



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

**OFFICE OF THE
INSPECTOR GENERAL**

February 5, 2020

MEMORANDUM TO: Margaret M. Doane
Executive Director for Operations

FROM: Dr. Brett M. Baker */RA/*
Assistant Inspector General for Audits

SUBJECT: STATUS OF RECOMMENDATIONS: AUDIT OF NRC'S
OVERSIGHT OF SECURITY AT DECOMMISSIONING
REACTORS (OIG-17-A-09)

REFERENCE: DIRECTOR, OFFICE OF NUCLEAR SECURITY AND
INCIDENT RESPONSE MEMORANDUM DATED
NOVEMBER 27, 2019

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's response dated November 27, 2019. Based on this response, recommendations 1 and 2 remain open and resolved. Recommendation 3 was previously closed. Please provide an updated status of recommendations 1 and 2 by July 31, 2020.

If you have any questions or concerns, please call me at (301) 415-5915, or Michael Blair, Team Leader, at (301) 415-8399.

Attachment: As stated

cc: C. Haney, OEDO
D. Jackson, OEDO
J. Jolicoeur, OEDO
S. Miotla, OEDO
EDO_ACS Distribution
RidsEDOMailsCenter Resource
OIG Liaison Resource

Audit Report

AUDIT OF NRC'S OVERSIGHT OF SECURITY AT DECOMMISSIONING REACTORS

OIG-17-A-09

Status of Recommendations

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), insider mitigation program (IMP).

Agency Response Dated
November 27, 2019:

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.

OIG Analysis:

The proposed actions meet the intent of the recommendation. OIG will close this recommendation when OIG receives verification that the published Regulatory Guide clarifies the fitness-for-duty elements that are necessary to comply with the Code of Federal Regulations insider mitigation program.

Status:

Open: Resolved.

Audit Report

AUDIT OF NRC'S OVERSIGHT OF SECURITY AT DECOMMISSIONING REACTORS

OIG-17-A-09

Status of Recommendations

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

Agency Response Dated
November 27, 2019:

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.

OIG Analysis:

The proposed actions meet the intent of the recommendation. This recommendation will be closed when OIG receives confirmation the staff developed rule language in 10 CFR Part 26 that describes the necessary fitness-for-duty requirements for decommissioning licensees.

Status:

Open: Resolved.