




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

June 9, 2021

MEMORANDUM TO: Dr. Brett M. Baker
Assistant Inspector General for Audits
Office of the Inspector General

FROM: John W. Lubinski  Signed by Lubinski, John
Office of Nuclear Material Safety on 06/09/21
and Safeguards

SUBJECT: STATUS OF RECOMMENDATIONS: THE OFFICE OF THE
INSPECTOR GENERAL'S AUDIT OF THE U.S. NUCLEAR
REGULATORY COMMISSION'S REGULATORY OVERSIGHT
OF RADIATION SAFETY OFFICERS (OIG-20-A-15)

The Office of the Inspector General (OIG) "Audit of NRC's Regulatory Oversight of Radiation Safety Officers" (OIG-20-A-15) (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20223A089), included a recommendation related to the internal controls for temporary radiation safety officers (RSOs). The U.S. Nuclear Regulatory Commission (NRC) staff responded to this recommendation in a September 10, 2020, memorandum (ADAMS Accession No. ML20241A023), and OIG responded on September 24, 2020 (Accession No. ML20268A060), that the staff's proposed action would resolve the recommendation. This memorandum provides the results of the staff's evaluation and recommends closure of the recommendation.

Recommendation:

Evaluate and document the benefits of strengthening internal controls to ensure temporary RSO appointments are established and terminated in accordance with NRC policy.

Status:

As noted in the staff's response to this recommendation, the staff used a risk-informed approach to evaluate and document the benefits of strengthening current internal control processes and sought input from internal stakeholders and the Agreement States.

This evaluation was conducted in two stages:

1. The staff evaluated the adequacy of the current approach to ensuring temporary RSO appointments are established and terminated in accordance with NRC regulations.

CONTACT: Christian E. Einberg, NMSS/MSST
301-415-5422

2. The staff then evaluated whether potential enhancements to internal controls to ensuring temporary RSO appointments are established and terminated in accordance with NRC regulations would provide justified benefits.

In evaluating the current approach, the staff concluded that there is no safety concern with the current approach to temporary RSOs. The requirements in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 35.24(a)(3)(c) permit a licensee to appoint a temporary RSO for up to 60 days each year to function as the RSO. The temporary RSO must meet the same training and experience requirements for a permanent RSO.

Upon a licensee's written notification per 10 CFR 35.14, "Notifications," that a temporary RSO has been appointed, the NRC responds with an acknowledgement letter noting the relevant requirements for transitioning to a permanent RSO within 60 days. The incoming letter from the licensee is added to the Web-Based Licensing (WBL) system as a notification and maintained in ADAMS as an official agency record. This approach makes these letters readily accessible to inspectors who evaluate license correspondence since the last inspection. While the staff has not identified concerns with licensees exceeding the 60-day limit in 10 CFR 35.24(3)(c), the staff would respond by identifying and evaluating the significance of the non-compliance, including taking appropriate enforcement action. Experience described by regional inspector indicates that because a temporary RSO is qualified under NRC regulations, the finding would most likely be of a very low safety significance unless the circumstances of the violation were particularly egregious.

In evaluating the value of potential enhancements, such as use of WBL or internally ticketed actions, the staff concluded that an NRC process to track temporary RSO assignments and verify they do not exceed 60 days would not provide significant benefits. Licensees are expected to track their own activities, as appropriate, to ensure compliance with the NRC's performance-based regulations. Reminders from the NRC would not be expected to alter the outcome if licensees do not already have adequate processes to complete their actions within the 60-day timeframe. Based on the staff's experience with certain licensees such as large medical institutions who may experience long hiring timeframes, the licensee typically communicates with the NRC on its progress in meeting the 60-day timeline. These instances have been rare and give the staff confidence that licensees are tracking their commitments. Inspection schedules are established based on the safety significance of licensees' activities. Verifying compliance with this requirement outside the established inspection schedules would be an expenditure of agency resources that is not warranted given the very low safety significance of a potential noncompliance. Additional infrastructure within WBL or other tracking systems would have associated costs for both development and maintenance that would need to be prioritized among other staff database needs, while providing a marginal benefit beyond the docketed correspondence already readily available in WBL.

Given the full training and experience requirements that must be in place for any RSO, the staff concludes that the development of internal controls and assignment of resources to ensure temporary RSOs are terminated prior to 60 days would require additional NRC resources without a commensurate safety benefit.

NMSS considers this recommendation to be closed.

Completion Date: May 24, 2021

OEDO-20-00380 - NRC Response to Dr. Brett M. Baker, OIG, Memo (OIG-20-A-15) DATE June 9, 2021

DISTRIBUTION: OEDO-20-00380

KWilliams, NMSS/MSST

TClark, NMSS/MSST

JJolicoeur, OEDO/AO

GButler, OIG/AIGA

ERivera, OIG/AIGA

CEinberg, NMSS/MSST/MSEB

RidsNmssOdResource, NMSS

RidsOigMailCenterResource, OIG

RidsEdoMailCenterResource, OEDO

ADAMS Accession No.: ML20268C250; ML21146A115

OFFICE	NMSS/MSST/MSEB /MRST	NMSS/MSST/MSEB	NMSS/MSST	NMSS/PMDA/OMT
NAME	LDimmick <i>LD</i>	CEinberg <i>CE</i>	KWilliams <i>KW</i>	CGoode <i>CG</i>
DATE	May 26, 2021	May 26, 2021	May 28, 2021	Jun 1, 2021
OFFICE	NMSS			
NAME	JLubinski <i>JL</i>			
DATE	Jun 9, 2021			

OFFICIAL RECORD COPY