NRC staff briefed the House and Senate staffers concerning this event and the NRC's policy for withholding information from the public; (2) on August 31, 2007, the NRC issued a Staff Requirements Memorandum (SRM-SECY-07-0129) revising the policy for withholding information and directing the staff to review and release many of the documents that had been withheld. This document is publicly available through ADAMS, under Accession No. ML072430701. The review and release of documents is still ongoing; and (3) on September 17, 2007, the NRC conducted public meetings in Erwin, Tennessee, to provide information and answer questions concerning this event and related issues. This document is publicly available through ADAMS, under Accession No. ML072700060.

Entergy also failed to fully meet the terms of the second order since the Federal Emergency Management Agency (FEMA) had not performed its acceptance review by August 24, 2007. The NRC issued a violation of the second order to Entergy on August 30, 2007. On September 12, 2007, FEMA concluded that the new siren system was not adequate in that it did not meet several performance criteria set forth in FEMA guidance. On January 24, 2008, the NRC issued another notice of violation with a proposed civil penalty of \$650,000. On February 22, 2008, Entergy responded to the notice of violation and paid the civil penalty. Entergy's response is publicly available through ADAMS, under Accession No. ML080560260.

FEMA has communicated to the NRC that "the old siren system still in place has been performing above the required thresholds for reliability during routine siren tests, and is acknowledged to be more than adequate in terms of audibility and coverage of the 10-mile emergency planning zone." This provides reasonable assurance that the existing system is adequate to protect the health and safety of the public while issues with the new system are being resolved.

FEMA has not yet approved the new siren system (with the backup power capability) for use and has issues with the coverage, loudness, and reliability of the new system. These technical issues are being addressed by Entergy (through testing and the addition of more new sirens) and will be fully reviewed by FEMA and resolved before the new system is placed in service. The licensee's failure to have the siren system in operation and approved by FEMA within the time frame directed by the order is still under further review by the NRC, but the delay has not endangered the public's health and safety.

Once the new siren system technical issues are resolved and the system is reviewed and approved for use by FEMA, the NRC will inform the appropriate Congressional representatives, State and local authorities, and the general public that the new Indian Point siren system is operational and in service. Entergy plans to have the service in place in August 2008. The NRC is monitoring their progress closely, and will take additional actions if needed to ensure that the new siren system is made operational.

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On September 27, 2007, NRC Security Advisory, SA-07-a, "Security Officer Inattentive to Duty," was issued to all U.S. commercial power reactors and many material licensees. The purpose of this advisory was to reinforce with facility managers, and other security personnel, their responsibility for protecting nuclear facilities and to address the importance of remaining attentive while on duty.

In addition to this security advisory, on December 12, 2007, the NRC issued bulletin 2007-01, "Security Officer Attentiveness," and announced this bulletin in press release number 07-167, "NRC Seeks Information on Nuclear Plant Security Policies and Practices, Including Security Officer Inattentiveness." The purpose of this bulletin was to: (1) notify addressees about the NRC staff's need for information associated with licensee security program administrative and management controls as a result of security personnel inattentiveness, especially involving complicity, and related concerns with the behavior observation program; (2) determine if further regulatory action was warranted, if the necessary inspection program needs to be enhanced, or if additional assessment of security program implementation is needed; and (3) obtain information on licensee administrative and managerial controls to deter and address inattentiveness and complicity among licensee security personnel including contractors and subcontractors. This bulletin also required that addressees provide a written response to the NRC in accordance with 10 CFR Section 50.54(f) or 10 CFR Section 70.22(d). This bulletin is publicly available through ADAMS, under Accession No. ML073400150.

The NRC has received 100 percent of licensee responses to NRC bulletin 2007-01, "Security Officer Attentiveness." The NRC staff performed an initial review of the industry responses and has concluded that all licensees have provided answers to all questions as required by the bulletin. The NRC staff will likely request additional information from some of the licensees to obtain more details on certain responses.

EOI-02 Indian Point Nuclear Station: New Sirens

The NRC issued a confirmatory order modifying the Indian Point license based on Congressional action directed by the Energy Policy Act of 2005. This order required that the sirens used to alert the public in the 10-mile emergency planning zone around sites with a specified high population density (for which the Indian Point nuclear station, located 24 miles north of New York City on the Hudson River, was the only affected site) be provided with backup power. Entergy (the Indian Point licensee) decided to install a new siren system rather than retrofit the existing sirens.

The backup power supply was to be operable by January 30, 2007. However, Entergy requested, and the NRC granted, a relaxation of the order until April 15, 2007. On April 13, 2007, the NRC received an additional extension request from Entergy; however, the NRC denied the request because Entergy did not demonstrate good cause.

The NRC issued a violation of the siren order on April 23, 2007, and imposed a significant civil penalty of \$130,000 for failing to have the new siren system fully operable in the time frames directed by the order and the allowed extension. On May 23, 2007, Entergy acknowledged the violation, paid the civil penalty, and committed to having the siren system fully operable by August 24, 2007. The NRC issued a second order on July 30, 2007, requiring Entergy to meet the August 24, 2007 commitment.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: SECY-08-0028 – REPORT TO CONGRESS ON
ABNORMAL OCCURRENCES: FISCAL YEAR 2007

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ____ Attached ____ None XX


SIGNATURE

03/10/08
DATE

Entered on "STARS" Yes X____ No ____

NOTATION VOTE

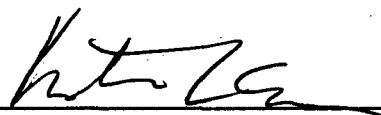
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-08-0028 – REPORT TO CONGRESS ON
ABNORMAL OCCURRENCES: FISCAL YEAR 2007

Approved xx Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached xx None _____



SIGNATURE

4/10/08

DATE

Entered on "STARS" Yes ☒ No _____

Commissioner Svinicki's Comments on SECY-08-0028

I approve the Report to Congress on Abnormal Occurrences for Fiscal Year 2007 and letters to Congress, with the comments and edit provided below.

Concerning the other event of interest EOI-01, "Peach Bottom Atomic Power Station: Security Officers Inattentive to Duty," I agree with Commissioner Jaczko that the description of the event should also include an appropriate description of the NRC's and licensee's response to the March 2007 allegation involving this issue. I also agree with Chairman Klein that the description of this event, including any additional information provided concerning the NRC's and licensee's response to the March 2007 allegation, should be consistent with recent correspondence with members of Congress and public stakeholders on this issue. I approve Chairman Klein's proposed replacement description of the event included in his vote, with the following edit to the first sentence:

"In September 2007, NRC was made aware of the existence of, and later provided with, video evidence of inattentive security officers at the Peach Bottom Atomic Power Station."



Kristine L. Svinicki

4/10/08