

April 16, 2014

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

FROM: Brian E. Holian, Acting Director /RA/
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: SUPPLEMENT TO STAFF'S RESPONSE TO THE
RECOMMENDATIONS IN THE OFFICE OF THE INSPECTOR
GENERAL REPORT, "AUDIT OF NRC'S COMPLIANCE WITH 10 CFR
PART 51 RELATIVE TO ENVIRONMENTAL IMPACT STATEMENTS"
(OIG-13-A-20)

The purpose of this memorandum is to supplement the U.S. Nuclear Regulatory Commission (NRC) staff's response, dated March 10, 2014 (ML13295A431), to the recommendations in the Office of the Inspector General's (OIG) audit report, "NRC's Compliance with 10 CFR Part 51 Relative to Environmental Impact Statements" (OIG-13-A-20). Specifically, this memorandum provides additional clarification about the staff's plan for implementing the OIG recommendations.

OIG Recommendations #1 and #2 - Records of Decision

OIG recommended that the Executive Director for Operations (EDO):

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.
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.

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.

CONTACT: Larry W. Camper, FSME/DWMEP
301-415-7319

OIG Recommendations #3 and #4 - EIS Format

OIG recommended that the EDO:

3. Develop agencywide guidance for the NRC staff to comply with 10 CFR Part 51, Appendix A.
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.

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 Recommendations #5 and #6 - Scoping

OIG recommended that the EDO:

5. Develop agencywide guidance for all offices that prepare EISs to ensure that scoping is performed for all EISs that tier off a generic EIS.
6. Implement the agencywide guidance to ensure that scoping is performed for all EISs that tier off a generic EIS.

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 the 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.

If you have any questions or concerns, please have your staff contact Mr. Larry Camper, Chair of the NEPA ESC, at (301) 415-7319.

OIG Recommendations #3 and #4 - EIS Format

OIG recommended that the EDO:

3. Develop agencywide guidance for the NRC staff to comply with 10 CFR Part 51, Appendix A.
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.

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.

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