



# OFFICE OF THE INSPECTOR GENERAL

U.S. NUCLEAR REGULATORY COMMISSION

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

## Audit of NRC's Technical Assistance Request Process

OIG-16-A-11

April 6, 2016



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

**OFFICE OF THE  
INSPECTOR GENERAL**

April 6, 2016

MEMORANDUM TO: Victor M. McCree  
Executive Director for Operations

FROM: Stephen D. Dingbaum */RA/*  
Assistant Inspector General for Audits

SUBJECT: AUDIT OF NRC'S TECHNICAL ASSISTANCE REQUEST  
PROCESS (OIG-16-A-11)

Attached is the Office of the Inspector General's (OIG) audit report titled *AUDIT OF NRC'S TECHNICAL ASSISTANCE REQUEST PROCESS*.

The report presents the results of the subject audit. Following the March 29, 2016, exit conference, agency staff indicated that they had no formal comments for inclusion in this report.

Please provide information on actions taken or planned on each of the recommendations within 30 days of the date of this memorandum. Actions taken or planned are subject to OIG followup as stated in Management Directive 6.1.

We appreciate the cooperation extended to us by members of your staff during the audit. If you have any questions or comments about our report, please contact me at (301) 415-5915 or Sherri Miotla, Team Leader, at (301) 415-5914.

Attachment: As stated



# Office of the Inspector General

U.S. Nuclear Regulatory Commission  
Defense Nuclear Facilities Safety Board

OIG-16-A-11

April 6, 2016

## Results in Brief

### Why We Did This Review

A Technical Assistance Request (TAR) is a request for technical assistance from a U.S. Nuclear Regulatory Commission (NRC) headquarters or regional office, or an Agreement State. These requests are generally sent to the Office of Nuclear Material Safety and Safeguards (NMSS) and involve issues related to nuclear materials. The process of sending these requests, along with receipt of the ensuing responses, constitute the TAR process.

The purpose of the TAR process is to support NRC organizations external (and sometimes internal) to NMSS in the most efficient and effective manner. A TAR contains questions on subjects involving regulatory or policy interpretations, inspection findings, or a technical area in which NMSS possesses expertise or for which it has responsibility.

The audit objective was to determine if NRC's TAR process facilitates effective and efficient responses. This audit focuses on TARs submitted by the regional offices to NMSS.

### *Audit of NRC's Technical Assistance Request Process*

#### What We Found

OIG found that NRC's TAR process facilitates effective responses; however, opportunities for improvement exist with regard to efficiency. Specifically, NRC should improve its communication and documentation within the TAR process.

An organization and its programs should operate in an efficient and effective manner; however, there is insufficient communication and documentation of the TAR process by NMSS. As a result, TAR responses can become delayed and potentially negatively impact licensees.

#### What We Recommend

This report makes recommendations to improve the efficiency of NRC's TAR process through enhanced communication and documentation of the TAR process.

Agency management stated their general agreement with the finding and recommendations in this report and did not provide formal comments.

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## **ABBREVIATIONS AND ACRONYMS**

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ADAMS	Agencywide Documents Access and Management System
DSFM	Division of Spent Fuel Management
DUWP	Division of Decommissioning, Uranium Recovery, and Waste Programs
MSTR	Division of Material Safety, State, Tribal, and Rulemaking Programs
NMSS	Office of Nuclear Material Safety and Safeguards
NRC	Nuclear Regulatory Commission
OGC	Office of the General Counsel
OIG	Office of the Inspector General
TAR	Technical Assistance Request
TIA	Task Interface Agreement



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## **I. BACKGROUND**

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A Technical Assistance Request (TAR) is a request for technical assistance from a U.S. Nuclear Regulatory Commission (NRC) headquarters or regional office, or an Agreement State. These requests are generally sent to the Office of Nuclear Material Safety and Safeguards (NMSS)<sup>1</sup> and involve issues related to nuclear materials. The process of sending these requests, along with receipt of the ensuing responses, constitute the TAR process.

### **NRC Organization Responsible for TARs**

The TAR process is primarily affiliated with NMSS as it is the program office that is responsible for writing TAR procedures and most commonly responds to TARs. The main NMSS divisions that respond to TARs are the Division of Material Safety, State, Tribal, and Rulemaking Programs (MSTR); the Division of Decommissioning, Uranium Recovery, and Waste Programs (DUWP); the Division of Spent Fuel Storage Management (DSFM); and the Division of Fuel Cycle Safety, Safeguards, and Environmental Review.<sup>2</sup> The primary users of the TAR process are the regional offices and NMSS.

### **Purpose of TARs**

The purpose of the TAR process is to support NRC organizations external (and sometimes internal) to NMSS in the most efficient and effective manner. A TAR contains questions on subjects involving regulatory or policy interpretations, inspection findings, or a technical area in which NMSS possesses expertise or for which it has responsibility. A TAR may be used to obtain information about a specific facility, staff positions on an issue, regulatory requirements, or the safety or risk significance of particular facility configurations or operating practices. TARs may also be

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<sup>1</sup> To a lesser degree, other offices also respond to TARs, such as the Office of Nuclear Security and Incident Response and the Office of Nuclear Regulatory Research.

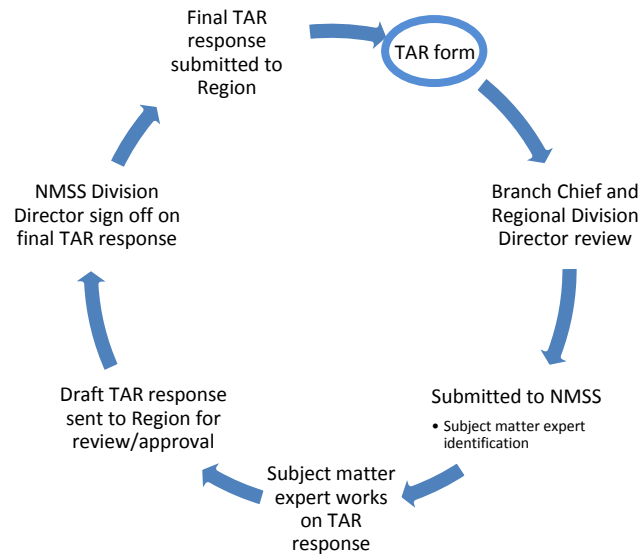
<sup>2</sup> The Division of Fuel Cycle Safety, Safeguards, and Environmental Review differs from the other NMSS divisions because it primarily responds to TAR requests from within its own division or office, as opposed to requests from the regions.

used in the review of proposed licenses or license amendments from another NRC office or NMSS division. In general, a TAR is a request for support that requires significant staff time and effort and for which responses need to be conveyed in a formal manner or require concurrence from appropriate technical staff and management.

### **TAR Process**

The TAR process begins with a requester completing a TAR request form and forwarding it to his/her branch chief for review. Following the review and sign off from the branch chief and regional division director, the TAR is submitted to an NMSS division director. A subject matter expert within the applicable NMSS branch is identified and acts as the lead TAR responder. Depending on the subject matter and nature of the TAR, the TAR responder may involve other NRC offices, such as the Office of the General Counsel (OGC), especially in cases of policy or guidance interpretation. When the responder has completed the TAR response, he/she will send a draft TAR response to the requesting region to ensure the question was satisfactorily answered. If the regional office believes the draft TAR response is satisfactory, the TAR responder sends the response to his/her division director for final approval. NMSS then issues the final TAR response and formally sends it to the requesting region.

Figure 1 shows a flowchart depicting a simplified version of the TAR process.

**Figure 1: TAR Process Flowchart**

Source: OIG generated.

## II. OBJECTIVE

The audit objective was to determine if NRC's TAR process facilitates effective and efficient responses. This audit focuses on TARs submitted by the regional offices to NMSS, and therefore does not include Agreement States, the Division of Fuel Cycle Safety, Safeguards, and Environmental Review, or other NRC offices within the audit scope. Appendix A describes the audit's scope and methodology.

## III. FINDING

NRC's TAR process facilitates effective responses; however, opportunities for improvement exist with regard to efficiency. Specifically, NRC should improve its communication and documentation within the TAR process.



## **Inefficient TAR Process**

NRC's current TAR process is not efficient. An organization and its programs should operate in an efficient and effective manner; however, there is insufficient communication and documentation by NMSS relative to the TAR process. As a result, TAR responses can become delayed and potentially negatively impact licensees.

### ***What Is Required***

#### **An Organization and Its Programs Should Operate in an Efficient and Effective Manner**

According to an NRC initiative, Project AIM 2020,<sup>3</sup> NRC must use its resources more wisely and make decisions in a more timely and effective manner. Project AIM 2020 also highlights the need to improve efficiency to meet NRC's future challenges.



**Source:** NRC.

Furthermore, NRC's Strategic Plan, Fiscal Years 2014-2018,<sup>4</sup> states the agency must use its resources effectively and efficiently to address existing or emerging issues.

### ***What We Found***

#### **NRC's Current TAR Process Is Not Efficient**

NRC's TAR process requires the TAR requester to complete and submit a TAR request form to the program office. The request form includes a field

<sup>3</sup> NRC established Project AIM 2020 in June 2014 to enhance the agency's ability to plan and execute its mission while adapting in a timely and effective manner to a dynamic environment.

<sup>4</sup> NUREG-1614, Vol.6, published September 2014.

where the requester must list past completed TARs that have addressed similar issues.<sup>5</sup> To locate these past TARs, the TAR requester must search NRC's Agencywide Documents Access and Management System (ADAMS).<sup>6</sup> However, TARs saved in ADAMS are often difficult to find.

#### Difficult To Locate Completed TARs

Prior to saving TARs in ADAMS, NRC maintained TAR records on a standalone computer; however, that computer crashed in 2004. The electronic data stored on the standalone computer was not recoverable; however, hard copy records for most TARs prior to 2004 were also stored in NRC headquarters file cabinets. In an effort to recreate the TAR database, NMSS has been scanning these hard copy records and placing them into ADAMS. The current TAR database in ADAMS is still a "work-in-progress" according to NMSS staff.

Furthermore, NMSS staff have not been profiling TARs in ADAMS in a consistent manner. For example, of the three NMSS divisions that primarily respond to regional TAR requests, only one division's TAR procedure mentions how TARs should be profiled in ADAMS. That division's TAR procedure states that TARs should be profiled in ADAMS based on the year of the TAR response; however, this information is not widely known among the regions. In the other two NMSS divisions, TARs are profiled by NMSS staff based on the instructions provided by each TAR requester. Because TARs are missing from ADAMS and are not profiled consistently among each NMSS division, it is difficult for TAR requesters to search and locate completed TARs in ADAMS.

#### TAR Data Disparities

OIG asked the regions to provide copies of TARs that were submitted to NMSS from calendar years 2011 through 2015. Similarly, OIG asked NMSS to provide copies of TARs that were received from the regions

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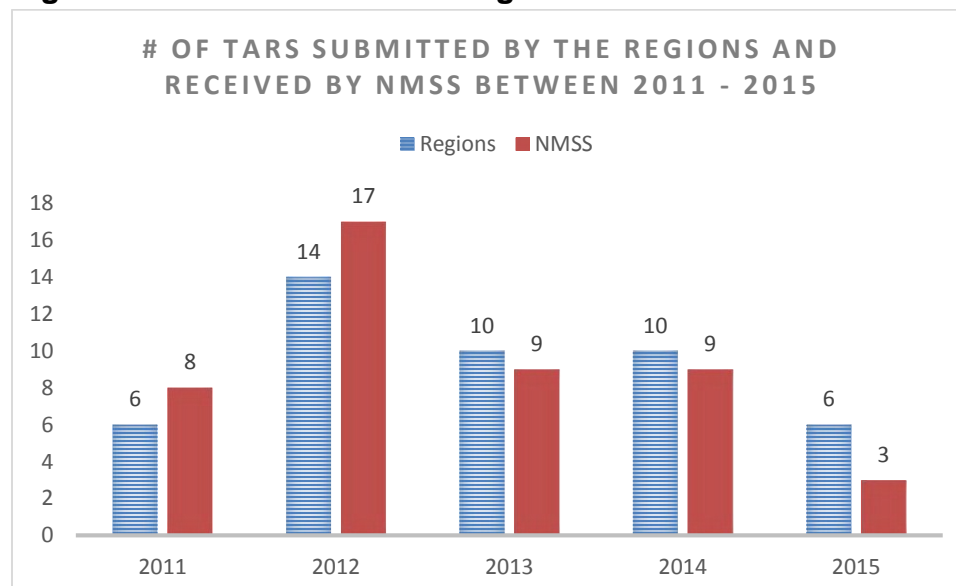
<sup>5</sup> Per the Office of the General Counsel (OGC), unless otherwise specified, TAR responses are not for general use and are not generically applicable. Thus, if a previous TAR addressed a very similar or identical issue, a new TAR must still be submitted.

<sup>6</sup> ADAMS is the official recordkeeping system through which NRC provides access to all of the agency's publicly available documents. ADAMS permits full-text searching and enables users to view document images, download files, and print locally.

between 2011 and 2015. OIG then cross-referenced the data from the regions and NMSS for verification purposes.

Figure 2 illustrates the TAR data provided to OIG by the regions and NMSS for each year from 2011 through 2015.

**Figure 2: TAR Data from the Regions and NMSS**



**Source:** OIG analysis of TAR data from the regions and NMSS.

As shown above, NMSS and the regions provided data that did not correspond in each of the years reviewed. Moreover, OIG conducted a search of ADAMS and found one additional TAR in 2011 that was not reported by the regions or NMSS. This is an indication that recordkeeping of TAR data is incomplete and inconsistent.

### Unclear TAR Process

Some regional staff believe the TAR process is not clear. NMSS does not always immediately acknowledge the receipt of TARs or how long they are expected to take to complete. Additionally, regional staff do not always know who TARs are assigned to at headquarters or what the TAR reviewer's strategy is for moving forward.

Several regional staff members have experienced challenges with how often NMSS checks its email resource mailbox, resulting in TARs possibly sitting undetected for months. One regional staff member told OIG that a TAR sent from his region sat undetected in the NMSS electronic mailbox

for 6 months. Another regional staff member compared sending TARs to headquarters to sending them to a “black box.”

Regional staff also stated that whenever TARs are forwarded by the TAR reviewer to OGC for assistance, the regions generally are not consulted ahead of time. Regions would like to be informed prior to TARs being sent to OGC because the regions could offer more clarification to the TAR issue. Since OGC customarily works only with the TAR reviewer (and not the submitting region), there is the possibility of a misunderstanding or misinterpretation of the TAR issue. If OGC reviews the TAR and has any concerns or objections, this can require the region to restart the entire process and submit a new TAR. As one regional license reviewer said, the region must then go “back to the drawing board.”

### ***Why This Occurred***

#### **There Is Insufficient Communication and Documentation by NMSS**

NMSS does not always adequately communicate with the regional offices and does not sufficiently document its TAR procedures.

#### **No Centralized Support Site**

There is no central location or TAR support site where all information relating to the TAR process, such as division procedures, TAR forms, TAR status logs, and point of contacts, is stored. Having a central location makes the TAR process more efficient, as it makes finding everything related to TARs much easier for both the TAR requester and responder.

The Office of Nuclear Reactor Regulation has an equivalent technical assistance process called the Technical Interface Agreement (TIA) process. As a good operating practice, the Office of Nuclear Reactor Regulation has a TIA SharePoint site that contains links to information about the TIA process. This includes a status report document, a log which contains detailed information about TIAs since 1988, and office instructions regarding the TIA process. All of this TIA information is easy to locate and is searchable.

### Divisions Do Not Have Current TAR Procedures

Of the three NMSS divisions, two have draft TAR procedures and one has an outdated final procedure. The Division of Decommissioning, Uranium Recovery, and Waste Programs (DUWP) has a draft procedure from 2010 that references divisions that no longer exist. Likewise, the Division of Spent Fuel Storage Management (DSFM) has only a draft procedure, in this case from 2013. The Division of Material Safety, State, Tribal, and Rulemaking Programs (MSTR) has a final TAR procedure,<sup>7</sup> but it was last updated in 2000. According to a manager in MSTR, this procedure is not very practical or efficient. However, MSTR is currently working on a new TAR procedure. This procedure, created in 2015, is in draft form.

Table 1 shows the NMSS divisions, TAR procedures, status of the TAR procedures, and dates the TAR procedures were created.

**Table 1: NMSS TAR Procedures, Status, and Dates**

NMSS Division	Procedure	Status	Date
MSTR	NUREG 1556, Vol. 9	Final	2000
	NMSS Policy & Procedure 7-5, Revision 0	Draft	2015
DSFM	SFM-23	Draft	2013
DUWP	DWMEP 3.6	Draft	2010

**Source:** OIG analysis of NMSS' TAR procedures.

Although NMSS may not clearly communicate how the TAR process works and lacks sufficient guidance, one division in NMSS does keep TAR requesters up to date regarding the status of their TAR requests. MSTR conducts monthly conference calls with the regions that serve as a forum where regional office staff can discuss issues that may eventually turn into TARs. MSTR also provides status updates on open TARs during these calls. Regional staff stated that these calls are very helpful.

<sup>7</sup> TAR guidance for material licensees can be found in NUREG-1556, Vol. 20, Section 4.14.

## ***Why This Is Important***

### **TAR Responses Can Become Delayed and Potentially Negatively Impact Licensees**

An inefficient TAR process leads to longer TAR response times. As previously mentioned, difficulty in locating TARs in ADAMS can slow the TAR process for requesters. Likewise, TAR reviewers may be delayed if they must start anew with no previous records to reference. NMSS could shorten TAR completion times and avoid a possible duplication of effort by having an easily searchable database of completed TARs. This would also aid in ensuring consistency among the TAR responses issued by NMSS.

Several regional staff members told OIG they have submitted TARs that have taken over a year to receive responses from NMSS. During OIG's TAR data review, OIG identified several TARs that were submitted by the regions over a year ago that are still open and unresolved. Nevertheless, TAR delays are not always solely attributable to NMSS. The TAR process, by nature, can be complex and lengthy. In addition to NMSS, other NRC offices may need to get involved in the TAR process and this can contribute to the amount of time it takes to complete TARs.

Furthermore, the regional offices play a vital role in TAR process timeliness as well. Regional staff must ensure they provide adequate information to NMSS and thoroughly explain the issue. Regional management, such as branch chiefs and division directors, can help improve the efficiency of the TAR process by ensuring that they review and sign out TARs in a timely manner so TARs can be expeditiously sent to headquarters. The same holds true for any requests for additional information from NMSS – these should be quickly addressed by the regions to reduce delays.

### **Potential Negative Impact on Licensees**

An inefficient TAR process could potentially lead to licensing and decommissioning delays. TARs often deal with materials licensees seeking an exemption to their license or materials facilities undergoing decommissioning. Delays in TAR responses related to these areas can



impact licensees, as it would cause delays in the issuance of their licensing actions and delays in decommissioning plan reviews. Delays in decommissioning can have negative financial impacts on the licensee.

NUREG-1757<sup>8</sup> states that the decommissioning of all licensed nuclear facilities should be performed in a safe and timely manner. According to an NMSS manager, NRC should not be an impediment to this.

While delays in issuance of TAR responses can have potential impacts on licensees, TAR delays do not pose a major public safety threat as urgent safety issues are typically not included in the TAR process. Furthermore, aside from the issue of timeliness, TAR users are generally satisfied with the quality of the TAR responses and believe the TAR process is effective overall. By improving its communication and documentation, NMSS can make the TAR process more efficient as well.

### **Recommendations**

OIG recommends that the Executive Director for Operations

1. Create a central NMSS<sup>9</sup> TAR SharePoint site to include information such as TAR procedures, points of contact, TAR status logs, and a link to a TAR data repository.
2. Create an easily searchable TAR data repository to include all past and future TARs as well as their corresponding ML numbers, subject matter, dates, and the requesting office.
3. Finalize draft TAR procedures for each NMSS division with regional input. These procedures should contain instructions on maintaining TAR records for all NMSS divisions within the TAR data repository.

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<sup>8</sup> NUREG 1757, Vol.1, Rev.2, published September 2006.

<sup>9</sup> For the purpose of this audit, "NMSS" pertains to MSTR, DSFM, and DUWP.

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## **IV. AGENCY COMMENTS**

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An exit briefing was held with the agency on March 29, 2016. Prior to this meeting, agency management reviewed a discussion draft and later provided a comment that has been incorporated into this report. As a result, agency management stated their general agreement with the finding and recommendations of this report and chose not to provide formal comments for inclusion in this report.

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## OBJECTIVE, SCOPE, AND METHODOLOGY

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### Objective

The audit objective was to determine if NRC's Technical Assistance Request process facilitates effective and efficient responses.

### Scope

This audit focused on TARs submitted by the regional offices to NMSS, and therefore did not include Agreement States, the Division of Fuel Cycle Safety, Safeguards, and Environmental Review, or other NRC offices. We conducted this performance audit at NRC headquarters (Rockville, MD) from September 2015 to February 2016. Internal controls related to the audit objective were reviewed and analyzed. Throughout the audit, auditors were aware of the possibility or existence of fraud, waste, or abuse in the program.

### Methodology

OIG reviewed relevant criteria such as the Office of Management and Budget Circular A-123, "Management's Responsibility for Internal Control" and the Government Accountability Office's "Standards for Internal Control in the Federal Government." OIG also reviewed NRC's Strategic Plan for Fiscal Years 2014 to 2018, NRC's Principles of Good Regulation, and NRC's report on Project AIM 2020.

OIG identified and reviewed internal NRC guidance relevant to the Technical Assistance Request process, such as various NMSS divisions' TAR procedures, Management Directive 5.7, and NUREG 1556. OIG also reviewed the Office of Nuclear Reactor Regulation's Task Interface Agreement process.

OIG interviewed NRC staff and management to gain an understanding of roles and responsibilities as they relate to NRC's Technical Assistance Request process. Auditors interviewed staff from NMSS, OGC, and

Regions I, II, III, and IV. Auditors also interviewed Agreement State representatives.

Additionally, audit team members conducted a comprehensive data review of TARs submitted to NMSS from the regions between 2011 and 2015. OIG performed a data-call and asked the three divisions in NMSS, along with the Division of Nuclear Materials Safety and the Division of Fuel Facility Inspection in the regions, to submit to OIG the number of TARs received, or submitted, between 2011 and 2015. The audit team cross referenced the data that NMSS and the regions provided and also independently searched for TARs in ADAMS.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

This audit was conducted by Sherri Miotla, Team Leader; Mike Blair, Audit Manager; Avinash Jaigobind, Senior Auditor; Regina Revinzon, Auditor; and John Thorp, Senior Technical Advisor.

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## TO REPORT FRAUD, WASTE, OR ABUSE

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## COMMENTS AND SUGGESTIONS

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If you wish to provide comments on this report, please email OIG using this [link](#).

In addition, if you have suggestions for future OIG audits, please provide them using this [link](#).