

STATUS OF RECOMMENDATIONS: AUDIT OF THE U.S. NUCLEAR REGULATORY  
COMMISSION'S OVERSIGHT OF SECURITY AT DECOMMISSIONING REACTORS  
(OIG-17-A-09)

**Recommendation 1:** Clarify the fitness-for-duty elements that are necessary to comply with Title 10 of the *Code of Federal Regulations* (10 CFR) 73.55(b)(9)(ii).

Response: Staff committed to update Regulatory Guide (RG) 5.77, "Insider Mitigation Program," to clarify the 10 CFR Part 26, "Fitness for Duty Programs," elements that the U.S. Nuclear Regulatory Commission (NRC) finds necessary for an effective licensee Insider Mitigation Program (IMP) under 10 CFR 73.55(b)(9).

Current Status: The RG was submitted to the Commission for their review and approval via SECY-17-0095, "Review and Approval of Proposed Revision to Regulatory Guide 5.77, Insider Mitigation Program," on September 21, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17066A109). Staff is waiting on a Commission decision to publish the final rule.

New Estimated Completion Date: April 30, 2020.

The agency point of contact for this recommendation is Will Smith, NSIR/DPCP/RSB, (301) 287-3541.

**Recommendation 2:** Develop rule language in 10 CFR Part 26 that describes the necessary fitness-for-duty requirements for decommissioning licensees.

Response: Staff has provided changes to both 10 CFR Part 26 and 10 CFR 73.55(b), "General Performance Objective and Requirements," in the ongoing proposed "Regulatory Improvements for Reactors Transitioning to Decommissioning" rulemaking. The *Federal Register* notice (FR) citation for the regulatory basis is 82 FR 55954, and was published on November 27, 2017.

Current Status: The proposed rule was sent to the Commission on May 7, 2018 (ADAMS Accession No. ML18012A021). The final rule signature from the Commission is tentatively scheduled for March 31, 2021, and the estimated final rule publication date is scheduled for October 15, 2021.

The staff expects this recommendation to remain open until the proposed rule is published.

The agency point of contact for this recommendation is Will Smith, NSIR/DPCP/RSB, (301) 287-3541.

Enclosure