



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

**OFFICE OF THE
INSPECTOR GENERAL**

October 9, 2013

MEMORANDUM TO: Michael F. Weber
Deputy Executive Director for Materials, Waste,
Research, State, Tribal and Compliance Programs
Office of the Executive Director for Operations

FROM: Stephen D. Dingbaum */RA/*
Assistant Inspector General for Audits

SUBJECT: STATUS OF RECOMMENDATIONS: AUDIT OF NRC'S
COMPLIANCE WITH 10 CFR PART 51 RELATIVE TO
ENVIRONMENTAL IMPACT STATEMENTS (OIG-13-A-20)

REFERENCE: DEPUTY EXECUTIVE DIRECTOR FOR MATERIALS,
WASTE, RESEARCH, STATE, TRIBAL AND COMPLIANCE
PROGRAMS MEMORANDUM DATED SEPTEMBER 17,
2013

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's response dated September 17, 2013. Based on this response, recommendations 1, 2, 3, 4, 5, and 6 are unresolved. Please provide an updated status of all recommendations by March 15, 2014.

If you have any questions or concerns, please call me at 415-5915 or Sherri Miotla, Team Leader, at 415-5914.

Attachment: As stated

cc: R. Mitchell, OEDO
K. Brock, OEDO
J. Arildsen, OEDO
C. Jaegers, OEDO

Document Location: [G:\AUDIT\13-A-20 NRC's Compliance with 10 CFR 51\Followup\OIG response to agency's 9.17.13 response \(BXK\).docx](G:\AUDIT\13-A-20 NRC's Compliance with 10 CFR 51\Followup\OIG response to agency's 9.17.13 response (BXK).docx)

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Audit Report

AUDIT OF NRC'S COMPLIANCE WITH 10 CFR PART 51 RELATIVE TO ENVIRONMENTAL IMPACT STATEMENTS

OIG-13-A-20

Status of Recommendations

- Recommendation 1: Develop agencywide guidance for NRC staff to prepare and publish a concise public document that meets the requirements of 10 CFR 51.102 and 51.103.
- Recommendation 2: Implement the agencywide guidance to ensure that all offices will consistently prepare and publish a concise public document that meets the requirements of 10 CFR 51.102 and 51.103.
- Recommendation 3: Develop agencywide guidance for NRC staff to comply with 10 CFR Part 51, Appendix A.
- Recommendation 4: Implement the agencywide guidance to ensure that all EISs include all cover sheet information, a consistent summary format, and an index in compliance with 10 CFR Part 51, Appendix A.
- Recommendation 5: Develop agencywide guidance for all offices that prepare EISs to ensure that scoping is performed for all EISs that tier off of a generic EIS.
- Recommendation 6: Implement the agencywide guidance to ensure that scoping is performed for all EISs that tier off of a generic EIS.

Agency Response Dated
September 17, 2013:

We have received and reviewed the subject audit report, which was transmitted to the Executive Director for Operations by your memorandum dated August 20, 2013. This response addresses our intentions with respect to the recommendations contained in that report as requested in your transmittal memorandum.

The staff, for the reasons stated in the staff's previous comments on the Office of the Inspector General (OIG) report, as detailed in Appendix D of the report, continues to disagree with the OIG conclusions. The staff's documents and activities that implement the National Environmental

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Status of Recommendations

Recommendations 1-6 (cont.):

Policy Act (NEPA) comply with applicable U.S. Nuclear Regulatory Commission (NRC) requirements for implementation of the agency's obligations.

Notwithstanding that disagreement, as was noted in the staff's comments, the staff will consider the recommendations in the OIG report including suggested improvements in NRC processes and formatting of NEPA documents that have the potential to be beneficial whether or not required by existing regulations. We have referred the specific recommendations to the agency's NEPA Executive Steering Committee (ESC), so that agency officials can consider, within the confines of our resources, whether those recommendations should be implemented on an agency-wide or topic-specific basis. The NEPA ESC met on August 28, 2013, and discussed the OIG report. As a result of those discussions, the ESC directed the NEPA working group to carefully examine the recommendations and report back to the ESC any proposed changes to NRC NEPA processes related to the recommendations. After the Working Group reports back to the NEPA ESC, which we expect will be completed by February 18, 2014, the ESC will make a determination about the implementation of the recommendations. The NEPA ESC's consideration and determination will be documented in the meeting minutes.

OIG Analysis:

The proposed actions do not meet the intent of the recommendations. The NEPA ESC has directed the NEPA Working Group to carefully examine the recommendations and report back to the ESC any proposed changes to NRC's NEPA processes, related to the recommendations. After the Working Group reports back, the ESC will then make a determination about the implementation of the recommendations.

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Status of Recommendations

Recommendations 1-6 (cont.):

Therefore, OIG cannot consider resolving the recommendations until NRC describes in detail, whether it plans to implement OIG's recommendations, and provides a detailed plan for doing so.

Status:

All recommendations remain unresolved.