

January 13, 2014

MEMORANDUM TO: Stephen D. Dingbaum  
Assistant Inspector General for Audits  
Office of the Inspector General

FROM: Roy P. Zimmerman, Director */RA/*  
Office of Enforcement

SUBJECT: STATUS OF RECOMMENDATIONS: AUDIT OF NRC'S NON  
CONCURRENCE PROCESS (OIG-11-A-02)

The following provides a status update of actions taken in response to recommendations 3, 4, and 8 as contained in the subject audit report. (Recommendations 1, 2, 5, 6, and 7 were closed as a result of the staff's March 31, 2011, July 27, 2011, February 24, 2012 and December 19, 2012 responses.)

Recommendation 3

Finalize MD 10.158 by the end of 2011. (The Office of the Inspector General's (OIG) July 25, 2013, response agreed that OE met its subsequent obligation to complete Phase 4 of the MD finalization process by June 28, 2013; however, the Office of Enforcement (OE) has ultimate responsibility for ensuring that the MD completes the remaining phases of the revision process and will keep Recommendation 3 in "resolved" status until MD 10.158 is published)

Status:

On July 19, 2013, ADM completed its commitment in Phase 5 of the MD finalization process (i.e., ADM Director reviews NRC Form 522 package and signs NRC Form 522) and forwarded the signature package to the Office of General Counsel (OGC). During OGC's review process, OE met with representatives from OGC and collaboratively resolved several issues. As a result, OGC approved the signature package and on August 12, 2013, forwarded it to the Office of the Executive Director for Operations (OEDO). On September 18, 2013, the OEDO informed OE that due to strategic considerations being addressed within senior management, their target date for completion will be extended to the end of calendar year 2013.

On January 13, 2014, OEDO informed OE that organizational responsibilities that relate to the Internal Safety Culture Program and directly impact this MD remain under review by the OEDO. This MD is on hold until these decisions are made.

Completion date for publication of MD 10.158: TBD

POC: Renée Pedersen, OE

#### Recommendation 4

Make non-concurrence process training available in an on-demand format to all staff and managers.

#### Status

OE intends to collaborate with the Office of the Chief Human Capital Officer (OCHCO) to develop NCP on-line, on-demand training for all staff and managers. OE has prepared draft updates to the NCP Web site which include an enhanced NCP overview, FAQ's, a process flow chart and releasability review guidelines. To further highlight and raise awareness of the NCP for all employees, OE plans to acknowledge new NCP cases on the Web site as "pending" along with the closed cases already on the Web site.

In addition, OE has developed a draft, revised NCP Form which includes step-by-step instructions and implementation guidance for inclusion on the NCP Web site. These tools will further promote successful implementation of the program.

Completion date: Commensurate with available support from OCHCO, OE will develop on-line; on-demand training available for all staff and managers approximately six months after the guidance in MD 10.158 is announced to the staff (i.e., end of Phase 8).

POC: Renée Pedersen, OE in coordination with OCHCO

#### Recommendation 8

Perform regularly scheduled comprehensive assessments of the non-concurrence process.

#### Status

A requirement was added to MD 10.158 (Section III.D.2) for the Director, Office of Enforcement to ensure that periodic assessments of the NCP are performed.

OE is working diligently to finalize a comprehensive assessment of the NCP. OE is committed to providing a quality product that will be responsive to the recommendation from the OIG and support finalization of the NCP MD. Multiple data sources are being used to assess the NCP

including: (1) formative evaluation from employee feedback, (2) the audit conducted by the OIG, (3) the NRC's periodic Safety Culture and Climate Survey, (4) an external benchmarking study, (5) a targeted survey of NCP users, (6) feedback on revised NCP guidance, (7) NCP record reviews, and (8) additional agency guidance on differing views. Due to the volume of data sources to analyze coupled with scheduling commitments, the Government Shutdown and heavy NCP and DPO case work, the projected completion date of January 9, 2014 will need to be extended to February 11, 2014. This additional time will allow for a thorough and quality assessment.

Completion date: 2/11/2014

POC: Renée Pedersen, OE

cc: MWeber  
MJohnson  
DAsh  
KBrock  
JFoster

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**\*concurrence by email**

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<b>Date</b>	1/13/2014	1/13/2014	1/13/2014	1/13/2014

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