



# Evaluation of the Defense Nuclear Facilities Safety Board's Use of Anti-gag Clauses in Nondisclosure Agreements

OIG-DNFSB-25-E-01  
October 31, 2024



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## **MEMORANDUM**

**DATE:** October 31, 2024

**TO:** Mary J. Buhler  
Executive Director of Operations

**FROM:** Hruta Virkar, CPA /*RA*/  
Assistant Inspector General for Audits & Evaluations

**SUBJECT:** EVALUATION OF THE DEFENSE NUCLEAR FACILITIES  
SAFETY BOARD'S USE OF ANTI-GAG CLAUSES IN  
NONDISCLOSURE AGREEMENTS  
(OIG-DNFSB-25-E-01)

Attached is the Office of the Inspector General's (OIG) evaluation report titled: *Evaluation of the Defense Nuclear Facilities Safety Board's Use of Anti-gag Clauses in Nondisclosure Agreements.*

The report presents the results of the subject evaluation. Following the September 27, 2024, 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 recommendation(s) within 30 days of the date of this memorandum.

We appreciate the cooperation extended to us by members of your staff during the evaluation. If you have any questions or comments about our report, please contact me at 301.415.1982 or Mike Blair, Team Leader, at 301.415.8399.

Attachment:  
As stated

cc: T. Tadlock, OEDO  
G. Garvin, OEDO



# Results in Brief

## ***Evaluation of the Defense Nuclear Facilities Safety Board's Use of Anti-gag Clauses in Nondisclosure Agreements***

OIG-DNFSB-25-E-01

October 31, 2024

### **What We Found**

The Office of the Inspector General (OIG) found that the Defense Nuclear Facilities Safety Board's (DNFSB's) nondisclosure agreements (NDAs) complied with 5 United States Code (U.S.C.) Section 2302(b)(13) by including anti-gag clauses in the NDAs that were issued between April 2019 and April 2024.

However, the OIG also reviewed the DNFSB's internal control environment over the broader period of 2012 through 2024 and identified three internal control findings. The OIG found that between 2012 and 2019, the DNFSB issued incomplete, ineffective, and inconsistent NDAs; the issuance of NDAs was not systematic and lacked transparency; and, the DNFSB did not communicate whistleblower protections in a timely manner.

### **What We Recommend**

The OIG makes four recommendations related to the DNFSB's use and management of NDAs.

### **Why We Did This Review**

The anti-gag order provision in the Whistleblower Protection Enhancement Act requires all federal agency nondisclosure policies, forms, or agreements to include explicit language from Title 5 U.S.C. Section 2302(b)(13) notifying employees of their rights to report wrongdoing. Under this provision, agencies may not impose NDAs or policies without including language informing employees that their statutory right to blow the whistle supersedes the terms and conditions of the NDA or policy. Among other things, NDAs must inform federal employees of their overriding right to communicate with Congress, Inspectors General, and the U.S. Office of Special Counsel. No agency may seek, through an NDA or otherwise, to chill such communications.

In March 2024, Senator Charles E. Grassley (R-IA) requested that all Inspectors General confirm that the agencies they oversee are including "anti-gag" language from the Whistleblower Protection Enhancement Act in their NDAs.

The evaluation objective was to determine if the DNFSB's nondisclosure agreements and policies comply with 5 U.S.C. Section 2302(b)(13).

# TABLE OF CONTENTS

<a href="#"><u>ABBREVIATIONS</u></a> .....	iii
I. <a href="#"><u>BACKGROUND</u></a> .....	1
II. <a href="#"><u>OBJECTIVE</u></a> .....	4
III. <a href="#"><u>FINDINGS</u></a> .....	4
1. The DNFSB Issued Incomplete, Ineffective, and Inconsistent NDAs .....	5
2. Issuance of NDAs Is Not Systematic and Lacks Transparency .....	8
3. The DNFSB Did Not Communicate Whistleblower Protections in a Timely Manner .....	10
IV. <a href="#"><u>CONSOLIDATED LIST OF RECOMMENDATIONS</u></a> .....	13
V. <a href="#"><u>DNFSB COMMENTS</u></a> .....	14
<a href="#"><u>OBJECTIVE, SCOPE, AND METHODOLOGY</u></a> .....	15
<a href="#"><u>TO REPORT FRAUD, WASTE, OR ABUSE</u></a> .....	17
<a href="#"><u>COMMENTS AND SUGGESTIONS</u></a> .....	17
<a href="#"><u>NOTICE TO NON-GOVERNMENTAL ORGANIZATIONS AND BUSINESS ENTITIES SPECIFICALLY MENTIONED IN THIS REPORT</u></a> .....	17

## ABBREVIATIONS

5 U.S.C.	Title 5 United States Code
DNFSB	Defense Nuclear Facilities Safety Board
GAO	Government Accountability Office
NDA	Nondisclosure Agreement
OGC	Office of the General Counsel
OIG	Office of the Inspector General
OSC	U.S. Office of Special Counsel
SF	Standard Form
WPEA	Whistleblower Protection Enhancement Act

## I. BACKGROUND

NDA's are agreements that certain information will remain confidential. As such, an NDA binds the person who has signed it and generally prevents that person from discussing the agreement's terms with anyone not specifically identified in the NDA.

### **Whistleblower Protection Enhancement Act of 2012**

Congress enacted the Whistleblower Protection Enhancement Act (WPEA) in 2012 to strengthen and reinforce the protections contained in the Whistleblower Protection Act of 1989, 5 U.S.C. 2302(b)(8)–(9), for employees who disclose fraud, waste, and abuse. Specifically, the WPEA clarified which types of information disclosures were protected from prohibited personnel practices.<sup>1</sup> The WPEA also required agencies to include specific language in any nondisclosure policies, forms, and agreements they may use stating that such policies, forms, and agreements do not supersede, conflict with, or alter certain whistleblower rights and protections.

### **Anti-gag Provision in Agency-Issued Nondisclosure Agreements**

Title 5 U.S.C. Section 2302(b)(13), added under the WPEA, requires agencies to inform employees who are subject to NDAs that agreements do not supersede employees' whistleblowing rights, such as the right to report wrongdoing to the U.S. Office of Special Counsel (OSC) or Congress.

Specifically, the WPEA states that "an agency official may not implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement—

- A. does not contain the following statement: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by

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<sup>1</sup> Prohibited personnel practices are employment-related activities that are banned in the federal workforce because they violate the merit system through some form of employment discrimination, retaliation, improper hiring practices, or failure to adhere to laws, rules, or regulations that directly concern the merit system principles. Title 5 U.S.C. Section 2302, "Prohibited Personnel Practices," contains 14 prohibited personnel practices, including imposing nondisclosure agreements that do not allow whistleblowing.

existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.’; or,

- B. prohibits or restricts an employee or applicant for employment from disclosing to Congress, the Special Counsel, the Inspector General of an agency, or any other agency component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection.”

## **Standard Form 312, “Classified Information Nondisclosure Agreement”**

In response to the WPEA, the language in Standard Form (SF)-312, “*Classified Information Nondisclosure Agreement*,” was updated to incorporate the anti-gag clause in its July 2013 revision. The SF-312 informs individuals of the trust that is placed in them with their access to classified information. It also advises individuals of their responsibility to protect that information from unauthorized disclosure and the possible consequences for failure to honor that responsibility. All persons with authorized access to classified information are required to sign an SF-312. In the case of SF-312 agreements in effect before the WPEA’s effective date, the law allows agencies to continue to enforce a policy, form, or agreement that does not contain the act’s anti-gag clause if the agency notifies the employee of the provision.<sup>2</sup> Agencies using the SF-312 form shall also post the anti-gag language on the agency’s website, accompanied by the specific list of controlling Executive Orders and statutory provisions.<sup>3</sup>

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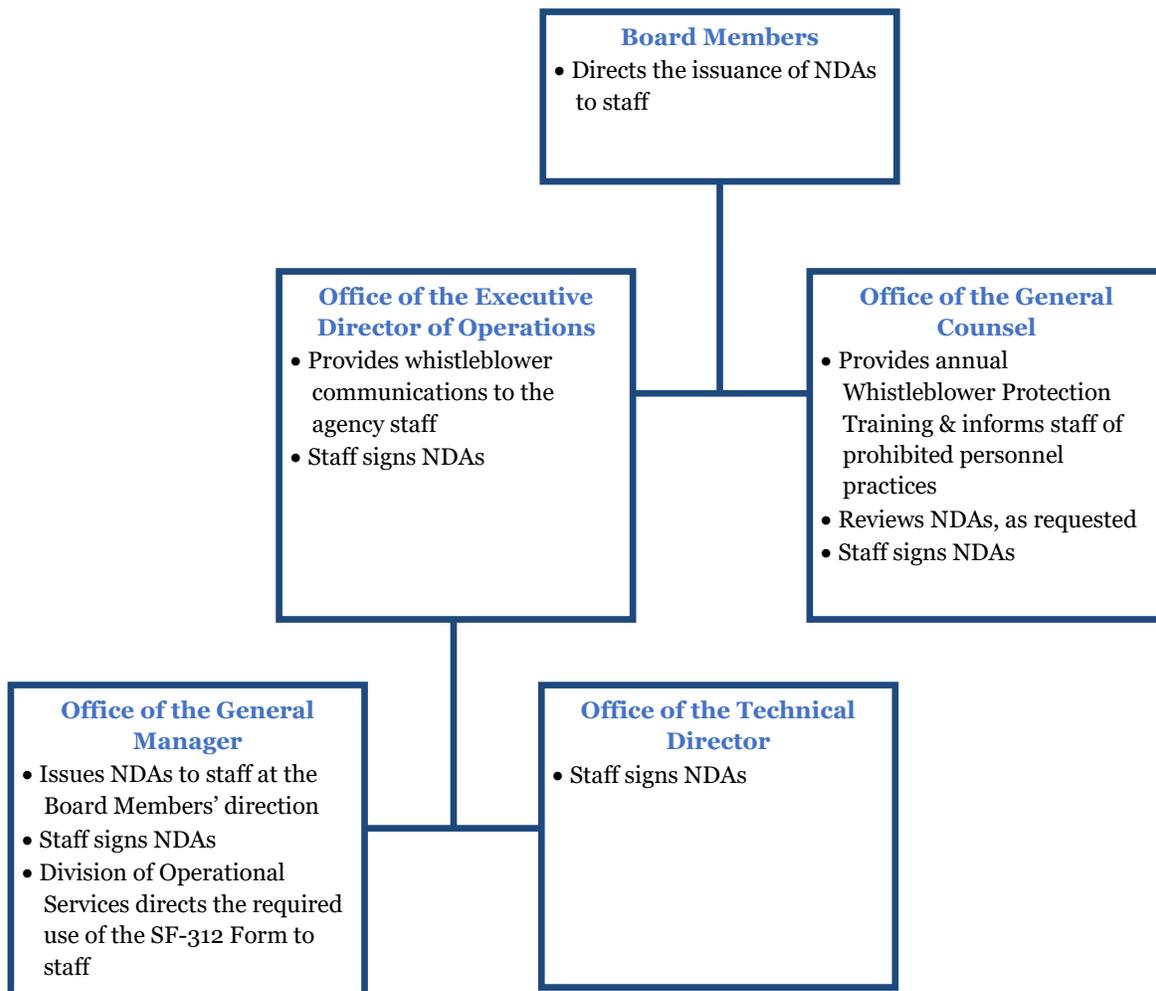
<sup>2</sup> OSC Memorandum for Executive Departments and Agencies, “Non-Disclosure Policies, Forms, or Agreements” (Feb. 1, 2018).

<sup>3</sup> *Id.* at 2–3.

## The DNFSB's Roles Regarding NDAs

Every office within the DNFSB, and the Board itself, has a role in providing and maintaining NDAs, as shown in Figure 1. All DNFSB staff with a security clearance are required to sign an SF-312 prior to being granted access to DNFSB information. These NDAs impose obligations on DNFSB staff in addition to their regular responsibilities to protect sensitive information. Signed NDAs are maintained by the appropriate office.

**Figure 1: The DNFSB's Roles Regarding Nondisclosure Agreements**



Source: OIG generated

## **Congressional Request**

In March 2024, Senator Grassley requested that Inspectors General review all nondisclosure policies, forms, agreements, and related documents specific to the agencies they oversee to ensure the anti-gag provision is included as required by law.

## **II. OBJECTIVE**

The evaluation objective was to determine if the DNFSB's nondisclosure agreements and policies comply with 5 U.S.C. Section 2302(b)(13).

## **III. FINDINGS**

The OIG reviewed the five NDAs issued to DNFSB staff between April 2019 and April 2024, as well as the 90 SF-312 forms signed by DNFSB staff during this time period. The OIG found that the DNFSB complied with 5 U.S.C. Section 2302(b)(13) by incorporating the anti-gag clause in these five NDAs. The OIG also determined the DNFSB informed staff of its whistleblower protections when each of the SF-312 forms was signed or subsequently through training and agency communications. Accordingly, the OIG found that the DNFSB met the WPEA's requirements for including anti-gag language in nondisclosure agreements and forms.

However, the OIG also reviewed the DNFSB's policies and control environment from 2012 through 2024. The OIG has three internal control findings based on our review of this broader time period:

1. The DNFSB issued incomplete, ineffective, and inconsistent NDAs;
2. The DNFSB's issuance of NDAs was not systematic and lacked transparency; and,
3. The DNFSB did not communicate whistleblower protections in a timely manner.

## 1. The DNFSB Issued Incomplete, Ineffective, and Inconsistent NDAs

Management should use quality information to achieve the entity's objectives. Between 2012 and 2019, the DNFSB issued NDAs that were incomplete, ineffective, and inconsistent. This occurred because the DNFSB had not designed and implemented policies and procedures for developing, reviewing, and issuing standardized NDAs. As a result, the effectiveness of certain NDAs involving the agency and its staff was greatly reduced.

### What Is Required

#### **Management should use quality information to achieve the entity's objectives**

Title 5 U.S.C. Section 2302(b)(13) states agencies may not impose NDAs or policies without including language informing employees that their statutory right to blow the whistle supersedes the terms and conditions of the NDA or policy. Among other things, NDAs must inform federal employees of their overriding right to communicate with Congress, Inspectors General, and the U.S. Office of Special Counsel.

The *Government Accountability Office (GAO) Standards for Internal Control in the Federal Government*<sup>4</sup> states management should design a process that uses the entity's objectives and related risks to identify the information requirements needed to achieve the entity's objectives and address the risks. Management should use relevant data from reliable sources based on the information requirements and process that data into quality information. Quality information is information from relevant and reliable data that is appropriate, current, complete, accurate, accessible, and provided on a timely basis and meets identified information requirements.

### What We Found

#### **The DNFSB issued incomplete, ineffective, and inconsistent NDAs**

Between 2012 and 2019, the DNFSB's NDAs did not inform employees of their whistleblower rights and inconsistently described the employees'

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<sup>4</sup> GAO-14-704G, September 2014.

obligations to protect information. Title 5 U.S.C. Section 2302 requires nondisclosure agreements to include the anti-gag clause, or a similar statement, informing employees that NDAs do not limit their rights to communicate with Congress, the Inspectors General, and the OSC. However, in 2015, the DNFSB repeatedly issued NDAs to their staff for their participation in closed meetings<sup>5</sup> that did not include the anti-gag clause. The DNFSB's Office of the General Counsel (OGC) stated it was unaware if the NDAs issued in 2015 had been reviewed by OGC prior to their issuance to confirm that the required anti-gag clause was included. Furthermore, for one closed meeting in July 2015, the Board Members did not direct the signing of NDAs until the day after the meeting, which reduced the protections afforded to sensitive or proprietary information that had been discussed during the meeting.

The OIG reviewed the NDAs entered into by DNFSB staff who observed or participated in the July 2015 closed meeting. The OIG determined these NDAs contained inconsistent statements. Specifically, the NDAs included wording that indicated the participants and observers were held to different standards and had different obligations to protect information. The DNFSB staff also noted that while the NDAs prevented the attendees from discussing sensitive information with the Board Members and the DNFSB staff, the NDAs did not prohibit disclosures to other sources who were not in attendance.

## Why This Occurred

### **The DNFSB has not designed and implemented policies and procedures for developing, reviewing, and issuing, standardized NDAs**

The DNFSB did not develop, review, and issue standardized NDAs because it does not have:

- A standard format or template for NDAs.
- A documented process for the OGC to confirm that the NDAs contain the required anti-gag clause prior to issuance.
- A procedure for issuing NDAs to staff to ensure that NDAs are signed prior to staff being provided access to protected information.

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<sup>5</sup> In accordance with the Atomic Energy Act of 1954, as amended, and the Government in the Sunshine Act, under certain conditions, the DNFSB may convene a closed meeting or a non-public collaborative discussion.

During the OIG's evaluation, DNFSB OGC officials stated they were aware of the WPEA and how it protects federal employees. However, OGC staff stated that a standard policy for developing and issuing NDAs is unnecessary since they are used infrequently and for a variety of purposes.

### Why This Is Important

#### **The effectiveness of the NDA is greatly reduced and unauthorized information may be disclosed**

Without anti-gag language, the effectiveness of NDAs is greatly reduced because they are not enforceable. Title 5 U.S.C. Section 2302(b)(13) states that agencies may not implement or enforce a nondisclosure policy, form, or agreement if it does not contain the anti-gag clause. Therefore, a non-enforceable NDA reduces the protection afforded to sensitive information and potentially increases the risk of disclosing information to individuals within the agency for whom the information is not intended. To help mitigate this risk, the DNFSB should consider a standardized format for NDAs that includes the required anti-gag clause, but which is also clear about each employee's responsibility for protecting information. Additionally, a procedure requiring the OGC to review NDAs prior to issuance would also confirm employees asked to sign the documents are made aware of whistleblower rights and protections.

#### **Recommendation**

The OIG recommends that the DNFSB:

- 1.1. Develop and implement a policy or procedure for NDAs that:
  - Establishes a standard format for NDAs; and,
  - Requires the Office of the General Counsel to review all NDAs and confirm they contain required language regarding whistleblower protections.

## **2. Issuance of NDAs Is Not Systematic and Lacks Transparency**

Management should design and implement control activities through policies to achieve objectives and evaluate the controls to respond to risks. In an effort to control the dissemination of information, the DNFSB unsystematically issued NDAs. This occurred because the DNFSB lacks criteria to determine when an NDA should be issued. As a result, NDAs may be issued when they are not necessary to protect information, and they may be viewed as reflecting a lack of trust in agency staff.

### **What Is Required**

#### **Management should design and implement control activities through policies**

The *GAO Standards for Internal Control in the Federal Government* state that control activities are the policies, procedures, techniques, and mechanisms that enforce management's directives to achieve the entity's objectives and address related risks. Control activities should be designed at the appropriate levels in the organizational structure, and those procedures should be documented, identifying each unit's responsibility for an operational process's objectives and related risks, as well as the responsibilities for control activity design, implementation, and operating effectiveness. Procedures may include the timing of when a control activity occurs and any follow-up corrective actions to be performed by competent personnel if deficiencies are identified.

### **What We Found**

#### **The DNFSB unsystematically issued NDAs**

During the time period covered by the OIG's evaluation, the DNFSB staff were required to sign NDAs for purposes that had not required NDAs in the past; in some cases, the DNFSB provided no explanation for its change of position. Specifically, the Board Members mandated signed NDAs from staff who observed or participated in two 2015 closed meetings, even though the meetings were part of the staff's regular duties.

By way of background, the DNFSB staff are routinely involved in oversight activities at the U.S. Department of Energy's defense nuclear facilities. If the Board determines a condition exists that poses a threat to the adequate protection of public health and safety, the Board may convene a closed meeting to direct staff on a path forward. Yet, in June and July 2015, Board Members required staff to sign NDAs to observe or participate in these meetings, which was a new requirement. Despite DNFSB staff's regular involvement in oversight and closed meetings, and their expressed concerns over signing NDAs to attend these two meetings, the Board Members did not provide the requested justification for the NDAs, beyond citing the DNFSB's statutory authority.

The OIG found that this issue also occurred in 2023. The DNFSB staff were required to sign NDAs to participate in the DNFSB's Executive Resources Board<sup>6</sup> for a 2023 hiring decision, but they had not been required to do so in the past. The OIG could not identify any other time the Board required NDAs to be signed for this specific purpose. In July 2024, the DNFSB discontinued the use of NDAs for the Executive Resources Board's merit staffing decisions. However, the OIG notes the DNFSB could issue NDAs for such decisions or for other purposes in the future.

### **Why This Occurred**

#### **The DNFSB lacks criteria for when an NDA should be issued**

The DNFSB lacks criteria that states when an NDA should be issued. Instead, NDAs are issued at the discretion of the Board Members. The OIG reviewed the DNFSB's policies associated with participation on the Executive Resources Board and in closed meetings and noted they do not mention NDAs.

### **Why This Is Important**

#### **NDAs may be viewed as reflecting a lack of trust in agency staff**

Many federal statutes address protecting information and address the implications of unauthorized disclosure. Because DNFSB staff are already in

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<sup>6</sup> Among other tasks, the DNFSB's Executive Resources Board is responsible for conducting the merit staffing process for career appointments in the Senior Executive Service, including reviewing the executive qualifications of candidates for career appointments and making written recommendations to the selecting official.

trusted positions and have obligations not to disclose information during their employment, some staff stated that previously issued NDAs were unnecessary and that the staff's integrity was being challenged. In addition, the use of unnecessary NDAs (i.e., NDAs that are used to protect information that is already protected) could potentially create confusion about an employee's obligation to protect sensitive information, for example, by suggesting that other authorities designed to protect such information do not apply in certain instances.

## **Recommendation**

The OIG recommends that the DNFSB:

- 2.1. Develop and document criteria outlining the circumstances under which the agency would ask employees to sign an NDA.

## **3. The DNFSB Did Not Communicate Whistleblower Protections in a Timely Manner**

Management should communicate the necessary quality information to its staff to achieve its objectives. However, the DNFSB did not communicate the changes from the WPEA in a timely manner, including the law's anti-gag protections. This occurred because the agency has not adhered to the OSC's guidance regarding NDAs. Consequently, the DNFSB cannot implement or enforce certain NDAs until current staff members have been informed of their whistleblower rights.

### **What Is Required**

#### **Management should internally communicate the necessary information to achieve objectives**

The *GAO Standards for Internal Control in the Federal Government* state management should internally communicate the necessary quality information to achieve the entity's objectives. Management should select the appropriate methods to communicate internally, considering factors such as:

- The intended recipients of communication;
- The purpose and type of information being communicated; and,

- The requirements in laws and regulations that may impact communication.

## What We Found

### **The DNFSB did not communicate the prohibited personnel practices to staff in a timely manner**

In 2015, DNFSB staff were not immediately notified of their whistleblower rights at the time they signed their NDAs. Specifically, some DNFSB staff signed NDAs that did not include the anti-gag clause, or a similar statement, informing them the agreement did not supersede their whistleblowing rights, such as the right to report wrongdoing to the OIG, the OSC, or Congress.

The entire DNFSB staff did not receive written communications and training on their WPEA rights until several years after the law was enacted. Although DNFSB staff were provided external training on prohibited personnel practices in 2016, this training was not specific to the DNFSB and did not clarify that, even if they signed an NDA, staff members could continue to make protected disclosures to the OIG and certain other entities. It was not until 2019 that the DNFSB posted the anti-gag language on its public website.

Further, the DNFSB's records are not organized in a manner such that staff who signed NDAs without the required anti-gag clause could be easily identified. The DNFSB lacks a tracking system for its NDAs, which prevented the DNFSB from notifying affected staff of their protections.

## Why This Occurred

### **The DNFSB has not adhered to the OSC's guidance regarding NDAs**

The DNFSB has not adhered to the OSC's guidance for implementing the WPEA. In its guidance, the OSC reiterates that the WPEA requires agencies to include anti-gag clauses in all nondisclosure policies, forms, and agreements involving federal employees.<sup>7</sup> Consistent with a 2018 OSC memorandum, agencies may continue to enforce NDAs without the required

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<sup>7</sup> OSC Memorandum for Executive Departments and Agencies, "Whistleblower and Civil Service Protections in the Federal Workplace" (Apr. 8, 2021).

clauses if the agency gives an employee notice of the statement.<sup>8</sup> Agencies may cure a non-complying nondisclosure policy, form, or agreement by emailing agency employees, thereby avoiding the need to reissue NDAs. However, the DNFSB has not issued follow-up notifications to current staff who signed NDAs without the anti-gag clause informing them of their protections.<sup>9</sup>

Each office within the DNFSB is responsible for maintaining its own NDAs, and there is no tracking system. Without a tracking system in place, the DNFSB's responses to the OIG's requests for information regarding NDAs were delayed, and some NDAs could not be located. Therefore, the DNFSB cannot determine how many NDAs have been issued since 2012 and cannot guarantee that it provided the OIG with all its NDAs.

## Why This Is Important

### **The DNFSB cannot enforce deficient NDAs**

Agencies cannot enforce NDAs without the anti-gag clause or in cases where staff members have not been notified of their rights as required by the WPEA. During the OIG's evaluation, incomplete records created challenges for the DNFSB when identifying the number of NDAs the agency had issued. Additionally, the DNFSB is unable to ensure individuals who signed NDAs without the anti-gag clause have been informed of their rights.

### **Recommendations**

The OIG recommends that the DNFSB:

- 3.1. Individually inform current staff members who previously signed NDAs that did not contain the anti-gag provision, in writing, of their whistleblower rights; and,
- 3.2. Implement a tracking system for storage of the DNFSB's existing and future NDAs that is consistent with the Privacy Act.

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<sup>8</sup> OSC Memorandum for Executive Departments and Agencies, "Non-Disclosure Policies, Forms, or Agreements" (Feb. 1, 2018).

<sup>9</sup> The OIG recognizes that, under OSC's guidance, the DNFSB would not have to issue such notifications to staff who signed NDAs *before* the WPEA became law, if the agency no longer seeks to enforce the NDAs.

## IV. CONSOLIDATED LIST OF RECOMMENDATIONS

The OIG recommends that the DNFSB:

- 1.1. Develop and implement a policy or procedure for NDAs that:
  - Establishes a standard format for NDAs; and,
  - Requires the Office of the General Counsel to review all NDAs and confirm they contain required language regarding whistleblower protections;
- 2.1. Develop and document criteria outlining the circumstances under which the agency would ask employees to sign an NDA;
- 3.1. Individually inform current staff members who previously signed NDAs that did not contain the anti-gag provision, in writing, of their whistleblower rights; and,
- 3.2. Implement a tracking system for storage of the DNFSB's existing and future NDAs that is consistent with the Privacy Act.

## V. DNFSB COMMENTS

The OIG held an exit conference with the agency on September 27, 2024. Before the exit conference, agency management reviewed and provided comments on the discussion draft version of this report, and the OIG discussed these comments with the agency during the conference. Following the conference, agency management stated their general agreement with the findings and recommendations in this report and opted not to provide additional comments. The OIG has incorporated the agency's comments into this report, as appropriate.

# OBJECTIVE, SCOPE, AND METHODOLOGY

## Objective

The evaluation objective was to determine if the DNFSB's nondisclosure agreements and policies comply with 5 U.S.C. Section 2302(b)(13).

## Scope

This evaluation focused on the DNFSB's compliance between April 2019 and April 2024. Additionally, the evaluation reviewed DNFSB's policies and control environment from 2012 through 2024. We conducted this evaluation at DNFSB headquarters (Washington, D.C.) and in Rockville, Maryland, from April 2024 to August 2024.

Internal controls related to the evaluation objective were reviewed and analyzed. Specifically, the OIG reviewed the components of the control environment, risk assessments, control activities, information and communication, and monitoring. Within those components, the OIG reviewed the principles of establishing structure, responsibility, and authority organizational structure; assigning responsibility and delegating authority to achieve the entity's objectives; and, designing control activities, including policies for achieving management objectives and responding to risks.

## Methodology

The OIG reviewed relevant criteria for this audit, including, but not limited to:

- Title 5 United States Code Section 2302(b)(13);
- The Whistleblower Protection Enhancement Act of 2012;
- DNFSB's NO FEAR Policy Statement;
- DNFSB's Whistleblower Protection Enhancement Act Notice;
- DNFSB's Whistleblower Protection Training;
- U.S. Office of Special Counsel memos to federal agencies;
- Standard Form 312, Rev. 7-2013, "Classified Information Nondisclosure Agreement";
- ISOO Notice 2013-05: Revision of the Standard Form 312, "Classified Information Nondisclosure Agreement";
- DNFSB Directive 126.1, "Executive Resource Board"; and,

- Desk Reference Supporting DOE Order 140.1A, *Interface with the Defense Nuclear Facilities Safety Board*.

The OIG interviewed staff within the Office of the Executive Director of Operations, the Office of the General Counsel, and the Office of the General Manager. The OIG also solicited responses from technical staff. The OIG reviewed nondisclosure agreements issued to staff and conducted an onsite review of the SF-312 forms signed by DNFSB staff.

The OIG conducted this evaluation in accordance with the Council of the Inspectors General on Integrity and Efficiency's Quality Standards for Inspection and Evaluation. The OIG believes that the evidence obtained provides a reasonable basis for our findings and conclusions based on the evaluation objective. Throughout the evaluation, auditors considered the possibility of fraud, waste, and abuse in the program.

The evaluation was conducted by Mike Blair, Team Leader; Janelle Davis, Audit Manager; Manpreet Sandhu, Auditor; Salma Rahaman, Management Analyst; and, Angelina Nguyen, Student Intern.

## TO REPORT FRAUD, WASTE, OR ABUSE

### Please Contact:

Online: [Hotline Form](#)  
Telephone: 1.800.233.3497  
TTY/TDD: 7-1-1, or 1.800.201.7165  
Address: U.S. Nuclear Regulatory Commission  
Office of the Inspector General  
Hotline Program  
Mail Stop O12-A12  
11555 Rockville Pike  
Rockville, Maryland 20852

## COMMENTS AND SUGGESTIONS

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

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

## NOTICE TO NON-GOVERNMENTAL ORGANIZATIONS AND BUSINESS ENTITIES SPECIFICALLY MENTIONED IN THIS REPORT

Section 5274 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, amended the Inspector General Act of 1978 to require OIGs to notify certain entities of OIG reports. In particular, section 5274 requires that, if an OIG specifically identifies any non-governmental organization (NGO) or business entity (BE) in an audit or other non-investigative report, the OIG must notify the NGO or BE that it has 30 days from the date of the report's publication to review the report and, if it chooses, submit a written response that clarifies or provides additional context for each instance within the report in which the NGO or BE is specifically identified.

If you are an NGO or BE that has been specifically identified in this report and you believe you have not been otherwise notified of the report's availability, please be aware that under section 5274 such an NGO or BE may provide a written response to this report no later than 30 days from the report's publication date. Any response you provide will be appended to the published report as it appears on our public website, assuming your response is within the scope of section 5274. Please note, however, that the OIG may decline to append to the report any response, or portion of a response, that goes beyond the scope of the response provided for by section 5274. Additionally, the OIG will review each response to determine whether it should be redacted in accordance with applicable laws, rules, and policies before we post the response to our public website.

Please send any response via email using [this link](#). Questions regarding the opportunity to respond should also be directed to this same address.