



SECRETARY

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

July 20, 2011

COMMISSION VOTING RECORD

DECISION ITEM: SECY-11-0073

TITLE: STAFF PROPOSAL TO REINTEGRATE SECURITY INTO
THE ACTION MATRIX OF THE REACTOR OVERSIGHT
PROCESS ASSESSMENT PROGRAM

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of July 20, 2011.

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".

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
EDO
PDR

VOTING SUMMARY - SECY-11-0073

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	PARTICIP	NOT COMMENTS	DATE
CHRM. JACZKO	X				X	6/20/11
COMR. SVINICKI	X					6/30/11
COMR. APOSTOLAKIS	X				X	6/28/11
COMR. MAGWOOD	X				X	6/30/11
COMR. OSTENDORFF	X				X	6/22/11

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Chairman Gregory B. Jaczko

SUBJECT: SECY-11-0073 – STAFF PROPOSAL TO
REINTEGRATE SECURITY INTO THE ACTION
MATRIX OF THE REACTOR OVERSIGHT PROCESS
ASSESSMENT PROGRAM

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___



SIGNATURE

6/20/11

DATE

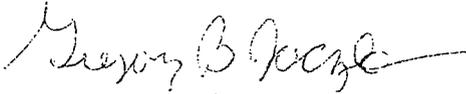
Entered on "STARS" Yes X No ___

**CHAIRMAN GREGORY B. JACZKO'S COMMENTS ON SECY-11-0073 STAFF PROPOSAL
TO REINTEGRATE SECURITY INTO THE ACTION MATRIX OF THE REACTOR
OVERSIGHT PROCESS ASSESSMENT PROGRAM**

I am pleased to approve the staff recommendation in SECY-11-0073 to reintegrate security into the action matrix of the Reactor Oversight Process (ROP) assessment program for commercial nuclear power licensees. I have supported this position since 2005 when, unfortunately, the Commission decided to remove the security cornerstone from the ROP and handle findings separately. The reasoning at that time was that security issues were too sensitive to be handled in the broader context of the overall ROP. My view at that time, and since, was that there were sufficient controls available to control the sensitive aspects of security information while gaining the benefit from viewing security findings in the broader context of a licensee's overall performance of safety and security.

As I wrote in 2005, this issue is ultimately about how the NRC treats these issues. Public disclosure is another matter. In other words, the security and emergency planning cornerstones could be reintegrated but the action matrix could state that the plant may have additional findings that potentially change the true NRC action matrix.

I believe that the staff has provided a clear and cohesive explanation of the benefits for now reintegrating security into the ROP. In the past six years, we have developed an even better understanding of how to handle the sensitive security information while keeping stakeholders informed of a licensee's performance. We have also recognized the need for assuring an understanding of a licensee's safety/security interface. The two areas are not separate but rather need to be complementary and provide support to the successful execution of a licensee's overall ability to maintain safety. This is a clear benefit of the reintegration. I also believe that the reintegration of security into the ROP will provide a greater degree of efficiency to the overall ROP process.

 6/20/11

Gregory B. Jaczko

Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-11-0073 – STAFF PROPOSAL TO
REINTEGRATE SECURITY INTO THE ACTION
MATRIX OF THE REACTOR OVERSIGHT PROCESS
ASSESSMENT PROGRAM

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached ___ None XX



SIGNATURE

06/30/11

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Apostolakis
SUBJECT: SECY-11-0073 – STAFF PROPOSAL TO
REINTEGRATE SECURITY INTO THE ACTION
MATRIX OF THE REACTOR OVERSIGHT PROCESS
ASSESSMENT PROGRAM

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___



SIGNATURE

6/28/11

DATE

Entered on "STARS" Yes No ___

**Commissioner Apostolakis' Comments on SECY-11-0073
"Staff Proposal to Reintegrate Security into the Action Matrix of the
Reactor Oversight Process Assessment Program"**

I approve the staff's proposal to reintegrate security inspection findings and performance indicators (PIs) into the action matrix of the Reactor Oversight Process for commercial nuclear power licensees. Security inspection findings should also be integrated into the construction action matrix as part of the construction reactor oversight process being developed in accordance with Commission direction in the March 20, 2011 SRM on SECY-10-0140, "Options for Revising the Construction Reactor Oversight Process Assessment Program".

This reintegration provides an opportunity for the staff to investigate the equivalence of color assignments for inspection findings and PIs in the safety and security areas to make sure that gross inconsistencies do not exist. The staff should provide a discussion of this investigation and the staff's evaluation of the results in the Commission paper on the reactor oversight process self-assessment for calendar year 2012. A qualitative discussion similar, for example, to that on the technical basis for some PIs given in IMC 0308, "Reactor Oversight Process (ROP) Basis Document," Attachment 1, "Technical Basis for Performance Indicators," would be sufficient.

An example of the issue I am referring to is as follows. After reintegration, inputs to the action matrix may come from either the safety inspection findings (or PIs) or the security inspection findings (or PI) and they will be treated as equivalent. A white input from safety may come from the PI "Unplanned Scrams per 7000 Critical Hours" when the number of unplanned scrams during the previous four quarters, both manual and automatic, while critical per 7,000 hours, is between 3 and 7. A white input from security may come from an inspection finding of an individual bringing a gun into the protected area undetected. The question is whether these two white inputs should be treated as equivalent from a decision-making perspective.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MAGWOOD
SUBJECT: SECY-11-0073 – STAFF PROPOSAL TO
REINTEGRATE SECURITY INTO THE ACTION
MATRIX OF THE REACTOR OVERSIGHT PROCESS
ASSESSMENT PROGRAM

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached None _____



SIGNATURE

30 June 2011

DATE

Entered on "STARS" Yes No _____

Commissioner Magwood Comments on SECY-11-0073
Staff Proposal to Reintegrate Security into the
Action Matrix of the Reactor Oversight Process Assessment Program

I approve the staff recommendation in SECY-11-0073 to reintegrate security inspection findings and performance indicators into the Reactor Oversight Process (ROP) Action Matrix. The agency has long recognized that security is integral to ensuring nuclear power plant safety, but it was not until the terrorist attacks of September 2001 that the ROP was modified to include an explicit assessment of physical security. The Commission's decision at that time to assess security in a manner separate from other ROP cornerstones was a reasonable approach to assure the complete protection of sensitive, security-related information. Clearly, however, this approach compromises the ability of the ROP to accurately reflect overall plant safety since issues associated with plant security are evaluated in isolation.

The staff's proposal to reintegrate security and establish a single Action Matrix would more accurately reflect a complete picture of licensee safety performance. I agree. Staff has additionally indicated that the proposed approach would not result in the release of sensitive security information beyond what is already publicly available. I appreciate staff's assurances regarding this important point. However, it is possible that the reintegration of inspection findings and performance indicators into the Action Matrix may result in the distribution of security-related information to a broader array of individuals, some of whom may not be experienced in identifying and protecting sensitive information. To provide the Commission with more complete information regarding how this concern will be addressed, I recommend that staff elucidate its intended process to assure that sensitive security information is identified and separated before public letters and other documents related to the ROP evaluations are released and provide it to the Commission for review.



William D. Magwood, IV 6/30/11 Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-11-0073 – STAFF PROPOSAL TO
REINTEGRATE SECURITY INTO THE ACTION
MATRIX OF THE REACTOR OVERSIGHT PROCESS
ASSESSMENT PROGRAM

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below X Attached None

I support restoration of the original ROP structure to have all seven cornerstones results integrated in the ROP Action Matrix for commercial nuclear power licensees. The staff has demonstrated its controls to prevent releasing security-sensitive information which was the Commission's primary concern behind decoupling security inspection findings and performance indicators as inputs to the ROP Action Matrix. Since that time of the Commission's previous decision on this matter, there appears to have been no cases where decoupling the security cornerstone performance results from the ROP Action Matrix has hindered the NRC's oversight of licensees. Therefore, I consider the staff's proposal to be anticipatory of potential reliance on the Action Matrix deviation process to justify an appropriate regulatory response. The staff's analysis and recommendation are exemplary of our agency's continuous improvement approach to reactor safety and security.



SIGNATURE

6/22/11

DATE

Entered on "STARS" Yes X No