



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS  
WASHINGTON, DC 20555 - 0001**

September 15, 2016

MEMORANDUM TO: Victor M. McCree  
Executive Director for Operations

FROM: Andrea D. Veil, Executive Director */RA/*  
Advisory Committee on Reactor Safeguards

SUBJECT: DOCUMENTATION OF RECEIPT OF APPLICABLE OFFICIAL NRC  
NOTICES TO THE ADVISORY COMMITTEE ON REACTOR  
SAFEGUARDS FOR SEPTEMBER 2016

During the 636<sup>th</sup> meeting of the Advisory Committee on Reactor Safeguards (ACRS), September 8-10, 2016, the Committee considered the NRC communications forwarded by OCHCO (attached) as items for their awareness and any actions as appropriate. This memorandum documents the receipt of the attached communications by the ACRS members. No response to this memorandum is required.

Attachment: As stated

cc: A. Vietti-Cook, SECY  
T. Inverso, OEDO  
R. Lewis, OEDO

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<b>OFFICE</b>	ACRS	SUNSI Review	ACRS	ACRS
<b>NAME</b>	QNguyen	QNguyen	MLBanks	ADVeil
<b>DATE</b>	09/09/16	09/09/16	09/15/16	09/15/16

**OFFICIAL RECORD COPY**

**Monthly Communication of Official NRC Notices to the ACRS**

Announcement Type	Date	Subject
Network	8/9/16	<p align="center"><b>Use the eTravel System When Making Hotel Reservations</b></p> <p align="center"><a href="http://drupal.nrc.gov/announcements/standard/reminder/24321">http://drupal.nrc.gov/announcements/standard/reminder/24321</a></p> <p>ANNOUNCEMENT CATEGORY Reminder</p> <p>PUBLISH ON <b>Aug 9, 2016</b></p> <p>The Office of the Chief Financial Officer is reminding employees to use the eTravel System (ETS2) to make hotel reservations. Specifically, the Federal Travel Regulation (FTR) requires travelers to consider selecting a FedRooms rate from a hotel that participates in the General Services Administration’s (GSA) FedRooms program. There are multiple benefits in choosing a FedRooms rate including—</p> <p>The room rate is set at or below the lodging per diem rate,</p> <p>There are no add-on fees,</p> <p>The room cancelation deadline is 4:00 p.m. on the day of arrival, and</p> <p>There are no early departure fees if travel ends earlier than planned.</p> <p>For additional information or answers to questions, please contact <a href="#">Michele Ricker</a>, 301-415-7838.</p>
	8/11/16	<p align="center"><b>Reminder on Submitting Lodging Expenses in the eTravel System</b></p> <p align="center"><a href="http://drupal.nrc.gov/announcements/standard/employee-resources/24331">http://drupal.nrc.gov/announcements/standard/employee-resources/24331</a></p> <p>ANNOUNCEMENT CATEGORY Employee Resources</p>

Announcement Type	Date	Subject
		<p>PUBLISH ON  <b>Aug 11, 2016</b></p> <p>The Office of the Chief Financial Officer is reminding employees that a hotel receipt is required when a traveler submits his or her voucher in the eTravel system (ETS2). The hotel receipt must show that the room has been paid for by the traveler. There has been an increase in the number of vouchers being rejected because the hotel receipt does not identify the method of payment or show that the invoice has been paid by the traveler. The Internal Revenue Service requires that receipts contain the following five elements:</p> <p>Name of the vendor,  Transaction date,  Detailed description of goods or service purchased,  Amount paid, and  Form of payment (cash, check or credit card).</p> <p>For additional information or answers to questions, please contact <a href="#">Michele Ricker</a>, 301- 415-7838.</p>
	8/12/16	<p><b>Traveler/Arranger Training on the eTravel System</b></p> <p><a href="http://drupal.nrc.gov/announcements/standard/employee-resources/24357">http://drupal.nrc.gov/announcements/standard/employee-resources/24357</a></p> <p>ANNOUNCEMENT CATEGORY  <b>Employee Resources</b></p> <p>PUBLISH ON  <b>Aug 12, 2016</b></p> <p>The Office of the Chief Financial Officer is offering training Webinars on the eTravel System (ETS2) for travelers and arrangers. Conducted by ConcurGov trainers, these Webinars will review how to prepare and process an authorization and voucher through ETS2.</p> <p><b>Webinar Training Schedule and Webinar Links</b></p>

Announcement Type	Date	Subject
		<p>August 18, 2016, 2-4 p.m., eastern time  (ET): <a href="https://attendee.gotowebinar.com/register/237870934609155">https://attendee.gotowebinar.com/register/237870934609155</a></p> <p>August 23, 2016, 10:00 a.m. - 12 noon,  ET: <a href="https://attendee.gotowebinar.com/register/2613755019926176769">https://attendee.gotowebinar.com/register/2613755019926176769</a></p> <p>August 24, 2016, 2-4 p.m.,  ET: <a href="https://attendee.gotowebinar.com/register/6054641474680045570">https://attendee.gotowebinar.com/register/6054641474680045570</a></p> <p>August 31, 2016, 10:00 a.m. – 12 noon,  ET: <a href="https://attendee.gotowebinar.com/register/9067408887902621698">https://attendee.gotowebinar.com/register/9067408887902621698</a></p> <p>September 8, 2016, 2-4 p.m.,  ET: <a href="https://attendee.gotowebinar.com/register/4927500219210046212">https://attendee.gotowebinar.com/register/4927500219210046212</a></p> <p>September 13, 2016, 10:00 a.m. – 12 noon,  ET: <a href="https://attendee.gotowebinar.com/register/5329259568976309508">https://attendee.gotowebinar.com/register/5329259568976309508</a></p> <p>September 21, 2016, 10:00 a.m. – 12 noon,  ET: <a href="https://attendee.gotowebinar.com/register/9197582268538802180">https://attendee.gotowebinar.com/register/9197582268538802180</a></p> <p>September 22, 2016, 2-4 p.m.,  ET: <a href="https://attendee.gotowebinar.com/register/1590037126700884740">https://attendee.gotowebinar.com/register/1590037126700884740</a></p> <p>September 27, 2016, 2-4 p.m.,  ET: <a href="https://attendee.gotowebinar.com/register/2390034090489350148">https://attendee.gotowebinar.com/register/2390034090489350148</a></p> <p>September 29, 2016, 10:00 a.m. – 12 noon,  ET: <a href="https://attendee.gotowebinar.com/register/7959511284942220292">https://attendee.gotowebinar.com/register/7959511284942220292</a></p> <p>To attend the training by Webinar, please follow these instructions.</p> <p>Click on the desired GotoWebinar registration link in the list above.</p> <p>The ETS2 New User Interface Webinar Registration page appears.</p> <p>Enter your full first name and last name in the <b>First Name</b> and <b>Last Name</b> fields.</p> <p>Enter your NRC e-mail address in the <b>Email Address</b> field  (i.e., <a href="mailto:Jane.Doe@nrc.gov">Jane.Doe@nrc.gov</a>)</p> <p>Click the <b>Register</b> button once completed. A webinar confirmation e-mail will be sent.</p>

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		<p>To add this to your Calendar, click on “Outlook® Calendar” within the confirmation e-mail.</p> <p>Employees will also have the option to view a recording of this training on the <a href="#">eTravel SharePoint site</a> at a later date.</p> <p>We look forward to your participation in these events. If you have any questions, please e-mail <a href="mailto:eTravel_Requests.Resource@nrc.gov">eTravel_Requests.Resource@nrc.gov</a>.</p>
	8/18/16	<h2 data-bbox="573 667 1588 785">Reduction in NRC Telephone Operator Hours, September 1, 2016</h2> <p data-bbox="573 827 1248 856"><a href="http://drupal.nrc.gov/announcements/standard/itim-resources/24390">http://drupal.nrc.gov/announcements/standard/itim-resources/24390</a></p> <p data-bbox="573 911 943 940">ANNOUNCEMENT CATEGORY</p> <p data-bbox="573 949 821 982"><b>IT/IM Resources</b></p> <p data-bbox="573 999 735 1029">PUBLISH ON</p> <p data-bbox="573 1037 776 1071"><b>Aug 18, 2016</b></p> <p data-bbox="573 1079 1604 1339">Beginning September 1, 2016, the NRC Telephone Operator hours of operation will change from 7:00 a.m. to 9:00 p.m. to the new hours of 7:00 a.m. to 5:00 p.m., eastern time, Monday through Friday, excluding holidays. If you call outside of the new hours of operation, you will receive a voice message containing the new hours of operation and instructions for reporting an emergency.</p> <p data-bbox="573 1398 1580 1520">As a reminder, you should report an emergency to the NRC Operation Center (301-816-5100), which is staffed 24 hours a day, 7 days a week and all calls are recorded.</p> <p data-bbox="573 1579 1593 1839">If you need to establish an audio conference line, you should request this service during the NRC Telephone Operator’s new hours of operation or you have the option to use a Virtual Meeting (GoToMeeting) or a Skype for Business meeting. Requests for conference lines that have historically been established through the NRC Operations Center should continue to go through the Operations Center.</p>

Announcement Type	Date	Subject
		<p><b>Contact:</b> <a href="mailto:Rafael.Centeno@nrc.gov">Rafael Centeno</a>, 301-287-9359</p>
	8/25/16	<p><b>Training Session, "Everything You Need to Know About the Hatch Act" (Political Activity), September 6, 2016</b></p> <p><a href="http://drupal.nrc.gov/announcements/standard/general-interest/24448">http://drupal.nrc.gov/announcements/standard/general-interest/24448</a></p> <p>ANNOUNCEMENT CATEGORY  <b>General Interest</b></p> <p>PUBLISH ON  <b>Aug 25, 2016</b></p> <p>With Election Day fast approaching, many NRC employees are beginning to wonder if and to what extent their ability to engage in political activities is restricted by Federal law.</p> <p>“Am I prohibited from talking about anything political while on duty?” (No.)</p> <p>“Can I still make personal financial contributions to a particular candidate or political organization?” (Yes.)</p> <p>“Can I ‘share’ a candidate’s posts on social media while on my personal time using my personal social media account?” (Maybe.)</p> <p>The Office of the General Counsel will hold an informational training session, “Everything You Need to Know about the Hatch Act” on <b>Tuesday, September 6, 2016</b>, in <b>3WFN 1-C03</b> at <b>10:00 a.m.</b> The training will cover the rules that prohibit Federal employees from engaging in certain types of political activity, and will provide an opportunity for employees to ask questions. The training will also be available to regional employees by video teleconference.</p> <p>Click <a href="#">here</a> to add this event to your Outlook calendar.</p> <p><b>Contact:</b> <a href="mailto:Eric.MichelOGC@nrc.gov">Eric.MichelOGC@nrc.gov</a>, 301-287-3704</p>

Announcement Type	Date	Subject
	8/30/16	<p data-bbox="573 283 1331 336"><b>Video Teleconferences at the NRC</b></p> <p data-bbox="573 378 1250 409"><a href="http://drupal.nrc.gov/announcements/standard/itim-resources/24495">http://drupal.nrc.gov/announcements/standard/itim-resources/24495</a></p> <p data-bbox="573 462 941 493">ANNOUNCEMENT CATEGORY</p> <p data-bbox="573 504 820 535"><b>IT/IM Resources</b></p> <p data-bbox="573 556 738 588">PUBLISH ON</p> <p data-bbox="573 598 779 630"><b>Aug 30, 2016</b></p> <p data-bbox="573 640 1591 808">The NRC has several video conferencing options available for staff to use. Most video conferences have been held using NRC’s Video Teleconferencing (VTC) service, but now there are more video teleconference services available that may be a better fit for your needs.</p> <p data-bbox="573 861 1469 892">The NRC currently supports the following video conference options:</p> <p data-bbox="573 955 885 987">Skype (formerly Lync)</p> <p data-bbox="573 1018 1469 1050">“GoTo” Services (GoToMeeting, GoToWebinar, and GoToTraining)</p> <p data-bbox="573 1081 1315 1113">Conference Room-based Video Teleconferencing (VTC)</p> <p data-bbox="573 1144 1599 1543"><b>Skype</b> is ideal for meetings among NRC staff from senior executives to branch or team meetings. Attendees participate from their workstations, thus eliminating the need for a conference room. Skype can accommodate up to 250 attendees within NRC, including regions and resident inspector sites. Skype allows attendees to share documents and desktop views instantly. To schedule a Skype meeting, simply open Microsoft Outlook Calendar, select the Home tab, and select New Skype meeting. It may also be found in the NRC Customer Service Catalog in <a href="#">Resources &amp; Quick Reference Guides</a> for Skype. All NRC staff are authorized to use Skype.</p> <p data-bbox="573 1596 1567 1722"><b>GoTo</b> services are ideal for meetings with external attendees or staff that are working remotely. Attendees may also present and share documents and desktop views.</p> <p data-bbox="573 1774 1518 1858">GoToMeeting offers options for meetings of up to 100 attendees and can accommodate both internal and external participants.</p>



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		<p>GoToWebinar is a Web conferencing service that enables NRC staff and contractors to plan and present professional Webinars with up to 500 attendees at a time. It is secure and cost-effective, with an easy-to-use interface.</p> <p>GoToTraining is a Web-hosted virtual classroom. Its desktop-sharing software enables users to present their screens to up to 99 other trainees on the Internet in real time.</p> <p>Individual licenses are not necessary to use any GoTo services. Only one “host” is required to have a license in order to set up the meeting. To identify GoTo “hosts” (license holders) in your office, go to the NRC Intranet Home page, and select the link on the right-hand side panel for GoTo Meeting, and then select <a href="#">GoToMeeting Licenses and Owners</a> on the left side of the screen. You may also find your office’s host at the <a href="#">OCIO SharePoint site</a>.</p> <p><b>Skype</b> and all <b>GoTo</b> services are accessible by desktop, laptop, smartphone and tablet. Webcams and headsets for use with Skype and GoTo services are available by submitting a request through the <a href="#">NRC Service Catalog</a>.</p> <p><b><u>VTC service</u></b> should only be considered if other video conferencing options cannot reasonably satisfy the needs of the meeting. Large public meetings, seminars, all-hands meetings, and international meetings are examples of meetings that may be best-suited for NRC’s limited VTC resources. VTC service is available through the <a href="#">NRC Service Catalog</a>, or in Microsoft Outlook by scheduling a meeting and booking a conference room with VTC capability.</p> <p>Please consider the following as you plan your use of VTC:</p> <p>VTC services are reserved on a first-come, first-served basis – so plan early, and make sure to request VTC when scheduling your meeting.</p> <p>NRC is only able to conduct two concurrent VTC sessions.</p> <p>Reserve VTC services only for as long as needed, for example, do not request the whole day if your meeting is only 1-2 hours in the morning, and 1-2 hours in the afternoon. This will make more time available to others who need to use VTC.</p>

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		<p>For routine, weekly, biweekly, or monthly meetings, use one of the other video conferencing options if possible.</p> <p>If VTC is not available for your requested day and time, use one of the other video conferencing options.</p> <p><b><u>Contacts:</u></b></p> <p><b>Skype services support:</b> CSC Helpdesk 301-415-1234, option 2</p> <p><b>GoTo services support:</b> <a href="mailto:GoToMeetingAdmin.Resource@nrc.gov">GoToMeetingAdmin.Resource@nrc.gov</a></p> <p><b>Meeting rooms/VTC reservations/support:</b> Administrative Services Helpdesk <a href="mailto:asc@nrc.gov">asc@nrc.gov</a> or 301-415-4272</p>
Yellow	8/5/16	<p><b>Subject: Clarification of the U.S. Nuclear Regulatory Commission's Policy for Protecting and Handling Personally Identifiable Information</b></p> <p><a href="http://drupal.nrc.gov/announcements/yellow/policy-reminder/24358">http://drupal.nrc.gov/announcements/yellow/policy-reminder/24358</a></p> <p>ANNOUNCEMENT CATEGORY  <b>Policy Reminder</b></p> <p>ML #  <b>ML16218A418</b></p> <p>MANAGEMENT DIRECTIVE #:  <b>MD 3.2</b></p> <p>PUBLISH ON  <b>Aug 12, 2016</b></p> <p style="text-align: right;"><b>Yellow Announcement: YA-16-0076</b></p>

Announcement Type	Date	Subject
		<p style="text-align: right;"><b>Date:</b> August 5, 2016</p> <p style="text-align: right;"><b>Expiration Date:</b> July 10, 2019</p> <p><b>TO: All NRC Employees</b></p> <p><b>SUBJECT: CLARIFICATION OF THE U.S. NUCLEAR REGULATORY COMMISSION’S POLICY FOR PROTECTING AND HANDLING PERSONALLY IDENTIFIABLE INFORMATION</b></p> <p>The purpose of this Yellow Announcement is to clarify the U.S. Nuclear Regulatory Commission’s (NRC’s) policy on emergency contact lists, duty rosters, and other low-risk personally identifiable information (PII). Specifically, this Yellow Announcement clarifies the exceptions available to NRC employees regarding the removal or use of emergency contact lists, duty rosters, and other low-risk PII.</p> <p><b><u>Background</u></b></p> <p>The NRC has implemented a policy regarding the protection of personally identifiable information (PII) in the workplace. Yellow Announcement No. 2006-0069, “Protection of Personally Identifiable Information,” dated September 19, 2006, announced the policy that prohibits staff from removing paper documents that contain PII of others from NRC-controlled space, unless the PII has been redacted from the documents or an exception has been granted. Yellow Announcement No. 2006-0069 states the general exception that is related to removal or use of emergency contact information outside NRC-controlled space and provides that office directors, regional administrators, and their designees may issue specific exceptions in writing. These written exceptions must describe (a) why unredacted documents are necessary and (b) how the documents will be protected while outside NRC-controlled space. However, Yellow Announcement No. 2007-0071, “Privacy at the NRC,” dated July 18, 2007, provided links to the PII Project Web page (<a href="http://www.internal.nrc.gov/PII/index.html">http://www.internal.nrc.gov/PII/index.html</a>) that did not cite the exceptions to the NRC PII policy. The omission of these exceptions</p>

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		<p>on the PII Project Web page at that time, and in other guidance documents, led some NRC employees to incorrectly conclude that emergency contact lists and duty rosters may not be taken offsite.</p> <p><b><u>What is PII?</u></b></p> <p>PII is information that can be used to identify or contact a person uniquely and reliably, or can be traced back to a specific individual. The NRC defines PII as a person’s name in combination with any of the following information:</p> <ul style="list-style-type: none"> <li>Relatives’ names,</li> <li>Home postal address,</li> <li>Personal e-mail address,</li> <li>Home or cellular telephone number,</li> <li>Personal characteristics,</li> <li>Social Security number,</li> <li>Date or place of birth,</li> <li>Mother’s maiden name,</li> <li>Driver’s license number,</li> <li>Bank account information,</li> <li>Credit card information, or</li> </ul> <p>Other information that would make the individual’s personal identity easily traceable and useable for unauthorized or criminal purposes.</p> <p>PII may be used by NRC employees when needed for performing business and mission critical functions. However, the use of PII must be limited to use by authorized employees for bona fide business needs. To appropriately protect the confidentiality of PII and ensure its proper handling, the NRC has implemented a risk-based PII policy. The policy considers the risk of improper release and the severity of the potential harm to individuals posed by unauthorized disclosure of PII.</p>

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		<p data-bbox="570 254 1609 338">Barring the exceptions stated below, the following controls apply to PII:</p> <p data-bbox="570 338 1609 443">Paper copies of PII must not be removed from NRC-controlled space or electronic systems unless the PII has been redacted.</p> <p data-bbox="570 443 1609 590">PII transmitted outside the agency network can only be transmitted to authorized recipients and must be encrypted using agency approved encryption techniques.</p> <p data-bbox="570 590 1609 737">The following are examples of types of PII that are excepted from the general provisions of the NRC policy based on the risk presented by the potential release:</p> <p data-bbox="570 737 1609 1010"><b>General Exception: NRC Emergency Contact Listings/Duty Rosters -</b> Those with an official need-to-know may keep employee emergency contact lists of names, home and cellular phone numbers, and home e-mail addresses, in paper form or stored in personal electronic devices, outside of NRC-controlled space.</p> <p data-bbox="570 1010 1609 1304"><b>Specific Exceptions -</b> Office directors, regional administrators, and their designees may issue specific exceptions. However, the exceptions must be in writing and describe why unredacted documents are necessary and how the documents will be protected while outside NRC-controlled space. These specific exceptions shall be granted infrequently and a copy of the written exception must be provided to the Chief Information Officer (CIO).</p> <p data-bbox="570 1304 1609 1556"><b>Personal Exception –</b> Individuals may control the release, transport, and transmission of their own PII in conducting personal business or as necessary for agency use, such as for payroll or travel records. Using un-encrypted electronic or voice communications or carrying un-redacted hard copies of one’s own PII represents a degree of risk for the loss of that information.</p> <p data-bbox="570 1556 1609 1661">The following are examples of information that are not covered by the PII policy because they do not constitute PII as submitted or used:</p> <p data-bbox="570 1661 1609 1835"><b>Adjudicatory Filings, Documents Associated with Agency Rulemakings, and Correspondence Received from the Public on Regulatory Matters -</b> Home addresses, home phone numbers, or home e-mail addresses that</p>

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		<p>individuals choose to include in these submissions are not considered PII because they are voluntarily submitted as part of a public process.</p> <p><b>NRC Employee’s Name, Title, Work Telephone Number, Official Work Address, and Work E-Mail Address</b> - The NRC does not consider these to be PII, since they are not personal information subject to misuse and reflect the employee’s professional identity rather than his or her private information.</p> <p>OCIO’s Privacy Team staff has identified several agency guidance documents that fail to clearly articulate the exceptions above and is in the process of reviewing and updating all PII-related guidance documents.</p> <p><b><u>How is PII Properly Protected and Handled?</u></b></p> <p>As a reminder, to properly protect PII, all NRC employees must—</p> <p>Ensure that PII is stored only when it is necessary and is accessible only to those NRC employees who have a “need to know” the information to perform their official duties.</p> <p>Identify files that contain PII and delete those files no longer required to conduct official agency business.</p> <p>Automatically lock out after 15 minutes (or less) of user inactivity on all laptops or mobile devices on which PII is stored.</p> <p>Maintain PII in a manner that will ensure no inadvertent or unauthorized disclosures:</p> <p>Do not leave PII in open view of others, secure paper records when away from your desk in a locked drawer, and always store electronic PII in a restricted access file;</p> <p>Do not place PII on a SharePoint or other shared network drive unless it is under appropriate access controls; and</p> <p>Dispose of paper containing PII in burn boxes.</p> <p>If you have any questions regarding PII, please contact the NRC Acting Privacy Officer, Sally Hardy, 301-415-5607.</p>

Announcement Type	Date	Subject
		<p data-bbox="1154 310 1224 342">/RA/</p> <p data-bbox="1154 405 1588 569">Frederick D. Brown, Acting Chief Information Officer Office of the Chief Information Officer</p> <p data-bbox="581 625 1528 751">Management Directive Reference: MD 3.2, "<a href="#">Privacy Act</a>," Section V, "Responsibilities of NRC Employees who work with Records Containing Information about Individuals"</p>
	8/18/16	<p data-bbox="581 831 1511 1010"><b>Subject: Ethics Rules and Agency Policy Concerning Gift Exchanges Between NRC Employees and Contractor Personnel</b></p> <p data-bbox="581 1052 1247 1083"><a href="http://drupal.nrc.gov/announcements/yellow/policy-reminder/24391">http://drupal.nrc.gov/announcements/yellow/policy-reminder/24391</a></p> <p data-bbox="581 1140 943 1171">ANNOUNCEMENT CATEGORY</p> <p data-bbox="581 1178 813 1209"><b>Policy Reminder</b></p> <p data-bbox="581 1230 646 1262">ML #</p> <p data-bbox="581 1268 786 1299"><b>ML16231A238</b></p> <p data-bbox="581 1320 935 1352">MANAGEMENT DIRECTIVE #:</p> <p data-bbox="581 1358 688 1390"><b>MD 7.5</b></p> <p data-bbox="581 1411 737 1442">PUBLISH ON</p> <p data-bbox="581 1449 776 1480"><b>Aug 19, 2016</b></p> <p data-bbox="1094 1493 1598 1524"><b>Yellow Announcement: YA-16-0078</b></p> <p data-bbox="1289 1583 1598 1614"><b>Date: August 18, 2016</b></p> <p data-bbox="1170 1673 1598 1705"><b>Expiration Date: June 27, 2021</b></p> <p data-bbox="589 1766 1057 1797"><b>TO: All NRC Employees</b></p>

Announcement Type	Date	Subject
		<p><b>SUBJECT: ETHICS RULES AND AGENCY POLICY CONCERNING GIFT EXCHANGES BETWEEN NRC EMPLOYEES AND CONTRACTOR PERSONNEL</b></p> <p>The Office of the General Counsel (OGC) is republishing, in full, the contents of Yellow Announcement YA-15-0149, “Ethics Rules and Agency Policy Concerning Gift Exchanges Between NRC Employees and Contractor Personnel” (ADAMS Accession No. ML15338A029). The purpose of this republication is to clarify that the guidance and statement of agency policy articulated in YA-15-0149 is still valid. In addition to republishing this Yellow Announcement, OGC will also publish this guidance and statement of policy on the agency’s <a href="#">internal ethics Web site</a> under the “Ethics Advice &amp; Articles” tab.</p> <p>****</p> <p>Contractor personnel perform many important services for the NRC, often right alongside NRC employees. However, contractor personnel are not employees of the Federal Government, but are instead employees of private companies that conduct business with the agency. This crucial distinction is not meant to diminish contractor personnel or the valuable contributions they provide to the agency. Rather, NRC employees must be aware that their relationships with such persons are governed by Federal ethics laws and agency policy.</p> <p><b>Gifts from Contractors</b></p> <p>NRC employees are generally prohibited by law from soliciting or accepting a "gift" from a contractor, which essentially includes any item or service of monetary value. The rules governing the acceptance of gifts can be found in <a href="#">Subpart B of 5 C.F.R. Part 2635</a> of the Standards of Conduct for Employees of the Executive Branch. There are, however, some exceptions to this general prohibition. For example, the ethics regulations allow Federal employees to accept non-cash gifts of \$20 or less per occasion, not to exceed \$50 total in a calendar year. A general-use gift card or gift certificate that is not restricted to a single merchant or marketplace, such as a pre-paid Visa gift card, is</p>



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		<p>considered a cash equivalent and may not be accepted. Employees may also accept gifts where the circumstances make clear that the gift is motivated by a personal friendship that exists outside the workplace. In addition, certain items are excluded from the definition of "gift" altogether. Items falling into this category include modest items of food or drink other than a meal (e.g., coffee, soft drinks, donuts), or greeting cards and other similar items with little intrinsic value. It is never permissible to solicit a gift from a contractor of any value. Nor may a Federal employee ever accept a gift of cash or a cash equivalent (such as a gift card) from a contractor, even below the \$20 threshold. This means that NRC employees may never solicit or accept from a contractor a cash donation for an officewide gift. Additionally, all Federal employees are under a continuing obligation to avoid any action that creates even the appearance of illegal or improper conduct. Thus, an employee may never accept any gift from a contractor where the circumstances might create an appearance of a lack of integrity in the agency's procurement process. Nor may an employee accept gifts from contractors on such a frequent basis as to create an appearance that the employee is abusing his or her public position. An employee who accepts a prohibited gift from a contractor must either return the gift or, if not feasible, reimburse the contractor the market value of the gift.</p> <p>This summary is intended to be representative of common ethics issues concerning the acceptance of gifts from contractors, and is not all-inclusive. Employees who have questions as to whether they can accept a particular gift should contact an <a href="#">OGC Ethics counselor</a>.</p> <p><b>Gifts to Contractor Personnel</b></p> <p>Federal ethics regulations do not specifically restrict the converse scenario, where an NRC employee gives a gift to a contractor employee. The ethics regulations do speak generally of the obligation of all Federal employees to act impartially and not display favoritism or preferential treatment to any private organization or individual. As such, the agency's policy has always been to maintain an arms-length relationship with all contractors, just as with any private individual or organization that seeks business with the agency. Such a policy not only protects the agency from appearances of favoritism or</p>

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		<p>preferential treatment, but also helps protect individual employees and contractor personnel as well. Contractor employees may have conditions in their employment contracts that prohibit their acceptance of gifts from their employer's (the contractor's) customers. Additionally, giving gifts to contractor personnel may create a sense of obligation for the contractor employee to reciprocate, and such reciprocation could result in an ethics violation for the NRC employee. Lastly, providing gifts to contractors can contribute to the blurring of the distinction between "employee" and "contractor," potentially creating issues relating to contract administration, contract law, and employment law.</p> <p>In order to maintain this arms-length relationship with contractors, NRC employees should not give gifts to contractor personnel that the NRC employee would not be able to accept if given by the contractor. As such, an NRC employee can give a non-cash gift to a contractor employee that is valued at \$20 or less (for example, a ceramic mug or a box of candy), though the NRC employee should not give a contractor employee more than \$50 worth of gifts in one calendar year. As stated above, general-use gift cards or gift certificates that are not restricted to a single merchant or marketplace are considered cash equivalents and should not be given as gifts to contractor personnel. However, NRC employees may give contractor personnel a store gift card of \$20 or less, such as a Starbucks gift card or an Amazon gift certificate. Additionally, NRC employees can provide gifts of modest refreshments or items with little intrinsic value, as discussed above (e.g., coffee, soft drinks, donuts) without restriction. NRC employees are also free to give gifts to contractor personnel outside the office without restriction if such a gift is clearly motivated by a personal friendship that justifies the gift.</p> <p>NRC employees frequently ask whether they are permitted to collect money as an office and purchase a collective gift for a contractor employee to commemorate or acknowledge a significant occasion. As a matter of policy, such collections are permissible in two circumstances, provided that the gift is not cash or a cash-equivalent (e.g., gift card). First, in matters involving personal illness or a death in the family, NRC employees may collect money to purchase an appropriate gift for the contractor employee (such as a bouquet of flowers) notwithstanding the \$20 individual or \$50 annual maximums</p>

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		<p>discussed above. Second, for infrequently occurring events of special personal significance, such as a marriage or the birth of a child, NRC employees may collect money to purchase a gift for a contractor employee valued at up to \$50 for that occasion. These exceptions do not include typical or reoccurring events, such as holidays, and birthday gifts given on such occasions should comply with the general standards articulated above.</p> <p><b>Contractor Personnel Attendance at Office Social Events</b></p> <p>It is longstanding NRC policy to neither invite contractor personnel to NRC office parties nor to permit their attendance at such events. This includes events such as holiday gatherings, farewell ceremonies, and office lunches. This policy not only supports the agency's effort to maintain an arms-length relationship with contractors, avoid appearances of favoritism or preferential treatment, and avoid the blurring of the distinction between NRC employees and contractor personnel, but also helps avoid potential contract issues and appropriations law violations. This policy applies only in the context of "office" social functions, and does not apply to purely personal interactions outside of the duty day.</p> <p>Employees who have questions regarding the NRC's policy should contact OGC's Division of Administration.</p> <p style="text-align: center;"><i>/RA/</i></p> <p style="text-align: right;">Margaret M. Doane General Counsel</p> <p>Management Directive Reference: MD 7.5, "<a href="#">Ethics Counseling and Training</a>," Handbook Section I.E</p>

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	8/21/16	<p data-bbox="573 283 1477 401"><b>Subject: Interim Guidance on the Agency Action Review Meeting</b></p> <p data-bbox="573 443 1154 474"><a href="http://drupal.nrc.gov/announcements/yellow/policy/24437">http://drupal.nrc.gov/announcements/yellow/policy/24437</a></p> <p data-bbox="573 527 943 558">ANNOUNCEMENT CATEGORY</p> <p data-bbox="573 569 667 600"><b>Policy</b></p> <p data-bbox="573 621 643 653">ML #</p> <p data-bbox="573 653 784 684"><b>ML16217A183</b></p> <p data-bbox="573 705 735 737">PUBLISH ON</p> <p data-bbox="573 737 776 768"><b>Aug 23, 2016</b></p> <p data-bbox="1097 884 1601 915"><b>Yellow Announcement: YA-16-0084</b></p> <p data-bbox="1292 978 1601 1010"><b>Date: August 21, 2016</b></p> <p data-bbox="1130 1062 1601 1094"><b>Expiration Date: October 25, 2020</b></p> <p data-bbox="573 1157 1060 1188"><b>TO: All NRC Employees</b></p> <p data-bbox="573 1251 1528 1325"><b>SUBJECT: INTERIM GUIDANCE ON THE AGENCY ACTION REVIEW MEETING</b></p> <p data-bbox="573 1430 1601 1692">On July 15, 2016, the U.S. Nuclear Regulatory Commission’s Industry Trends Program was eliminated in accordance with “<a href="#">Staff Requirements – SECY-16-0009 – Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities</a>.” The next revision of Management Directive (MD) 8.14, “Agency Action Review Meeting,” will reflect the elimination of the Industry Trends Program. This announcement serves as interim guidance.</p> <p data-bbox="573 1745 1547 1871">MD 8.14 currently directs Agency Action Review Meeting participants to discuss the Industry Trends Program, but the Industry Trends Program was eliminated as part of the agency’s Project AIM re-baselining</p>

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		<p>initiative. Therefore, this is no longer a requirement for an Agency Action Review Meeting.</p> <p style="text-align: center;"><i>/RA/</i></p> <p style="text-align: right;">William M. Dean, Director Office of Nuclear Reactor Regulation</p> <p>Management Directive Reference: MD 8.14, "<a href="#">Agency Action Review Meeting</a>," Handbook Section II</p>
	8/23/16	<p><b>Subject: Ethics Rules Concerning the Use of Online Professional Networking Sites</b></p> <p><a href="http://drupal.nrc.gov/announcements/yellow/policy-reminder/24440">http://drupal.nrc.gov/announcements/yellow/policy-reminder/24440</a></p> <p>ANNOUNCEMENT CATEGORY <b>Policy Reminder</b></p> <p>ML # <b>ML16236A384</b></p> <p>PUBLISH ON <b>Aug 24, 2016</b></p> <p style="text-align: right;"><b>Yellow Announcement:</b> YA-16-0085</p> <p style="text-align: right;"><b>Date:</b> August 23, 2016</p> <p style="text-align: right;"><b>Expiration Date:</b> June 27, 2021</p> <p><b>TO: All NRC Employees</b></p>

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		<p><b>SUBJECT: ETHICS RULES CONCERNING THE USE OF ONLINE PROFESSIONAL NETWORKING SITES</b></p> <p>The Office of the General Counsel (OGC) is publishing this announcement as a reminder to all employees that the Governmentwide ethical standards of conduct apply to their use of personal social media and online professional networking sites.</p> <p>In 2015, the Office of Government Ethics (OGE) <a href="#">published a legal advisory</a> to assist executive branch employees in ensuring that their personal social media activities comply with various ethics laws and regulations. OGC published <a href="#">Yellow Announcement 15-0075</a> to alert employees of the availability of this guidance and to summarize pertinent portions. This guidance addressed ethics implications of certain activities associated with online professional networking—for example, publicly “endorsing” the skills of others—at a high level.</p> <p>In this announcement, OGC is providing additional guidance with respect to the use of online professional networking or job-searching sites, such as LinkedIn, Indeed.com, or any similar online Web site. Specifically, this announcement focuses on (1) the ethics rules for employees who actively seek employment through online sites, and (2) the ethics appearance considerations for employees who post resumes or create profiles on such sites.</p> <p>Employees with additional questions on the guidance in this announcement or the ethics rules in general should contact an ethics counselor at <a href="mailto:Ethics.Resource@nrc.gov">Ethics.Resource@nrc.gov</a>. This announcement also will be published on the U.S. Nuclear Regulatory Commission’s (NRC’s) <a href="#">internal ethics Web page</a> under the “Ethics and Advice” tab.</p> <p><b>Seeking Employment Through Online Professional Networking</b></p> <p>OGE recently published a final rule amending provisions of the Standards of Conduct for executive branch employees that govern “seeking employment,” (<a href="#">81 Fed. Reg. 48.687</a>, July 26, 2016, effective August 25, 2016). While the</p>

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		<p>underlying substance of the rules themselves have not changed, OGE did codify as “Examples” some of its previous guidance on “seeking employment” through social media in an effort to modernize its regulations, as discussed below.</p> <p>The rules on seeking employment through online networking sites are no different than the rules that apply to seeking employment through more traditional means. There are two primary restrictions of which employees must be aware. First, under Federal criminal law, once an employee has begun “negotiating” for employment with a non-Federal entity, the employee is then prohibited from participating “personally and substantially” in any “particular matter” in which, to the employee’s knowledge, that entity has a financial interest (18 U.S.C. 208). This prohibition continues for the duration of the negotiations, or if an agreement is reached, for the duration of the employee’s Federal employment. Second, OGE regulations implementing this criminal prohibition may require employees to recuse themselves from matters involving a prospective employer at a stage earlier than employment “negotiations.” To help ensure that employees do not violate the criminal prohibition, OGE regulations require an employee to recuse himself or herself from particular matters that he or she knows would have a “direct and predictable effect” on a prospective employer once that employee has begun “seeking employment,” which encompasses a wider range of activity than actual “negotiations” (5 C.F.R. Part 2635, Subpart F).</p> <p>In the context of online professional networking sites, an employee who simply signs up for such sites and posts a profile or resume unconnected to any specific employer or position is not, without more, considered to be “seeking employment.” This is true even though an employee’s online profile may be publicly visible to prospective employers, or if the employee is notified that an individual has viewed his or her profile. However, if an employee uses an online professional networking site to actually apply for a job or send a message to someone about prospective employment, the employee is “seeking employment.” Additionally, if an employee receives an unsolicited communication through an online professional networking site regarding possible employment and the employee responds in any manner other than rejection, the employee is “seeking employment.” An employee who receives</p>

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		<p>an unsolicited online communication and does not respond at all, on the other hand, is not considered to be seeking employment. See 5 C.F.R. 2635.603(b), and ensuing Examples 4, 5, and 6 in the revised paragraph 2635.603(b).</p> <p>Additionally, employees who file public financial disclosure reports (OGE Form 278e) are required by the STOCK Act of 2012 to file a written statement with an agency ethics official within 3 business days of commencing employment negotiations or reaching an agreement, whichever occurs first. Such employees should contact <a href="mailto:Ethics.Resource@nrc.gov">Ethics.Resource@nrc.gov</a> to submit the proper paperwork. While only public financial disclosure filers are required by law to file these written statements, <b>all NRC employees are strongly encouraged</b> to contact an ethics counselor once they begin seeking employment to ensure that they understand the length and scope of their recusal obligations.</p> <p><b>Appearance Issues with Online Professional Networking</b></p> <p>Employees who have online profiles on professional networking sites must always consider the appearance of their online conduct, regardless of whether they are actively seeking employment. Public service is a public trust, and the purpose of the ethics standards is to ensure that every citizen can have complete confidence in the integrity of the Federal Government. Under the general principles of public service, employees must always endeavor to avoid creating even the <b>appearance</b> (from the perspective of a reasonable observer with knowledge of all relevant facts) that they are violating the ethics standards (5 C.F.R. 2635.101(b)(14)). Thus, when it comes to the content of an employee’s online resume or profile on a professional networking site, employees should keep the following guidance in mind.</p> <p>First, employees must of course always avoid online activity that constitutes an <b>actual</b> misuse of position to achieve a private gain. This applies to both the private gain of the employee and that of any other individual. The OGE Standards of Conduct provide specific examples of prohibited activity that are relevant in the context of professional networking. For example, employees may not include non-public information in an online resume, just the same as they may not divulge non-public information in any other medium (5 C.F.R.</p>



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		<p>2635.703). Additionally, employees may not use online professional networking sites in a way that can be reasonably construed as an endorsement by the NRC or the United States Government of an individual (including him or herself) or business (5 C.F.R. 2635.702(b)). As discussed in OGE’s guidance on social media activities, if an employee makes positive statements about another individual in a clear, personal capacity, where the employee’s Government title happens to be automatically included as part of his or her profile, there ordinarily will not be an impermissible appearance of an official endorsement. But employees must refrain from using language in their online statements that creates the appearance of making an official statement from the NRC that the employee is not authorized to make. Nor can employees use language that suggests the NRC is making an official statement in support of any product, service, or enterprise (5 CFR 2635.702(c)).</p> <p>In addition to actual misuses of position, employees must avoid tailoring their online resumes or professional profiles in a way that creates the <b>appearance</b> they are misusing their Government position to obtain private employment. Whether a resume or profile creates such an appearance is an inherently fact-specific determination, but employees must remember that the standard is that of a reasonable observer, regardless of the employee’s subjective intentions (5 C.F.R. 2635.104(b)(14)). Having an online resume or professional profile that includes objective facts about the employee’s professional history such as Government titles or duties performed does not, by itself, create an impermissible appearance that the employee is using his or her Government position as a means to obtain new employment. But if a reasonable member of the public would view an employee’s online profile as a whole and come to the conclusion, based on the employee’s choice of words, that he or she is actively seeking to obtain employment with a particular entity or industry that is regulated by the NRC or is affected by the performance of the employee’s duties, there is an appearance problem. Likewise, if the contents of an employee’s online profile would cause a reasonable member of the public to conclude that the employee is currently performing the duties of his or her position in a less-than-impartial manner to gain favor with a prospective employer or class of employers, there is an appearance problem. Again, whether the employee is <b>actually</b> engaging in such improper conduct is not relevant to the appearance concern. The only relevant</p>

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		<p data-bbox="573 254 1609 346">consideration is whether the online activity can reasonably be viewed as eroding the public trust.</p> <p data-bbox="573 401 1609 493">Employees with questions regarding any of the guidance included in this announcement should contact an ethics counselor at <a href="mailto:Ethics.Resource@nrc.gov">Ethics.Resource@nrc.gov</a>.</p> <p data-bbox="1154 537 1224 569" style="text-align: center;"><i>/RA/</i></p> <p data-bbox="1062 632 1317 709" style="text-align: right;">Margaret M. Doane General Counsel</p> <p data-bbox="573 810 1609 888">Management Directive Reference: MD 7.5, “<a href="#">Ethics Counseling and Training</a>,” Handbook Section I.E.</p>