



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

March 16, 2017

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 MARCH 2017

During the 641st meeting of the Advisory Committee on Reactor Safeguards (ACRS), March 9-11, 2017, the Committee considered the attached NRC communications as items for their awareness and any actions as appropriate. This memorandum documents the receipt of the 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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| NAME | QNguyen | QNguyen | MLBanks | ADVeil |
| DATE | 03/10/17 | 03/10/17 | 03/16/17 | 03/16/17 |

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Monthly Communication of Official NRC Notices to the ACRS

| Date | Subject |
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| 3/3/17 | <p><u>ADAMS P8 has been Decommissioned</u></p> <p>This is to inform all ADAMS users that ADAMS P8 has been decommissioned and replaced by ADAMS Navigator effective Friday, March 3, 2017. The ADAMS Navigator's Web-based user interface provides a variety of new functionality and features to aid in streamlining user access to documents, packages, and folders.</p> <p>OCIO is still offering opportunities for ADAMS Navigator Training including onsite demo sessions and Webinars. If you cannot make it to the remaining planned demo sessions, you can register for the following iLearn courses:</p> <p>ADAMS Navigator Basic (Course ID_277148)</p> <p>ADAMS Navigator Overview (Course ID_275148)</p> <p>For more information, visit the ADAMS Navigator Service Catalog Web page that includes a wealth of helpful resources including links to the ADAMS Navigator Quick Reference Guide, the ADAMS Navigator User Manuals, answers to Frequently Asked Questions, and links to online training, policies, and guidance.</p> |
| 2/23/17 | <p><u>Availability of Defensive Counterintelligence and Insider Threat Awareness Course</u></p> <p>The Staff Requirements Memorandum (SRM) SECY-10-0158, “Staff Options for a Potential Counterintelligence Program for Licensees Who Possess Uranium Enrichment Technologies and U.S. Nuclear Regulatory Staff,” dated February 1, 2011, and a Chairman Tasking Memorandum, dated March 28, 2012, required the creation of a counterintelligence (CI) awareness training program at the NRC. Additionally, Executive Order 13587, “Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information,” dated October 7, 2011, required the development and implementation of an Insider Threat Program at the NRC to include annual awareness training to the staff. This awareness training provides an overview of the NRC’s defensive CI and insider threat programs.</p> |

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| | <p>The Defensive Counterintelligence and Insider Threat Awareness Course (ID_4361) is now available in iLearn. This course will be assigned to all required users' To-Do Lists in iLearn on February 23, 2017. All employees, consultants, and contractors are required to complete this training by March 30, 2017.</p> <p>As a reminder, contracting officer's representatives (COR) must ensure contractors supporting their office have an iLearn account to access this training. This is coordinated through the Office of the Chief Information Officer (OCIO) and the Office of the Chief Human Capital Officer (OCHCO).</p> <p>Any questions or comments about the course content can be directed to Lance English, 301-492-3006, or Amy Roundtree, 301-415-7414. If you need assistance accessing these courses, please contact Training Support.</p> |
| 2/14/17 | <p><u>Subject: Summary of Changes to Ethics Gift Rules and Their Application to the Upcoming</u></p> <p style="text-align: right;">Yellow Announcement: YA-17-0019</p> <p style="text-align: right;">Date: February 10, 2017</p> <p style="text-align: right;">Expiration Date: June 27, 2021</p> <p>TO: All NRC Employees</p> <p>SUBJECT: SUMMARY OF CHANGES TO ETHICS GIFT RULES AND THEIR APPLICATION TO THE UPCOMING REGULATORY INFORMATION CONFERENCE</p> <p>All NRC employees are subject to the Standards of Ethical Conduct for Executive Branch Employees, codified in 5 C.F.R. Part 2635. The Office of Government Ethics (OGE) recently revised the regulations concerning the acceptance or solicitation of gifts from outside sources; the final rule (81 FR 81641; November 18, 2016) went into effect on January 1, 2017.</p> <p>The Office of the General Counsel (OGC) is providing a summary of rule changes that may have particular relevance to NRC employees. Employees who may be planning to attend extracurricular activities during the upcoming Regulatory Information Conference (RIC) should take note of these changes and how they may apply to their attendance at these activities. Guidance on this topic is provided at the end of this announcement. Employees who have questions on the applicability of these rules</p> |

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| | <p>should contact an ethics counselor listed on the internal ethics website or at Ethics.Resource@nrc.gov</p> <p>A. Considerations for Declining Otherwise Permissible Gifts</p> <p>The ethics rules prohibit NRC employees from accepting a “gift” (broadly defined to include essentially anything having monetary value) from a “prohibited source” (in essence, any person or entity that is regulated by or does business with the agency), or that is only given to the employee because of their federal position, unless a regulatory exclusion or exception applies. Exclusions to the definition of “gift” and exceptions to this gift prohibition are codified at 5 C.F.R. 2635.203(b) and 2635.204, respectively.</p> <p>In the recent update to its rules, OGE has created a new 5 C.F.R. 2635.201(b), which establishes values-based standards that employees should consider when deciding whether to accept a gift that is otherwise permissible. That is, even when an employee can permissibly accept a gift based on a regulatory exception, the employee should now <i>also</i> consider four factors when determining whether acceptance of the gift is nonetheless inappropriate from an appearance perspective. Specifically, an employee should determine whether it is appropriate to decline an otherwise permissible gift based on whether:</p> <ul style="list-style-type: none"> The gift has a high market value; The timing of the gift creates the appearance that the donor is seeking to influence an official action; The gift was provided by a person who has interests that may be substantially affected by the performance or nonperformance of the employee’s official duties; and Acceptance of the gift would provide the donor with significantly disproportionate access to the employee. <p>To be clear, these factors are expressly nonbinding, and employees do not violate the rules of ethics if they accept an otherwise permissible gift notwithstanding application of these factors. OGE has stated that its intention in codifying these factors is to shift an employee’s focus from “how can I accept this gift” to “<i>should</i> I accept this gift,” and thus an employee should consider declining an otherwise permissible gift if he or she believes that a reasonable person with knowledge of all relevant facts would question the employee’s integrity or impartiality as a result of accepting the gift. This is in recognition of the duty of all federal employees to avoid even the appearance that they are engaging in impropriety. Ethics counselors in OGC can assist employees in making these determinations, but these factors should always be contemplated by the individual employee in the first instance.</p> <p>B. Changes to the “Widely Attended Gathering” Exception</p> |

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| | <p>As discussed in Management Directive (MD) 7.9, “Ethics Approvals and Waivers,” one of the permissible gift exceptions is free attendance at a “widely attended gathering,” which is an event where a large number of persons with a diversity of views or interests are expected to be present (e.g., a conference open to the public or all members of a given industry or profession).</p> <p>Previously, the rules allowed NRC employees to accept a gift of “free attendance” at such an event (which includes the waiver of all part of an attendance fee, as well as food, refreshments, entertainment, or materials furnished to all attendees), if the appropriate official designated in MD 7.9 provided at least verbal approval of the employee’s attendance based on a finding that the attendance is in the interest of the agency. Documented <i>written</i> approval was only required where the invitation to attend the event came from a person who has interests that could be substantially affected by the performance of the employee’s duties (MD 7.9, Handbook Section I.E.).</p> <p>Under the revised rules, all authorizations for the acceptance of free attendance at a “widely attended gathering” must now be in writing (5 C.F.R. 2635.204(g)(3)). The designated approving official in MD 7.9 must consider a list of factors when determining whether the agency’s interest in the employee’s attendance outweighs any concerns of improper appearances. The listed factors include, but are not limited to: (1) the purpose of the event and the importance to the agency of employee’s attendance; (2) the identity of other anticipated attendees; (3) the market value of the free attendance; and (4) whether attendance would reasonably create an appearance that the donor is receiving preferential treatment or that the NRC is providing disproportionate access to persons with certain views or interests (5 C.F.R. 2635.204(g)(4)). OGC will be providing separate guidance to offices on the format of these written approvals, and corresponding changes to MD 7.9 reflecting this new requirement will be made in the MD’s next revision.</p> <p>As a reminder, this new written approval procedure does not apply to official NRC travel, nor does it create any new authority allowing persons other than the federal government to pay official travel expenses. The “widely attended gathering” gift exception is—and always has been—a means for employees to attend such events on their personal time or approved excused absence (i.e., the “gift” is to the individual, not the agency).</p> <p>C. Other Minor Changes</p> <p>“Speakers Meals” – The definition of “free attendance” at a widely attended gathering has always allowed employees to accept meals provided to all attendees as an integral part of the event. OGE has now expanded this definition to include “meals taken other than in a group setting with all other attendees” if the employee is a presenter at the event and is invited by the event’s sponsor to a separate meal for participating presenters. Thus, for example, an NRC employee who is presenting information on</p> |

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| | <p>behalf of the NRC at a conference may permissibly accept an invitation from the sponsor of the conference to a “speakers only” meal held on a day other than the day the employee is attending or presenting at the conference, without having to justify this separate meal under a different regulatory exception.</p> <p>Alcoholic beverages – As previously stated, the definition of “gift” includes a number of exclusions (i.e., items that are sufficiently modest or trivial such that OGE does not even consider them to be “gifts”) that are codified at 5 C.F.R. 2635.203(b). One of the most common exclusions is for “modest items of food and refreshments”, such as coffee and donuts that are “offered other than as part of a meal.” OGE has amended this exclusion to explicitly state that it only applies to “non-alcoholic” refreshments. This is a codification of a longstanding OGE interpretation of this exclusion.</p> <p>“Informational Materials” - Employees may now permissibly accept unsolicited gifts consisting of “informational materials” (for example, a free copy of a research publication), provided that the informational materials in question:</p> <ul style="list-style-type: none"> Are educational or instructive in nature; Were not primarily created for entertainment, display, or decoration; and Contain information that relates in whole or in part to the employee’s official duties, position, or profession; general subject matter, industry, or sector affected by the programs or operations of the NRC; or another topic of interest to the NRC’s mission. <p>Employees can only accept informational materials valued at \$100 or less from any one source in a calendar year, unless the employee receives a written determination allowing him or her to accept materials of higher value (5 C.F.R. 2635.204(m)).</p> <p>Disposal of impermissible gifts - Employees who accept a gift that is later determined to be improper under the ethics rules must dispose of that gift only in a manner permitted by 5 C.F.R. 2635.206. The most common forms of disposal are either returning the gift to the donor or reimbursing the donor for the fair market value of the gift. Employees are now permitted to dispose of such a gift by destroying it or permanently discarding it in a trash receptacle if the gift is tangible and valued at \$100 or less. Employees still may not donate improperly accepted gifts to charity or others, except in very limited circumstances (perishable items which are not practical to return).</p> <p>D. How these Changes Apply to Attendance at Extracurricular RIC Events</p> <p>NRC employees frequently ask OGC ethics counselors whether they are permitted to attend extracurricular events attendant to the RIC, such as parties or banquets that are hosted by applicants, licensees, or organizations that are regulated by or do business with the agency. With the regulatory changes described in this announcement in mind,</p> |

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| | <p>this year NRC employees should consider the following before attending extracurricular events associated with the RIC:</p> <p>(1) If an event is hosted by a “prohibited source” and the NRC employee anticipates they will receive something of monetary value if they attend (e.g., food, refreshments, entertainment, etc.), they should first and foremost consider whether their attendance would be appropriate under the standards listed above in Part A of this announcement.</p> <p>(2) If based on these standards the employee does not believe that attending will create a reasonable appearance of impropriety, or the appearance that the employee lacks impartiality, the employee can attend without receiving any prior approval if they do not receive more than \$20 in “gifts” from the prohibited source (i.e., the aggregate value of food, drinks, or other benefits received). The employee can only accept such gifts, however, if doing so does not put them in excess of \$50 in gifts received from the same source in the calendar year (5 C.F.R. 2635.204(a)).</p> <p>(3) If the employee anticipates they will receive more than \$20 worth of gifts (or if attendance would put them over \$50 in gifts received from the same source in the calendar year), the employee can attend the event on personal time (or, if approved, excused absence) if, in accordance with 5 C.F.R. 2635.204(g), they receive written approval from their office director that the event meets the definition of a “widely attended gathering” and that attendance at the event is in the agency’s interest. A copy of this written authorization, which can be provided via e-mail, should be forwarded to the OGC ethics team at Ethics.Resource@nrc.gov.</p> <p style="text-align: right;">/RA/</p> <p style="text-align: right;">Margaret M. Doane General Counsel</p> |
| 2/9/17 | <p><u>Cybersecurity Awareness: Handling Sensitive Information via E-mail</u></p> <p>The Office of the Chief Information Officer (OCIO) is issuing this announcement to all NRC staff. It addresses the controls for transmitting sensitive NRC data to e-mail accounts outside of the NRC network. It also provides NRC staff a means to protect their own private information if they</p> |

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| | <p>must e-mail a pay stub, W-2, or other sensitive information to themselves or a third party.</p> <p>E-mail sent outside the agency is not normally encrypted, and is sent through the internet as “clear text.” Anyone who intercepts the message can read it, including any attachments. Most e-mail service providers can also read unencrypted messages sent to personal e-mail accounts.</p> <p>Please use Citrix, VPN, Outlook Web Access, or MaaS 360 on your government furnished or BYOD device to access sensitive information when you are working remotely. Never send sensitive NRC information to your personal e-mail account or to any non-governmental, non-corporate account unless there is specific written authorization to do so.</p> <p>If you are required to share sensitive NRC information with someone outside the NRC who is authorized to receive it and has a need-to-know (e.g., another Federal agency, a licensee, etc.), then you must encrypt the information prior to sending it. NRC policy is to encrypt sensitive unclassified information using FIPS 140-2 validated encryption modules operated in FIPS mode. For more guidance and information, please see Section VI of Management Directive 12.5 “NRC Cybersecurity Program” dated October 05, 2015 (link).</p> <p>To provide FIPS 140-2 encryption, SecureZIP is available within the MS Office applications or from your NRC provided workstation. Instructions can be found in the NRC Service Catalog for enabling the FIPS mode in SecureZIP (link) and encrypting your e-mails and attachments in Outlook (link). Do not e-mail the passphrase (password) to the recipient(s). Use a different method (such as text or phone) to provide the passphrase to the recipient(s).</p> <p>You can also use SecureZIP to send yourself your own private information. A free version of Zip Reader can be downloaded to your home computer at: https://www.pkware.com/zip-reader.</p> <p>Your continued efforts to protect agency information will help to strengthen our cybersecurity program as well as our reputation as a viable steward of our stakeholders’ sensitive and proprietary information. Thank you.</p> |