



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

**OFFICE OF THE
INSPECTOR GENERAL**

April 30, 2014

MEMORANDUM TO: Mark A. Satorius
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: ACTING DIRECTOR OFFICE OF FEDERAL AND STATE
MATERIALS AND ENVIRONMENTAL MANAGEMENT
PROGRAMS MEMORANDUM, DATED APRIL 16, 2014

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's memorandum dated April 16, 2014. Based on this response, recommendations 1, 2, 3, 4, 5, and 6 are resolved. Please provide an updated status of all recommendations by January 30, 2015.

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

Attachment: As stated

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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.

Agency Response
Dated April 16, 2014:

The NRC staff agrees with these recommendations, which will enhance NRC's environmental review processes. The NRC staff would like to clarify that the proposed agencywide guidance would direct staff to prepare a concise record of decision (ROD), consistent with 10 CFR 51.102(a), that meets the criteria of 10 CFR 51.103 for every proposed action for which the NRC staff prepared a final environmental impact statement (EIS). Consistent with 10 CFR 51.102(b), the NRC staff director authorized to take the action or his/her designee would sign the ROD. For those proposed actions in which the decision of the presiding officer or the Commission constitutes the ROD (per 10 CFR 51.102(c)), the proposed agencywide guidance would direct the NRC staff to prepare a concise document that meets the criteria of 10 CFR 51.103. Such document would be signed by the requisite NRC staff director.

OIG Analysis: The proposed corrective actions meet the intent of recommendations 1 and 2. OIG will close these recommendations when the agency (1) prepares guidance for NRC staff to prepare and publish a concise public document that meets the requirements of 10 CFR 51.102

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

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Status of Recommendations

Recommendation 1 and 2 (cont.):

and 51.103 and (2) provides proof of implementation of this guidance to ensure that all offices will consistently prepare and publish a concise public document that meets the requirements of those regulations.

Status: Resolved.

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

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Status of Recommendations

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.

Agency Response
Dated April 16, 2014:

The NRC staff agrees with these recommendations, which will enhance NRC's environmental review processes. The NRC staff would like to clarify that the proposed agencywide guidance would state that, absent a compelling basis, the NRC staff is expected to follow the format in 10 CFR Part 51 Subpart A, Appendix A for the preparation of EISs, including all cover sheet information, a consistent summary, and an index.

OIG Analysis:

The proposed corrective actions meet the intent of the recommendations 3 and 4. OIG will close these recommendations when the agency (1) prepares guidance for NRC staff to comply with 10 CFR Part 51, Appendix A and (2) provides proof of implementation of this 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.

Status: Resolved.

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Status of Recommendations

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 April 16, 2014:

The NRC staff agrees with these recommendations, which will enhance NRC's environmental review processes. The proposed agencywide guidance would indicate that, although not legally required, the expectation is that NRC staff will generally conduct scoping for a supplemental EIS (SEIS) that tiers off a Generic EIS (GEIS) to ensure that the NRC staff defines the proposed action and identifies any significant issues to be analyzed in depth. The guidance will also direct the NRC staff to follow a structured approach for determining whether, on a case-by-case basis, scoping for a SEIS that tiers off a GEIS is unnecessary.

Finally, the agency's National Environmental Policy Act (NEPA) Executive Steering Committee (ESC), which was established to review, discuss, and guide resolution of complex or cross-cutting NEPA issues to ensure consistency among NRC programs, will oversee the development of the proposed agencywide guidance. The expected completion date for the proposed guidance remains unchanged.

OIG Analysis: The proposed corrective actions meet the intent of recommendations 5 and 6. OIG will close these recommendations when the agency develops guidance that

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Status of Recommendations

Recommendation 5 and 6 (cont.)

would indicate the expectation is that NRC staff will conduct scoping for a supplemental EIS (SEIS) that tiers off a Generic EIS (GEIS) to ensure that the NRC staff defines the proposed action and identify any significant issues to be analyzed in depth. The guidance will also direct the NRC staff to follow a structured approach for determining whether, on a case-by-case basis, that expectation should change.

Status: Resolved.