

April 3, 2017

MEMORANDUM TO: Those on the Attached List

THROUGH Patricia K. Holahan, Director /RA/
Office of Enforcement

FROM: Lisamarie L. Jarriel /RA/
Agency Allegation Advisor

SUBJECT: ALLEGATION-RELATED E-MAIL TO ALLEGERS EXEMPT FROM
ENCRYPTION REQUIREMENTS

On February 9, 2017, the Office of the Chief Information Officer (OCIO) issued an announcement to all NRC staff addressing controls for transmitting sensitive NRC data to e-mail accounts outside of the NRC network (<http://drupal.nrc.gov/announcements/standard/itim-resources/26105>). Specifically, such information must be encrypted prior to being sent and the password needed to access the encrypted information should be provided to the recipient using an alternate method, such as by way of a phone call or text.

Management Directive 8.8, "Management of Allegations," requires correspondence such as acknowledgement, status and closure letters, be issued to allegers to ensure the NRC has properly stated the concerns, provided status to those concerns and provided the NRC's conclusion, respectively. This correspondence, and other allegation-related information that regularly involves communicating with allegers, may be transmitted to allegers by e-mail. Encrypting such communication, and potentially necessitating allegers to download encryption software in order to open e-mails concerning their allegations, could discourage use of the program. The Office of the Chief Information Officer (OCIO) agrees and confirms by concurrence on this memorandum that Allegation Program related e-mails sent to allegers are exempt from the encryption requirements that were the subject of the announcement referred to above. Notwithstanding this exemption, the staff must continue to inform allegers wishing to correspond by way of e-mail, that we cannot protect the information during transmission on the Internet. The Allegation Manual provides the following guidance related to this topic:

"When an allegation is received via e-mail and the e-mail does not include a phone number and/or a postal address, it is acceptable to correspond with an allexer via e-mail, provided the allexer has confirmed by phone, e-mail, or other means that he/she authored the e-mail and requests that NRC correspond with him/her via e-mail."

"When an allegation is received via e-mail and the e-mail does not include a phone number and/or a postal address, the following language should be used in the initial e-mail response:

'The NRC is in receipt of your e-mail dated _____. We are reviewing the information that you provided to determine what NRC follow-up activities will be conducted. If you would like the NRC to provide you with the results of our review, please contact (the appropriate Office Allegation Coordinator) at 1-800-xxx-xxxx. If you prefer a response

via e-mail, you may confirm that preference by contacting us by telephone, responding to this e-mail, or other means (facsimile, etc.). Please be advised that we cannot protect the information during transmission on the Internet and there is a possibility that someone else could read our response while it is in transmission to you. If you do not confirm your desire to communicate via the Internet by contacting us by telephone or responding to this e-mail, we will not transmit any additional information to you via the internet.”

“If an alleged’s request for NRC to correspond via e-mail is made in any way other than e-mail (e.g. during a conversation or indicated in a written letter), the OAC or designated staff member shall verify the accuracy of the e-mail address and ensure that the alleged understands internet security risks before transmitting alleged identifying information or providing the web link to NRC Brochure NUREG/BR-0240. The following language should be used in the initial e-mail response:

‘The NRC understands that you have requested correspondence via e-mail. To ensure that this information is correct, please confirm by contacting us by telephone, responding to this e-mail, or other means (facsimile, etc.). Please be advised that the NRC cannot protect the information during transmission on the internet and there is a possibility that someone else could read our response while it is in transmission to you. If you do not confirm your desire to communicate via the internet by contacting us by telephone or responding to this e-mail, we will not transmit any additional information to you via the internet.’”

If you have any questions regarding this information, please feel free to contact me at 301-287-9006 or Ms. Tamara Powell as indicated below.

cc:

S. Bakhsh, RIII	M. Gryglak, RIII	P. Pelke, RIII
D. Bearde, RI	S. Hawkins, OE	T. Powell, OE
L. Berger, RIV	M. Hay, RIV	J. Rollins, RIV
S. Bernal-Taylor, OE	J. Heller, RIII	R. Skokowski, RIII
B. Bickett, RI	M. Kowal, RII	K. Sloan, RII
A. Bolger, RI	S. Meighan, OE	N. Warnek, RI
M. Checkle, RII	S. Mendez-Gonzalez, RII	J. Weaver, RIV
C. Crisden, RI	C. Olteanu, RIII	D. Willis, OE
J. Crutchley, OE	S. Opara, OE	

CONTACT: Tamara D. Powell, OE/CRB
(301) 287-9437

Those on the Attached List

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SUBJECT: ALLEGATION-RELATED E-MAIL TO ALLEGERS EXEMPT FROM
ENCIPHERMENT REQUIREMENTS DATE: 4/3/2017

DISTRIBUTION:

See next page

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OFFICE	OE:AAA	OEDO:DEDM	OE:OD
NAME	LJarriel	SFlanders	PHolahan
DATE	03/27/2017	03/28/2017	04/03/2017

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MEMORANDUM TO THOSE ON THE ATTACHED LIST DATE: 4/3/2017

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 ENCRYPTION REQUIREMENTS

Margaret M. Doane, General Counsel	RidsOgcMailCenter Resource
Hubert T. Bell, Inspector General	RidsOigMailCenter Resource
Nader L. Mamish, Director, Office of International Programs	RidsOipMailCenter Resource
Michael R. Johnson, Deputy Executive Director for Reactor and Preparedness Programs, OEDO	RidsEdoMailCenter Resource
Frederick D. Brown, Deputy Executive Director for Materials, Waste, Research, State, Tribal, Compliance, Administration, and Human Capital Programs, OEDO	RidsEdoMailCenter Resource
Patricia K. Holahan, Director, Office of Enforcement	RidsOeMailCenter Resource
Kimberly A. Howell, Director, Office of Investigations	RidsOiMailCenter Resource
Vonna L. Ordaz, Acting Director, Office of New Reactors	RidsNroOd Resource (I)
Marc L. Dapas, Director, Office of Nuclear Material Safety and Safeguards	RidsNmssOd Resource
William M. Dean, Director, Office of Nuclear Reactor Regulation	RidsNrrOd Resource (I)
Michael F. Weber, Director, Office of Nuclear Regulatory Research	RidsResOd Resource (I)
Brian E. Holian, Director, Office of Nuclear Security and Incident Response	RidsNsirOd Resource (I)
Daniel H. Dorman, Regional Administrator, Region I	RidsRgn1MailCenter Resource
Catherine Haney, Regional Administrator Region II	RidsRgn2MailCenter Resource
Cynthia D. Pederson, Regional Administrator, Region III	RidsRgn3MailCenter Resource
Kriss M. Kennedy, Regional Administrator, Region IV	RidsRgn4MailCenter Resource

ATTACHMENT