

January 20, 2015

MEMORANDUM TO: Those on the Attached List

FROM: Melanie A. Galloway */RA/*
Assistant for Operations
Office of the Executive Director for Operations

SUBJECT: NRC EMPLOYEE TEMPORARY BILATERAL ASSIGNMENTS TO
FOREIGN REGULATORY COUNTERPARTS

The purpose of this memorandum is to communicate the administrative, logistical, managerial, and budgetary approach for U.S. Nuclear Regulatory Commission (NRC) staff selected for temporary bilateral assignments to foreign regulatory counterpart agencies (foreign assignments). The information contained in this memorandum does not apply to staff who have accepted positions at international organizations which requires a break in service from the NRC. The approach captured in this memorandum has been developed in coordination with the Office of International Programs (OIP), the Office of the Chief Human Capital Officer (OCHCO), and the Office of the Chief Financial Officer (OCFO) and has been reviewed by the Office of the General Counsel.

Background

The NRC is committed to continuing and enhancing the exchange of staff with its foreign nuclear regulatory counterparts. In this regard, Sections 3e, 31s, and 123 of the Atomic Energy Act of 1954 (AEA), as amended, provide respectively, for “a program of international cooperation... to make available to cooperating nations the benefits of peaceful applications of atomic energy and to make arrangements” to ensure the continued conduct of research and development in areas within the Commission’s expertise as well as to authorize agreements for cooperation with foreign nations that establish a framework for transfers of nuclear technology.

For over 30 years, the NRC has been hosting staff from foreign nuclear regulatory counterparts via the Foreign Assignee Program but only recently began sending staff abroad routinely. Between 2008 and 2013, staff from the Office of New Reactors and Region II participated in various assignments to regulatory counterparts for short periods of time in countries that are licensing and constructing new reactors (France, Finland, China, and the Republic of Korea). Recently, some of NRC’s foreign regulatory counterparts have expressed interest in hosting NRC staff to work in other technical areas, including post-Fukushima activities.

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Recognizing the importance of these exchanges and their value to our domestic program, in April 2014 the Office of the Executive Director for Operations (OEDO) initiated and solicited for staff interested in temporary bilateral assignments to the Nuclear Regulation Authority of Japan (NRA) and the Nuclear Safety Authority of France (ASN) for up to one year. Four staff from Region II, Region IV, the Office of Nuclear Reactor Regulation, and the Office of Nuclear Materials Safety and Safeguards were selected for foreign assignments to be undertaken over the course of the next three years. These staff members were selected by OEDO, in conjunction with OIP, based on criteria that included technical competency related to requests for specific expertise from our foreign counterparts, language proficiency, availability, and other factors. In the future, the decision to send NRC staff to countries on foreign assignments will be based on priorities set in the Five-Year International Strategy and/or emerging issues.

Guidance

The following paragraphs provide guidance on the administrative, logistical, managerial, and budgetary activities related to the staff on temporary bilateral assignments to foreign regulatory counterparts:

- Staff selected for foreign assignments will remain on NRC's payroll and **will not** separate from service. The NRC and the employee selected will sign a "bilateral assignment" Memorandum of Understanding (MOU) with the host country, or other regulatory counterparts, for each employee going on foreign assignment.
- Length of assignments will be negotiated with the host country, but in general will not exceed one year.¹
- NRC will pay for the employee's travel costs and lodging per diem, consistent with current guidelines that may include a furnished apartment in locales approved by the U.S. Department of State (DOS). The staff will not receive 100 percent meals and incidental expenses (M&IE) for the entire length of the assignment. Instead, staff will receive 100 percent M&IE for the first 90 days, and 55 percent thereafter, for the remaining period of the assignment. This approach is consistent with procedures used by other federal agencies. The employee's designated NRC supervisor, in conjunction with OEDO, OIP and OCFO, can make the determination to waive the 55 percent M&IE expense, if a situation arises that requires it.
- OIP, working with the local U.S. Embassy in the host country, will assist the employee to identify appropriate housing. Housing should be acceptable to U.S. standards, including location, security, size, and accessibility.
- OIP will coordinate with the selected staff to ensure official passport and visa requirements are met.

¹ Current Internal Revenue Service regulations require that employees pay taxes on travel reimbursements for assignments that last longer than 12 months.

- The originating program office/region will carry the employee's Full Time Equivalent (FTE) for the entirety of the assignment. The employee will return to his/her originating program office/region to a position equal to or similar to his/her original position (i.e., a position at the same grade and salary the employee would have received if not detailed.)
- While on assignment, the employee will continue to report to a supervisor within his/her originating office/region as determined by the originating office. This supervisor will be responsible for approving the foreign travel voucher, work-related travel, time and attendance, mid-year and final appraisal, as appropriate, and other activities requiring management approval.
- OCHCO is available to provide guidance to supervisors and staff on questions about elements and standards for employees on temporary bilateral assignments (i.e., questions related to federal employee benefits, holiday pay, etc.)
- The NRC will reimburse for work-related travel expenses within the country of assignment. OCFO will provide guidance for avoiding instances of "double lodging" charges for travel that requires hotel usage.²
- Mid-Assignment Home Visit: NRC will reimburse costs for staff on long-term foreign assignments to return home during their assignment if pre-approved by the supervisor in their home office/region. NRC will pay the airfare for the staff to return to their official duty station, but will not provide M&IE and lodging per diem. NRC will pay for lodging and M&IE for regional employees that are approved to visit NRC Headquarters during a mid-assignment home visit.
- Staff on foreign assignments will be subject to drug testing in accordance with NRC's Drug-Free Workplace Plan. If randomly selected for drug testing, their supervisor in the home office/region will be notified by Drug Program staff. The supervisor and Drug Program staff will coordinate to schedule testing, without advance staff notification, during a mid-assignment home visit or upon return to the United States upon completion of the foreign assignment; whichever comes first.
- Staff on foreign assignments are advised that in accordance with Management Directive 12.3, "NRC Personnel Security Program," all NRC employees are required to abide by the personnel security reporting requirements. Cooperation in fulfilling these reporting responsibilities is an important part of the "continuing evaluation" process to maintain your eligibility for the NRC security clearance/access authorization.

² This guidance is needed since NRC will be paying for the employee's lodging near the regulatory agency. Paying for a hotel stay in addition to the permanent lodging (apartment) is considered "double lodging."

- Traveler is expected to complete all “regular” administrative forms for international travel, including Form 445—Request for Approval of Official Foreign Travel³; Form 279—Official Travel Authorization; and Form 64—Travel Voucher, as necessary.
- Staff on foreign assignments are expected to complete all NRC-required training during their assignments.
- The originating program office/region is expected to provide any information technology equipment (e.g., mobile phones, laptops, etc.) necessary for the foreign assignments.

Funding for the Assignments

Funding for the necessary travel in FY 2015 and FY 2016 will be provided to and executed from the OCFO Central travel allowance. Travel and language training funding for FY 2017 and beyond will be addressed through the FY 2017 Planning, Budgeting, and Performance Management process, and activities associated with these foreign assignments will be consistent with funding received.

Staff on foreign assignments will be required to use the following cost center until further advised or changed by OCFO: JCN N7701 for NRC Employee Foreign Assignee Travel under budget string: X0200/70/FEEBASED/51/O/194/N770

Staff will use the Task Assignment Control Codes (TACs) assigned by OIP in coordination with the business lines and home office staff.

Roles and Responsibilities

OEDO solicits and selects staff for assignments to foreign regulatory counterparts, in coordination with OIP; budgets for the assignments in coordination with OIP and OCFO; and maintains the logistical, managerial, and budgetary approach for temporary bilateral staff assignments abroad, in coordination with OIP.

OIP is the primary interface with the host country/regulatory authority and DOS; serves as the primary point-of-contact for the staff chosen for temporary bilateral assignments; provides guidance and support in identifying housing and travel logistics; coordinates with OEDO and program offices to ensure that assignments are included in the budget and proper TACs are being used; and interfaces with OGC to obtain legal clearance on MOUs for each employee’s temporary bilateral assignment overseas.

OCFO provides travel policy guidance and support, assists in the budget formulation and execution for the foreign assignments, provides support for managing travel vouchers for the foreign assignments, and provides guidance on Internal Revenue Service regulations related to overseas work.

³ The revised Form 445 requires travelers to acknowledge receipt of NRC’s Counter Intelligence briefing and information regarding security guidance while on travel, prior to departure to a foreign country.

Those on the Attached List

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OCHCO provides guidance to the supervisors in the home office on questions about elements and standards for employees on temporary bilateral assignments and answers benefits-related questions and other inquiries that staff selected for assignments may have.

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DATE	12/15/2014	12/18/2014	1/9/2015	01/20/2015	

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MEMORANDUM TO THOSE ON THE ATTACHED LIST DATED: January 20, 2015

SUBJECT: NRC EMPLOYEE ASSIGNMENTS TO FOREIGN REGULATORY COUNTERPARTS

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