



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

**OFFICE OF THE
INSPECTOR GENERAL**

August 4, 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 JULY 30,
2020

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's response dated July 30, 2020. Based on this response, recommendations 1 and 2 are now closed. Since recommendation 3 was previously closed, all recommendations are now closed.

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
J. Quichocho, 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
July 30, 2020:

Staff committed to update Regulatory Guide (RG) 5.77, "Insider Mitigation Program," to clarify those 10 CFR Part 26, "Fitness for Duty Programs," elements that the NRC finds necessary for an effective licensee IMP under 10 CFR 73.55(b)(9). The staff-proposed revision to RG 5.77 was submitted to the Commission for their decision via SECY-17-0095, "Review and Approval of Proposed Revision to RG 5.77, Insider Mitigation Program," on September 21, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17066A109). The proposed revision also included guidance to clarify FFD requirements for decommissioning licensees. Publication of RG 5.77 is pending a Commission decision on the decommissioning proposed and final rules (NRC Docket Identification Number 2015-0070; RIN 3150-AJ59). RG 5.77 has received one Commission vote to date.

Since staff has taken the actions recommended by OIG, the staff recommends OIG close this recommendation.

Proposed Completion Date: Action completed.

Point of Contact: Brad Baxter, NSIR/DPCP/RSB,
(301) 287-3516.

OIG Analysis:

OIG confirmed NRC staff's revision to RG 5.77 on September 21, 2017, and their proposal to the Commission to clarify fitness-for-duty requirements. Because the actions taken above by NRC staff meet the intent of OIG's recommendation, OIG agrees that waiting on final

Audit Report

AUDIT OF NRC'S OVERSIGHT OF SECURITY AT DECOMMISSIONING REACTORS

OIG-17-A-09

Status of Recommendations

Recommendation 1 (cont.):

Commission vote should not delay closure of this recommendation. Therefore, this recommendation is now closed.

Status: Closed.

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
July 30, 2020:

In SECY-18-0055, "Proposed Rule: Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning" (ADAMS Accession No. ML18012A019), dated May 7, 2018, the NRC staff seeks a Commission decision to publish a proposed rule to amend NRC regulations principally related to the decommissioning of nuclear power reactors. As part of this proposed rule, the staff proposes changes to 10 CFR Part 26 and 10 CFR 73.55(b), "General Performance Objective and Requirements," to clarify FFD requirements for decommissioning reactors. The regulatory basis for this rulemaking was published in the Federal Register on November 27, 2017 (82 FR 55954). The Decommissioning rulemaking remains funded by the Office of Nuclear Reactor Regulation as a High Priority rulemaking. The rulemaking aligns with the regulatory requirements for nuclear power plants transitioning from operations to decommissioning with the reduction in risk that occurs over time, while continuing to maintain safety and security. The Commission decision for this rulemaking was initially estimated as March 31, 2021, with October 15, 2021 as the estimated publication date for the final rule. However, the staff has proposed a new schedule for the final rule to be submitted to the Commission for review and publication in the Federal Register. The final rule will be submitted to the Commission for review and decision by September 30, 2021, and the publication of the final rule in the Federal Register Notice is scheduled for April 15, 2022.

Since staff has taken the actions recommended by OIG, the staff recommends OIG close this recommendation.

Proposed Completion Date: Action completed.

Audit Report

AUDIT OF NRC'S OVERSIGHT OF SECURITY AT DECOMMISSIONING REACTORS

OIG-17-A-09

Status of Recommendations

Recommendation 2(cont.):

Point of contact: Brad Baxter, NSIR/DPCP/RSB,
(301) 287-3516.

OIG Analysis:

OIG confirmed staff's submittal of SECY-18-0055 on May 7, 2018, and their proposal to the Commission to amend NRC regulations related to the decommissioning of nuclear power reactors and to clarify fitness for duty requirements. Because the actions taken above by NRC staff meet the intent of OIG's recommendation, OIG agrees that waiting on final Commission vote should not delay closure of this recommendation. Therefore, this recommendation is now closed.

Status:

Closed.