

June 9, 2008

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

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

SUBJECT: STAFF REQUIREMENTS – COMSECY-08-0009 – REPORT OF
THE SENIOR EXECUTIVE REVIEW PANEL – PEACH BOTTOM
LESSONS LEARNED

The Commission has approved the Executive Director for Operations' direction to the staff to implement both the Peach Bottom Lessons Learned Team (PBLIRT) recommendations for agency action, and the Senior Executive Review Panel's (SERP) additional findings.

In addition to implementing the PBLIRT recommendations and the SERP additional findings, the staff should take the following actions to enhance the agency's processes.

1. The adequacy of a licensee's previous responses to allegations should always be factored into any determination whether the Agency should request additional information from (i.e., refer an allegation to) that licensee. This guidance is included in Management Directive (MD) 8.8 and should be specifically addressed in the Allegation Management System database as well. In conjunction with the other criteria in MD 8.8 that should be considered, this information should carry a great deal of weight when deciding the appropriate course of action for the Agency to take.
2. Activities are underway in the NRC Offices of Inspector General and Investigations that may provide information for future consideration. The SERP should reassemble after these activities have been completed to determine if there are additional lessons learned and whether additional action is needed, and provide this information to the Commission for its consideration.
3. In its engagements with the licensee community on COMSECY-08-0009 Action C.1.c, the staff should stress the expectation that the guard forces should be full members of the team of professionals required at each site, regardless of whether the guard force is proprietary or provided by a contractor. Furthermore, properly addressing the issues of inattentiveness, or worse, collusion will require consideration of why such incidents occur and treating the root causes of inattention with the Behavior Observation and Corrective Action Programs. It is very important to include security officers in this process, and the staff should emphasize this approach to our licensees.

4. The staff should consider revising agency guidance and procedures to add a senior review team that would review the conclusions and recommendations made as a result of an initial allegation when subsequent allegations are submitted or questions come up (either internally or externally) regarding the processes or outcomes of the initial allegation.
5. The action items from the SERP review should be combined with the Office of Enforcement's (OE) ongoing efforts with the agency's allegation coordinators (in headquarters and the regions). OE should continue the current efforts to assess the allegation program by having the allegation coordinators compare notes of best practices employed in implementing the allegation program across the agency. Consistent with current practice, after engaging in a dialogue with the agency's internal and external stakeholders, OE should prepare final guidance for the Commission's review outlining changes recommended to the program and to guidance documents that would improve the process and ensure consistent implementation of those improvements.
6. The staff should consider (i) whether to change the agency's presumption that we request information about the allegation from the licensees unless certain circumstances are present; (ii) whether the presumption should be that the agency will seek to obtain the information itself unless certain circumstances are present that would dictate the need to request it from the licensee; and (iii) whether criteria are sufficient without a presumption.
7. The staff should conduct a thorough review of the regulations, guidance and implementation of the behavioral observation program, recommending areas in which the staff believes changes will effectively improve this other mission-critical program.

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