



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

**OFFICE OF THE  
INSPECTOR GENERAL**

June 17, 2021

**MEMORANDUM TO:** Margaret M. Doane  
Executive Director for Operations  
Office of the Executive Director for Operations

**FROM:** Eric Rivera */RA/*  
Acting Assistant Inspector General for Audit  
Office of the Inspector General

**SUBJECT:** STATUS OF RECOMMENDATION: AUDIT OF NUCLEAR  
REGULATORY COMMISSION'S REGULATORY  
OVERSIGHT OF RADIATION SAFETY OFFICERS  
(OIG-20-A-15)

**REFERENCE:** DIRECTOR FOR OFFICE OF NUCLEAR MATERIAL  
SAFETY AND SAFEGUARDS, MEMORANDUM DATED  
JUNE 9, 2021

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendation as discussed in the agency's response dated June 9, 2021. Based on this response, recommendation 1 is now closed. All recommendations related to this audit report are now closed.

If you have any questions or concerns, please call me at (301) 415-7032, or Mike Blair, Team Leader, at (301) 415-8399.

Attachment: As stated

cc: C. Haney, OEDO  
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## Audit Report

# AUDIT OF NUCLEAR REGULATORY COMMISSION'S REGULATORY OVERSIGHT OF RADIATION SAFETY OFFICERS

(OIG-20-A-15)

### Status of Recommendation

Recommendation 1: Evaluate and document the benefits of strengthening internal controls to ensure temporary RSOs appointments are established and terminated in accordance with NRC policy.

Agency Response Dated  
June 9, 2021:

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.
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

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(OIG-20-A-15)

### Status of Recommendation

#### Recommendation 1 (cont.):

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

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#### Status of Recommendation

Recommendation 1(cont.):

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

Contact: Christian Einberg, NMSS/MSST, 301-415-5422

OIG Analysis:

The OIG reviewed the documented evaluation of the benefits of strengthening internal control processes for temporary RSO appointments and found the staff's conclusion satisfactory. Therefore, we consider this recommendation closed.

**Status:**

Closed.