

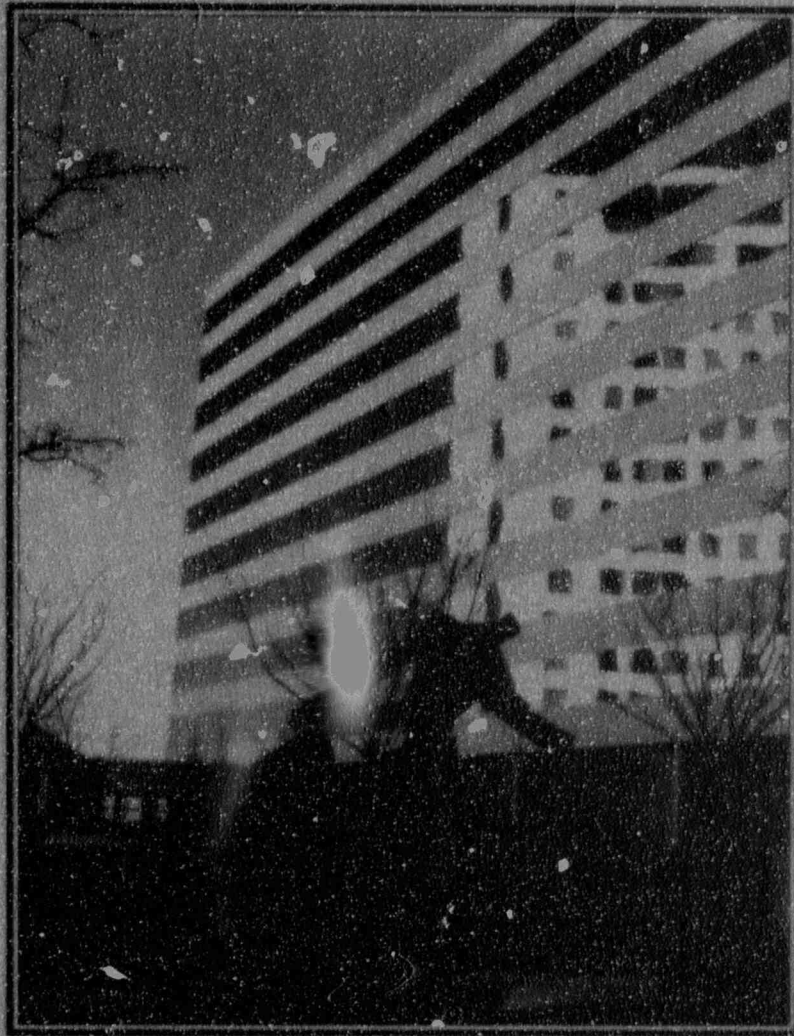
United States  
Nuclear Regulatory Commission



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# ACRS/ACNW Administrative Manual



*of  
DFOZ*

Advisory Committee on Reactor Safeguards  
Advisory Committee on Nuclear Waste

April 1987  
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PDR NUREG  
BR-0243 R PDR



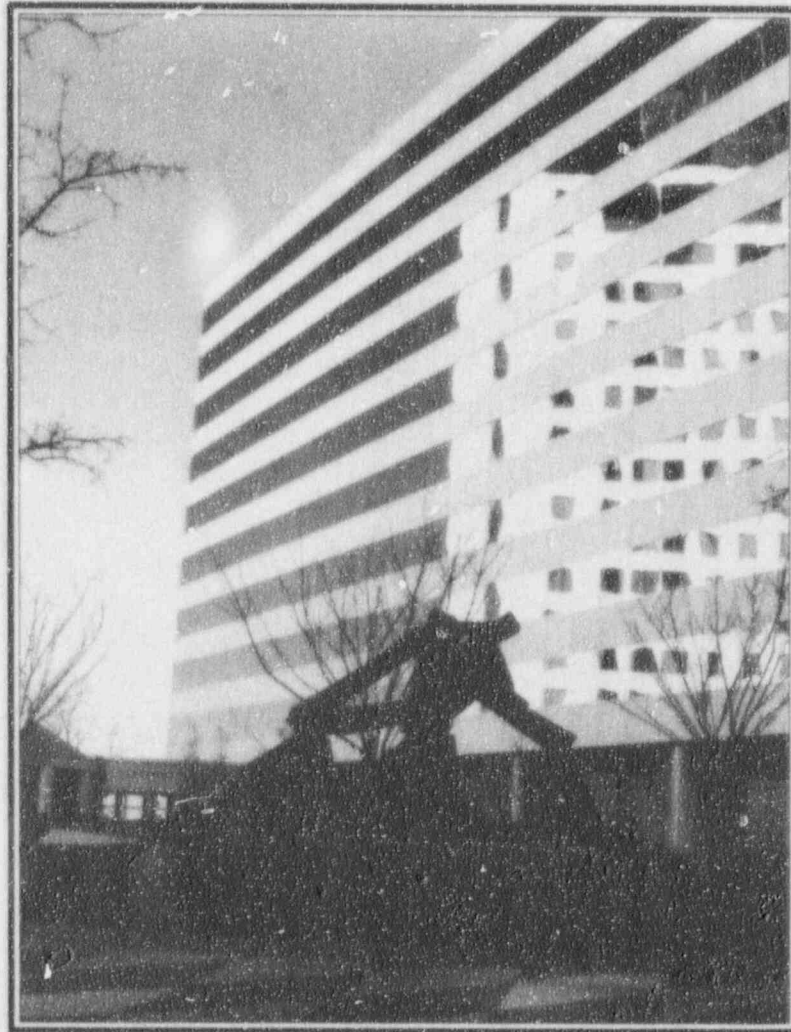
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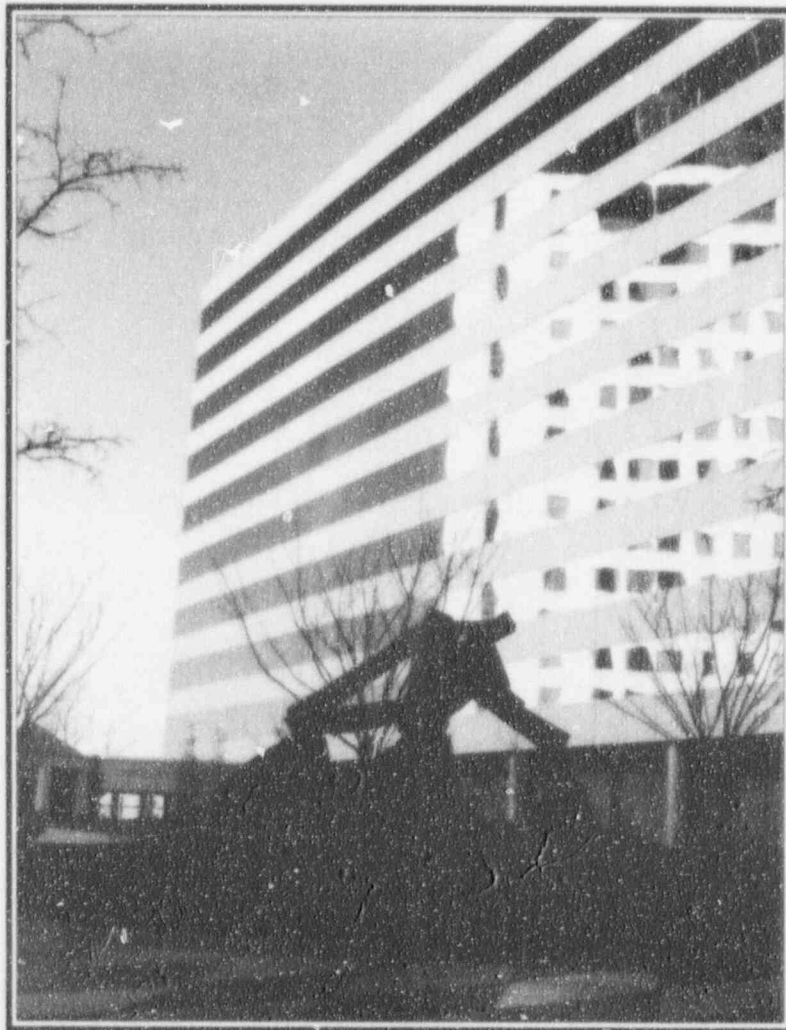
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## ACRS/ACNW Administrative Manual



Advisory Committee on Reactor Safeguards  
Advisory Committee on Nuclear Waste

April 1997

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# SECTION 1

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS AND ADVISORY COMMITTEE ON NUCLEAR WASTE

### 1.1 BACKGROUND/ORGANIZATION

Figure 1 depicts the organization of the Nuclear Regulatory Commission (NRC), including the Advisory Committee on Reactor Safeguards (ACRS) and the Advisory Committee on Nuclear Waste (ACNW). Paragraphs 1.1.1 and 1.1.2 describe the functions of the ACRS and ACNW respectively. Requirements applicable to the establishment, utilization, and termination of NRC Advisory Committees are contained in the Federal Advisory Committee Act (FACA) (Appendix A), the General Service Administration's Federal Advisory Committee Management Regulations<sup>1</sup>, and in 10 CFR Part 7, "Advisory Committees." (Appendix B)

#### 1.1.1 Advisory Committee on Reactor Safeguards

The history of the ACRS dates back to late 1947 when the Atomic Energy Commission (AEC) formed the Reactor Safeguards Committee (RSC) to serve as an advisory body to its Division of Research. In late 1950 a related committee, the Industrial Committee on Reactor Location Problems (ICRLP), was formed to conduct an evaluation of the hazards associated with the operation of production facilities. In July 1953, these two Committees were combined and the new Committee was named the Advisory Committee on Reactor Safeguards.

A 1957 amendment to the Atomic Energy Act of 1954 established the ACRS as a statutory Committee with functions assigned by statute. (Sections 29 and 182b. of the Atomic Energy Act of 1954, as amended<sup>2</sup>.) With the enactment of the Energy Reorganization Act of 1974<sup>3</sup>, the Committee was transferred intact from the AEC to the NRC. It is subject to Commission regulations set forth in 10 CFR Part 7<sup>4</sup>. The ACRS Charter and Bylaws are in Appendix C.

The Committee elects a Chairman and Vice-Chairman each year to carry out functions designated by the Committee. The term of office is for one year from January 1 to December 31, and either or both officers may be reelected to serve one additional consecutive one-year term.

The Committee reviews safety studies and facility license applications referred to it and makes reports thereon to the NRC, advises the NRC on the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards, and performs such other duties as the NRC may require. Upon request from the Department of Energy (DOE), the ACRS reviews and provides reports on U.S. Naval reactor designs, and also advises DOE with regard to the hazards of DOE nuclear activities and facilities. In addition, upon request, the ACRS provides technical advice to the DOE Defense Nuclear Facilities Safety Board. The ACRS, on its own initiative, may conduct reviews of specific generic matters or nuclear facility safety-related items. The ACRS is required to submit a report to Congress annually on NRC-sponsored reactor safety research.

# U.S. NUCLEAR REGULATORY COMMISSION

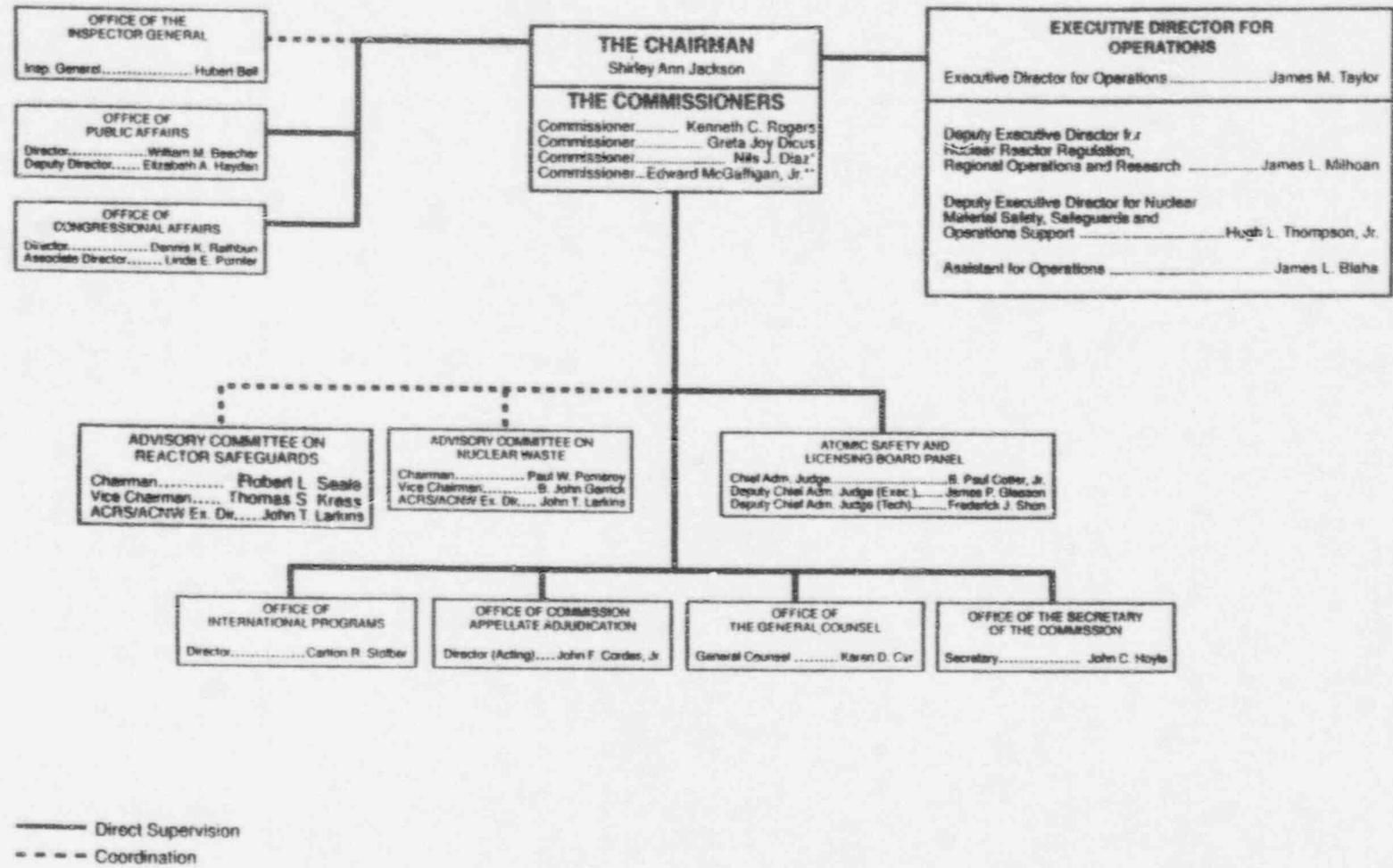


Figure 1 Organization of the Nuclear Regulatory Commission

In performing its activities, the ACRS evaluates such items as the suitability of proposed sites with respect to the effect the proposed plant may have on public health and safety, applications for proposed construction permits and operating licenses, and the effect of various features on the safety of nuclear plants. These include engineered safety features; plant security provisions and safeguards for protecting special nuclear material; the adequacy of the design, quality of construction, and competence of operating organizations; the training and qualification of operating personnel; quality assurance programs; operating and emergency plans; and periodic test and inspection programs for the facility.

The ACRS provides the Commission with independent reviews of, and advice on, the adequacy of standard plant designs and the test programs to support design certification for those plants. It also provides advice on the safety of proposed and operating nuclear plants as well as on safety-related policy matters; rules and regulations; regulatory guides; generic letters; elements of the NRC safety research program; prioritization and resolution of generic safety issues (GSIs); and implementation of the requirements resulting from the resolution of GSIs.

#### **1.1.2 Advisory Committee on Nuclear Waste**

The ACNW was established by the Commission in June 1988 to provide it with independent reviews of, and advice on, nuclear waste disposal facilities, as directed by the Commission, including application to such facilities of 10 CFR Parts 60<sup>5</sup> and 61<sup>6</sup> and other applicable regulations, and legislative mandates such as the Nuclear Waste Policy Act<sup>7</sup>, the Low-Level Radioactive Waste Policy Amendments Act<sup>8</sup>, and the Uranium Mill Tailings Radiation Control Act<sup>9</sup>, as amended. The ACNW Charter Bylaws are in Appendix C.

The primary emphasis of the ACNW is on nuclear waste disposal facilities. In performing its work, the Committee reviews and reports on those areas of concern referred to it by the Commission or its designated representatives, and will undertake other studies and activities on its own initiative related to those issues identified by the Commission. The Committee will interact with representatives of NRC, ACRS, other Federal agencies, State and local agencies, Indian Nations, private organizations, etc., as appropriate to fulfill its responsibilities.

The Committee elects a Chairman and Vice-Chairman each year to carry out functions designated by the Committee. The term of office is for one year from July 1 to June 30, and either or both officers may be reelected to serve one additional consecutive one-year term.

#### **1.1.3 Division of Responsibilities between ACRS and ACNW**

A memorandum from the Executive Director, ACRS/ACNW, to the Chairman, NRC, dated July 11, 1990, established an interface in areas of mutual interest to the two Committees, particularly in the area of decommissioning nuclear facilities. (Appendix D) A Joint Subcommittee has been established, on a trial basis, to review issues of interest to both ACRS and ACNW.



## 1.2 STAFF RESPONSIBILITIES

Figure 2 depicts the organization of the ACRS and the ACNW. The following paragraphs describe the responsibilities of the ACRS/ACNW staff. Reorganization Plan No. 1 of 1980 (NRC)<sup>10</sup> mandated that the Commission delegate the function of appointing, removing, and supervising the staff of the ACRS (the ACNW did not exist at that time) to the Chairman of the ACRS. At the time of the establishment of the ACNW, the Commission directed that staff support for the ACNW be provided from the resources allocated to the ACRS. For a listing of current staff and their specific responsibilities, see Appendix E.

### Executive Director

The Executive Director is responsible for coordinating technical, management, and administrative support for the ACRS and ACNW. This includes managing the ACRS and ACNW technical and administrative staffs; maintaining liaison with the Commission, the Executive Director for Operations (EDO), Directors of NRC Program Offices, NRC staff, and others to provide for conducting ACRS and ACNW activities in a manner responsive to the needs of the Commission; and providing overall program direction and associated resource management.

The Executive Director is also responsible for the process used to select candidates to be recommended to the Commission for appointment to both ACRS Committees. These responsibilities include convening a selection panel, chairing its meetings, and conveying its recommendations to the Commission. The ACRS or ACNW Members may also recommend candidates to the selection panel or to the Commission, as they see fit.

### Deputy Executive Director

The Deputy Executive Director assists the Executive Director in managing the technical and administrative support staffs necessary for the operation of the ACRS and the ACNW. This includes providing support in managing the ACRS Fellowship Program (Appendix F) and associated support staff; establishing priorities, schedules, and resource allocations; resolving conflict-of-interest issues; and approving new consultants to the ACRS and ACNW.

### Chief, Nuclear Reactors Branch

The Chief, Nuclear Reactors Branch, coordinates the activities of the ACRS, ACRS consultants, NRC staff, and other participants in ACRS reviews; provides technical support for ACRS activities; and manages the ACRS Nuclear Reactors Branch staff.

### Chief, Nuclear Waste Branch

The Chief, Nuclear Waste Branch, coordinates the activities of the ACNW, ACNW consultants, NRC staff, and other participants in ACNW reviews; provides technical support for ACNW activities; and manages the ACNW Nuclear Waste Branch staff.

**U.S. NUCLEAR REGULATORY COMMISSION**

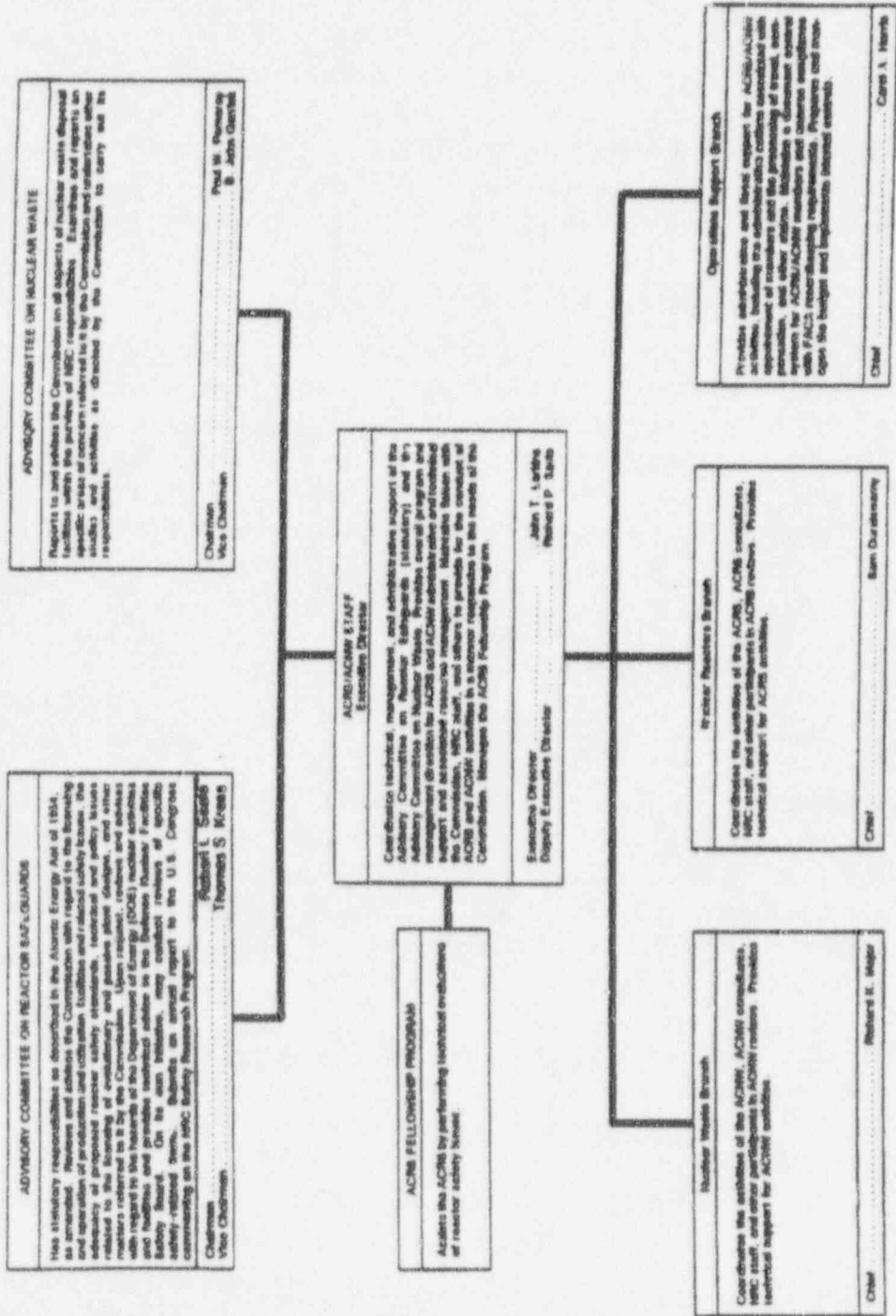


Figure 2 Organization of the Advisory Committee on Reactor Safeguards and Advisory Committee on Nuclear Waste (ACRS/ACNW)

#### Chief, Operations Support Branch

The Chief, Operations Support Branch (OSB), coordinates administrative and fiscal support for Committee activities, including the administrative actions associated with the appointment of Members and consultants, and with processing travel, compensation, and other claims; maintains a document control system for Committee Members and ensures compliance with FACA recordkeeping requirements; assumes responsibility for preparation and management of the budget and the implementation of internal controls; and manages the OSB staff.

### **1.3 DESIGNATED FEDERAL OFFICIAL**

The Designated Federal Official (DFO) ensures that meetings are conducted in accordance with the provisions of FACA (Appendix A), attends meetings, checks for potential conflicts of interest for Members and consultants attending the meeting, orients new Committee Members, prepares agendas and minutes for the meetings, tracks Committee recommendations, and obtains Agency responses. The DFO also ensures that the FACA-related records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agendas or other documents that are made available to, or prepared by, the Committee are placed in the Agency's system of FACA records. The DFO ensures that meetings are conducted in a manner that is consistent with the public interest and can adjourn it when an adjournment is in the public interest.

### **1.4 DELEGATIONS OF AUTHORITY**

Appropriate delegations of authority are made to enable the heads of organizational components to make commitments or take other action to carry out their assignments. Determining authority to be delegated is a line supervisory action. The scope of the authority is determined by the delegating official (subject to the limitations of the official's authority). For specific guidelines, refer to Management Directive (MD) 9.4, Part IV, "Standards for Delegation of Authority."<sup>11</sup>

The ACRS/ACNW managers and supervisors are required to delegate authority, in writing, to an immediate subordinate to act for them when they are required to be absent from the office for eight hours or more (e.g., annual or sick leave, official travel, training). The memorandum is distributed to the ACRS/ACNW Office staff by e-mail. [The Executive Director's office will log in each delegation of authority and retain the memorandum for a year.]

For Official Delegations pertaining to ACRS/ACNW, refer to Appendix G, "Delegation of Authority." [NOTE: **Certain responsibilities cannot be delegated. For example, the Office Director or Deputy Director authorizes the appointment of a Consultant, Expert, or Member. This authority cannot be redelegated.**]

## **SECTION 2 ADMINISTRATION**

### **2.1 PERSONNEL MANAGEMENT**

#### **2.1.1 Overview**

The ACRS/ACNW Office abides by rules and regulations established by the NRC's Office of Personnel (OP). Major functions include staffing, performance plans and appraisals, promotions, incentive awards, benefits, leave administration, time and attendance, executive and management development, training, labor relations, and equal employment opportunity. The OSB assists managers in accomplishing these functions.

#### **2.1.2 Staffing**

Staffing is the process of filling new or vacant positions with qualified applicants. The process includes recruiting, screening, selecting, recommending, and hiring new employees. When a vacancy occurs or a new position is established, a "Request for Personnel Action," SF 52, (Exhibit 1) is initiated. All proposed personnel actions are coordinated through appropriate management channels to the OSB. In addition, the OSB develops the ACRS/ACNW staffing plan annually for approval and signature by the Executive Director.

#### **2.1.3 Performance Plans and Appraisals**

##### **2.1.3.1 Senior Executive Service (SES)**

Each incumbent of an NRC Senior Executive Service (SES) position must be appraised and rated on performance in accordance with the time schedules established by the Performance Review Board if the executive has served in an NRC SES position for at least 120 calendar days before the end of the rating period. The annual rating period for members of the SES begins on July 1 and ends the following June 30.

The supervising executive of each senior executive shall appraise the performance of a senior executive on NRC Form 351, "Senior Executive Service Performance Plan and Appraisal," (Exhibit 2) which is located on the computerized Automated Performance Appraisal System (APAS). Mid-year reviews are conducted verbally and are required in January of each year. Concurrent with the written performance appraisal, the executive must be provided with a new performance plan by July 31 of each year.

All SES members must be recertified every three years. See MD 10.136, "SES Recertification Program,"<sup>12</sup> for detailed information.

The ACRS Chairman is the supervising executive of the Executive Director, ACRS/ACNW, and the NRC Chairman is the reviewing official. The Executive Director is the supervising executive for the Deputy Executive Director and the ACRS Chairman is the reviewing official. See MD 10.137, "SES Performance Appraisal System,"<sup>13</sup> for detailed information.



### 2.1.3.2 Non-Senior Executive Service (Non-SES)

The reporting period for performance plans and appraisals runs from October 1 to September 30 of each fiscal year. New employees must be provided a plan within 30 days and must have worked under the plan for 120 days prior to receiving an appraisal. Anyone expected to work for ACRS/ACNW for a period of 120 days or more (e.g., a rotational employee) should be provided "*Elements and Standards*" for the position to be filled.

The NRC non-SES performance appraisal system described in MD 10.67, "Non-SES Performance Appraisal System,"<sup>14</sup> includes individual performance plans, mid-year progress reviews, and annual performance reviews. Each of these reviews plays an important role in employee development. Detailed descriptions of the review elements and procedures for execution are contained in MD 10.67.

The performance plan is prepared by the supervisor, ideally with the employee's participation. The plan contains critical elements of performance and performance standards. Critical elements of performance are those categories of duties and responsibilities that contribute to organizational effectiveness, and which, if performed in a substandard manner, would result in unacceptable performance in the position. Performance standards are quantitative and qualitative measures of effectiveness. These standards encompass such elements as quality of work expected, quantity of work anticipated, and timeliness of output.

The performance plan is documented (APAS System) on NRC Form 412A, "Non-SES Performance Appraisal System Performance Plan" (Exhibit 3). It is reviewed by a designated reviewing official for adequacy and consistency with other plans, and signed by the supervisor and reviewing official when satisfactory. The supervisor delivers the performance plan to the employee, discusses its contents, and requests a signature acknowledging receipt. If the employee refuses to sign the performance plan, and changes cannot be agreed upon, the supervisor will obtain a non-involved third party to witness the delivery.

Mid-year progress reviews are conducted verbally by the individual supervisor. The progress review normally occurs near the end of March each year. This review provides an opportunity for the supervisor to discuss with the staff member his or her performance in relation to the previously established performance goals. Both the employee and the supervisor sign Form 412A as verification that the mid-year review occurred.

Performance appraisals are formal documents, prepared by the supervisor to describe the staff member's performance of duty over the year. September 30th is the end of the rating period. The supervisor uses Forms 412A and 412, "Non-SES Performance Appraisal System Summary Rating," (Exhibit 4) to document the employee's performance. Form 412 is signed by the supervisor and given to the reviewing official for signature. The supervisor then presents the appraisal to the employee, discusses it, and requests a signature acknowledging receipt (not concurrence). If the employee refuses to sign Form 412, the supervisor will obtain a non-involved third party to witness the delivery.

An employee who disagrees with the supervisor's summary rating or rating of record may grieve it under provisions established in MD 10.101, "Employee Grievances,"<sup>15</sup> or for bargaining unit employees, in the Grievance Procedures article of the Collective Bargaining Agreement Between the NRC and the National Treasury Employees Union. When a rating is changed as a result of a grievance, the revised rating shall be placed in the Employee Performance Folder in lieu of the contested rating and becomes the rating of record.

Concurrent with the written performance appraisal, the staff member and the supervisor develop a new performance plan for the next performance appraisal year. The performance plan describes the goals and objectives of the staff member that support the supervisor's goals and objectives for the assigned mission and tasks. During this process, the staff member and the supervisor reach agreement on the goals and objectives for the next period. Performance plans for the next rating period must be in place by October 31.

#### **2.1.4 Performance and Incentive Awards**

Performance and incentive awards are used to recognize the efforts of individual ACRS/ACNW staff members. In addition to cash awards for performance and special acts, sustained high levels of performance may be recognized with a step pay increase.

The ACRS/ACNW Executive Director uses performance and incentive awards to recognize exceptional performance by ACRS/ACNW staff members. Awards may be made for long-term performance or for a single, special action. Such awards may be made following the performance appraisal review, as recommended by the supervisor, or at any time when exceptional performance for a specific act is identified.

Performance awards recognize individual performance of duty, based on the rating of record for the current appraisal period. Performance awards are in the form of cash awards. Any employee who receives an "Outstanding" performance appraisal shall be considered for a performance award. Supervisors recommend staff members for cash awards by initiating NRC Form 52.

To recommend a staff member for a performance or incentive award:

1. ACRS/ACNW supervisors make recommendations for awards and forward them through the management chain to the Executive Director for approval. The Executive Director may also initiate awards independently of supervisors.
2. OP approves the award recommendations and completes the award process.

## **Types of Awards**

### **Superior Accomplishment**

NRC Distinguished Service, Meritorious Service, and Commendation Awards may be given for career-oriented achievements or significant contributions to the NRC mission or programs. See MD 10.72, "Incentive Awards,"<sup>16</sup> for further information.

### **Certificate of Recognition (Instant Cash)**

The ACRS/ACNW Executive Director can present "instant cash" awards up to \$200.00 and a "Certificate of Recognition" to recognize staff members who have performed in an exceptional manner for a specified, short-term task. Supervisors recommend staff members for "instant cash" awards by initiating Form 52. The ACRS/ACNW Executive Director approves and forwards Form 52 to the Travel Services Section, Office of the Controller.

### **High-Quality Increase**

A High-Quality Increase (HQI) is an increase in rate of pay based on sustained performance of duty at the "Outstanding" or "Excellent" level. HQIs are used to recognize high-quality performance by authorizing a step increase.

Recommendations for HQIs are supported by the staff member's most recent rating of record. The high quality of performance must normally be demonstrated for at least six months, and be expected to continue. Supervisors recommend staff members for an HQI by initiating NRC Form 52.

### **Employee Suggestions**

Another type of award is the Employee Suggestion Award. Employees with ideas for improving the effectiveness or efficiency of ACRS/ACNW operations or NRC operations should document the idea on NRC Form 363, "Employee Suggestion," (Exhibit 5) and submit it to their supervisor. The suggestion will be evaluated as described in NRC MD 10.67<sup>17</sup>. Those having merit and demonstrating quantifiable benefits will be eligible for a cash award based on benefits expected to be derived in the first year of implementation.

### **2.1.5 Benefits**

Employee benefits are administered by OP. These include survivor benefits, health benefits, retirement benefits, unemployment compensation, and compensation for occupational injuries or illness. These benefits are described in MD 10, Part 5, Subpart A, "Benefits, Health Services, and Employee Safety"<sup>18</sup>.

#### **2.1.5.1 Federal Employees Group Life Insurance (FEGLI)**

All new permanent employees are automatically eligible for life insurance. Basic life insurance coverage may be waived within 31 days of entrance or first duty date, but is automatic unless waived within that time period.

If a staff member initially waives participation in FEGLI, under certain circumstances he or she may later elect new or increased coverage. See OP for specific criteria and procedures.

#### **2.1.5.2 Survivor Benefits**

Survivor benefits may include unpaid compensation, FEGLI, and/or Civil Service Retirement/Social Security payments. Survivor benefits may also include an annuity to the widow or widower, or any children under age 22, if death occurs while employed. In the event of death, survivor benefits will be paid to the beneficiary designated by the employee. Contact OP for assistance in designating a beneficiary.

#### **2.1.5.3 Federal Employees Health Benefits (FEHB)**

ACRS/ACNW permanent staff must individually register for the health insurance plan of choice. Selection of health benefit coverage must occur within 31 days of appointment, or during the "open season" for registration. Open season, which occurs each November, provides an opportunity for employees to select or change their existing health benefit coverage.

#### **2.1.5.4 Retirement Benefits**

Employees nearing eligibility for or considering retirement should contact OP for information and advice on their rights and obligations under the retirement, health benefits, and life insurance programs. OP can provide specific information pertaining to the Federal Employees Retirement System (FERS)<sup>19</sup>, the Civil Service Retirement System (CSRS)<sup>20</sup>, and the Thrift Savings Plan<sup>21</sup>. Employees who are eligible for military retirement pay should contact their military retirement pay office and OP for specific information on their options regarding FERS, CSRS, and Social Security.

Employees nearing retirement may contact OP to request a printout with an estimated annuity payment. ACRS/ACNW staff members desiring to submit requests for retirement should consult with OP to obtain and complete the necessary forms.

#### **2.1.5.5 Unemployment Compensation**

ACRS/ACNW staff members submit claims for unemployment compensation to their own local government employment offices. OP will assist employees who lose their positions because of reductions-in-force (RIF) by providing substantiating documentation.



### **2.1.5.6 Occupational Illness and Injury**

The Federal Employees' Compensation Act (Appendix H) provides monetary compensation, medical care and assistance, vocational rehabilitation, and re-employment rights to Federal employees who sustain disabling injuries or illness resulting from employment with the Federal government. An occupational injury is a wound or other condition caused by external force, including stress or strain. An occupational disease is defined as an illness or condition caused by systemic infections, continued or repeated stress or strain, or exposure to hazardous substances or conditions in the work environment.

ACRS/ACNW staff members and their supervisors submit notification of occupational injuries and illness to OP using Form CA-1 "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" (Exhibit 6) or Form CA-2 "Notice of Occupational Disease and Claim for Compensation" (Exhibit 7). Forms may be obtained from OP. In the event of injury, the employee's supervisor must be notified verbally within 48 hours of occurrence, and in writing within 30 days. In the case of an illness, notification must be made within 30 days after becoming aware of the illness and its possible relationship to employment. Procedures for submission are contained in MD 10, Part 5, Subpart A<sup>22</sup>.

### **2.1.6 Leave Administration**

ACRS/ACNW Leave Administration covers annual, sick, court, and military leave. See MD 10, Part 2, Subpart C, "Position Evaluation, and Management, Pay Administration, and Leave"<sup>23</sup> for a detailed discussion of excused absences and absence in a duty status.

#### **2.1.6.1 Sick Leave**

ACRS/ACNW staff members may take sick leave for illness or injury, for medical, dental, or optical examinations or treatment, or for pregnancy or confinement. The Time and Attendance (T&A) clerk will record the sick leave hours taken on NRC Form 704 (Exhibit 8). When the staff member knows in advance that sick leave will be taken, he or she requests the leave in the same manner as annual leave. Supervisors may require a medical certificate if such leave exceeds 3 consecutive full work days.

Sick leave may also be used to provide care for a family member and to make arrangements necessitated by the death of a family member or to attend the funeral of a family member, under certain conditions. The policies for using sick leave for these purposes are described in Appendix I.

Sick leave is accrued at the rate of 4 hours per pay period. There is no maximum limit on the amount of sick leave that may be accrued.

If a staff member has used all accrued sick leave, up to 30 days (240 hours) advance sick leave may be granted by the leave approving official. A request for advance sick leave may be

approved regardless of whether the staff member has annual leave available. See OP for specific criteria and the requisite forms for requesting advance sick leave.

### 2.1.6.2 Annual Leave

Annual leave is accrued at different rates depending on length of service. The following table outlines these rates:

Length of Service	Rate of Accrual*
First 3 years	4 hours per pay period
3-15 years	6 hours per pay period
More than 15 years	8 hours per pay period

\* The maximum carry-over from one leave year to the next is 240 hours for non-SES employees.

To take annual leave:

- a. The staff member requests approval from his or her immediate supervisor. Requests shall be approved or denied promptly.
- b. The staff member fills out SF 71, "Application for Leave," (Exhibit 9) to request annual leave if leave in excess of 3 working days is requested.
- c. The staff member submits the leave slip to his or her supervisor for approval.
- d. Upon approval, the supervisor or employee provides the SF 71 to the T&A clerk.
- e. If disapproved, the supervisor returns the SF 71 to the employee.
- f. The T&A clerk records the leave time taken on the electronic T&A system and forwards a printed copy to the employee for verification and to the supervisor for certification. The T&A clerk keeps the original records.

### 2.1.6.3 Religious Observance

An employee may alter his or her work schedule when personal religious beliefs require absence from work during certain periods of the workday or workweek. In this instance, an employee makes the request in writing to his or her supervisor, stating the reason for the absence and the dates requested. Employees may work either before or after the grant of religious time off, normally within one pay period, and may accrue the time by working before or after regular working hours, on weekends, or on Federal holidays. MD 10.42 "Hours of Work and Premium Pay"<sup>24</sup> gives further information on this form of leave.

#### **2.1.6.4 Court Leave**

Court leave is the authorized absence of an employee, without charge to other forms of leave or loss of pay, for jury duty, or to serve as an official or unofficial witness in a court of law. Eligibility criteria, special rules, and request procedures are detailed in MD 10.62 "Leave Administration".<sup>25</sup> Documentation must be submitted to the T&A clerk.

#### **2.1.6.5 Military Leave**

Military leave is the absence from duty, without charge to other forms of leave or loss of pay, for members of reserve components of the Armed Forces while on active military duty or in training. Procedures for requesting and administering military leave are covered in MD 10.62 "Leave Administration".<sup>26</sup> Documentation must be submitted to the T&A clerk.

#### **2.1.6.6 Excused Absences**

An excused absence is an administratively authorized absence from duty, which is not charged to leave of any kind and for which there is no loss of compensation. Ordinarily, excused absences are authorized on an individual basis, except where an installation is closed, or a group of employees is excused from work for various purposes.

The situations where an employee may be administratively excused from duty and that are considered excused absences include office closings, tardiness, brief absence during the workday, medical examinations or attention (in certain specified cases), blood donation, voter registration and voting, absence for Armed Forces funerals, conferences and conventions (nonofficial attendance), examinations (outside professional or technical organizations), and certain circumstances when in official travel status. See MD 10.62<sup>27</sup> for detailed information.

#### **2.1.6.7 Absence in a Duty Status**

In certain situations, an employee's time away from assigned duties for official government business or other activities in the government's interest during designated working hours may be considered as duty status. No leave of any kind is charged for this absence, and it is not considered an excused absence.

The employee's time away from assigned duties must be clearly related to agency functions and work requirements. Situations where time away from assigned duties will be considered as duty status and not as excused absence include, but are not limited to, fitness-for-duty medical examinations, vaccinations or immunizations, injury in line of duty, conferences and conventions (official representation), union representation functions, participation in Civil Defense activities, some job placement interviews and examinations, and travel to seek permanent residence. Leave-approving officials normally have authority to approve absences in a duty status. Detailed information on this subject may be found in MD 10.42, "Hours of Work and Premium Pay".<sup>28</sup>

### 2.1.6.8 Leave Without Pay

Leave without pay (LWOP) is a temporary absence from duty in a nonpay status. It may be granted at the discretion of the employee's leave-approving official upon the employee's request. It does not include nonpay status on days for which the employee would be paid on an overtime basis, nor does it include days on which the employee is not scheduled to work.

As a basic condition for approval of extended LWOP, there should be reasonable expectation that the employee will return at the end of the approved period. In addition, it should be apparent that at least one of these benefits will be the result:

- Increased job ability.
- Protection or improvement of the employee's health.
- Retention of a desirable employee.

Each request for LWOP should be examined closely to ensure that the value to the ACRS/ACNW or the needs of the employee are sufficient to offset the costs and administrative inconveniences that result from the retention of the employee in an LWOP status.

Procedures for requesting LWOP differ depending on the expected length of the leave period. If it is for thirty days or less, an SF 71 (Exhibit 9) is submitted with the time and attendance report to the payroll office, after approval by the employee's supervisor. Any request for LWOP in excess of thirty days is processed by preparing a "Request for Personnel Action" (SF 52) (Exhibit 1) upon approval by the employee's supervisor. The nature of the action will be shown as "*Leave Without Pay*."

### 2.1.6.9 Restoration of Leave

Restoration of leave is the process whereby ACRS/ACNW staff members who are unable to use accrued annual leave, for very specific reasons, and are in danger of its forfeiture, may ask to carry leave over to the next year. The Executive Director encourages employees to use leave rather than rely on the possibility that it may be restored. OP has authority to restore up to 208 hours of leave to be carried over to the next year.

To qualify for restoration of leave, the staff member must have been unable to take leave due to illness or the exigencies of service. To request restoration of leave:

- a. The staff member must have requested the leave in writing (using SF 71) at least three pay periods before the end of the leave year, and had the leave disapproved or canceled due to an exigency of service.
- b. The staff member must complete NRC Form 328, "Request for Annual Leave Restoration Based on Exigency of Public Business." (Exhibit 10)

- c. Form 328 and the SF 71 containing the disapproved or canceled leave are then submitted to the ACRS/ACNW Executive Director for signature and forwarded to OP for approval and processing.

#### **2.1.6.10 Compressed Work Schedule**

A Compressed Work Schedule (CWS) is a system whereby a full-time employee works 80 hours in a pay period in fewer than 10 workdays, with appropriate prior approval. For example, under the NRC CWS Program, employees may work eight 9-hour days and one 8-hour day in one pay period, instead of 10 8-hour days. Additionally, the ACRS/ACNW CWS Pilot Program allows employees who must work on Saturday or who work more than 9 hours a day during Committee meetings to change to a special compressed tour of duty for the pay period during which an ACRS or ACNW full Committee, Subcommittee, or Working Group meeting is held. Under the special compressed tour of duty, employees may be scheduled to work up to 12 hours a day, but no more than two 12-hour days will be scheduled in any pay period; irregular hours may be scheduled on one Saturday of the pay period, and night work cannot exceed three scheduled hours per employee. To compensate for the irregular hours worked, participants are often able to arrange their work schedules to include two weekdays off during the pay period. Participation in the CWS Pilot Program is voluntary.

#### **2.1.6.11 Credit Hours**

Employees working flexitour work schedules are permitted to obtain credit hours for working more than normally scheduled hours per day, with prior written approval. An employee may work a maximum of 3 1/4 credit hours per work day, but may not earn credit hours on Saturdays, Sundays or holidays. No more than 24 credit hours may be carried over from pay period to pay period for full-time employees. Employees are approved to work credit hours when to do so benefits the government.

#### **2.1.6.12 Overtime and Compensatory Time**

When employees perform work in excess of the basic work day or week that is officially requested or approved in advance, they are compensated either by overtime pay or by compensatory time. Overtime rates are computed at one and one-half times the hourly rate of basic pay up to the GG-10 grade level. Compensatory time is the time off from work given employees instead of overtime pay for irregular or occasional overtime. When appropriate, it is granted at a rate of one hour compensatory time for each hour spent in nonregular or occasional overtime work. MD 10.42, "Hours of Work and Premium Pay"<sup>29</sup> gives further information on this subject.

#### **2.1.7 Labor Relations**

The subject of labor relations encompasses a wide range of issues. These include employee grievances, labor-management relations, disciplinary actions, adverse actions, and separation. Full descriptions of these issues and the procedures to be followed are found in MD 10.102,



"Labor-Management Relations Program for Federal Employees"<sup>30</sup> and in the Collective Bargaining Agreement between the NRC and the National Treasury Employees Union (NTEU).

An ACRS/ACNW Partnership Committee consisting of management representatives and Bargaining Unit employees meets as needed to discuss pertinent labor relations issues.

Within ACRS/ACNW, the Chief, OSB, is the point of contact for all questions regarding labor relations. When questions arise, the Chief, OSB, will provide staff members with pertinent information and will arrange coordination with the appropriate office to resolve the issue. Employees may also contact Labor Relations in OP or the Union, NTEU Chapter 208.

## **2.2 TIME AND ATTENDANCE**

### **2.2.1 Time and Attendance Accounting**

Time & Attendance (T&A) accounting is the process by which ACRS/ACNW staff members document their time in pay status. T&A accounting is recorded electronically each pay period in order to prepare an accurate payroll.

Certifying Officials are responsible for verifying the accuracy of hours worked, leave used, and premium hours worked as recorded in the automated T&A system. Their certification authorizes the expenditure of government funds. The ACRS/ACNW Executive Director assigns T&A clerks to enter the data into the system. The Payroll Operations Section needs to be informed immediately of any changes regarding designated timekeepers, certifying officials, and alternates. The T&A clerk will send an e-mail to payroll regarding any new employees or termination of employees.

Forms associated with reporting time and attendance include:

- SF 71, "Application for Leave" (Exhibit 9)
- NRC Form 145, "Request and Authorization for Irregular or Occasional Overtime or Compensatory Time" (Exhibit 11)
- NRC Form 704-B, "Time and Attendance (yellow form) used for additions or corrections to previously submitted data" (Exhibit 12)

For detailed information concerning the T&A Reporting System, consult MD 10.43 "Time and Attendance Reporting"<sup>31</sup>.

## 2.2.2 Time and Attendance Recording

Each pay period, the T&A clerks record the presence and absence of employees in the T&A units that are assigned to them. This information is recorded into the automated T&A system. Normally, all data must be entered and the record certified by noon on the first Tuesday after the pay period. The system will be available for entry of data for the current pay period on the first Wednesday of the pay period. If a holiday disrupts this schedule, the Payroll Operations Section will inform the T&A clerks and the certifying officials of the time and date on which T&A records should be certified.

T&A entries document the following:

Regular Hours. Regular hours actually worked daily are recorded in full, half and quarter hours, as appropriate.

Overtime Approval. All overtime must be approved in advance by the individual's supervisor.

Leave Hours. Hours of annual and sick leave used are recorded in full, half and quarter hours. Employees should e-mail their T&A clerk with the exact hours of any leave taken that is not approved in advance (e.g., 10:30-11:45 a.m. - sick leave).

### 2.2.2.1 ACRS/ACNW Employee Verification

When the T&A data have been completed for the full pay period, the T&A clerk generates an "Employee Verification Report" for each employee, obtaining their signature on the report and submitting the signed report and supporting documentation to the designated certifying official for the unit. By signing the Employee Verification Report, the employee attests to the accuracy of the data.

### 2.2.2.2 Supervisor Certification

Supervisors approve overtime or compensatory time by signing Form 145 (Exhibit 11).

- After the pay period has closed, certifying officials must verify the accuracy of the time and attendance information recorded in the T&A system. This can be accomplished by selecting "Certify T&A Data" from the Main Menu on the T&A system and reviewing the appropriate pay period report for each employee in the T&A unit. The T&A information in the Report should correspond to the hours each employee worked.
- Certifying officials must be approved and trained before receiving access to the system.

### **2.2.2.3 Correcting Prior Pay Period T&A Cards**

When it is necessary to correct data previously submitted to the NRC Payroll Office, a yellow "Time and Attendance" NRC Form 704-B (Exhibit 12) is used. The T&A clerk records the additional or corrected information and completes the remainder of the card exactly as it was originally submitted.

### **2.2.2.4 Document Retention**

The T&A clerks are responsible for maintaining accurate and complete records for all employees in their T&A units. These records include but are not limited to leave slips, overtime approvals, and employee verification of T&A reported.

All records should be maintained in accordance with MD 3.53, "NRC Records Management Program."<sup>32</sup> Records may be sent to the NRC Archival Facility for storage, accompanied by NRC Form 35, "Records Transfer." (Exhibit 13)

## **2.3 MANPOWER REPORTING SYSTEM (MPS) PROCEDURES**

On a weekly basis, each ACRS/ACNW staff member is required to complete an MPS "Manpower Input Form" (Exhibit 14). Employees should submit the completed form to their supervisor. The supervisor will initial the form and forward it to the MPS Coordinator by Monday noon for the previous week. Since the information provided on the form serves as a basis for budget and license fee determinations, it is imperative that all activity codes be reported accurately. All voluntary overtime worked should be recorded. The MPS Coordinator will provide each new employee with an information package on MPS procedures.

## **2.4 TRAINING**

ACRS/ACNW staff members are encouraged to seek training to enhance their individual job performance and to prepare them for future duties. Formal training enables ACRS/ACNW staff members to gain the knowledge and skills that will enhance ACRS/ACNW performance as well as the individual's career advancement. This is accomplished through the formulation of individual development plans from which training is planned.

The ACRS/ACNW uses two types of training: internal and external. Internal training is sponsored or conducted by NRC or ACRS/ACNW. External training is sponsored or conducted by other government or nongovernment agencies, or by professional organizations, and will be used when it is economical and feasible.

### **2.4.1 Training Management**

To assist the ACRS/ACNW staff in obtaining appropriate training, an ACRS/ACNW Training Coordinator has been appointed. The Training Coordinator maintains a library of training literature about training courses. Information about internal training courses is published in

the NRC Internal Training Courses Catalogs and other pamphlets available in ACRS/ACNW. Information about external training courses is published in course catalogs and other pamphlets available through the Training Coordinator. The Training Coordinator maintains individual training information in each employee's personal file, monitors the training budget, and provides a quarterly report on all ACRS/ACNW training activities.

Some restrictions apply to individual requests for training. Staff members normally will not be approved for an external training course until they have completed at least one year of employment within NRC.

#### **2.4.2 Supervisory Development Training**

Certain training requirements are mandatory for supervisors. Such training is designed to enhance individual technical or management skills and to enable the staff member to better perform his or her assigned duties. Within ACRS/ACNW, certain training is mandated as part of the overall management development program.

Once appointed, all supervisors are required to participate in a series of courses presented by NRC and other agencies. These courses are designed to provide the new supervisor with the basic skills needed to supervise other employees effectively, and to refine and enhance inherent managerial and leadership traits. Supervisory development training is divided into three levels that provide basic building blocks of management skills as well as more advanced administrative functions.

- a. Level I, the Basic Supervisor Core Courses, consists of seven courses: "*Supervising Human Resources*," "*Personnel Management Practices*," "*Performance Appraisal Workshop*," "*Management Workshop*," "*EEO for Managers and Supervisors*," "*Drug-Free Workplace for Supervisors*," and "*Sexual Harassment Prevention*." These courses must be completed within 18 months of appointment.
- b. Level II, the Skill Building Courses, consists of a number of courses, of which two must be taken within 24 months of appointment. Either "*Acquisition for Program Managers*" or "*Acquisition for Supervisors and Managers of Project Officers*" is required to be taken as one of these first two courses. The second course can be chosen from the list of courses.
- c. Level III, Public Administration Courses, consists of advanced courses designed to expand the supervisor's knowledge of all aspects of administration and to enhance his or her managerial skills. These courses are presented by NRC, other government agencies, and private institutions. Some of these courses are given at the Federal Executive Institute.

The NRC requires all supervisors to take at least 24 hours of management training annually.

### **2.4.3 Internal Training**

The ACRS/ACNW receives numerous training announcements throughout the year that describe various courses and workshops being presented by NRC. To participate in this type of training:

- a. The staff member completes the registration form (generally provided with the training announcement) and forwards it to his or her supervisor for approval.
- b. The supervisor approves the training and sends the registration form to the Training Coordinator who forwards it to OP for final approval.

### **2.4.4 External Training**

To ensure timely processing of external training requests, the completed NRC Form 368, "Training Request and Authorization," (Exhibit 15) should be received by the Organization Development and Training (ODT) Group, OP, at least six weeks prior to the beginning of the course. Employees should not make course reservations prior to the authorization and certification of funds through the processing of Form 368, since such action could result in the unauthorized commitment of NRC funds. Changes made to the authorized training form (e.g., cancellations, changes in training dates, change in attendees) require that written notification of the change, together with a copy of Form 368, be sent to ODT as soon as the change is known. This notification must include the reason for the change.

To request external training:

1. The staff member fills out Form 368 and forwards it to his/her supervisor for recommendation. The supervisor signs and forwards the form to the Executive Director for approval.
2. Form 368 is then forwarded to the ACRS/ACNW Training Coordinator for processing.

### **2.4.5 Course Evaluations**

Whenever a staff member attends training conducted by an entity other than NRC, a written evaluation of the course content and presentation is required. The evaluation is normally done on Form 368A, "Evaluation of Training," (Exhibit 16) and must be completed and signed by the cognizant Branch Chief within two weeks after the completion of training. Course evaluations are forwarded through the Training Coordinator to ODT.

### **2.4.6 Professional Development**

Staff members may attend certain meetings and conferences sponsored by national or international organizations (e.g., American Nuclear Society, Institute of Electrical and



Electronics Engineers, International Atomic Energy Agency) as a means of professional development. The appropriate travel forms must be completed and approved and a trip report filed by the staff member. (See Section 7 for detailed information on travel and trip reports.)

## **2.5 STUDENT EDUCATIONAL EMPLOYMENT PROGRAM**

The NRC Student Educational Employment Program is described in M.D. 10.13, "Special Employment Programs."<sup>33</sup> It is a year-round program that exposes students to public service, enhances their educational experience, provides financial assistance, encourages partnerships between NRC and educational institutions, and assists in the recruitment of well-educated graduates. Students in the ACRS/ACNW program are supervised by the Deputy Executive Director.

### SECTION 3 ACRS FELLOWSHIP PROGRAM

The ACRS Fellowship Program was established by Section 6 of Public Law 95 - 209, 91 Stat. 1483, the "NRC Authorization Act for Fiscal Year '78." The provision for this program was not enacted as an amendment to the "Atomic Energy Act" but was codified in 2 U.S.C. 2040. The program was established to facilitate the ACRS in its independent evaluation of reactor facility and nuclear safety issues and to help avoid unnecessary delays in the regulatory review process. Section 6 of Public Law 95 209, December 13, 1977, titled "ACRS Fellowship Program" states: *To assist the Advisory Committee on Reactor Safeguards in carrying out its function, the committee shall establish a Fellowship Program under which persons having appropriate engineering or scientific expertise are assigned particular tasks relating to the functions of the Committee. Such Fellowships shall be for 2-year periods and the recipients of such Fellowships shall be selected pursuant to such criteria as may be established by the Committee.*

The Conference Report for Public Law 95 - 209 states: *The conferees agree to a provision in section 5 of the House amendment establishing a Fellowship Program under the aegis of the Advisory Committee on Reactor Safeguards..... The conferees also intend that 15 additional personnel positions be made available to the agency to accommodate persons hired under this provision. These may be permanent or temporary positions, as appropriate.*

*The conferees agree that the Fellowship Program is intended to facilitate the committee's independent evaluation of reactor safety issues. The ACRS Fellowship Program will help alleviate unnecessary delays in the licensing process. The persons in the Fellowship Program would be under the direct supervision of the ACRS. The ACRS shall utilize the Fellowship personnel to assist in preparation of the annual reactor safety research study and such other analyses of research data as needed to assist the ACRS in carrying out its duties in a timely manner.*

In accordance with the Law noted above, the ACRS Fellowship Program is designed to facilitate the Committee's independent evaluation of reactor safety issues. Fellows assist in the review of the reactor safety research program and perform other analyses of complex technical reactor safety issues as needed.

The ACRS recruits highly qualified and experienced individuals with the technical skills needed to serve the ACRS for a limited time. The ACRS Subcommittee on the Fellowship Program has the responsibility for overseeing the overall activities of the ACRS Fellows.

For more information on the Fellowship Program, see NUREG/BR-0203. (Appendix F)

## SECTION 4 BUDGET AND ACCOUNTING

### 4.1 ACRS/ACNW BUDGET

The ACRS budget is included in the Reactor Program section of the NRC budget and is divided between the Reactor Regulation and the Standard Reactor Design Cost Centers. The ACNW budget is in the Nuclear Materials and Nuclear Waste Program section and is divided between the High-Level Waste and the Low-Level Waste and Decommissioning Cost Centers.

In each of these cost centers, the budget is divided into three areas: salaries and benefits, contract support, and travel. As implied, funds for salaries and benefits are used for personnel salaries, including compensation for Members and personal service consultants, as well as for achievement awards and employee benefits. Contract support funds are used to obtain consulting services through the Division of Contracts (DC) and DOE Laboratories. These funds are also used to pay for meeting rooms and equipment for meetings that are not held in NRC facilities. Travel funds are used for staff, Member, and consultant travel. Most of the travel funds are expended by the Members and consultants for their travel to meetings. Members, consultants, and staff must adhere to all government travel regulations. Travel funds are tracked in an ACRS/ACNW automated travel management system.

### 4.2 BUDGET FORMULATION

The head of each agency is required by law to prepare and submit to the President a budget request for the agency for each fiscal year. The Chairman of the NRC, therefore, is wholly responsible for the agency's budget request to the Office of Management and Budget (OMB) and to the President.

During the budget planning cycle, the agency reviews program goals and assumptions, and budget requirements. This part of the cycle is known as the "*NRC's Internal Program/Budget Review*," or as previously called, the "*Five-Year Plan*." During this cycle of the budget process, the Chairman makes decisions concerning the appropriate resource levels for each program office.

Based on the outcome of this planning period, the agency formulates its "*Budget Estimates*," or "*blue book*," for submission to OMB in September. Based upon Presidential guidance, OMB provides the head of the agency, in or around December, with its "passback" that represents the NRC's budget allocation.

After the budget negotiations between the Chairman and OMB are completed, the agency prepares the "*President's Budget*," or "*green book*." In January, the President's "*Budget Estimates*" are submitted by the NRC Chairman to the appropriate Congressional committees for consideration. These activities result in the enactment of budget legislation in or around September for the beginning of the next fiscal year.

### **4.3 ACCOUNTING**

The NRC's Division of Accounting and Finance (DAF) processes all actions resulting from the obligation and expenditure of funds. The accounting office provides various accounting reports for verification and reconciliation of data.

### **4.4 STAFF RESPONSIBILITIES**

The Executive Director, with input from the Deputy Executive Director and Branch Chiefs, develops office resource requirements for the budget submittal. To carry out its responsibility for budget projection, formulation, execution, and funds certification, OSB maintains a travel management system and a system that monitors the continuous availability of program support funds. Full Time Equivalency usage data are also monitored.

## **SECTION 5 CONSULTANT SERVICES**

A consultant is normally employed to serve as an advisor to ACRS/ACNW Members. He or she provides an expert opinion on technical issues but does not perform or supervise operational functions.

### **5.1 OBTAINING CONSULTANT SERVICES**

#### **5.1.1 Procedures for Appointing New Consultants**

The ACRS and ACNW frequently need the services of consultants. New consultants appointed via Personnel Appointments or through DOE Laboratory Agreements are processed upon request by a Committee Member (usually via an ACRS/ACNW Staff Engineer/Scientist) and must be approved by the Executive Director. The Executive Director has delegated this authority to the Deputy Executive Director. Currently there are five ways to procure the services of consultants; each is described below. It must be noted that the time needed to complete the necessary arrangements for obtaining consultant services ranges from a minimum of 14 days to a maximum of several months. Failure to follow NRC regulations when obtaining consultant services can result in unauthorized procurement actions that may lead to severe penalties.

To document and track the use of consulting services, an ACRS/ACNW form, "Use of ACRS/ACNW Consultants," (Exhibit 17) must be used to notify OSB each time a consultant is needed and to document the actual usage and final product obtained. The top half of the form should be completed by the Staff Engineer/Scientist and sent to the Program Assistant as soon as the need for a consultant's services is determined. The Staff Engineer/Scientist completes the bottom half when the consultant's services are concluded. The form should be completed within 5 days of the completion of the task. The completed form will be retained by the Program Assistant in the appropriate file for audit purposes. A form should be initiated each time a consultant is used, regardless of the method used to obtain the consultant's services. This will provide a means to ensure 1) appropriate arrangements for procuring the consultant's services, 2) adequate funds in the account that covers that particular type of consultant, and 3) tracking of the invoices for the consultant's services.

The ACRS/ACNW staff maintains a roster of consultants. Consultants are used to provide expertise in a defined area when Members have determined that their own knowledge of these areas will not suffice. The roster of consultants is reviewed on an annual basis and consultants whose expertise is no longer needed are notified and removed from the roster. The ACRS/ACNW Members' input is sought prior to making a decision to remove a consultant from the roster.

Approval of the Deputy Executive Director must be obtained prior to initiating the process for the appointment of a new consultant. The reviewing official for these decisions is the



## Consultant Services

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Executive Director. The areas in which the consultant will assist the ACRS/ACNW, the Committee reviews that require the consultant's services, and potential conflicts of interest are identified prior to seeking the Deputy Executive Director's approval. As stated above, the use of the consultant is subject to an annual review. The consultant will not be renewed unless specific ACRS/ACNW needs can be identified for which the consultant's services will be needed.

When specific tasks are identified for a consultant, the work assignment will be initiated by the "Use of ACRS/ACNW Consultants" form. A short description of the assignment, the expected work product, and the relevance to an ACRS/ACNW need will be identified. The cognizant ACRS/ACNW staff member and the staff member's supervisor (normally a Staff Engineer/ Scientist and that individual's Branch Chief) must concur before the consultant's work can begin. Consultants should not begin work or travel prior to the completion of this step. A written consultant's report will normally be part of the expected work product. For some unusual tasks, a recorded, prepared presentation before a Subcommittee, Working Group, or Full Committee, or some other, similar work product may replace the report. In these cases, the substitution of that type of report will be identified in the initial work assignment.

Consultant reports will be completed within a week of the completion of the particular activity in which the consultant is participating (e.g., attendance at a Subcommittee meeting). When there is a need, the cognizant Subcommittee or Working Group Chairman may require completion of the consultant's report in less than a week. Timely completion of consultant reports will be a prerequisite for the continued use of that consultant.

### 5.1.2 Types of Consultants

#### 5.1.2.1 Personal Service Consultants

Reference - MD 10.6 "Use of Consultants and Experts" <sup>34</sup>

ACRS/ACNW contact for existing consultants for travel arrangements - Program Assistant  
ACRS/ACNW contact for appointment of new consultants - Administrative Officer

After approval by the Deputy Executive Director, the Administrative Officer requests the prospective consultant to complete the required and optional forms: OF 306, "Declaration for Federal Employment" (Exhibit 18); OF 612, "Optional Application for Federal Employment" (Exhibit 19); and SF 450, "Confidential Financial Disclosure Report" (Exhibit 20). When the forms are returned by the prospective consultant, the Administrative Officer completes NRC Form 448, "Request for Appointment of a Consultant, Expert, or Member" (Exhibit 21); SF 52 (Exhibit 1); NRC Form 236, "Personnel Security Clearance Request and Notification" (Exhibit 22); and (if requested) a security waiver memorandum, "Sample 145b" (Exhibit 23); and distributes the forms as indicated on NRC Form 448.

Once an appointment is in place, the NRC pays for travel, per diem, and a fixed rate of compensation. ACRS/ACNW consultants are reimbursed for time spent on behalf of

ACRS/ACNW, including meeting preparation and report-writing time, as well as time spent while in a "travel" status. Consultants should not be authorized to begin work or travel until Travel Orders have been approved. The services of these consultants can be used whenever needed, provided funds are available. A consultant can be paid for services up to 130 days per year and still be considered a "Special Government Employee (SGE)." The process for an initial appointment normally requires 2 to 3 months because of the time required to complete and return the conflict-of-interest and security forms, obtain the review by the Office of the General Counsel (OGC), and have the security waiver request approved. The process could take 6 to 9 months, or longer if a security clearance is requested without obtaining the security waiver (145b). Contracts for consultants used by ACRS/ACNW on a continuing basis are renewed by OP each year upon request by the ACRS/ACNW.

### 5.1.2.2 DOE Laboratory Agreements

Reference - MD 11.7 "NRC Procedures for Placement and Monitoring Work with the Department of Energy"<sup>35</sup>

ACRS/ACNW contact - Administrative Officer, Program Assistant

The services of consultants who work at national laboratories can be obtained through an agreement with DOE. NRC Form 173, "Standard Work Order for DOE Work," (Exhibit 24) must be completed and approved by each laboratory's operations office (OSB will arrange this). This provides for the use of laboratory employees at rates established by Title 5 United States Code, Chapter 53, Subchapter III, Code 5332, "The General Schedule,"<sup>36</sup> and covers all expenses, laboratory overhead, and other fees. The services of a specific person can be obtained in 1 or 2 weeks if a funded agreement is already in place at the laboratory where the individual is employed. Conflict-of-interest review by OGC and approval of the individual's supervisor must be obtained for new consultants or for substantially different assignments. Transfer of funds to the laboratory from ACRS/ACNW can take up to 3 weeks. Establishing an agreement with a new laboratory can take 6 weeks. Before any consultant at a national laboratory is requested or authorized to do any work, the responsible Staff Engineer/Scientist must contact OSB to ensure that an agreement is in place and that adequate funds are available for payment. Fees and expenses paid under a DOE Laboratory Agreement are set by contractual arrangements between NRC and the particular laboratory and are not subject to negotiation by the ACRS/ACNW Office.

### 5.1.2.3 Invited Experts

Invited Experts are individuals who agree to provide their services without charging the government for their time (e.g., to give a presentation). The government will reimburse travel and per diem expenses only, to the extent allowed by NRC regulations. **No reimbursement for service** is paid. Advances of funds are not authorized. It is the responsibility of the cognizant Staff Engineer/Scientist to ensure that the individual understands that there will be no reimbursement other than for travel and per diem. A minimum 14-day lead time is required to process orders and ensure that airline tickets are available. The individual traveling under invitational orders should coordinate his or her travel through the Program Assistant to avoid

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any misunderstanding or confusion as to what expenses are allowed and what procedures are involved.

### 5.1.2.4 Purchase Orders (NRC Form 30)

Reference - MD 11. 1 "NRC Acquisition of Supplies and Services"<sup>37</sup>  
ACRS/ACNW contact - Program Assistant

Purchase orders are required for consultants who will be used on a limited basis and are paid for their services (small purchases are limited to \$25,000). If the cost is \$2500 or less (including travel and per diem), no competition is required. If the cost is over \$2500, but less than \$25,000, the Staff Engineer/Scientist must provide the names of three consultants whose skills will meet the Committee's needs.

This method provides payment for travel, per diem, and compensation (the compensation should be negotiated by DC). The responsible Staff Engineer/Scientist, in conjunction with the cognizant Branch Chief, should initiate NRC Form 30, "Request for Administrative Services," (Exhibit 25) through OSB as soon as a Member indicates the need for the consultant. The Staff Engineer/Scientist will sign the form as Project Manager, and the Branch Chief will note his or her concurrence by initialing beside the signature of the Staff Engineer/Scientist. Before any consultant work or travel begins, it is the responsibility of the Staff Engineer/Scientist to ensure that NRC Form 30 has been approved. This requires:

- a. Approval of NRC Form 30.
- b. Completion by DC of all contractual agreements (in cases under tight time schedules, the Program Assistant will call DC to verify that NRC Form 30 has been approved and forwarded).
- c. Receipt by the Staff Engineer/Scientist of a copy of NRC Form 30 from DC.
- d. Agreement by the consultant to the terms of NRC Form 30.
- e. Completion of the completed NRC Form 30 by DC and its return to the originator (Staff Engineer/ Scientist). The Form 30 process normally requires a minimum of 45 days. By working with DC, approval has been obtained in less time, but success is not guaranteed. The Staff Engineer/Scientist should notify the Program Assistant of his or her best estimate as to the latest date on which the services of the consultant will be required.

## 5.2 INTERAGENCY AGREEMENTS

References - MD 10.1, "Appointments, General Employee Issues, Details, and Position Changes"<sup>38</sup>, 10.6, "Use of Consultants and Experts"<sup>39</sup>  
ACRS/ACNW contact - Administrative Officer

Interagency agreements can be used to obtain the services of a government employee employed at an agency other than the NRC. Depending on the agreement, the NRC may or may not reimburse the employee's agency for the time the person spends working for the NRC, although travel and per diem costs are paid. Before an individual's services can be obtained, permission must be obtained by the employee's supervisor, and a formal request for the employee's services must be made in a letter from the Director, OP. A minimum of 30 days is necessary since a new Financial Identification Number must be established and money obligated to reimburse the servicing agency. Conflict-of-interest and security clearances may also be required.

### **Summary**

Provide as much lead time as possible when requesting consultant services, since requests must be processed by many individuals, most of whom are outside ACRS/ACNW. Guidance regarding the type of arrangement that is appropriate for a particular type of consulting service can be provided by OSB.

To confirm that a consultant has actually performed the services desired, the bottom half of the Consultant Request Form (Exhibit 17) should be completed within 5 days after the assignment has been completed, noting such actions as participation in a specific Subcommittee or Full Committee meeting, or providing a written report. This same work product should, of course, be reflected on the particular Form 30 or other agreement that is the basis for the assignment. The decision as to whether the consultant has done the job expected of him or her should take into account the Subcommittee Chairman's expectations. Consultants' performance and the continuing need for their services will be evaluated annually by Members prior to renewal of their contracts.

## SECTION 6 CONFLICT OF INTEREST

### 6.1 GENERAL PROVISIONS

(5 CFR Part 2635, Subpart A) "Standards of Ethical Conduct For Employees of the Executive Branch"<sup>40</sup>

To ensure that every citizen can have complete confidence in the integrity of the Federal government, each employee shall respect and adhere to the fundamental principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental Agency regulations (see Appendix J).

- a. Public service is a public trust, requiring employees to place loyalty to The Constitution, the laws, and ethical principles above private gain.
- b. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- c. Employees shall not engage in financial transactions using nonpublic government information or allow the improper use of such information to further any private interest.
- d. Employees shall not, except as permitted by "Standards of Ethical Conduct for Employees of the Executive Branch,"<sup>41</sup> solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- e. Employees shall put forth honest effort in the performance of their duties.
- f. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the government.
- g. Employees shall not use public office for private gain.
- h. Employees shall act impartially and not give preferential treatment to any private organization or individual.
- i. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities. Government property should be used for government business. This does not preclude maintaining personal calendars, schedules, etc., on government-owned computers, or the Members' use of telephones and fax machines, on a limited basis, for non-Agency purposes while at the Agency on Committee business, as long as such use does not interfere with Committee duties.



## Conflict of Interest

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- j. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official government duties and responsibilities.
- k. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- l. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those (such as Federal, State, or local taxes) that are imposed by law.
- m. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or disabling condition.
- n. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with the knowledge of the relevant facts.

Employees are cautioned that there may be additional statutory and regulatory restrictions applicable to them generally or as employees of the NRC. Each employee is considered to be aware of the requirements of any statute; therefore he or she should not rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself and obtain the advice of an agency ethics official as needed.

## 6.2 ETHICS APPROVALS AND WAIVERS

In accordance with ethics statutes or regulations promulgated by the Office of Government Ethics (OGE), it is the policy of the NRC that employees receive approval or a waiver before engaging in certain activities or accepting certain gifts or awards. The NRC is authorized under OGE regulations to designate individuals who can act upon requests for approvals or waivers. All approvals or waivers must be in writing unless otherwise specified in MD 7.9, "Ethics Approvals and Waivers,"<sup>42</sup> which applies to all current and former NRC employees and SGEs. Employees should refer to MD 7.9 to determine when prior approval or a waiver is required and which NRC officials have been delegated authority to grant such approvals or waivers.

Prior to the granting of any waiver of conflict-of-interest provisions by ACRS/ACNW, OGC should be consulted. Requests for waivers in other situations should be referred to the NRC Chairman.

### **6.3 CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS (SF 450)**

Pursuant to regulations on financial disclosure issued by OGE, ACRS/ACNW employees at the level of GG-15 and below who hold certain positions designated by the Executive Director must file an SF 450 (Exhibit 20). Positions within ACRS/ACNW that have been determined to meet the SF 450 filing criteria are:

- Chief, Nuclear Reactors Branch
- Chief, Nuclear Waste Branch
- Chief, Operations Support Branch

All SGEs who are paid at the rate of GG-15 and those paid above the GG-15 rate who work 60 days or less during a 365-day period must file an SF 450. Other SGEs must file SF 278 (see below).

The OGE regulations state that individuals at the GG-15 level or below must file a confidential report if they participate personally and substantially through decisions or the exercise of significant judgment in contracting or procurement, administering or monitoring grants, subsidies, licenses, or other Federally conferred financial or operational benefits, regulating or auditing any non-Federal entity, or other activities in which the final decision or action will have a direct and substantial economic effect on the interests of any non-Federal entity. Specific guidelines for filing SF 450 are contained in MD 7.6, "Public and Confidential Financial Disclosure Reports".<sup>43</sup>

### **6.4 PUBLIC FINANCIAL DISCLOSURE REPORTS (SF 278)**

Members of the SES, Senior Level System employees, and SGEs paid at a rate above GG-15, who work more than 60 days in any 365-day period, must file an SF 278 (Exhibit 26). Each March, OGC requests from OP a list of all individuals who are required to file an SF 278. OP is responsible for identifying, maintaining, and updating master lists of those who must file an SF 278. OP will give appropriate individuals an SF 278 that must be filed within 30 days of terminating service, unless the individual assumes another government position requiring the filing of an SF 278.

### **6.5 POSTEMPLOYMENT RESTRICTIONS**

Pursuant to the Ethics in Government Act of 1978, it is NRC policy to restrict certain postemployment activities of former Federal government employees, generally for a period of two years after employment has ended. The text of these restrictions and the OGE implementing regulations are published in 5 CFR Parts 2637 "Regulations Concerning Post Employment Conflict of Interest"<sup>44</sup> and 2641 "Post Employment Conflict of Interest Restrictions"<sup>45</sup>.

## **6.6 CONFLICT-OF-INTEREST CHECKS FOR FULL/SUBCOMMITTEE MEETINGS**

To ensure that ACRS/ACNW Members and consultants do not have a potential conflict of interest, the Staff Engineer/Scientist responsible for a particular meeting reviews the files of the Members and consultants attending the meeting for potential conflict of interest, taking into account the topics to be considered during the meeting. The Staff Engineer/ Scientist documents his or her findings in a memorandum to the Executive Director. The following should be contained in the memorandum:

- Identification of the meeting (meeting and date)
- A statement that, based upon the planned agenda, the personal information files of ACRS/ACNW Members and consultants who are to attend sessions of the meeting were reviewed for conflicts of interest
- A list of attendees who may have a conflict of interest, and the specific topics in which the attendee should not participate

If a conflict appears, the Staff Engineer/Scientist should contact ACRS/ACNW Members and consultants to ascertain that their financial interests have not changed since their last financial submission. If any have changed, the Staff Engineer/Scientist should discuss the situation with the appropriate Branch Chief. The Staff Engineer/Scientist should also check with the Deputy Executive Director for any changes in Members' financial interests that might affect their participation.

## **6.7 ANNUAL ETHICS TRAINING**

Employees, including SGEs, required to file either an SF 278 or an SF 450, must receive annual ethics training from OGC.

## SECTION 7 TRAVEL

ACRS/ACNW travel is conducted in compliance with the Federal Travel Regulations and in accordance with the policy and procedures (MD 14.0 "Travel")<sup>46</sup> established by the Office of the Controller. The following procedures and examples are provided to assist ACRS/ACNW travelers in completing the forms associated with travel and to ensure the accuracy of accounting for ACRS/ACNW travel.

### 7.1 FOREIGN AND DOMESTIC TRAVEL

ACRS/ACNW staff members who travel in the performance of their duties will adhere to the following procedures:

The ACRS/ACNW staff member should obtain the supervisor's approval and submit domestic travel plans to the Administrative Assistant responsible for travel at least 14 days in advance of the travel date. Foreign travel requires NRC Form 445 "Foreign Travel" (Exhibit 27) to be completed and submitted at least 45 days in advance.

The Administrative Assistant will prepare NRC Form 279, "Official Travel Authorization." (Exhibit 28)

- Registration fees can be included on the travel authorization.
- Travel advances can be obtained.
- The traveler should coordinate airline and hotel reservations with the Administrative Assistant. An Airline Guide is available for staff use. **All travel reservations should be made through Carlson's Wagonlit Travel Services.**
- Only Government Contract Carriers should be used.
- Always request government rates for hotel rooms.
- When travel is completed, the traveler should submit receipts within 10 days for lodging and any miscellaneous expenses to the Administrative Assistant for preparation of NRC Form 64 "Travel Voucher" (Exhibit 29).
- Receipts are required for all items over \$75, except in connection with change-of-station travel.
- No receipts are required for meals unless specified on Form 279.

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- The reimbursable amount for meals and incidental expenses cannot exceed the amount authorized for the area. Check with the Administrative Assistant for current per diem rates. Per diem for travel of 12 hours or less is prohibited.
- A Government-issued credit card is available and should be used for government travel. Payment of bills when due is the responsibility of the employee to whom the card has been issued.
- The Administrative Assistant should be notified as soon as possible of trip cancellations or date changes.
- **Do not** rent a car unless it is authorized.
- Personal stops or trips may only be added to official travel in compliance with NRC regulations.

### 7.2 LOCAL TRAVEL

Local travel is defined as official business travel conducted within a 35-mile limit of the duty station. Reimbursement for local travel includes: privately owned vehicle (POV) mileage, taxi cabs, subway and bus fares, and local parking charges. Obtain prior authorization from the approving official to use a POV.

To receive reimbursement for local travel, ACRS/ACNW staff should:

1. Complete SF 1164, "Claim for Reimbursement for Expenditures on Official Business." (Exhibit 30)
2. The Administrative Assistant will obtain the signature of the approving official and make a copy for data entry.
3. SF 1164 will be forwarded to the NRC Travel Office cashier for reimbursement.

### 7.3 INVITATIONAL TRAVEL

Invitational travel applies to experts who are invited to attend ACRS/ACNW meetings. Invitational travelers are not paid compensation but are reimbursed for travel expenses. Regardless of how the expert travels to an ACRS/ACNW meeting, the transportation costs cannot exceed the cost of airfare at the government rate. All other Federal travel regulations apply to invitational travel. (See Section 5.2 for further details.)



## 7.4 PROCEDURES FOR HANDLING DOMESTIC AND FOREIGN TRIP REPORTS

### 7.4.1 Trip Report Content

The Committee Member or ACRS/ACNW Staff Member who attends a meeting or conference should provide a written report to the cognizant Branch Chief for classification, filing, and distribution, generally within 30 days. The report should include a brief description of the matters discussed, the relevance to ACRS/ACNW or other authorized activities, and observations and comments.

### 7.4.2 Classification

Trip reports shall be classified on the basis of their content. If the report does not contain classified information, but includes politically or administratively sensitive items, it shall be marked "*Official Use Only*." If the report contains information obtained from a foreign source in confidence, it shall be marked and protected, either as "*Proprietary Information*," "*NRC Sensitive Unclassified Information Security Program*," or classified at least at the level of "*Confidential, National Security Information*." If no classified or sensitive information is included, the report shall be sent to the NRC Public Document Room (PDR).

### 7.4.3 Distribution

All trip reports received by the ACRS/ACNW Office should be logged in with the Audiovisual Information Assistant in the Mail Room. The Audiovisual Information Assistant provides copies to the Technical Information Assistant for coding, scanning, and providing a copy to the PDR and to the ACRS/ACNW Executive Director's Administrative Secretary to be filed in the author's file (if a Committee Member).

If the report concerns a domestic trip, the Staff Scientist/Engineer drafts a transmittal memorandum to be issued by the cognizant Branch Chief to the Members, with copies to the EDO and Program Office Directors, as appropriate.

If the report concerns a foreign trip, the Staff Scientist/Engineer drafts a transmittal memorandum to be issued by the ACRS/ACNW Executive Director to the Members.

Copies of the Memorandum and the Trip Report will be distributed to:

- a. The Commission
- b. EDO (decided on a case-by-case basis)
- c. ACRS/ACNW Members and cognizant staff
- d. Interested Program Offices or Divisions
- e. Division of Security (SEC)
- f. Office of International Programs
- g. Committee to Review Generic Requirements

## **SECTION 8 MEETINGS**

### **8.1 FUNCTIONS OF ACRS/ACNW STAFF ENGINEERS/SCIENTISTS**

#### **8.1.1 Subcommittee/Working Group Meeting Arrangements**

Arrangements for ACRS/ACNW Subcommittee/Working Group meetings are always made with the concurrence of the Subcommittee Chairman. Tentative arrangements for Subcommittee meetings are best handled during a Full Committee meeting since, with the Members on hand, any scheduling priorities or special arrangements can most readily be negotiated. Each Member is consulted on the proposed date and general location. Shortly thereafter, information needed to prepare a Federal Register Notice (FRN) (See Section 13) is assembled. At about the same time, the NRC staff, industry groups, and other meeting participants are notified and any consultants whose services are needed for the meeting are contacted. The Staff Engineer/Scientist provides a Memorandum to the Executive Director recording the results of the review of the Members' and consultants' conflicts of interest in connection with the subject(s) of the meeting. The Staff Engineer/Scientist also gathers pertinent technical material for the meeting and provides it to each Member and consultant.

#### **8.1.2 Recommendations to Subcommittee/Working Group Chairmen (Including Use of Consultants)**

The Project Staff Engineers/Scientists are responsible for maintaining a continuing awareness of and familiarity with their assignments, including the status of licensing activity (e.g., proposed power increases) and generic matters (e.g., Emergency Core Cooling System, pressure vessels).

In the case of licensing activities, this has generally meant an increased rate of activity in the few months before the NRC staff Safety Evaluation Report is issued. Any unusual site features or design details, any part of a proposal that is particularly relevant in view of past ACRS action, and similar issues, should be called to the attention of the Subcommittee Chairman during this period, with recommendations for consultant use, as appropriate. The ACRS Project Staff Engineer will also, to the degree practicable, keep abreast of related developments within the NRC staff and the course of NRC staff reviews for proposals or projects to be reviewed by the Committee.

In the case of the ACNW staff, the major license-related activity is that leading to issuance of a license for the Yucca Mountain repository. Since this is, at least for the foreseeable future, a one-of-a-kind facility and there is no experience with such an activity, it is expected that a high level of awareness and activity will have to be maintained throughout the next several years. In the precicensing phase, discrete study plans dealing with site characterization will

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be reviewed and monitored. Especially significant technical concerns (like human intrusion) may lead to expanded Working Group sessions.

The requirement to be generally familiar with assigned projects also extends to operating facilities. The Staff Engineer/Scientist should maintain awareness of activities at these facilities through the use of available summary reports and reviews of other reports. Their responsibility extends to making recommendations to the appropriate Subcommittee/Working Group Chairman for Committee review or for briefings by the NRC staff and others.

### 8.1.3 Status Reports for Meetings

Staff Engineers/Scientists are responsible for providing status reports for each Subcommittee/Working Group portion of the full Committee meeting in the assigned areas of responsibility. The status reports should be consistent with the format established by the Branch Chief and should include:

- a technical analysis of issues under consideration,
- major issues of concern to the ACRS or ACNW,
- a discussion of the history of ACRS or ACNW review of the matter, and the status of resolution of issues previously raised by the Committee, if any,
- comments made in previous ACRS or ACNW reports and associated EDO responses, as appropriate, and
- recommendations for an appropriate course of action.

The status reports and background documents for the Subcommittee/Working Group meetings should be transmitted to the Members at least 14 days prior to the meeting, if possible, and those for the full Committee meetings should be completed according to the schedules established by the Branch Chief.

### 8.1.4 Summary Reports for Transmitting Documents

Staff Engineers/Scientists should perform a detailed review of documents dealing with safety-related technical and policy issues in their assigned areas of responsibility and transmit the documents with a summary report to the Subcommittee Working Group Chairman, other ACRS or ACNW Members, and staff management. The summary report should include:

- a clear and concise summary of the issues discussed in the document,
- identification of issues of concern to the ACRS or ACNW, if any, and
- a recommendation for an appropriate course of action with regard to the need for a Subcommittee/Working Group meeting to discuss the document, an informal meeting with the NRC staff, a referral to the full Committee without a Subcommittee review, etc.

Any recommendation that involves significant resource expenditures by the NRC staff, ACRS or ACNW, or industry should first be discussed with the ACRS or ACNW staff management.

### **8.1.5 Meeting Schedules and Outline for Discussion (Agendas)**

A schedule and outline for discussion will be prepared by the cognizant Staff Engineer/Scientist for each Subcommittee/Working Group meeting and Full Committee session, including designated times to discuss specific topics, other items of interest, and the organization or person who will lead the discussion. The Branch Chief is responsible for preparing an Agenda for each Full Committee meeting.

#### **Schedule and Outline for Discussion for ACRS/ACNW Full Committee Meetings**

- a. The Branch Chief drafts the Agenda for each Full Committee meeting and has it typed and distributed to Staff Scientists/Engineers and other managers for comment.
- b. The Branch Chief coordinates comments and the Agenda is reviewed by the Executive Director, ACRS/ACNW, before it is typed in final form on letterhead.
- c. Copies are placed in the Agendas File and Reading File.
- d. Distribution is made by the Branch Secretary. The distribution list for NRC staff consists of Office Directors, Division Directors, Office of the Secretary (SECY) of the Commission, OGC, Office of Public Affairs, Office of International Programs, and Office of the Inspector General.

### **8.1.6 Designated Federal Officials**

Each Staff Engineer/Scientist is required to complete FACA training within one year of being hired (see ACRS/ACNW Training Coordinator). Cognizant Staff Engineers/ Scientists are required to attend Subcommittee/Working Group and Full Committee meetings as the DFO and to prepare minutes of those meetings that satisfy the FACA requirements.

The DFOs are authorized by FACA to adjourn any meeting when they determine that it is in the public interest to do so. This situation might occur, for example, if a disturbance were created that would preclude proper conduct of the meeting, if a quorum of Committee Members were not present, or if Committee Members insist on discussing issues that were not included in the meeting notice but might be of interest to persons not provided an opportunity to attend the meeting.

The cognizant Staff Engineer/Scientist/DFO is expected to assist the Committee and Subcommittee/Working Group Chairmen as needed in conducting the meeting. This includes, for example, making arrangements for, and assuring availability of speakers at the times shown on the meeting agenda.



### **8.1.7 Special Requests**

The Staff Scientists/Engineers/Fellows will respond to requests for information, documentation, and studies by Members.

### **8.1.8 Follow-up and Minutes for Full Committee Meetings**

One week after the start of each Full Committee meeting, the cognizant Staff Engineer/Scientist will provide the Technical Secretary with a list of actions, agreements, and commitments resulting from the meeting, including the Committee decision on the adequacy of the EDO responses to ACRS/ACNW comments and recommendations included in ACRS/ACNW reports and letters. One week later, they will provide the Technical Secretary with brief summaries of those portions of the meeting at which their assigned topics were discussed.

Staff Scientists/Engineers also provide to the Technical Secretary the Minutes for their assigned portions of the meeting. Draft Minutes are sent to the Members for comment and, after certification by the Committee Chairman, the final Minutes are placed in the PDR and are maintained as FACA records.

### **8.1.9 Document Security and Control**

The cognizant Staff Engineer/Scientist/DFO is responsible for security during those portions of the Full Committee meeting with respect to safeguarding controlled (e.g., proprietary), security-related (e.g., detailed security plans), and classified information.

Each Staff Engineer/Scientist who obtains a document that is to be used by Committee Members and that has not been received through the mail room must give the document to the Mail Room to be logged in. The Staff Engineer/Scientist is then responsible for distributing the document to the appropriate Members.

## **8.2 CONDUCT OF PUBLIC DURING MEETINGS**

If members of the public or others conduct themselves in a manner that is disruptive to a meeting, they should be asked to conduct themselves in an appropriate manner. If they refuse, the Chairman should recess the meeting and ask the NRC security personnel to have them removed. If necessary, the NRC security personnel can call the local police to restore order and permit the meeting to proceed. Staff Engineers/Scientists should not try to physically eject disruptive members of the public. Staff Engineers/Scientists should discuss the ejection of disruptive attendees with the ACRS/ACNW Members responsible for the meeting and remain sensitive to the adverse public relations and legal aspects associated with the ejection of attendees. Delaying the meeting should be considered an option.

Display of banners, signs, posters, etc., are permitted in NRC meetings, but with certain restrictions. These and other instructions for the conduct of public meetings are outlined in SECY-91-240 dated August 6, 1991, "Security Support for NRC Meetings/Hearings."<sup>47</sup>



## SECTION 9 CORRESPONDENCE

### 9.1 PROCEDURES

#### 9.1.1 ACRS/ACNW and Executive Director's Correspondence

The Executive Director's signature or concurrence is required on any correspondence going outside the ACRS/ACNW Office that could be interpreted as representing the Office, or on any correspondence that discusses ACRS/ACNW internal organizational matters. (This does not include correspondence addressed to ACRS/ACNW Members or consultants.)

The Executive Director's signature block should be typed as follows:

John T. Larkins  
Executive Director, ACRS/ACNW

All documents typed for the Executive Director's signature should be spell-checked. Letter reports addressed to the Commission or the Executive Director for Operations should be sent to an NRC technical editor for review.

The concurrence chain on the Executive Director's correspondence should be as follows:

#### Concurrence Chains:

##### Branches

Office	ACRS/ACNW	ACRS/ACNW	ACRS/ACNW	ACRS/ACNW
Name	Originator typist	Branch Chief	Dep. Exec. Director	Exec. Dir.
Date	/ /	/ /	/ /	/ /

##### Fellows

Office	ACRS		
Name	Originator	Dep. Exec. Dir.	Exec. Dir.
Date	/ /	/ /	/ /

All correspondence that comes into the Executive Director's Office for signature should be logged in by the Executive Director's secretary.

#### 9.1.2 Security of Office Correspondence and Sensitive Information

The following procedures should be followed for the security of all correspondence or sensitive information in the ACRS/ACNW Office:

## Correspondence

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- a. As a general policy, no draft material should be disseminated or discussed outside the ACRS/ACNW Office without the approval of either the Branch Chief, the Deputy Executive Director, or the Executive Director.
- b. Information which has been disseminated as Internal Use Only or Draft Predecisional Information should not be released or discussed outside the office without the approval of either the Branch Chief, the Deputy Executive Director, or the Executive Director.
- c. Matters discussed during closed sessions with either the Planning and Procedures Subcommittee or the Full Committee should not be discussed outside of the ACRS/ACNW Office without the approval of the Branch Chief, Deputy Executive Director, or the Executive Director.
- d. Information of a personal, financial, or private nature should be treated as such and not discussed among the staff or outside the office.
- e. The handling of classified documents is discussed in Section 14.3.

### 9.1.3 ACRS/ACNW Letter Reports

#### Draft Letter Reports

The cognizant Staff Engineer/Scientist and the cognizant Member (usually the Subcommittee/Working Group Chairman) prepare a Draft Letter Report to go to the Full Committee. These reports are generally addressed to the NRC Chairman or the EDO and signed by the cognizant Committee Chairman. Draft Letter Reports are typed and prepared as follows:

- a. The top right-hand corner contains the following information:  
  
Draft No.: DATE  
Member initials/Engr. initials/Typist initials  
Disc Name: Document name
- b. Use a double-spaced format and number all lines in the body of the letter and paragraphs.
- c. Spell check.
- d. Proofread (all proofreading should be done with a second person).
- e. The cognizant Staff Engineer/Scientist should check carefully for technical accuracy and factual mistakes.
- f. Print on Draft Predecisional Paper.

- g. Proofreader and Engineer/Scientist should initial the block indicating that they have proofread and checked the letter.
- h. Sufficient copies should be made for all Members and staff in the meeting room. Copies should be made on color-coded paper to match the color assigned to the subject. If no color is assigned, a color should be chosen that is not being used.

#### Final Draft Letter Reports

During the meeting, the Technical Secretary uses the computer in the meeting room to make editorial changes as they are suggested by ACRS Members and staff. After the Full Committee has approved the Draft Letter Report, it is typed as a Final Draft for the Members to review before they leave the meeting. It is typed as follows:

- a. The top right-hand corner information should be changed to:

Final Draft 1:DATE  
Mbr./Engr.:Typist  
Disc name:Document name

- b. Use a double-space format, with lines still numbered.
- c. Make editorial changes and check spelling.
- d. Proofread.
- e. The cognizant Staff Engineer/Scientist should check carefully for technical accuracy and factual mistakes.
- f. Print on Draft Predecisional Paper.
- g. The proofreader and the Staff Engineer/Scientist should initial the blocks indicating that they have proofread and checked the letter.
- h. Copy on white paper for distribution to staff members and Committee Members who are still in the meeting room. (If the Subcommittee/Working Group Chairman or the cognizant Committee Chairman has already left, a copy should be sent by fax or e-mail as soon as possible.)
- i. The typist will distribute the Final Draft Letter Report to the following people:
  - Executive Director
  - Deputy Executive Director
  - Branch Chief

## Correspondence

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- Cognizant Staff Engineer/Scientist
- Executive Director's Administrative Secretary

j. A copy is taken to the NRC Technical Editor for review.

## Official Final Letter Reports

Final Draft Letter Reports that are approved by the Full Committee are prepared as official Reports during the week following the meeting. The procedures for finalizing these Letter Reports are as follows:

- a. The Branch Chief and Cognizant Staff Scientist/ Engineer will meet (usually the next working day after the meeting) to check the reports for any errors. All suggested changes will be checked with the Chairman of the Full Committee or Subcommittee/Working Group. Discrepancies will be taken to the cognizant Committee Chairman.
- b. The Letter Reports are then typed in final form, and a spell check is made.
- c. If there are Additional Comments, the last paragraph in the letter should read: "*Additional Comments by (\_\_\_\_\_) (name of ACRS/ACNW Member) are presented below.*"
- d. Type the actual comments directly after the signature block, with the heading: Additional Comments by (\_\_\_\_\_) (name of ACRS/ACNW Member).
- e. Add any references (see below) directly after the signature block or after any additional comments.
- f. Proofread the Letter Report and obtain the following concurrences:
  - Cognizant Staff Engineer/Scientist
  - Branch Chief
  - Deputy Executive Director
  - Executive Director
  - Executive Director for ACRS/ACNW Chairman
- g. After concurrences have been obtained, stamp the concurrence copy with "*Signed by.*" Stamp and date each page of the Letter Report.
- h. Affix the Chairman's signature using the signature machine.
- i. For ACRS Letter Reports make 95 copies from the original signed copy, and for ACNW Letter Reports make 100 copies from the original signed copy.

- j. Send copies to the NRC Chairman and Commissioners about 3 hours before sending copies to the NRC staff.
- k. Provide copies to the Information Systems Specialist to be distributed to the Library of Congress and placed on the ACRS/ACNW Home Page.
- l. Obtain the complete distribution list from the Executive Director's office, which will include copies to Congressional Oversight Committees.

References

- a. References are added to the Letter Reports to indicate what documents the Full Committee actually reviewed in preparing the Letter Reports. If a document was provided only to the Working Group or Subcommittee, do not list it as a reference.
- b. References should include those ACRS/ACNW Committee Letter Reports specifically noted in the body of the report.
- c. Consultant reports are not normally included in the list of references unless they are specifically noted in the body of the report as the basis for Committee action.
- d. Final Environmental Statements are not referenced, as they are only statements.
- e. Proprietary reports can be included as references but must be identified as Proprietary.
- f. All draft predecisional correspondence (e.g., reports) must be identified as Draft Predecisional.
- g. The order of the references should be as follows, and should be listed in each group chronologically:
  - Main documents reviewed
  - Applicant's correspondence
  - NRC Review Report (NUREG)
  - SECY Papers
  - NRC letters or consultant reports
  - Comments from the public
  - ACRS/ACNW reports
- h. Type references in the standard ACRS/ACNW Office format. The Executive Director's office can provide this format



#### 9.1.4 ACRS/ACNW Summary Reports to the NRC Chairman

The ACRS/ACNW Technical Secretary prepares a Summary Report, addressed to the NRC Chairman, that summarizes matters discussed; reports, letters, and memoranda issued; and other activities of the Committee during the Full Committee meeting. Technical portions of the Report are provided by the Staff Scientists/Engineers. The letter is prepared for the Committee Chairman's signature, as follows:

- a. The draft is prepared by the Technical Secretary. After preliminary approval by the Branch Chief, it is typed in final form with the following concurrence:

Office	ACRS/ACNW	ACRS/ACNW	ACRS/ACNW	ACRS/ACNW	ACRS/ACNW
Name	Technical Secretary	Branch Chief	Dep.Exe. Director	Executive Director	Exe.Dir. for Chrmm
Date	/ /	/ /	/ /	/ /	/ /

- b. After all concurrences are received, it is sent by fax to the cognizant Committee Chairman for approval. When the Chairman's approval has been received, it is noted on the concurrence sheet.
- c. Each page of the original and the concurrence page is dated.
- d. The Chairman's signature is affixed using the signature machine.
- e. Approximately 75 copies are made from the original signed copy.
- f. The copies are distributed according to the Distribution List maintained by the Executive Director's Secretary.

## SECTION 10 PUBLIC RELATIONS

### 10.1 FREEDOM OF INFORMATION ACT REQUESTS

Anyone may request ACRS/ACNW documents by submitting a Freedom of Information Act (FOIA) request. Requests are sent to the Office of Administration, FOIA Branch, in accordance with 5 U.S.C. 552 Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings<sup>48</sup> for processing.

The ACRS/ACNW FOIA Coordinator is responsible for receiving the request, recording it in the FOIA log, coordinating the requested information with the appropriate staff members, and maintaining the status of all FOIA requests. The Deputy Executive Director is the approving authority for all FOIA requests. The Executive Director is the appeal authority for adjudicating denials of FOIA requests.

Once an agency record has been identified as related to a FOIA request, an employee may not destroy or remove the record from NRC's possession and control. An employee who willfully destroys or removes a record that is located by an FOIA request may be subject to NRC administrative disciplinary sanctions or a finding by a District Court that the employee acted arbitrarily or capriciously and is thus subject to investigation and sanctions by the Merit Systems Protection Board.

The following exemptions are specified in the FOIA and 10 CFR Part 9, "Public Records"<sup>49</sup>:

- a. Records specifically authorized under criteria established by Executive Order 12356 to be kept classified in the interest of national defense or foreign policy.
- b. Records related solely to the internal personnel rules and practices of an agency.
- c. Records specifically exempted from disclosure by statute. This exemption provides authority to exempt from disclosure Restricted Data and unclassified Safeguards Information.
- d. Records that include trade secrets and commercial or financial information (proprietary information or information from a foreign source). Disclosure of the information must either result in substantial harm to the competitive position of the owner or harm to the government's ability to obtain information in the future.
- e. Interagency or intragency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency. Records included in this exemption are drafts (except the last draft in a series of drafts in which no "final" document is anticipated), advice, opinions, and recommendations given during a deliberative process of the NRC. Factual information must be segregated, if possible.

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from advice, opinions, and recommendations in predecisional records, except for drafts. (This exemption is most often used for ACRS and ACNW records.)

- f. Records involving personnel files, medical files, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- g. Records or information compiled for law enforcement purposes. (The NRC will neither confirm nor deny the existence of records when it receives a third-party request under the FOIA for records regarding allegations by a named individual or records on named individuals who are the subject of investigations.)
- h. Records that contain information related to examination, operating, or condition reports prepared by or for a bank supervisory agency.
- i. Records containing geological and geophysical information and data, including maps, concerning wells (NRC has only used this exemption on one occasion).

The procedures and guidelines for processing FOIA requests are contained in NRC Directive and Handbook 3.1. These procedures and guidelines are based on the NRC regulation, specified in 10 CFR Part 9, Subpart A, "Freedom of Information Act Regulations"<sup>50</sup> that implements the FOIA. Other references include:

- a. FOIA, as amended, 5 USC 552
- b. MD 12.2, "NRC Information Security Program"<sup>51</sup>
- c. Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 FR 10012 (March 27, 1987)<sup>52</sup>
- d. NUREG-0910, Revision 2, "NRC Comprehensive Records Disposition Schedule"<sup>53</sup>

## **SECTION 11 PROCUREMENT**

### **11.1 PROCEDURES**

ACRS/ACNW is provided with property and office supplies by the NRC. There are specific procedures that ACRS/ACNW staff must follow when requisitioning new equipment or supplies, as well as when obtaining contracting and/or consulting services support. All ACRS/ACNW Project Officers should take the NRC course "*Acquisition for Project Managers*."

The procedures for obtaining contracting or consultant services support are detailed in MD 11.1 "NRC Acquisition of Supplies and Services"<sup>54</sup> The discussions that follow outline the procedures for procurement of personal property and contracting for labor or other services.

### **11.2 PROCUREMENT OF SUPPLIES/EQUIPMENT**

Procurement of property includes personal property, expendable personal property, and sensitive personal property. Personal property is defined as all property owned by or leased to the Government, or acquired by the Government in any manner. This definition excludes real property. Expendable personal property is any consumable item including but not limited to office supplies. Sensitive personal property is any item of equipment which is desirable for personal use, and/or which can easily be removed from the premises. Examples are portable computers, calculators, and typewriters.

To procure property:

1. The ACRS/ACNW staff person desiring a procurement submits a request to the Property Custodian.
2. The ACRS/ACNW Property Custodian completes Form 30 (Exhibit 25), signs it, and forwards it to the Chief, OSB, for review and approval.
3. Upon approval, the Property Custodian forwards Form 30 to the Property Management Branch, ADM, for processing.
4. Upon receipt, the personal property is delivered to the requester. In the case of sensitive personal property, a copy of NRC Form 119, "Custodial Receipt for Sensitive Personal Property," (Exhibit 31, will accompany the property.

### **11.3 CONTRACTORS OR OTHER LABOR SERVICES**

The procedures for procuring labor services, including those of contractors, are dependent upon the cost of the services. For instance, if the labor services to be procured are to provide administrative support, and the estimated cost is \$25,000 or less, the services may be procured using NRC Form 30 under small purchase procedures. This process normally takes 2 to 6 weeks. If the estimated cost is more than \$25,000, NRC Form 400 "Request for Procurement Action (RFP)" (Exhibit 32) must be used and the projected procurement must be identified to DC. This process takes approximately six months. The staff person requesting the procurement action is designated as the Project Officer.

To procure labor services with an estimated value of \$25,000 or less:

1. The Program Assistant completes NRC Form 30, obtains a certification of funds from the Office of the Controller (OC), and forwards it to the Property Management Branch. The request must contain the following information:
  - A statement of need for the requested services
  - Justification for the procurement, including the use of a sole source if necessary
  - Estimated cost of the procurement (if known)
  - The quantity of services required (e.g., length of time, specific task to be accomplished)
  - Delivery instructions (what, how many, where, when)
2. The Property Management Branch will process the request and issue a purchase order for the services.
3. The Project Officer is responsible for monitoring the performance of the service provided.

To procure labor services involving an estimated cost greater than \$25,000, the procedures are the same as above except the request is made on NRC Form 400. Procurement of services in excess of \$25,000 will normally be accomplished through a competitive acquisition process, described in MD 11.

### **11.4 CONFERENCE ROOMS**

Scheduling of ACRS/ACNW-controlled conference rooms is coordinated by OSB. Scheduling conference rooms for Subcommittee meetings outside NRC property should be coordinated through the ACRS/ACNW Program Assistant. The use of Videoteleconferencing (VTC) equipment in the ACRS/ACNW Conference Rooms is scheduled by submitting a



"Request Form for Use of Videoteleconference Equipment" (Exhibit 33) to the Chief, OSB, 10 working days prior to the proposed date of the conference.

To obtain conference rooms outside NRC areas:

1. The Program Assistant develops a list of 6 hotels in the proposed host city and, in consultation with the Staff Engineer/Scientist, selects 3 sites in order of preference. The Staff Engineer/Scientist must provide specifications for the meeting facility (e.g., size, seating plan, audiovisual requirements).
2. The Program Assistant completes NRC Form 30 requesting rental of the conference room.
3. The completed NRC Form 30 is then forwarded to the budget and accounting section to obtain a certification of funding.
4. Approval is also requested from the General Services Administration (GSA) by the Chief, Financial Management Branch, for use of nongovernment space.
5. The GSA-approved NRC Form 30 is forwarded to DC to initiate the procurement activity.
6. NRC Form 30, "Request for Administrative Service (Purchase Orders)" (Exhibit 25) is issued in support of the conference room request. The Project Officer specifies each item approved for use at the meeting. If additional items are needed (e.g., microphones, larger room), approval must be obtained from DC prior to making a request to the hotel. Staff Engineers/ Scientists should call the Program Assistant or the Chief, OSB, to obtain approvals. These facilities may also be procured using the ACRS/ACNW BankCard.

## 11.5 SMALL OFFICE PURCHASES

The ACRS/ACNW Office has been issued a Government-Issued Visa Bankcard for making small purchases under \$2500 (e.g., honorary plaques, name plates, and office supplies not available in the NRC supply room). All BankCard purchases must be made in accordance with "The Nuclear Regulatory Commission's Procedures for Use of the U.S. Government BankCard (Appendix K)." The Cardholder and the Approving Official must receive special training before being allowed to use the BankCard.

ACRS/ACNW Cardholder: Barbara A. Wade

ACRS/ACNW Approving Official: Roxanne Summers

Items to be purchased with the BankCard must be requested by completing the required ACRS/ACNW Office Form "Request for Purchase Using ACRS/ACNW Government-Issued Visa BankCard" (Exhibit 34), obtaining the necessary approval, and forwarding the form to the ACRS/ACNW Cardholder.

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Committee Members can request individual Government-Issued Visa BankCards. Members who possess such cards must keep a log of all purchases and mail the monthly statement, all receipts corresponding to the purchases listed on the statement, and the log sheet "NRC Bankcard Log" (Exhibit 35) to the Approving Official. The Approving Official signs the statements on the back. The Administrative Officer fills in the appropriate commitment document number-BFY-Job Code-BOC in the accounting code block on the statement. The statements and receipts are then mailed to DAF/OC.

Those Members who do not possess an individual BankCard must request all purchases of supplies and equipment regardless of the dollar amount, using the form entitled "Request for the Following Items/Services" (Exhibit 36). The Chief, OSB, recommends the purchase and forwards the request to the ACRS/ACNW BankCard Holder, who performs the BankCard transaction for the Member, using the ACRS/ACNW Office BankCard. If the item is not available through use of the ACRS/ACNW BankCard, the request is forwarded to DC for approval and the Director, DC, determines whether to authorize the Member to purchase the item and request reimbursement through SF 1034 "Public Voucher for Purchases and Services Other Than Personal" (Exhibit 37), or to have a Purchase Order awarded for the item.

## SECTION 12 REPORTS

### 12.1 ACRS/ACNW FEDERAL ADVISORY COMMITTEE ACT REPORTING REQUIREMENTS (FACA)

The ACRS/ACNW is required by the FACA to submit to the GSA an annual report which provides information on the work of the Committees during the previous fiscal year. This information includes the number of meetings held, whether they were open or closed, the costs associated with maintaining the Committees, the reports written by the Committees, and the membership of the Committees. (Due October)

The ACRS/ACNW must submit eight copies of each Committee report, including reports on closed meetings, to the Library of Congress for public inspection and use. The reports include background material and supporting documentation as appropriate.

#### 12.1.1 Closed Meeting Reports

The ACRS/ACNW submits reports at least annually (office policy is to submit reports quarterly) listing all meetings held. The meetings are listed by session number and date, whether or not there was a closed session, the subject of the closed session, and the time spent in closed session (10 CFR Part 7.17 (b): "Reports Required for Advisory Committees") (Appendix B). (Due in October)

#### 12.1.2 ACRS/ACNW Charters

##### ACRS Charter

Must be prepared for review, renewal, and signature by the NRC Committee Management Officer. (December 23, biennially, in even-numbered years (e.g., 1994, 1996))

##### ACNW Charter

Must be prepared for review, renewal, and signature by the NRC Committee Management Officer. (May 18, biennially in even-numbered years (e.g., 1994, 1996))

### 12.2 ACRS/ACNW ANNUAL REPORTING

#### 12.2.1 ACRS and ACNW Annual Report

Input for the preparation of the NRC Annual Report to the President and the Congress is due in November

#### 12.2.2 Reasonable Assurance Letter

A letter to the EDO from the Executive Director, ACRS/ACNW, gives assurance that a continuing evaluation of the internal control systems of the ACRS/ACNW has been conducted. The letter gives further assurance that the evaluation has been conducted in

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accordance with "*Guidelines for the Evaluation and Improvement of and Reporting on Internal Control Systems in the Federal Government*," issued by the Director of the Office of Management and Budget, in consultation with the Comptroller General. (Due in November)

### **12.2.3 Research Report**

The ACRS prepares and submits annually to Congress the results of its review of the reactor safety research program. (Due in February)

### **12.2.4 Compensation of ACRS/ACNW Members**

A request is made to the NRC Chairman that ACRS/ACNW Members be compensated at the daily rate equivalent to Executive Level IV provided in 5 U.S.C. 5373, Chapter 53, Subchapter IV "Limitation on Pay Fixed by Administrative Action"<sup>55</sup> (Due in July)

### **12.2.5 Compilation of Reports**

The ACRS/ACNW issues documents listing the reports published by each Committee annually. These documents are NUREG-1125, "A Compilation of Reports of the Advisory Committee on Reactor Safeguards,"<sup>56</sup> and NUREG- 1423, "A Compilation of Reports of the Advisory Committee on Nuclear Waste."<sup>57</sup> (ACRS-April) (ACNW-August)

## **12.3 ACRS/ACNW QUARTERLY REPORTING**

The ACRS/ACNW is required to submit quarterly reports for fee recovery to OC for professional direct staff hours expended for:

- Nuclear Waste Policy Act-Related Activities
- License Fee Data

## **12.4 FEDERAL REGISTER PROCEDURES**

The procedures for ACRS/ACNW meetings are printed annually in the Federal Register so that they may be incorporated by reference in future individual meeting notices. (Due October 1) (See Section 13)

## SECTION 13 FEDERAL REGISTER NOTICES

### 13.1 FEDERAL REGISTER NOTICE REQUIREMENTS

Notices of each ACRS and ACNW meeting must be published in the Federal Register 15 days prior to the meeting date to ensure that all interested persons are notified.

A FRN of each Subcommittee/Working Group meeting is prepared and promulgated consistent with the requirements of the FACA and agency/Committee practice. FRN for such meetings should also include an agenda for related sessions consistent with the requirements of FACA. Distribution of such notices will include, in addition to appropriate Committee Members and members of the NRC staff, those individuals or organizations participating in related NRC proceedings (e.g., licensing hearings and rulemaking proceedings). (**Note:** For those Full Committee or Subcommittee/Working Group meetings that are not exempt and where closed sessions will be held, the agency (Advisory Committee Management Officer) and OGC must be informed at least 30 days prior to the meeting.)

ACRS/ACNW meeting notices, transcripts, and letter reports are available through the Internet on FedWorld from the "NRC Main Menu." The toll-free direct-dial access number to FedWorld is (800) 303-9672; the local direct-dial number is (703) 321-3339.

#### 13.1.1 Full Committee Meeting Federal Register Notices

- a. The ACRS/ACNW Branch Chief will revise the previous month's notice and give it to the Program Assistant to prepare as a draft.
- b. The Program Assistant checks that closed sessions are followed by a Note explaining why they are closed. Also, the paragraph that begins: "*I have determined...*" must give all the necessary exemption information.
- c. The notice is given to Staff Engineers/Scientists in the Branch for comments and corrections. The Branch Chief will coordinate comments for final typing.
- d. After the notice is typed in final form, the Branch Chief authorizes distribution. The list for distribution to NRC staff should be added at this time. The Program Assistant has the distribution list.
- e. A determination of the closed sessions must be obtained from OGC:
  - The Determination Sheet (obtained from the Program Assistant) should show which exemptions apply.
  - Put (X) marks by the Closed sessions on the FRN and send with the Determination Sheet to OGC. OGC approves the Determination Sheet and transmits it to SECY.



- f. A copy is sent to SECY at the same time it is sent to OGC. When it receives the Determination Sheet from OGC, SECY sends it to be published.

### **13.2 GENERAL RULES REGARDING ACRS/ACNW MEETINGS**

Although an agenda is published in the Federal Register for each Full Committee meeting, practical considerations may dictate some later alterations. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete session from one day to the next.

With respect to public participation in ACRS/ACNW meetings, the following requirements shall apply:

- a. Persons wishing to submit written comments regarding the agenda items should do so by sending a readily reproducible copy addressed to the DFO specified in the FRN for the individual meeting in care of the Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments should be in the possession of the DFO at least five days prior to a meeting to allow time for reproduction and distribution. Comments should be limited to areas related to nuclear safety within the Committee's purview. Written comments may also be submitted by providing a readily reproducible copy to the DFO at the beginning of the meeting.
- b. Persons desiring to make oral statements at the meeting should make a request to do so to the DFO. If possible, the request should be made five days before the meeting, identifying the topics to be discussed and the amount of time needed for presentation so that orderly arrangements can be made. The Chairman will schedule oral statements at an appropriate time during the meeting.
- c. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been cancelled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the Chief of the Nuclear Reactors Branch, ACRS (telephone: 301/415-7364), or the Chief, Nuclear Waste Branch, ACNW (telephone: 301/415-7366) between 7:30 a.m. and 4:15 p.m., Eastern Time.
- d. During ACRS/ACNW presentations and discussions, questions may be asked by ACRS/ACNW members, Committee consultants, NRC staff, and the ACRS/ACNW staff.
- e. The use of still, motion picture, and television cameras will be permitted at the discretion of the Chairman and subject to the condition that the physical installation and presence of such equipment will not interfere with the conduct of the meeting. The DFO must be notified prior to the meeting and will authorize the installation or use of such equipment after consultation with the Chairman. The use of such equipment will be restricted as necessary to protect proprietary or privileged information that may be in documents,

folders, etc., in the meeting room. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

- f. A transcript is kept for certain open portions of the meeting and will be available in the NRC PDR, 2120 L Street, NW, Washington, DC 20555, within one week following the meeting. A copy of the certified minutes of the meeting will be available at the same location within three months after the meeting. Copies may be obtained upon payment of appropriate reproduction charges. Transcripts of the meeting are available in electronic format from the NRC electronic bulletin board on FedWorld (800-303-9672) or ftp.fedworld. They are also available for downloading or reviewing on the Internet at <http://www.nrc.gov/ACRSACNW>.
- g. ACRS Subcommittee meetings and ACNW Working Group meetings will also be conducted in accordance with these procedures, as appropriate. When Subcommittee or Working Group meetings are held at locations other than at NRC facilities, reproduction facilities may not be available at a reasonable cost. Accordingly, presenters should be asked to provide 25 additional copies of the materials to be used during the meeting.

#### **13.2.1 Special Provisions for Proprietary Sessions**

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of ACRS/ACNW meetings where this material is being discussed upon confirmation that such agreements are effective and related to the material being discussed.

The Executive Director, ACRS/ACNW, should be informed at least three working days prior to the meeting so that such an agreement can be confirmed and a determination made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the DFO prior to the beginning of the meeting.

#### **13.2.2 Closed Meetings**

One or more portions of a meeting may be closed to the public in accordance with 5 U.S.C. 552b, Chapter 5, Subchapter II, "Open Meetings"<sup>58</sup>, if the President, or the head of the agency (currently delegated to OGC) to which the Committee reports, makes that determination. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the Committee shall issue a report at least annually setting forth a summary of its closed meeting activities and such related matters as would be informative to the public consistent with the Code.

## SECTION 14 SECURITY

The ACRS/ACNW security objectives are to safeguard sensitive unclassified and classified information against disclosure to unauthorized personnel, to prevent unauthorized persons from gaining access to ACRS/ACNW facilities or information, and to protect Government property from loss or damage. These objectives are accomplished through the knowledge and application of sound security practices. These include:

- Personnel security clearances for employees and contractors
- Access control to ACRS/ACNW Office spaces
- Information safeguards
- Communications security
- Emergency procedures

Security within the ACRS/ACNW is coordinated by the Security Advisor, as guided by NRC Security. Detailed information concerning NRC's Security Program is found in MD Volume 12.0, "Security" (Appendix L).

### 14.1 PERSONNEL SECURITY CLEARANCES

Access authorization for Members, staff, Fellows, and consultants must be requested from NRC Division of Security (SEC) through OP in accordance with MD 12.3, "NRC Personnel Security Program (Appendix L)." Each request must be accompanied by a properly completed personnel security forms packet which includes, but is not limited to:

- NRC Form 236, "Personnel Security Clearance Request and Notification" (Employees/Consultants) (Exhibit 22)
- "Questionnaire for Sensitive Positions" (QSP) (SF-86, Parts I & 2) (Exhibit 38)
- Two fingerprint cards (SF-87 for Federal employees (Exhibit 39)) "Security Acknowledgment" (NRC Form 176) (Exhibit 40)
- Two copies of a résumé, Form 510 "Applying for a Federal Job," (Exhibit 41) or any successor form
- One copy of all required reference checks (usually not included for Members and consultants)

The information contained on the security forms is used in conjunction with other relevant information to determine a person's initial or continuing eligibility for clearance.

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A request for clearance is a normal part of the employment process. Each ACRS/ACNW Member, staff member, Fellow, and consultant is processed for access authorization and employment clearance at the time of employment or appointment. Additionally, every currently cleared employee has his or her eligibility for clearance reviewed and updated on a regular basis.

The steps in the clearance request process are as follows:

- a. The ACRS/ACNW candidate completes the personnel security clearance package and forwards it to the OSB.
- b. The Administrative Officer prepares a letter requesting a waiver of clearance to allow the individual to begin work prior to the completion of the required investigation (a Section 145b request). The waiver request memorandum, Form 236, and the security forms packet, are forwarded to OP.
- c. The NRC Personnel Security Branch processes the waiver request and personnel security clearance forms in accordance with applicable directives.

## **14.2 ACRS/ACNW ACCESS CONTROL**

Access to the ACRS/ACNW Office areas is controlled through the use of a card key security system. ACRS/ACNW staff and Committee Members gain entrance by inserting their identification card into the card reader slot. Visitors and other personnel desiring access are required to call the ACRS/ACNW Office for admittance using the telephone at the main entrance lobby. If possible, visitors should be preregistered using the Visitor Information Profile (VIP) Program on the local area network (LAN). Access problems should be reported to the ACRS/ACNW Security Advisor.

### **14.2.1 Contractors/Consultants**

The decision to grant access to a contractor or consultant via a card key is based on the expected frequency that the contractor or consultant will require access. As a rule of thumb, if access is required more than twice per week, consideration should be given to requesting a photo badge with card key. If less frequent access is expected, a temporary identification card, provided by the security personnel at the guard desk, should be used.

To obtain a photo badge for a contractor or consultant:

- a. Complete NRC Form 89, "Photo Identification Badge Request." (Exhibit 42)
- b. Forward Form 89 to SEC, Facilities Security Branch, along with a memo from the Security Advisor requesting access.

- c. SEC will review the request and make arrangements to process the contractor or consultant for a photo badge.
- d. SEC will retain NRC Form 89 until its expiration date.
- e. Sixty days prior to expiration, SEC will notify the ACRS/ACNW point of contact that the period of access is expiring. The ACRS/ACNW point of contact can then terminate the access or extend the period, as required.

#### **14.2.2 Lockouts**

In the event that a staff member is unable to open the door using his or her badge or card key, entry may be gained by calling SEC. After verifying the staff member's identity, SEC will attempt to open the door remotely from the computer. If this fails, SEC will coordinate efforts to open the door by other means.

#### **14.2.3 Lost/Forgotten Badges**

Should an employee or Member lose a photo identification badge, SEC will issue a new one. To obtain a new badge:

- a. Wait five working days before requesting a new badge. This will allow sufficient time for the badge to be returned if found.
- b. Complete NRC Form 217, "Lost Badge Report," (Exhibit 43) and send it to SEC.
- c. Schedule an appointment by contacting the Facility Security Branch, SEC, to get a new badge.
- d. If a badge is forgotten, a temporary badge or card key may be obtained from the guard desk.

### **14.3 INFORMATION SECURITY**

The safeguarding of classified and/or sensitive information from disclosure to unauthorized personnel is the responsibility of each staff and ACRS/ACNW Member. This responsibility is discharged by developing and practicing good security habits so that the protection of information becomes part of the daily routine.

Sound information security practices are not complicated. Rather, they are based on a common sense approach to limit opportunities for disclosure to unauthorized persons.

- a. When working with classified or sensitive information, be aware of other people in the vicinity. If they are not authorized to view the information, either shield the information, or if possible, put the work away until the area is clear.



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- b. Do not leave sensitive or classified information unattended on a desk or computer. At a minimum, secure hard copies and close computer files when leaving the area if there is a chance that someone without a "need to know" may be in the vicinity.
- c. Avoid discussions of classified or sensitive information when inadvertent disclosure may occur. Follow good communications security practices as discussed in MD 12.5 "NRC Systems Security Program." (Appendix L)
- d. At the end of the work day, or whenever files containing classified or sensitive information are no longer in use, secure all hard copy files in the appropriate containers. Close computer files and exit the computer as described in MD 12.5. Classified data cannot be stored on hard drives on individual computers or on the LAN.
- e. In the event of an emergency requiring an evacuation, secure information as described above if time permits. If time precludes securing the information, turn off the computer and take hard copy files with you until such time as they can be properly secured.

Classified material may occasionally be received through the mail. When this occurs, the staff member discovering the classified material should contact the ACRS/ACNW Security Advisor for specific instructions in handling the material. Staff members are not to leave classified mail unattended or in a drawer or file cabinet for later disposition. Classified mail must be kept in the staff member's possession until it can be properly secured. Classified material must be stored in special safes and can be accessed through the ACRS/ACNW Document Control Center (DCC) staff.

### **14.4 TELEPHONE COMMUNICATIONS**

Communicating over a telephone line, either with a conventional telephone or with a computer, is so much a part of everyday life that it is easy to overlook the practice of good security habits. Since the objective of communications security is to safeguard information, the same kind of procedures apply to telephone communications as to information security.

- a. A telephone line is not a secure device. Do not discuss or transmit classified information on it. Secured telephones are available through security personnel for use if classified information must be discussed.
- b. Treat discussions or transmissions of sensitive information in a similar manner. Use another means of communicating the information when practicable.
- c. Be aware of other people in the office area. Avoid discussing sensitive information if inadvertent disclosure may occur.
- d. When away from the office, practice similar habits. Be aware of potential eavesdroppers when using public phones.

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- e. When traveling, make official phone calls from a private location, away from the work site if possible.

### 14.5 FACSIMILE COMMUNICATIONS

Facsimile communications are also a routine means of communication. Security practices for facsimile communications are similar to the telephone, since they use the same transmission medium.

- a. The ACRS/ACNW facsimile equipment is not secure. Do not transmit or receive classified information on it.
- b. Protect information being sent or received from disclosure to unauthorized persons. Shield the information from view if others are present.
- c. Do not leave sensitive information being transmitted unattended. Call ahead so that someone on the receiving equipment can afford protection for the information being received.

### 14.6 EMERGENCY PROCEDURES

Generally speaking, security practices in an emergency situation follow the same common sense rules as at other times. The objectives are to safeguard classified and sensitive unclassified information from disclosure, to prevent unauthorized access, and to protect government property from loss or damage. When an emergency situation arises, ACRS/ACNW staff members should endeavor to accomplish these objectives if time permits and their personal safety is not jeopardized.

SEC has established procedures for dealing with a number of emergency situations such as fire, bomb threats, intrusion, and theft. In addition, the Facility Management Branch, SEC, publishes an "*Emergency Protection Plan*" that covers procedures for various threatening and emergency situations. Copies are periodically provided to all employees.

The NRC telephone directory also contains a functional directory that provides security contacts and phone numbers for specific situations. If these publications are not immediately available, contact SEC.

## SECTION 15 FEDERAL INFORMATION PROCESSING

ACRS/ACNW is provided with Federal Information Processing (FIP) computer hardware and software by the Office of Information Resources Management (IRM). ACRS/ACNW is tied to the rest of NRC through a wide area network called "AUTOS," (Agency Upgrade of Technology for Office Systems). This network allows ACRS/ACNW staff members to communicate, via their computer and electronic mail, with anyone else in the agency and with Committee Members. All personnel within the agency who have a User ID have access to AUTOS E-Mail. The User ID also provides access to INTERNET for E-Mail. AUTOS gives the user access to word processing, spreadsheets, data bases, the NRC phone book, personal appointment/calendar schedules, and ACRS/ACNW Office-specific applications.

The following are ACRS/ACNW Office-specific applications:

- a. Group Calendar - ACRS/ACNW personnel have access to the Group Calendar. They are individually responsible for ensuring all leave and travel is reflected on the Group Calendar in order to inform the ACRS/ACNW staff of their availability.
- b. Action Item Tracking System (AITS) - Any "action item" assigned to ACRS/ACNW staff should be entered in the AITS and updated as necessary.
- c. ZYIMAGE - A Text Management Retrieval and Imaging System for ACRS/ACNW Office use. Staff members have access to electronic copies of selected documents originating in or received by ACRS/ACNW beginning in 1995, both in full text and images. ZYIMAGE also provides full text formats for Staff Requirements Memoranda (1995), SECY papers (1993-1995), and Letter Reports by ACRS (from 1985) and ACNW (from 1988). The ACRS/ACNW Office also has LAN access to the NRR TRS System, which contains Generic Letters, Regulatory Guides, 10 CFR documents, etc. The Information Systems Specialist and the Technical Information Assistant can provide additional information on these systems.
- d. World Wide Web (WWW) - The ACRS/ACNW Office maintains a WWW site that provides information to the general public, the industry, Committee Members, and the NRC staff. The information provided includes schedules and agendas for future Committee Meetings, transcripts from prior meetings, and Committee Letter Reports to the Commission and the EDO. Also provided are Committee Charters, historical information, and biographical information on Committee Members. This information can be accessed at URL <http://www.nrc.gov/ACRSACNW>.

The ACRS/ACNW Office has also installed a system that allows VTC with the NRC regional offices, the Technical Training Center, other government agencies, universities, national laboratories, licensees, vendors, and others who have VTC equipment. Arrangements for

using this equipment must be made with the Chief, OSB. The ACRS/ACNW VTC equipment is operated by the Audiovisual Information Assistant.

ACRS/ACNW has designated an Information Technology (IT) Coordinator to provide the interface with IRM regarding ACRS/ACNW FIP and telecommunications needs.

## **15.1 ASSISTANCE WITH COMPUTER, SOFTWARE, OR NETWORK PROBLEMS**

This section outlines the procedures for requesting assistance with a computer or software problem, requisitioning new computer hardware and/or software, requisitioning the development of new automated systems, checking out portable computers, and notifying IRM when it is necessary to relocate computer equipment or peripherals.

Avoid making changes to the computer or software configuration unless you are certain that you understand the impact of such changes. Keep a careful record of any changes that you do make.

When assistance with a computer or software problem is required, call 415-1234 or E-Mail the IRM Customer Support Center (CSC).

Be prepared to provide as much detail about the problem as possible. If you can describe what you were doing at the time of the problem, it will be helpful to those who try to resolve the problem for you. Write down as much of the information as possible as a reference when discussing the problem with the technician or support person. This information should include: the NRC tag number, room number, NRC contact and phone number, and a description of the problem.

### **15.1.1 Requisitioning New Computer Equipment or Software**

If new or upgraded computer equipment or software is needed, contact the Office IT Coordinator, who will prepare the necessary paperwork. Because it takes approximately 3 to 6 months to obtain new equipment through IRM, the IT Coordinator should be notified well in advance of any new hardware/software requirements. IRM-supported software can generally be obtained and installed within a week. Do not install software on an office computer without obtaining prior IRM approval.

### **15.1.2 New Automated Systems Development**

If development of a new automated software system is required, IRM can provide contracting support for its development. Approximately 3 months to one year is required to complete this process, depending on the complexity of the system. Before requesting the development of a new system, ensure that you have a clear understanding of your software needs. You will need to explain in detail what you expect the new system to accomplish. Be prepared to describe all its functions and expected outputs. New requirements not included in the original



scope of work will not be added during the initial development stage. The IT Coordinator will assist in processing your request.

### **15.1.3 Portable Computers**

ACRS/ACNW has portable (laptop) computers available for Member and staff use. The control log is maintained by the Administrative Officer. The Administrative Officer will record the individual's name and the NRC Tag Number of the equipment. A property pass will be issued to the individual and a copy will be retained in the file until the computer is returned. The computers may not be taken out of the building without a property pass. NRC regulations limit the time that equipment can be out of the building to 5 days. See Section 12.2.2.

### **15.1.4 Moving FIP Equipment**

IRM maintains a detailed inventory of all FIP equipment and software assigned to the ACRS/ACNW. The IRM office requires notification prior to moving any FIP equipment and/or software, so that inventory sheets may be kept up to date. Computers are the property of the Federal government, not the individual, and shall not be relocated without prior permission. When it is necessary to move FIP equipment:

- a. Contact the ACRS/ACNW IT Coordinator.
- b. Provide the appropriate NRC property tag number for each equipment component to be moved, the present location of the equipment, and the new location for that equipment.
- c. It is important to note that staff members are responsible for all FIP equipment and software assigned to them. During the annual inventory, staff members must be prepared to show that they have the correctly assigned equipment. If the equipment has been reassigned, the staff member who now has the equipment must be identified to the IT Coordinator.

## **15.2 PROCESSING CLASSIFIED OR SENSITIVE DATA**

Under no circumstances will classified information be processed on the LAN or any computer physically connected to the LAN.

If there is a need to process classified or sensitive information, see the IT Coordinator, contact the Security Advisor or IRM, or refer to MD 12.5 (Appendix L).

## **15.3 GENERAL GUIDELINES FOR PERSONAL COMPUTERS AND ADVANCED COMPUTER WORKSTATIONS**

- a. Protect Equipment - Keep food, drinks, and electrical appliances away from LAN equipment, personal computers, terminals, and media.



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- b. Protect the Area - Recognize, politely challenge, and assist people who do not belong in the area.
- c. Protect Passwords - Use only permitted passwords, change them frequently, and do not share your password with anyone. Avoid the use of dictionary words and commonly used passwords.
- d. Protect Files - Establish and periodically review access privileges for each file. Use system security features to prevent unauthorized access to individual files.
- e. Protect Unattended Terminals - Always log out before leaving computer or workstation.
- f. Protect Against Viruses - Never bring in or use unauthorized or personal software at the office.
- g. Protect Media - Label all diskettes, lock up software and removable media, and secure equipment that contains fixed media. Be aware that small magnets, such as those often found at workstations, can damage the data stored on diskettes.
- h. Protect Against Disaster - Disasters start when data and programs are not backed up routinely. Always make a back-up copy of programs, data, and other files and secure them properly.
- i. Get to know the computer and the software in use. Be able to distinguish between normal and abnormal system activity.
- j. Use only software provided by IRM or obtain IRM approval before using software obtained from an outside source.
- k. Check diskettes obtained from other staff members or diskettes used or created outside of the Agency for viruses prior to use.
- l. Check diskettes for viruses prior to making copies.
- m. Write-protect new software immediately. Make a backup copy if necessary and retain the original distribution diskettes in a safe location.
- n. Do not let others use your assigned computer without consent. Log off and lock up the computer when not in use.
- o. Make frequent backups of data and keep several versions. When restoring data from a backup copy, check the backup diskette for viruses prior to using it.

- p. Obtain IRM approval prior to allowing contractors, vendors or other visitors to use NRC equipment for demonstrations or other purposes.
- q. If a virus is suspected, stop using the system and get assistance from a knowledgeable individual. Call the CSC.

## **SECTION 16**

### **U.S. GOVERNMENT PROPERTY**

#### **16.1 PROPERTY MANAGEMENT**

The ACRS/ACNW Executive Director has designated an ACRS/ACNW Property Custodian to manage and control the personal property assigned to the office. ACRS/ACNW staff and Members should requisition, receive, control, use, and dispose of all personal property through the ACRS/ACNW Property Custodian. The requisition process is discussed in Section 11, Procurement.

ACRS/ACNW staff members are responsible for assuring the care and conservation of all government property. The categories of government property include personal property, expendable personal property, and sensitive personal property. Personal property is all property owned by or leased to the government, or acquired by the government in any manner. This definition excludes real property. Expendable personal property is any consumable item, including, but not limited to, office supplies. Sensitive personal property is any item of equipment that is desirable for personal use, and/or that can easily be removed from the premises. Examples are portable tape recorders, laptop computers, and typewriters.

#### **16.2 REMOVAL OF PERSONAL PROPERTY FROM ACRS/ACNW PREMISES**

ACRS/ACNW staff or Members may occasionally need to take personal property with them in the performance of their official duties. Slightly different procedures are used depending on the classification of the property.

##### **16.2.1 Sensitive Property**

Sensitive personal property for which a staff member is accountable (except typewriters and portable computers) may be taken from ACRS/ACNW premises simply by accompanying the property with the NRC Form 119 "Custodial Receipt for Sensitive Personnel Property" (Exhibit 31) that was delivered with the equipment. See Section 11, "Procurement."

##### **16.2.2 Nonsensitive Property**

To remove nonsensitive property, typewriters, and portable computers for which the employee is responsible, NRC Form 466, "Property Pass," (Exhibit 44) must be completed by the Property Custodian. Nonsensitive property shall not be removed from ACRS/ACNW premises for more than five calendar days. The date of return must be entered on the property pass.

## SECTION 17 RECORDS MANAGEMENT

Federal agencies are required to establish and maintain a records management program in order to ensure compliance with policies and regulations established by NRC, the National Archives and Records Administration (NARA), and GSA. In addition, ACRS/ACNW is required to establish and maintain a records management program consistent with the FACA. The purpose of the records management program is to preserve, retrieve or dispose of agency records.

### 17.1 RECORDS MAINTENANCE

It is ACRS/ACNW policy to maintain official records, agency records, and non-record material in accordance with MD 3.53, "NRC Records Management Program"<sup>59</sup>. Records shall be placed in the office central files for mutual collection, control, use, and disposition.

The procedures for records maintenance are the same whether the medium is paper or electronic. The records should be stored in such a manner that they are both protected from physical damage and safeguarded against loss. Records containing sensitive information relating to personnel, investigations, or audits must be protected from inadvertent disclosure to unauthorized persons.

The file types listed below are maintained within the office by the Technical Information Assistant, who serves as the File Custodian. Two File Guides are maintained by the File Custodian to designate the appropriate file codes<sup>60</sup>. See Table 17.1 for the ACRS/ACNW Official File Categories.

**General Correspondence (Subject) Files:** These files contain administrative and technical files and other documents relating to normal business. They are arranged by subject for easy reference and retrieval.

**Docket and Project Files:** These files contain documentation related to a specific action, case, docket, or issue. The transaction is normally documented from beginning to end. Examples are files for Docket 50 and 52 applications, licenses, Safety Analysis Report amendments, Safety Evaluation Reports, NRC/Licensee Correspondence, and Regulatory Guides.

**Members' Files:** These files contain material relating to individual ACRS/ACNW Members. They include:

- a. Members' General File - Items such as correspondence to and from Members, papers presented at technical society meetings, and reports written by Members in conjunction with Committee duties.

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- b. Members' Personnel File - Personal information regarding individual Committee Members, including documents related to the appointment of the Member, contracts, conflict-of-interest items, and activities during each Member's term.
- c. Members' Compensation and Travel File - Claims for reimbursement, travel authorizations, travel vouchers, tabulation of time spent on Committee business, and other material.

**Consultants' Files:** These files contain material relating to individual consultants to ACRS/ACNW. They include:

- a. Consultants' General File - Material relating to individual consultants, including consultant reports, other correspondence to and from the consultant, and papers presented at technical society meetings.
- b. Consultants' Personnel File - Personal information regarding the individual consultants including documents related to the appointment of consultants and their conflict-of-interest situation.
- c. Consultants' Compensation and Travel File - Claims for reimbursement by consultants for compensation, travel and other expenses and related documents.
- d. Consultants' File of Reports Released to PDR - Reports submitted by consultants pertaining to various aspects of nuclear reactor safety (microfiche).

**Federal Register Notice File:** Requests for publication of notices in the Federal Register, response by OGC and the Advisory Committee Management Officer, FRNs, and the listing of local PDRs.

**Classified Information File:** Classified reports, correspondence, and other records pertaining to Department of Defense reactors and DOE production facilities. Security plans and other sensitive unclassified information are also maintained under this category.

**Meeting Transcripts File:** Copies of Full Committee and Subcommittee/Working Group meeting transcripts arranged in chronological order. (After one year, transcripts are available on microfiche only.)

**Meeting Minutes File:** Certified minutes of both Full Committee and Subcommittee/Working Group meetings with all attachments arranged in chronological order.

**Reference:** Temporary files containing reference materials used to support other documentation (e.g., SECY Papers and EDO Correspondence).



**Convenience Files:** Information for near-term use, such as reading files, suspense files, or other working files.

## **17.2 MAIL SERVICES**

This section describes the procedures and guidelines for the management of ACRS/ACNW mail services. OSB is responsible for mail management, control, and distribution. For detailed information on NRC and U.S. Postal Service directives and regulations, refer to MD 3.23, "Mail Management<sup>61</sup>." Any questions about mail or courier services may be directed to the Chief, Distribution and Mail Services Section, DCB/DICC/IRM.

### **17.2.1 Incoming Mail**

Incoming mail is delivered to the NRC Central Mail Room where it is sorted and delivered to the ACRS/ACNW DCC four times a day. The Audiovisual Information Assistant sorts the mail and places it in the individual mail boxes. The Audiovisual Information Assistant is authorized to open mail and SF 65 Series Government Messenger Envelope (holey joes) that are not addressed to specific persons for the purpose of identifying the subject matter. Staff Requirements Memoranda, responses from the EDO to Committee letters, and SECY papers are distributed to the appropriate Members and the cognizant Staff Engineer/Scientists when they are received in the Mail Room.

ACRS/ACNW Staff and Fellows should pick up their mail at least once a day and make arrangements for the review of their mail when they are out of the office.

Documents received directly by Staff Engineers/Scientists for use by Members should be given first to the Audiovisual Information Assistant to be logged in, and then distributed to the appropriate Members. Trip Reports and Consultant Reports received by the Engineers/Scientists should also be given first to the Audiovisual Information Assistant to be logged in and then distributed to other appropriate recipients. The Audiovisual Information Assistant will provide copies of Trip Reports and Consultant Reports to the PDR, the File Room, and the Members' or Consultants' Files.

### **17.2.2 Outgoing Mail**

Outgoing mail is picked up by the NRC Mail Room Staff at the same time that the incoming mail is delivered. The outgoing U.S. Postal Service mail is metered in the Central Mail Room and picked up by the U.S. Postal Service at 12:00 noon and 5:00 P.M.. Mail to be included in the last shipment should be in the DCC outbox by 3:00 P.M.. Last-minute mail may be taken directly to the NRC Central Mail Room prior to 4:00 P.M..

All outgoing mail addressed to NRC offices or to other government agencies should be enclosed in either holey joes for unclassified interoffice mail or properly sized envelopes for external mail.

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NRC Business Reply Mail labels or Business Reply Mail envelopes should be enclosed with outgoing correspondence whenever a reply is required. Members may use the Business Reply Mail labels and envelopes only to send business mail to the NRC.

Proprietary and Official Use Only documents must be forwarded in double envelopes stamped with the statement "*To Be Opened By Addressee Only.*"

### **17.2.3 Routine Mail to Members**

Each Member has a mail box in the ACRS/ACNW DCC for routine mail. Routine mail is defined as material that Members have more than 10 calendar days to review or use. Routine mail will be sent to the Member's office or home. If the mail needs review or use within 10 days, refer to Sections 17.2.4 and 17.2.5 below.

Care should be taken to ensure that mail is placed in the correct Member's mail box. Mail should be placed face up, with the top of the document toward the back of the box, so that all material will be facing the same direction.

Routine mail is packaged and mailed to Members at least three times a week. Members' mail packages should not exceed 10 pounds.

### **17.2.4 Priority Mail to Members**

Priority mail is material that a Member should receive and read in fewer than 10 calendar days, but does not have a high enough urgency to be sent to the "urgent" mailing address. Priority mail is usually related to upcoming Committee, Subcommittee, or Working Group meetings. Priority mail should be indicated by a red sticker and placed in the Member's mailbox.

### **17.2.5 Urgent Mail to Members**

Urgent mail is material that Members require within five calendar days to conduct Committee business. Urgent mail includes items such as:

- Material for upcoming Full Committee, Subcommittee or Working Group meetings
- Travel tickets, compensation claims, and pay vouchers
- Monthly notice of scheduled meetings

The Administrative Assistants have primary responsibility for addressing and mailing urgent mail. The Audiovisual Information Assistant will assist with bulky documents. Urgent mail is packaged and mailed First Class to the Member's home.

Mail that is needed within three calendar days should be sent by overnight express or other rapid delivery service. Note that justification and advance approval at the Branch Chief level

or above are required on NRC Form 420 "Request for Premium Cost Mail Service" (Exhibit 45).

All urgent mail, irrespective of the mailing address, should be marked with a red star, strip of red tape or a red label on the outside of the envelope or package. This helps to identify the urgent mail. Urgent mail should be placed in the out box for NRC pickup. Do not place urgent mail in the Member's mail box.

### 17.3 SELECTIVE DISSEMINATION OF INFORMATION PROFILE

The purpose of the Selective Dissemination of Information (SDI) profile is to ensure that each ACRS/ACNW Member receives only those documents that are pertinent to his or her assigned tasks and special interests. The SDI profile identifies the various document types and the latest selections made by the ACRS/ACNW Members.

Members are not sent any proprietary information or privileged material that can have a direct or predictable effect on their financial interests. If any proprietary or other privileged material in a conflict-of-interest area is inadvertently sent to a Member, the Member should be asked to return it immediately, and the error should be brought to the attention of the Chief, OSB.

The SDI profile identifies document types either received through the NRC mail system or generated internally by ACRS/ACNW Members and staff. The NRC Regulatory Information Distribution System (RIDS) Codes are shown next to the document types. The OSB staff matches incoming documents with the SDI profile and the Subcommittee Assignments list to determine the document's distribution. In addition, the Cognizant Staff Engineer/Scientist is asked to review the document, identify additional Members, staff, and consultants who should receive the particular document, and distribute accordingly.

Since there are some NRC publications that are always of interest, the ACRS/ACNW Member has the option of being placed on the mailing list for specific NRC publication types. With this option, the Member does not control the volume or the selection of the publications mailed to him or her. The SDI identifies those publications that can be ordered on a regular basis.

ACRS/ACNW Members can select and review subject categories of information to be received directly from DOE. The DOE Technical Information Center (TIC) uses a subject category scheme for categorizing and distributing DOE-originated or DOE-sponsored unclassified scientific and technical reports. Referred to as standard distribution, this system is defined as the system by which DOE disseminates the results of its research and development program to DOE program managers, DOE contractor scientists and engineers, and others participating in the program. This dissemination is controlled by DOE's standard distribution lists that are maintained by the TIC in consultation with program managers or their designated representatives.

## **17.4 RECORDS DISPOSITION**

The objectives of the records disposition program are to preserve records of continuing value, destroy records of temporary value when they are no longer needed, and remove outdated records.

Disposition includes the retirement, transfer, or destruction of records. Retirement refers to the transfer of records to the NRC Archival Facility, Federal Records Center or National Archives and Records Administration. Destruction of records may be accomplished by recycling, discarding, shredding, or burning, depending upon the nature of the records. Recycling is the preferred method for nonsensitive, unclassified documents. A receptacle for classified and/or sensitive unclassified documents is located in the DCC.

### **17.4.1 Record Retention**

Many records are retained in compliance with FACA Section 10(b) (Appendix A). Records are divided into two categories: documents for information only and documents covered by this FACA section and kept in NUDOCS.

- Documents provided for Information Only are maintained to provide information only to Committee Members. They are retained only as long as they are useful, but are not kept for the life of the Committee.
- Documents covered by FACA Section 10(b) and kept in NUDOCS are those documents made available to or prepared for or by the Committee. These documents are routinely stored, microfilmed, and maintained by NUDOCS, and kept for the life of the Committee. A Memorandum of Understanding between ACRS/ACNW and IRM (Appendix M) specifies the administrative procedures for ensuring that NRC complies with FACA.

### **17.4.2 Disposition Schedule**

Records are maintained and disposed of in accordance with a planned schedule based on the category of the record. NRC NUREG-0910, "NRC Comprehensive Records Disposal Schedule,"<sup>62</sup> is the guide for disposition of files within ACRS/ACNW.

#### **References:**

- MD 3.50, "Document Management"
- MD 3.53, "NRC Records Management Program"
- FACA (P.L. 92-463)
- NRC NUREG-0910, "NRC Comprehensive Records Disposition Schedule"

**Table 17-1. ACRS/ACNW Official File Stations**

<b>File Custodians</b>	<b>Title/Description of Records</b>	<b>*Disposal Authority NRCS</b>
Information Systems Specialist	1.Meeting Minutes Files (Microfiche)	2.3.8/2.2.3
	2.Consultants' Report Files (Microfiche)	2.3.11/2.2.2
	3.Classified Information Files	2.3.3
Audiovisual Information Assistant	1.Nuclear Reactor Docket Files	2.3.9
	2.Vendor Topical Reports	2.20.18
Technical Information Assistant	1.Office Administrative Files	GRS-23-1
	2.Project Case Files	2.3.10/2.2.1
	3.Program Correspondence Files	2.3.6/2.2.4
	4.Regulatory Guides Files	2.3.4
	5.Records Retirement Lists	2.14.9
	6.Keyword Indexes	2.3.7
	7.Meeting Minutes	2.3.8/2.2.3
	8.Meeting Transcripts Files	2.3.12
Program Assistant	1.Reimbursable Agreements and Contract Files	1.1.7
	2.Consultants' Travel Files	1.1.1
Administrative Secretary to the Executive Director	1.ACRS/ACNW Members' General Files	Unscheduled
	2.Reading or Chronological Files	1.1.5
	3.Consultants' General/Reports Files	Unscheduled; 2.3.11/2.2.2
	4.ACRS Fellows'/Coops' Reports Files	Unscheduled
Administrative Officer	1.Consultants' Personnel Files	2.3.5
Administrative Secretary to the Chief, Operations Support Branch	1.Office General Personnel Files	1.1.2
	2.Office Organization Reference Files	1.1.3
	3.Members' Personnel Files	2.3.1
Administrative Assistant	1.Employees' Travel Files	1.1.1
	2.Members' Travel Files	1.1.1

\*Refer to NUREG-0910, Rev. 2, "NRC Comprehensive Records Disposition Schedule"



## ENDNOTES

1. 41 CFR Part 101-6: Federal Advisory Committee Management Regulations
2. Atomic Energy Act of 1954
3. Energy Reorganization Act of 1974
4. 10 CFR Part 7: NRC's Advisory Committee Regulations (See Appendix B)
5. 10 CFR Part 60: Disposal of High-Level Radioactive Wastes in Geologic Repositories
6. 10 CFR Part 61: Licensing Requirements for Land Disposal of Radioactive Waste
7. Nuclear Waste Policy Act of 1982
8. Low-Level Radioactive Waste Policy Amendments Act of 1985
9. Uranium Mill Tailings Radiation Control Act of 1978, as Amended
10. Reorganization Plan No. 1 of 1980
11. Management Directive 9.4: Standards for Delegation of Authority
12. Management Directive 10.136: Senior Executive Services (SES) Recertification Program
13. Management Directive 10.137: Senior Executive Service Performance Appraisal System
14. Management Directive 10.67: Non-SES Performance Appraisal System
15. Management Directive 10.101: Employee Grievances
16. Management Directive 10.72: Incentive Awards
17. Ibid., 14
18. Management Directive 10, Part 5, Subpart A: Benefits, Health Services, and Employee Safety
19. Federal Employees Retirement System
20. Civil Service Retirement System Employee Handbook
21. Summary of the Thrift Savings Plan for Federal Employees
22. Ibid., 18

23. Management Directive 10, Part 2, Subpart C: Position Evaluation, and Management, Pay Administration, and Leave
24. Management Directive 10.42: Hours of Work and Premium Pay
25. Management Directive 10.62: Leave Administration
26. Ibid., 25
27. Ibid., 25
28. Ibid., 24
29. Ibid., 24
30. Management Directive 10.102: Labor-Management Relations Program for Federal Employees
31. Management Directive 10.43: Time and Attendance Reporting
32. Management Directive 3.53: NRC Records Management Program
33. Management Directive 10.13: Special Employment Programs
34. Management Directive 10.6: Use of Consultants and Experts
35. Management Directive 11.7: NRC Procedures for Placement and Monitoring Work with the Department of Energy
36. 5 U.S.C. 5332, Chapter 53, Subchapter III: The General Schedule
37. Management Directive 11.1: NRC Acquisition of Supplies and Services
38. Management Directive 10.1: Appointments, General Employee Issues, Details, and Position Changes
39. Ibid., 34
40. 5 CFR Part 2635: Standards of Ethical Conduct for Employee of the Executive Branch
41. Ibid., 40
42. Management Directive 7.9: Ethics Approvals and Waivers
43. Management Directive 7.6: Public and Confidential Financial Disclosure Reports
44. 5 CFR Part 2637, Chapter XVI: Regulations Concerning Post Employment Conflict of Interest
45. 5 CFR Part 2641, Chapter XVI: Post Employment Conflict of Interest Restrictions

46. Management Directive 14.0: Travel
47. SECY-91-240 dated August 6, 1991: Security Support for NRC Meetings/hearings
48. 5 U.S.C. 552: Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings
49. 10 CFR Part 9: Public Records
50. 10 CFR Part 9, Subpart A: Freedom of Information Act Regulations
51. Management Directive 12.2: NRC Information Security Program (See Appendix L)
52. 52 FR 10012: Uniform Freedom of Information Act Fee Schedule and Guidelines, March 27, 1987
53. NUREG-0910, Revision 2, NRC Comprehensive Records Disposition Schedule
54. Management Directive 11.1: NRC Acquisition of Supplies and Services
55. 5 U.S.C. 5373, Chapter 53, Subchapter VII: Limitation on Pay Fixed by Administrative Action
56. NUREG-1125 "A Compilation of Reports of the Advisory Committee on Reactor Safeguards"
57. NUREG-1423 "A Compilation of Reports of the Advisory Committee on Nuclear Waste"
58. 5 U.S.C. 552B, Chapter 5, Subchapter II: Open Meetings (See Reference Number 47)
59. Ibid., 32
60. File Guides for
  - A) Office Administration File Guide Includes Administration and ACRS Files
  - B) Advisory Committee on Nuclear Waste Program File
61. Management Directive 3.23: Mail Management
62. Ibid, 53

## Appendices

Appendix A	Federal Advisory Committee Act (FACA)
Appendix B	10 CFR Part 7
Appendix C	ACRS/ACNW Bylaws/Charter
Appendix D	Division of Responsibilities Between ACRS/ACNW
Appendix E	Staff Directory/ACRS/ACNW Functional Directory
Appendix F	Fellowship Program
Appendix G	Delegation of Authority
Appendix H	Federal Employees Compensation Act
Appendix I	Sick Leave Excuses
Appendix J	Conflict-of-Interest Documents
Appendix K	BankCard Procedures
Appendix L	Security Procedures
Appendix M	Memorandum of Understanding: ACRS/IRM

**Appendix A**  
**Federal Advisory Committee Act**  
**(FACA)**





Public Law 92-463  
92nd Congress, H. R. 4383  
October 6, 1972

## An Act

86 STAT. 770

To authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes.

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Advisory Committee Act".

Federal Advisory Committee Act.

### FINDINGS AND PURPOSES

Sec. 2. (a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that—

- (1) the need for many existing advisory committees has not been adequately reviewed;
- (2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;
- (3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;
- (4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;
- (5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and
- (6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

### DEFINITIONS

Sec. 3. For the purpose of this Act—

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is—

- (A) established by statute or reorganization plan, or
- (B) established or utilized by the President, or
- (C) established or utilized by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government.

(3) The term "agency" has the same meaning as in section 551(1) of title 5, United States Code.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

APPLICABILITY

**Restrictions.**      **Sec. 4.** (a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by—

- (1) the Central Intelligence Agency; or
- (2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

**Review.**      **Sec. 5.** (a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

**Guidelines.**      (b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

- (1) contain a clearly defined purpose for the advisory committee;
- (2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;
- (3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;
- (4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

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(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

#### RESPONSIBILITIES OF THE PRESIDENT

Sec. 6. (a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

Report to Congress.

(c) The President shall, not later than March 31 of each calendar year (after the year in which this Act is enacted), make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

Annual report to Congress.

Exclusion.

#### RESPONSIBILITIES OF THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Sec. 7. (a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

Committee Management Secretariat.

(b) The Director shall, immediately after the enactment of this Act, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine—

Establishment.  
Review.

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; or

(4) whether it should be abolished.

The Director may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Director's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Director shall carry out a similar review annually. Agency heads shall cooperate with the Director in making the reviews required by this subsection.

Recommendations to President and Congress.

Agency cooperation.

Performance guidelines.

(c) The Director shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

Uniform pay guidelines.

(d) (1) The Director, after study and consultation with the Civil Service Commission, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that—

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code; and

Travel expenses.

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

80 Stat. 499;  
83 Stat. 190.

(2) Nothing in this subsection shall prevent—

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States,

or

(B) an individual who immediately before his service with an advisory committee was such an employee,

from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

Expense recommendations.

(e) The Director shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

RESPONSIBILITIES OF AGENCY HEADS

Sec. 8. (a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Director under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

Advisory Committee Management Control Officer, designation.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall—

(1) exercise control and supervision over the establishment, procedure, and accomplishments of advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.

81 Stat. 54.

ESTABLISHMENT AND PURPOSE OF ADVISORY COMMITTEES

Sec. 9. (a) No advisory committee shall be established unless such establishment is—

(1) specifically authorized by statute or by the President; or



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Publication in  
Federal Register.

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Director, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Director, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

Charter,  
Filing.  
Contents.

- (A) the committee's official designation;
- (B) the committee's objectives and the scope of its activity;
- (C) the period of time necessary for the committee to carry out its purposes;
- (D) the agency or official to whom the committee reports;
- (E) the agency responsible for providing the necessary support for the committee;
- (F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;
- (G) the estimated annual operating costs in dollars and man-years for such committee;
- (H) the estimated number and frequency of committee meetings;
- (I) the committee's termination date, if less than two years from the date of the committee's establishment; and
- (J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

ADVISORY COMMITTEE PROCEDURES

Sec. 10. (a) (1) Each advisory committee meeting shall be open to the public.

Meetings.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Director shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

Notice.  
Publication in  
Federal Register.  
Regulations.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Director may prescribe.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the office of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

51 Stat. 54.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the

Minutes.



Federal Advisory Committee Act—continued

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**Certification.** advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

**81 Stat. 54. Annual report.** (d) Subsections (a)(1) and (a)(3) of this section shall not apply to any advisory committee meeting which the President, or the head of the agency to which the advisory committee reports, determines is concerned with matters listed in section 552(b) of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.

**Federal officer or employee, attendance.** (e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

AVAILABILITY OF TRANSCRIPTS

**"Agency proceeding."** 80 Stat. 382. (a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of title 5, United States Code.

FISCAL AND ADMINISTRATIVE PROVISIONS

**Recordkeeping.** **Audit.** **Agency support services.** **Sac. 12.** (a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

RESPONSIBILITIES OF LIBRARY OF CONGRESS

**Reports and background papers.** **Depository.** **Sac. 13.** Subject to section 552 of title 5, United States Code, the Director shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

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## TERMINATION OF ADVISORY COMMITTEES

Sec. 14. (a) (1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b) (1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c). Renewal.

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this section to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate. Continuation.

## EFFECTIVE DATE

Sec. 15. Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following the date of enactment.

Approved October 6, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-1017 (Comm. on Government Operations) and No. 92-1403 (Comm. of Conference).

SENATE REPORT No. 92-1096 accompanying S. 352 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 118 (1972):

May 9, considered and passed House.

Sept. 12, considered and passed Senate, amended, in lieu of S. 352.

Sept. 19, Senate agreed to conference report.

Sept. 20, House agreed to conference report.

**Appendix B**  
**10 CFR Part 7**

- 7.8 Charter filing requirements.
- 7.9 Public notice of advisory committee establishment, reestablishment, or renewal.
- 7.10 The NRC Advisory Committee Management Officer.
- 7.11 The Designated Federal Officer.
- 7.12 Public participation in and public notice of advisory committee meetings.
- 7.13 Minutes of advisory committee meetings.
- 7.14 Public information on advisory committees.
- 7.15 Procedures for closing an NRC advisory committee meeting.
- 7.16 Annual comprehensive review.
- 7.17 Reports required for advisory committees.
- 7.18 Compensation and expense reimbursement of advisory committee members, staffs, and consultants.
- 7.19 Handicapped members of advisory committees.
- 7.20 Conflict of interest reviews of advisory committee members' outside interests.
- 7.21 Costs of duplication of documents.
- 7.22 Fiscal and administrative responsibilities.

AUTHORITY: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 92-462, 88 Stat. 770 (5 U.S.C. App.).

SOURCE: 54 FR 28948, June 27, 1989, unless otherwise noted.

#### §7.1 Policy.

The regulations in this part define the policies and procedures to be followed by the Nuclear Regulatory Commission in the establishment, utilization, and termination of advisory committees. In general, it is the policy of the Commission that—

(a) Except where there is express legal authority to the contrary, the function of NRC advisory committees shall be advisory only.

(b) Each NRC advisory committee shall function in compliance with the Federal Advisory Committee Act and this part.

(c) The number of NRC advisory committees shall be kept to the minimum necessary, and the number of members of each NRC advisory committee shall be limited to the fewest necessary to accomplish committee objectives.

(d) An NRC advisory committee shall be established only when establishment of the committee is required by law or when the Commission determines that the committee is essential to the conduct of NRC business. In making such a

## PART 7—ADVISORY COMMITTEES

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<sup>1</sup> Categories of assistance may be added to Appendix A from time to time by notice published in the FEDERAL REGISTER. This part shall be deemed to apply to all grants, loans or contracts entered into under any such category of assistance on or after the effective date of the inclusion of the category of assistance in Appendix A.



determination, the Commission shall consider whether committee deliberations will result in a significant contribution to the creation, amendment, or elimination of regulations, guidelines, or rules affecting NRC business; whether the information to be obtained is available through another source within the Federal Government; whether the committee will make recommendations resulting in significant improvements in service or reductions in cost; or whether the committee's recommendations will provide an important additional perspective or viewpoint relating to NRC's mission.

(e) Except where otherwise required by law, an NRC advisory committee shall be terminated whenever the stated objectives of the committee have been accomplished, the subject matter or work of the committee has become obsolete, the committee's main functions have been assumed by another entity within the Federal Government, or the cost of operating the committee has become excessive in relation to the benefits accruing to the Federal Government from its activities.

(f) NRC advisory committees shall be balanced in their membership in terms of the points of view represented and the functions to be performed.

(g) The Congress shall be kept informed of the number, purpose, membership, activities, and cost of NRC advisory committees.

(h) NRC advisory committee meetings shall be open to the public, except where closure is determined to be justified under § 7.15.

### § 7.2 Definitions.

As used in this part:

(a) *Act* means the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

(b) *Administrator* means the Administrator of General Services.

(c)(1) *Advisory committee* means any committee, board, commission, council, conference, panel, task force, or similar group, or any subcommittee or other subgroup thereof, that is established by statute for the purpose of providing advice or recommendations on issues of policy to an official, branch, or agency of the Federal Government, or that is established or uti-

lized by the President or any agency official to obtain advice or recommendations on issues or policies that fall within the scope of his or her responsibilities; except that the term "advisory committee" shall not include the groups listed in paragraph (c)(3) of this section.

(2) For purposes of the definition of "advisory committee" in paragraph (c)(1) of this section, a group shall be considered to be "utilized by the President or any agency official to obtain advice or recommendations on issues or policies that fall within the scope of his or her responsibilities" if (i) the group is composed in whole or in part of other than full-time officers or employees of the Federal Government, (ii) the group has an established existence outside the agency seeking the advice, (iii) the group is a preferred source from which to obtain advice or recommendations on a specific issue or policy within the scope of the President's or agency official's responsibilities, and (iv) such advice or recommendations are obtained in the same manner as advice or recommendations obtained from established advisory committees.

(3) The following advisory meetings or groups are not included in the definition of "advisory committee" in paragraph (c)(1) of this section:

(i) Any group composed wholly of full-time officers or employees of the Federal Government;

(ii) Any group specifically exempted from the Act or these regulations by an Act of Congress;

(iii) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to any State or local government unit or an official thereof;

(iv) Any group that performs primarily operational functions specifically provided by law, as opposed to advisory functions;

(v) Any meeting initiated by the President or one or more Federal officials for the purpose of obtaining advice or recommendations from one individual;



(vi) Any meeting that is initiated by a Federal official and that is held with more than one individual for the purpose of obtaining the advice of individual attendees and not for the purpose of utilizing the group to obtain consensus advice or recommendations, except where the agency accepts the group's deliberations as a source of consensus advice or recommendations;

(vii) Any meeting initiated by a group with the President or one or more Federal officials for the purpose of expressing the group's view, provided that the President or Federal official does not use the group recurrently as a preferred source of advice or recommendations;

(viii) Any meeting of two or more advisory committee members convened solely to gather information or conduct research for a chartered advisory committee to analyze relevant issues and facts for a chartered advisory committee, or to draft proposed position papers for deliberation by a chartered advisory committee; and

(ix) Any meeting with a group initiated by the President or by one or more Federal officials for the purpose of exchanging facts or information.

(d) *Agency* means an agency of the Government of the United States as defined in 5 U.S.C. 551(1).

(e) *Commission* means the Nuclear Regulatory Commission of five members, or a quorum thereof, sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974, 42 U.S.C. 5841 (88 Stat. 1242).

(f) *Committee member* means an individual who is appointed to serve on an advisory committee and has the full right and obligation to participate in the activities of the committee, including voting on committee recommendations.

(g) *Designated Federal Official* means a government employee appointed, pursuant to §7.11(a), to chair or attend each meeting of an NRC advisory committee to which he or she is assigned.

(h) *GSA* means the General Services Administration.

(i) *NRC* means the agency established by title II of the Energy Reorganization Act of 1974, 42 U.S.C. 5801 (88 Stat. 1233), and known as the Nuclear Regulatory Commission.

(j) *NRC Advisory Committee Management Officer* means the individual appointed, pursuant to §7.10(a), to supervise and control the establishment and management of NRC advisory committees.

(k) *NRC Public Document Room* means the Public Document Room maintained by the NRC at 2120 L Street, NW., Washington, DC.

(l) *Presidential advisory committee* means an advisory committee that advises the President.

(m) *GSA Secretariat* means the Committee Management Secretariat of the General Services Administration, which was established pursuant to the Act.

(n) *Staff member* means any individual who serves in a support capacity to an advisory committee.

### §7.3 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an NRC officer or employee, other than a written interpretation by the General Counsel, shall be binding upon the Commission.

### §7.4 Establishment of advisory committees.

(a) An NRC advisory committee may be established under this part only if its establishment—

(1) Is specifically directed or authorized by statute or by Executive Order of the President; or

(2) Has been determined by the Commission to be in the public interest and essential to the performance of the duties imposed on the Commission by law.

The determination required by paragraph (a)(2) of this section shall be a matter of formal record, and shall include a statement of a clearly defined purpose for the advisory committee.

### §7.5 Review of establishment of advisory committees by GSA Secretariat; Advisory committee charters.

(a) Whenever the NRC proposes to establish or utilize an advisory committee, a letter requesting review of the proposal and transmitting a proposed charter for the committee shall be submitted to the GSA Secretariat by the

Commission. The letter shall contain the following information:

(1) An explanation of why the committee is essential to the conduct of NRC business and is in the public interest;

(2) An explanation of why the committee's functions cannot be performed by NRC, another existing NRC advisory committee, or other means (such as a public hearing); and

(3) A description of NRC's plan to attain balanced membership on the committee.

For purposes of attaining balance in an NRC advisory committee's membership, the Commission shall consider for membership interested persons and groups with professional, technical, or personal qualifications or experience to contribute to the functions and tasks to be performed.

(b) Each proposed committee charter submitted for review pursuant to paragraph (a) of this section shall contain the following information:

(1) The committee's official designation;

(2) The committee's objectives and the scope of its activity;

(3) The period of time necessary for the committee to carry out its purposes;

(4) The NRC official to whom the committee will report;

(5) The NRC office responsible for providing support for the committee;

(6) A description of the duties for which the committee will be responsible, and if such duties are not solely advisory, a specification of the authority for the functions that are not advisory;

(7) The estimated annual operating costs, in dollars and man-years, for the committee;

(8) The estimated number and frequency of committee meetings; and

(9) The committee's termination date, if less than two years from the date of the committee's establishment.

The date the charter is filed pursuant to § 7.8 shall be added to the charter when such filing takes place.

(c)(1) A subcommittee that does not function independently of its parent advisory committee shall be subject to the requirements of this part, except that it shall not be subject to the re-

quirements of paragraphs (a) and (b) of this section. Such a subcommittee shall not, however, be subject to the requirements of this part with respect to any meeting of its members devoted solely to a function described in § 7.2(c)(3)(viii).

(2) The requirements of this part, including the requirements of paragraphs (a) and (b) of this section, shall apply to any subcommittee that functions independently of the parent advisory committee (such as by making recommendations directly to the agency rather than to the parent advisory committee), regardless of whether the subcommittee's members are drawn in whole or in part from the parent advisory committee.

(d) After the GSA Secretariat has notified the Commission of the results of its review of a proposal to establish or utilize an NRC advisory committee, submitted pursuant to paragraph (a) of this section, the Commission shall notify the GSA Secretariat in writing whether the advisory committee is actually being established. Filing of the advisory committee charter pursuant to § 7.8 shall be deemed to fulfill this notification requirement. If the advisory committee is not being established, the Commission shall so advise the GSA Secretariat in writing, stating whether NRC intends to take any further action with respect to the proposed advisory committee.

(e) The date of filing of an advisory committee charter pursuant to § 7.8 shall appear on the face of the charter and shall constitute the date of establishment, renewal, or reestablishment of the committee.

#### § 7.6 Amendments to advisory committee charters.

(a) Final authority for amending the charter of an NRC advisory committee established or utilized by the NRC is vested in the Commission.

(b) Any proposed minor technical changes made to a current charter for an NRC advisory committee whose establishment is required or authorized by statute or by Executive Order of the President shall be coordinated with the General Counsel to ensure that they are consistent with the applicable statute or Executive Order. When the stat-

ute or Executive Order that directed or authorized the establishment of an advisory committee is amended to change the language that has been the basis for establishing the advisory committee, those sections of the current charter affected by the statute or Executive Order shall also be amended, and the amended charter shall be filed as specified in §7.8.

(c)(1) The charter of an NRC advisory committee established under general agency authority may be amended when the Commission determines that the existing charter no longer reflects the objectives or functions of the committee. Such changes may be minor (such as revising the name of the advisory committee or modifying the estimated number or frequency of meetings), or they may be major (such as revising the objectives or composition of the committee). The procedures specified in paragraph (b) of this section shall be used in the case of charter amendments involving minor changes.

(2) In the case of a major amendment to the charter of an advisory committee established under general agency authority, a letter requesting review of the proposed amendment and transmitting the proposed amended charter shall be submitted to the GSA Secretariat. The letter shall explain the purpose of the changes and why they are necessary.

(3) A committee charter that has been amended pursuant to this paragraph is subject to the filing requirements set forth in §7.8.

(4) Amendment of an existing advisory committee charter pursuant to this paragraph does not constitute renewal of the committee for purposes of §7.7.

**§7.7 Termination, renewal, and rechartering of advisory committees.**

(a) Except as provided in paragraph (b)(1) of this section, each NRC advisory committee shall terminate two years after it is established, reestablished, or renewed, unless—

(1) It has been terminated sooner;

(2) It has been renewed or reestablished before the end of such period in accordance with the procedures set

forth in paragraph (b) of this section; or

(3) Its duration has been otherwise designated by law.

The NRC Committee Management Officer shall notify the GSA Secretariat in writing of the effective date of termination of any advisory committee that has been terminated by the NRC.

(b)(1) An NRC advisory committee that is established by statute shall require rechartering by the filing of a new charter every 2 years after the date of enactment of the statute establishing the committee. If a new charter is not filed, the committee is not terminated, but it may not meet or take any actions.

(2) Any other NRC advisory committee may be renewed, provided that such renewal is carried out in compliance with the procedures set forth in §7.5 at least 30 and not more than 60 days before the committee would otherwise terminate; except that an advisory committee established by the President may be renewed by appropriate action of the President and the filing of a new charter. Renewal of an NRC advisory committee shall not be deemed to terminate the appointment of any committee member who was previously appointed to serve on the committee.

**§7.8 Charter filing requirements.**

(a) Except as provided in paragraph (b) of this section, an NRC advisory committee may not operate, meet, or take any action unless a copy of the committee's charter has been filed with (1) the Committee on Environment and Public Works of the United States Senate, and the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce of the United States House of Representatives; (2) the Library of Congress, Exchange and Gift Division, Federal Documents Section, Federal Advisory Committee Desk, Washington, DC 20540; and (3) the GSA Secretariat. The copy filed with the GSA Secretariat shall indicate the Congressional filing date.

(b) When either the President or the Congress establishes an advisory committee that advises the President and for which NRC is responsible, the Commission shall—



(1) File the committee's charter with the GSA Secretariat;

(2) File a copy of the committee's charter with the Library of Congress at the address listed in paragraph (a) of this section; and

(3) If specifically directed by law, file with the Congressional Committees listed in paragraph (a) of this section a copy of the charter that shows its date of filing with the GSA Secretariat.

(c) For purposes of the filing requirements established by this section, the filing date of an advisory committee charter shall be the date on which the charter, or a copy of the charter where appropriate, is offered for filing at the office in which it is required to be filed (in the case of hand delivery), or on which it is deposited in the mail (in the case of delivery by mail).

(d) The charter filing requirements established by this section are subject to the public notice requirements of § 7.9.

**§ 7.9 Public notice of advisory committee establishment, reestablishment, or renewal.**

(a) After the Commission has received the GSA Secretariat's response to a request (in accordance with § 7.5) for review of a proposal to establish, reestablish, renew, or utilize an NRC advisory committee, the Commission shall publish a notice in the FEDERAL REGISTER that the committee is being established, reestablished, renewed, or utilized. In the case of a new committee, the notice shall also describe the nature and purpose of the committee and shall include a statement that the committee is necessary and in the public interest. This notice requirement does not apply to any committee whose establishment is required by statute or which is established by Executive Order of the President.

(b) Notices required to be published pursuant to paragraph (a) of this section shall be published at least 15 calendar days before the committee charter is filed pursuant to § 7.8, except that the GSA Secretariat may approve less than 15 days for good cause shown. The 15-day advance notice requirement does not apply to committee renewals, notices of which may be published concurrently with the filing of the charter.

**§ 7.10 The NRC Advisory Committee Management Officer.**

(a) The Chairman of the Commission shall appoint an NRC Advisory Committee Management Officer to carry out the functions specified in paragraph (b) of this section.

(b) The NRC Advisory Committee Management Officer shall—

(1) Carry out all responsibilities relating to NRC advisory committees delegated to such officer by the Commission;

(2) Ensure that administrative guidelines and management controls are issued that apply to all NRC advisory committees;

(3) Exercise control and supervision over the establishment, procedures, and accomplishments of NRC advisory committees;

(4) Assemble and maintain the reports, records, and other papers of any such committee during this existence;

(5) Carry out, on behalf of NRC, the provisions of the Freedom of Information Act (5 U.S.C. 552) and NRC's Freedom of Information Act Regulations (10 CFR part 9, subpart A) with respect to such reports, records, and other papers;

(6) Ensure that, subject to the Freedom of Information Act and NRC's Freedom of Information Act Regulations, copies of the records, reports, transcripts minutes, appendices, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each NRC advisory committee shall be available for public inspection and copying at the NRC Public Document Room until the advisory committee ceases to exist;

(7) Ensure that, subject to the Freedom of Information Act and NRC's Freedom of Information Act Regulations, at least eight copies of each report made by each NRC advisory committee and, where appropriate, background papers prepared by consultants, shall be filed with the Library of Congress;

(8) Ensure that NRC keeps such records as will fully disclose the disposition of any funds that may be at the disposal of NRC advisory committees and the nature and extent of their activities; and

## §7.11

(9) Ensure that NRC keeps such other records and provides such support services as are required by §7.22.

(c) For purposes of paragraph (b) of this section, the term "records" includes (but is not limited to):

(1) A set of approved charters and membership lists for each NRC advisory committee;

(2) Copies of NRC's portion of the President's annual report to the Congress on Federal advisory committees required by section 6(c) of the Act;

(3) NRC guidelines on committee management operations and procedures as maintained and updated; and

(4) NRC determinations to close advisory committee meetings made pursuant to §7.15.

[54 FR 26948, June 27, 1989; 54 FR 28554, July 6, 1989; 54 FR 31646, Aug. 1, 1989]

### §7.11 The Designated Federal Officer.

(a) The Chairman of the Commission shall appoint a Designated Federal Officer for each NRC advisory committee and its subcommittees. The individual holding this position must be employed by the Federal Government on either a full-time or a permanent part-time basis.

(b) All meetings of an NRC advisory committee must be convened or approved by the committee's Designated Federal Officer, and the agenda for each committee meeting (except a meeting of a Presidential advisory committee) must be approved by that individual.

(c) An NRC advisory committee may not hold a meeting in the absence of its Designated Federal Officer.

(d) It shall also be the responsibility of the Designated Federal Officer to—

(1) Attend all meetings of the committee for which he or she has been appointed;

(2) Adjourn the meetings of the committee when such adjournment is in the public interest;

(3) Chair the meetings of the committee when so directed by the Commission;

(4) Ensure compliance with the requirements of §7.13 regarding minutes of meetings of the committee; and

(5) Provide to the NRC Public Document Room copies of committee documents required to be maintained for

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public inspection and copying pursuant to §7.14(b).

[54 FR 26948, June 27, 1989; 54 FR 28554, July 6, 1989]

### §7.12 Public participation in and public notice of advisory committee meetings.

(a) Each meeting of an NRC advisory committee shall be held at a reasonable time and in a place reasonably accessible to the public. The size of the meeting room must be sufficient to accommodate advisory committee members, committee or agency staff, and interested members of the public; except that, the provisions of this paragraph shall not apply where an entire NRC advisory committee meeting has been closed pursuant to §7.15.

(b) Any member of the public who wishes to do so shall be permitted to file a written statement with an NRC advisory committee regarding any matter discussed at a meeting of the committee. The committee chairman may also permit members of the public to speak at meetings of the committee in accordance with procedures established by the committee.

(c) Except when the President or his designee determines in writing that no notice should be published for reasons of national security, at least 15 days prior to an NRC advisory committee meeting, a notice that includes the following information shall be published in the FEDERAL REGISTER:

(1) The exact name of the advisory committee as chartered;

(2) The time, date, place, and purpose of the meeting;

(3) A summary of the agenda of the meeting; and

(4) Whether all or part of the meeting is open to the public.

If any part of the meeting is closed, the notice shall provide the reasons for the closure, citing the specific matter that has been determined to justify the closure under §7.15.

(d) In exceptional circumstances, less than 15 days notice of an advisory committee meeting may be given, provided that there is as much prior notice as possible and the reasons for the shorter time are included in the committee meeting notice published in the FEDERAL REGISTER.



(e) In addition to notice required by paragraph (c) of this section, the NRC may also use other forms of notice, such as public releases and notice by mail, to inform the public of advisory committee meetings. To that end, the Designated Federal Officer of each NRC advisory committee will, to the extent practicable, maintain lists of people and organizations interested in that advisory committee and notify them of meetings by mail.

#### § 7.13 Minutes of advisory committee meetings.

(a) Detailed minutes shall be kept of each NRC advisory committee meeting. The minutes shall include the following information:

- (1) The time, date, and place of the meeting;
- (2) A list of the attendees at the meeting who are advisory committee members or staff, agency employees, or members of the public who presented oral or written statements;
- (3) An estimate of the number of other members of the public who were present;
- (4) The extent of public participation; and
- (5) An accurate description of each matter discussed during the meeting and its resolution, if any, by the committee.

(b) The minutes of an NRC advisory committee meeting shall include a copy of each report or other document received, issued, or approved by the committee in connection with the meeting. If it is impracticable to attach a document to the minutes, the minutes shall describe the document in sufficient detail to permit it to be identified readily.

(c) The chairperson of an NRC advisory committee shall certify to the accuracy of the minutes of each of the committee's meetings. In the case of a subgroup of an advisory committee, the chairperson of the subgroup shall certify to the accuracy of the minutes.

(d) A verbatim transcript of an advisory committee meeting may be substituted for minutes required by this section, providing that the use of such a transcript is in accordance with the requirements of paragraphs (a), (b), and (c) of this section.

#### § 7.14 Public information on advisory committees.

(a) The Nuclear Regulatory Commission shall maintain systematic information on the nature, functions, and operations of each NRC advisory committee. A complete set of the charters of NRC advisory committees and copies of the annual reports required by § 7.17(a) shall be maintained for public inspection in the NRC Public Document Room.

(b) Subject to the provisions of the Freedom of Information Act (5 U.S.C. 552) and NRC's Freedom of Information Act Regulations (10 CFR part 9, subpart A), copies of NRC advisory committees' records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, and other documents shall be maintained for public inspection and copying in the NRC Public Document Room.

#### § 7.15 Procedures for closing an NRC advisory committee meeting.

(a) To close all or part of a meeting of an NRC advisory committee, the committee shall submit a written request for closure to the Chairman of the Commission, citing specific matter listed in the Government in the Sunshine Act (5 U.S.C. 552b), as implemented by 10 CFR 9.104, to justify the closure. The request shall provide the Chairman sufficient time for review in order to make a determination prior to publication of the meeting notice pursuant to § 7.12.

(b) The General Counsel shall review all requests to close meetings of NRC advisory committees.

(c) If the Chairman of the Commission agrees that the request is consistent with the policies of this part, a determination shall be issued in writing that all or part of the meeting will be closed. The determination shall include a statement of the reasons for the closing.

(d) Except when the President or his designee determines in writing that no notice should be published for reasons of national security, the Chairman of the Commission shall make a copy of the determination to close all or part of an NRC advisory committee meeting available to the public upon request, and shall state the reasons why all or

part of the meeting is closed, citing the specific matter listed in the Government in the Sunshine Act (as implemented by 10 CFR 9.104) in the meeting notice published in the FEDERAL REGISTER pursuant to §7.12.

(e) The Chairman of the Commission may delegate the Chairman's functions under paragraphs (c) and (d) of this section to such officer of the Commission as the Chairman considers appropriate. The General Counsel shall review any determination to close a meeting made by a delegate.

#### §7.16 Annual comprehensive review.

(a) The Chairman of the Commission shall conduct an annual comprehensive review of the activities and responsibilities of each NRC advisory committee to determine whether the committee—

(1) Is carrying out its purposes or, consistent with the provisions of applicable statutes, its responsibilities should be revised.

(2) Should be merged with another advisory committee.

(3) Should be terminated.

(b) The comprehensive review required by paragraph (a) of this section shall include consideration of such information regarding the committee as is required for the Commission's annual report to the GSA Secretariat pursuant to §7.27(a) and such other information as may be requested from the Committee by the NRC Advisory Committee Management Officer. The results of such review shall be included in the annual report to the GSA Secretariat.

(c) If, as a result of the review required by this section, the Commission determines that an advisory committee is no longer needed, the committee shall be terminated; except that in the case of an advisory committee established by an Act of Congress or the President, the committee's termination shall be recommended to the President or the Congress, as the case may be.

#### §7.17 Reports required for advisory committees.

(a) The Commission shall furnish a report on the activities of NRC advisory committees annually to the Administrator and the GSA Secretariat.

The report shall be on a fiscal year basis. It shall contain such information regarding NRC advisory committees as is required by section 6(c) of the Act for the President's annual report to the Congress and shall be consistent with instructions provided by the GSA Secretariat. A copy of the report shall be placed in the NRC Public Document Room.

(b) Any NRC advisory committee holding closed meetings shall issue a report, at least annually, setting forth a summary of its activities consistent with the policy of the Government in the Sunshine Act (5 U.S.C. 552b), as implemented by 10 CFR 9.104. A copy of the report shall be placed in the NRC Public Document Room.

(c) Subject to the Freedom of Information Act (5 U.S.C. 552) and NRC's Freedom of Information Act Regulations (10 CFR part 9, subpart A), eight copies of each report made by an advisory committee, including any report on closed meetings pursuant to paragraph (b) of this section, and, where appropriate, background papers prepared by consultants, shall be filed for public inspection and use with the Library of Congress, Exchange and Gift Division, Federal Documents Section, Federal Advisory Committee Desk, Washington, DC 20540.

#### §7.18 Compensation and expense reimbursement of advisory committee members, staffs, and consultants.

(a) Except where otherwise provided by law, the Commission may accept the gratuitous services of an NRC advisory committee member, staff member, or consultant who agrees in advance to serve without compensation.

(b)(1) Subject to the provisions of paragraph (b)(2) of this section, if the Commission determines that compensation of a member of an NRC advisory committee is appropriate, the amount that will be paid shall be fixed by the Chairman of the Commission at a rate that is the daily equivalent of a rate of NRC's General Salary Schedule, unless the member is appointed as a consultant and compensated at a rate applicable to NRC consultants. (See NRC Manual for NRC's General Salary Schedule and rates applicable to NRC consultants.)

(2) In determining an appropriate rate of pay for a member of an NRC advisory committee, the Chairman of the Commission shall give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of the committee member; provided that the Chairman may not set the rate of pay for an NRC advisory committee member higher than the daily equivalent of the maximum rate for a GG-15 under NRC's General Salary Schedule, unless a higher rate is mandated by statute or the Commission itself has determined that a higher rate is justified and necessary. The Commission may not delegate the responsibility for making a determination that such a higher rate of pay is necessary and justified for an NRC advisory committee member, and such a determination must be reviewed annually.

(3) An advisory committee member may not be paid at a rate higher than the daily equivalent of the maximum rate for a GG-18 under NRC's General Salary Schedule.

(c)(i) Each NRC advisory committee staff member may be paid at a rate that is the daily equivalent of a rate of NRC's General Salary Schedule in which the staff member's position would appropriately be placed.

(2) A staff member of an NRC advisory committee may not be paid at a rate higher than the daily equivalent of the maximum rate for a GG-15 under NRC's General Salary Schedule, unless the Chairman of the Commission determines that the staff member's position would appropriately be placed at a grade higher than GG-15; provided that in establishing rates of compensation, the Chairman shall comply with any applicable statutes, regulations, Executive Orders, and administrative guidelines.

(3) A determination to set the rate of pay of a staff position at a grade higher than GG-15 under the NRC's General Salary Schedule rate of pay shall be reviewed annually by the Chairman of the Commission.

(4) A Federal employee may serve as a staff member of an NRC advisory committee only with the knowledge of the Designated Federal Officer for the

committee and the approval of the employee's direct supervisor. A staff member who is not otherwise a Federal employee shall be appointed in accordance with applicable agency procedures, following consultation with the advisory committee.

(d) The following factors shall be considered in determining an appropriate rate of pay for a consultant to an NRC advisory committee:

(1) The qualifications required of the consultant, and

(2) The significance, scope, and technical complexity of the work for which his services are required;

Provided that the rate of pay for an NRC advisory committee consultant may not be higher than the maximum rate of pay applicable to NRC consultants. In establishing such a rate of pay, NRC shall comply with any applicable statutes, regulations, Executive Orders, and administrative guidelines.

(e) A member or staff member of an NRC advisory committee engaged in the performance of duties away from his or her home or regular place of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703, title 5, United States Code, for persons employed intermittently in the Government service.

(f) Nothing in this section shall—

(1) Prevent any full-time Federal employee who provides services to an NRC advisory committee from receiving compensation at a rate at which he or she would otherwise be compensated as a full-time Federal employee.

(2) Prevent any individual who provides services to an NRC advisory committee, and who immediately before providing such services was a full-time Federal employee, from receiving compensation at a rate at which he or she was compensated as a full-time Federal employee.

(3) Affect a rate of pay or a limitation on a rate of pay that is specifically established by law or a rate of pay established under the NRC's General Salary Schedule and evaluation system (see NRC Manual).



**§ 7.19 Handicapped members of advisory committees.**

An NRC advisory committee member who is blind or deaf or otherwise handicapped may be provided services by a personal assistant for handicapped employees while performing advisory committee duties, if the member—

(a) Qualifies as a handicapped individual as defined by section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(b) Does not otherwise qualify for assistance under 5 U.S.C. 3102 by reason of being an employee of NRC.

**§ 7.20 Conflict of interest reviews of advisory committee members' outside interests.**

The Designated Federal Officer of each NRC advisory committee and the General Counsel shall review the interests and affiliations of each member of the Designated Federal Officer's advisory committee annually, and upon the commencement and termination of the member's appointment to the committee, for the purpose of ensuring that such appointment is consistent with the laws and regulations on conflict of interest applicable to that member.

**§ 7.21 Cost of duplication of documents.**

Copies of the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by an NRC advisory committee shall be made available to any person at the actual cost of duplication prescribed in part 9 of this chapter. (For availability of information on advisory committees, see § 7.14.)

**§ 7.22 Fiscal and administrative responsibilities.**

(a) The Controller shall keep such records as will fully disclose the disposition of any funds which may be at the disposal of NRC advisory committees.

(b) The Office of Information Resources Management shall keep such records as will fully disclose the nature and extent of activities of NRC advisory committees.

(c) NRC shall provide support services (including staff support and meet-

ing space) for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to another agency in addition to NRC, only one agency shall be responsible for support services at any one time, and the establishing authority shall designate the agency responsible for providing such services.

**PART 8—INTERPRETATIONS**

Sec.

8.1 Interpretation of section 152 of the Atomic Energy Act of 1954; opinion of the General Counsel.

8.2 Interpretation of Price-Anderson Act, section 170 of the Atomic Energy Act of 1954.

8.3 [Reserved]

8.4 Interpretation by the General Counsel: AEC jurisdiction over nuclear facilities and materials under the Atomic Energy Act.

8.5 Interpretation by the General Counsel of § 73.55 of this chapter; illumination and physical search requirements.

AUTHORITY: Secs. 152, 161, 68 Stat. 944, 948, as amended; 42 U.S.C. 2183, 2201.

**§ 8.1 Interpretation of section 152 of the Atomic Energy Act of 1954; opinion of the General Counsel.**

(a) Inquiries have been received as to the applicability of the provisions of section 152 of the Atomic Energy Act of 1954 (68 Stat. 944) to inventions or discoveries made or conceived in the course of activities under licenses issued by the Atomic Energy Commission.

(b) In my [General Counsel, U.S. Atomic Energy Commission] opinion a license issued by the Atomic Energy Commission is not a "contract, subcontract, arrangement or other relationship with the Commission" as those terms are used in section 152 of the act. Hence, the mere fact that an invention or discovery is made by a licensee in the course of activities authorized by a license would not give the Commission rights under section 152 with respect to such invention or discovery. On the other hand, if a licensee has entered into a "contract, subcontract, arrangement or other relationship with the Commission," in-

ventions or discoveries made or conceived by the licensee under the contract or other relationship would come within the purview of section 152.

(c) As used in this section, "license" means a license issued pursuant to Chapter 6 (Special Nuclear Material), 7 (Source Material), 8 (Byproduct Material) or 10 (Atomic Energy Licenses) of the Atomic Energy Act of 1954, or a construction permit issued pursuant to section 185 of the act.

[21 FR 1414, Mar. 3, 1968]

### § 8.3 Interpretation of Price-Anderson Act, section 170 of the Atomic Energy Act of 1954.

(a) It is my opinion that an indemnity agreement entered into by the Atomic Energy Commission under the authority of the Atomic Energy Act of 1964 (42 U.S.C. 2011, *et seq.*), hereafter cited as "the Act," as amended by Pub. L. 85-256 (the "Price-Anderson Act") 42 U.S.C. 2210 indemnifies persons indemnified against public liability for bodily injury, sickness, disease or death, or loss of or damage to property, or for loss of use of property caused outside the United States by a nuclear incident occurring within the United States.

(b) Section 170 authorizes the Commission to indemnify against "public liability" as defined in section 11(u) of the Act.<sup>1</sup> Coverage under the Act therefore is predicated upon "public liability," and requires (1) "legal liability" for (2) a "nuclear incident." Determination of the Act's coverage, therefore, necessitates a finding that these two elements are present.

(c) In the case of damage outside of the United States caused by a nuclear

<sup>1</sup>Sec. 11u. "The term 'public liability' means any legal liability arising out of or resulting from a nuclear incident, except claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs, and except for claims arising out of an act of war. 'Public Liability' also includes damage to property of persons indemnified: *Provided*, That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs."

facility based in the United States there would be a "nuclear incident" as defined in section 11(o) since there would be an "occurrence within the United States causing \* \* \* damage."<sup>2</sup> The "occurrence" would be "within the United States" since "occurrence" is intended by the Act to be "that event at the site of the licensed activity \* \* \* which may cause damage rather than the site where the damage may perhaps be caused." (S. Rep. 296, 85th Cong., 1st Sess., p. 16 1957) (hereafter cited as Report). In section 11(o) an "occurrence" is that which causes damage. It would be, therefore, an event taking place at the site. This definition of "occurrence" is referred to in the Report at page 22 and is crucial to the Act's placing of venue under section 170(e).<sup>3</sup> 027 In its definition of "nuclear incident." The Act makes no limitation upon the place where the damage is received but states only that the "occurrence" must be within the United States.

(d) Similarly, the requirement of "legal liability" would be met. The words of the Act impose no limitation that the liability be one for damage caused in the United States but, on the contrary, are exceedingly broad permitting indemnification for "any legal liability." In the most exhaustive study of the subject, it is stated that the phrase "any legal liability" indicates that liability for damage outside the United States is covered by the Act. Atomic Industrial Forum, Financial Protection Against Atomic Hazards 61 n. 355 (1957).

<sup>2</sup>Sec. 11c. "The term 'nuclear incident' means any occurrence within the United States causing bodily injury, sickness, disease, or death, or loss of or damage to property, or for loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material: \* \* \*"

<sup>3</sup>"In order to provide a framework for establishing the limitation of liability, the Commission or any person indemnified is permitted to apply to the appropriate district court of the United States which has venue in bankruptcy matters over the site of the nuclear incident. Again it should be pointed out that the site is where the occurrence takes place which gives rise to the liability, not the place where the damage may be caused \* \* \*" Report, p. 22.



**Appendix C**  
**ACRS/ACNW Bylaws/Charter**

UNITED STATES NUCLEAR REGULATORY COMMISSION

CHARTER

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

(Pursuant to Section 9 of the Federal Advisory Committee Act)

1. The Committee's official designation:

Advisory Committee on Reactor Safeguards (ACRS)

2. The Committee's objectives and the scope of its activity:

a) Section 29 of the Atomic Energy Act of 1954, as amended, provides:

"There is hereby established an Advisory Committee on Reactor Safeguards consisting of a maximum of fifteen members appointed by the Commission for terms of four years each. The Committee shall review safety studies and facility license applications referred to it and shall make reports thereon, shall advise the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards, and shall perform such other duties as the Commission may request. One member shall be designated by the Committee as its Chairman. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, or other work of the Committee, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee. The provisions of Section 163 shall be applicable to the Committee. In addition to its other duties under this section, the Committee, making use of all available sources, shall undertake a study of reactor safety research and prepare and submit annually to the Congress a report containing the results of such study."

b) Section 182 b. of the Atomic Energy Act of 1954, as amended, provides:

"The Advisory Committee on Reactor Safeguards shall review each application under section 103 or section 104 b. for a construction permit or an operating license for a facility, any application under section 104 c. for a construction permit or an operating license for a testing facility, any application under section 104 a. or c. specifically referred to it by the Commission, and any application for an amendment to a construction permit or an amendment to an operating license under section 103 or 104 a., b., or c. specifically referred to it by the Commission, and shall submit a report thereon which shall be made part of the record of the application and available to the public except to the extent that security classification prevents disclosure."

c) Chapter 21, Section 313(f), of the Atomic Energy Act of 1954, as amended (by Public Law 100-456, The National Defense Authorization Act, Fiscal Year 1989), established the Defense Nuclear Facilities Safety Board and provides that:

"With the consent of and under appropriate support arrangements with the Nuclear Regulatory Commission, the Board may obtain the advice and recommendations of the staff of the Commission on matters relating to the Board's responsibilities and may obtain the advice and recommendations of the Advisory Committee on Reactor Safeguards on such matters."

d) 10 CFR 1.13 provides that the ACRS:

". . . upon request of the Department of Energy (DOE), reviews and advises with regard to the hazards of DOE nuclear activities and facilities; reviews any generic issues or other matters referred to it by the Commission for advice. The Committee, on its own initiative, may conduct reviews of specific generic matters or nuclear facility safety-related items."

e) The Energy Reorganization Act of 1974, as amended by Section 6 of Public Law 95-209, added the ACRS Fellowship Program providing that:

"To assist the ACRS in carrying out its function, the Committee shall establish a fellowship program under which persons having appropriate engineering or scientific expertise are assigned particular tasks relating to the functions of the Committee. Such fellowships are for two-year periods and the recipients of such fellowships shall be selected pursuant to such criteria as may be established by the Committee."

f) 10 CFR 52.23, 10 CFR 52.53, and 10 CFR 52.87 provide that the application for Early Site Permits, Standard Design Certifications, and Combined Licenses, respectively, be referred by the Commission to the ACRS and that the ACRS report on those portions of the applications which concern safety.

g) 10 CFR 54.25 provide that each application for the renewal of an Operating License for a nuclear power plant be referred to the ACRS and that the ACRS review and report on each application.

3. The time period necessary for the Committee to carry out its purposes:

The Advisory Committee on Reactor Safeguards is a continuing Committee, as provided in the Atomic Energy Act of 1954, as amended (see Item 2, above).

4. Agency or official to whom this Committee reports:  
U.S. Nuclear Regulatory Commission
5. Agency responsible for providing necessary support for the Committee:  
U.S. Nuclear Regulatory Commission
6. A description of the duties for which the Committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions:  
The duties of the Committee are set forth in Item 2, above.
7. The estimated annual operating costs in dollars and staff years for the Committee:
  - a. \$2,602,500
  - b. 23.5
8. The estimated number and frequency of Committee meetings:  
Frequency of meetings: 10 meetings per year for the full Committee; and an estimated 40 meetings per year of ACRS subcommittees.
9. The Committee's termination date, if less than two years, from the date of establishment:  
Not applicable. See Item 3, above.

Filed with the Nuclear Regulatory Commission:

December 23, 1996

Andrew L. Bates  
Andrew L. Bates  
Advisory Committee Management Officer

U.S. NUCLEAR REGULATORY COMMISSION  
CHARTER  
ADVISORY COMMITTEE ON NUCLEAR WASTE

1. The Committee's official designation:  
Advisory Committee on Nuclear Waste (ACNW)
2. The Committee's objectives, scope of activities and duties are as follows:

The Committee shall report to and advise the Nuclear Regulatory Commission (NRC) on nuclear waste disposal facilities, as directed by the Commission. This includes 10 CFR Parts 60 and 61 and other applicable regulations and legislative mandates such as the Nuclear Waste Policy Act, the Low-Level Radioactive Waste Policy Act, and the Uranium Mill Tailings Radiation Control Act, as amended. The primary emphasis will be on disposal facilities. In performing its work, the Committee will examine and report on those areas of concern referred to it by the Commission or its designated representatives, and will undertake other studies and activities related to those issues as directed by the Commission. The Committee will interact with representatives of NRC, ACRS, other Federal agencies, state and local agencies, Indian Tribes, private organizations, etc., as appropriate to fulfill its responsibilities.

3. Time period (duration of this Committee):  
The Advisory Committee on Nuclear Waste is expected to be a continuing committee.
4. Official to whom this Committee reports:  
Chairman, U.S. Nuclear Regulatory Commission
5. Agency responsible for providing necessary support to this Committee:  
U.S. Nuclear Regulatory Commission
6. The duties of the Committee are set forth in Item 2, above.
7. Estimated annual direct cost of this Committee\*
  - a. \$558,000
  - b. Total staff-years of support: 4.0 FTE
8. Estimated number of meetings per year:  
8 Full Committee meetings and approximately 7 Working Group meetings per year



9. The Committee's termination date, if less than two years, from the date of establishment of renewal:

Not applicable [The ACNW is expected to be a continuing committee with renewal of its charter biennially (every two years) for as long as necessary to fulfill its functions].

10. Filing date:

May 30, 1996

*Andrew L. Bates*  
Andrew L. Bates  
Advisory Committee Management  
Officer, SECY

- \* Includes travel, per diem, and compensation

ACRS 110

Revised: May 11, 1991

U. S. NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

BYLAWS

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## PREAMBLE

These Bylaws describe the procedures to be used by the Advisory Committee on Reactor Safeguards (ACRS) in performing its duties, and the responsibilities of the members. The functions of the Committee are described in the relevant statutes and in the Code of Federal Regulations (CFR). For parliamentary matters not explicitly addressed in these Bylaws, Robert's Rules of Order shall govern, with the Member-at-Large of the Planning and Procedures Subcommittee serving as parliamentarian.

All the following has as its purpose fulfillment of the Committee's statutory responsibility to provide objective and independent advice to the Commission and to the Congress on matters affecting nuclear safety, and the procedures are intended to make certain that the inputs to that advice are fairly and adequately obtained and considered, that the members and the affected parties have an adequate chance to be heard, and that the resulting reports represent, to the extent possible, the best of which the Committee is capable. Any ambiguities in the following should be resolved in such a way as to support those objectives. Any internal conflicts of interpretation shall be decided by majority vote of the current membership of the Committee.

## 1 MEETINGS

- 1.1 Regular meetings of the Committee will normally be scheduled for the last three days (Thursday, Friday, and Saturday) of the first full week of each month. Scheduling conflicts may sometimes require deviations from this schedule, and such changes must be approved by the Committee. To the extent possible, any changes will be by multiples of a week, leaving the days of the week unchanged.
- 1.2 In unusual circumstances, special meetings may be scheduled on call of the Chairman or, in his absence, the Vice Chairman. A majority of the members of the Committee may also direct that the Executive Director schedule a special meeting, for the purpose of discussing a particular subject or class of related subjects.
- 1.3 ACRS meetings will be open to public attendance, except for those portions in which matters are to be discussed that are exempt from public disclosure under the Federal Advisory Committee Act (FACA) or other appropriate rules or statutes. Active participation in the meeting is normally confined to:
- Members of the Committee
  - ACRS staff members, as needed
  - ACRS consultants, or others assisting the Committee, as needed
  - NRC staff and its consultants and contractors, as needed
  - Licensees and applicants, and their consultants and contractors, as needed
  - Members of the public in accordance with FACA
  - Other persons with consent of the Chairman
- 1.4 The Chairman has both the authority and the responsibility to maintain order and decorum, and may, at his option, recess the meeting until a later time if these are threatened. He may also order the ejection of any person who speaks without recognition by the Chair, who addresses subjects not under discussion by the Committee, or who otherwise interferes with the orderly conduct of the Committee's business.
- 1.5 During those portions of a meeting that are open to the public, electronic recording of the proceedings is permitted.



- 1.6 Television recording of the meeting will be permitted, to the extent that it does not interfere with the proper conduct of Committee business, or with the rights of the attending public.
- 1.7 The Chairman, or in his absence the Vice Chairman, shall preside over the meeting.

## 2 MEETING AGENDA

- 2.1 The meeting agenda is determined by the Chairman (in the case of Subcommittee meetings, the Subcommittee Chairman) in consultation with the Executive Director. Inputs of potential agenda items will normally be made by the staff, the Commission, and by individual Committee members.
- 2.2 Except in unusual and pressing circumstances, the Committee will not review matters brought to it by the NRC staff unless documentation adequate to support a responsible review is provided to the members in a timely fashion.
- 2.3 An urgent staff item requiring speedier resolution than contemplated above will be placed on the agenda only if both the Committee Chairman and the relevant Subcommittee Chairman agree. In the event of disagreement, a majority of the Committee membership will decide the issue.
- 2.4 Issues may come to the attention of the Committee through a variety of mechanisms, including self-generation. Whatever the source, review may be through any appropriate mechanism, including but not limited to, placement on a meeting agenda, referral to a consultant for evaluation, referral to a Subcommittee, or creation of an ad hoc Subcommittee.
- 2.5 Information items, and items of general interest, may be placed on the agenda by the Chairman.

### 3 CONDUCT OF MEETINGS

The scheduling and conduct of ACRS meetings will be in accordance with the Federal Advisory Committee Act, as amended, implementing NRC Rules and Regulations, and other relevant legislation.

- 3.1 A quorum for a meeting of the full Committee consists of a minimum of half the current membership. Decisions shall be made by a majority of those present, except that major decisions shall only be made by a majority of the current membership. Should one or more members be unavailable for compelling reasons (such as extended incapacity or recusal), the current membership shall be regarded as reduced accordingly. A decision to finally approve any report to the Commission is a major decision. If there is doubt whether a decision is major, the Chairman shall rule, subject to reversal by the Committee. Such reversal shall be treated as a major decision.
- 3.2 The Chairman may take part in the discussion of any subject before the Committee, and may vote. He should not use the power of the Chair to bias or otherwise limit the discussion, but should use that power to keep the meeting approximately on schedule. If the Chairman is a strong advocate of one side of a controversial item, he should ask the Vice Chairman to preside over that part of the meeting. Any dispute over the Chairman's level of advocacy shall be resolved by a majority vote of those members present and voting, with a tie supporting the Chairman's position.
- 3.3 When a consensus appears to have developed on a matter under consideration, the Chairman may ask one or more members to draft a report stating the Committee's tentative position. In so doing, he may state or summarize that position for the benefit of the members and others present. However, it should be emphasized that no Committee position is final or binding until it has been formally endorsed, and a report written and approved.

#### 4 REPORTS

- 4.1 For those matters in which an ACRS report is required before Commission action, including but not limited to applications for site approval, construction permits or operating licenses, or plant modification, the applicant will normally be provided the opportunity to discuss the matter with the Committee before the report is issued. The same courtesy will normally be accorded to formal intervenors in the matter, as well as to any other sources of useful input.
- 4.2 Unless matters coming under the FACA exemptions are involved, Committee reports will be prepared in public session. Nonetheless, the deliberations involved are predecisional, and no detailed record will normally be kept of the intermediate steps involved in coming to a decision.
- 4.3 Once a report is finally approved by the Committee, it shall be issued as expeditiously as possible, unchanged, with the following exceptions:
- 4.3-1 The cognizant Subcommittee Chairman should review final ACRS reports for clarity and grammatical correctness but should not make changes that alter the intent of the Committee. If he has doubts regarding a proposed change, he should check with the Committee before making the change.
  - 4.3-2 If, in the judgment of the Chairman, a report contains a serious misstatement or error of fact, and that possible error was not addressed by the Committee before final approval, the Chairman is authorized to recommend deferral of the matter until the next meeting. The Committee staff will then conduct a telephone poll of as many as possible of the members who participated in the preparation of the report, explaining the issue as fairly as they can. If a majority of those participants agree with the Chairman, the report shall be so deferred.
  - 4.3-3 In cases of time urgency, a rewording may be accomplished through collegial interaction, as,

for example, through a special meeting or a conference call.

- 4.3-4 Committee reports will normally reflect collegial views, and unanimity will often be achieved. Nonetheless, there will be occasions in which the majority is unconvinced by a minority argument, viewed as important by those who espouse it. The minority is then free to express its view through comments added to the report, subject to the following conditions.
- 4.3.4-1 Before deciding to attach additional comments, the proponent(s) shall make a good-faith effort to persuade the Committee to adjust the main report to accommodate the minority view.
- 4.3.4-2 The authors of additional comments shall be named.
- 4.3.4-3 The additional comments shall deal with the subject of the report itself, and not be used as a vehicle for extraneous views. Any disagreement on the relevance of the remarks shall be resolved by a majority of those present at the meeting.
- 4.3.4-4 The additional comments shall be made available to the Committee as early as possible in the deliberations, both as part of the good-faith effort described above, and to provide an opportunity for others so inclined to join the original author(s).
- 4.3.4-5 There will be times in which the report is generated so late in the meeting that full discussion of the proposed additional remarks is precluded by time constraints. The author must then announce to the Committee his intent to submit additional remarks, indicate to the Committee the nature of the remarks, and must have the text to the Committee office by noon (Washington time) on the Monday following the meeting, whether through telephone dictation, BBS, FAX, or other means.
- 4.3.4-6 Any member who was present at the meeting may ask at that time to see or hear the exact wording of the additional remarks



as soon as they are available, and has until noon (Washington time) on the Tuesday following the meeting to add his name to the remarks. Members not present have not heard the debate, and may not add their approval to either the report or the additional remarks.

- 4.4 There will be occasions on which a member feels a subject is of safety significance, but is unable to persuade the majority of the Committee that it warrants a Committee report. In such cases, the vehicle for dissent that is provided above is of no value, yet a subject deemed of safety significance to a member of the Committee ought not to be left unaddressed. In such cases, the member should make a good-faith effort to persuade the Committee to take action, whether by writing a report on the subject, or by directing a Subcommittee to conduct an exploration. If the Committee decides to do neither, or if the member involved feels that the importance of the subject warrants prompt action, he is then free to write an individual report on the subject. Such a report should clearly state, up front, that the member is not speaking for the Committee, and that the Committee has declined to act to his satisfaction on the subject. A member using this mechanism should make every effort to apply the same professional standards to his individual communication as is fair to expect from the Committee as a whole. The Committee in turn will make every effort to protect members' opportunities to address individual views.
- 4.5 When, owing to restrictions such as possible conflict of interest, any Committee member has disqualified himself from participation in a matter, this circumstance should be noted in the final ACRS report.
- 4.6 A factual summary statement of Committee activities at any scheduled meeting will be prepared by the ACRS Chairman, and furnished to the Chairman of the Commission.
- 4.7 When ACRS comments are requested by the NRC staff on specific safety-related matters, and the full Committee does not plan to take action, comments of individual members may be transmitted to the appropriate NRC offices by a forwarding memo from the ACRS Executive Director. Any comments to be transmitted in this manner are to be approved by the ACRS Chairman, and copies provided to the full Committee for information.

## 5 SUBCOMMITTEES

5.1 The Committee is organized around a number of topical and project Subcommittees whose purpose is to obtain, analyze, and organize information for the consideration of the full Committee. A Subcommittee may also recommend a particular course of action to the full Committee, which is not bound thereby.

5.2 In addition, a standing Subcommittee on Planning and Procedures shall have the responsibility to evaluate the priorities in the ACRS workload, to distribute resources appropriately, and to recommend to the Committee both long-term and short-term goals and Committee practices and procedures. The membership of this Subcommittee will be:

- The current ACRS Chairman
- The current ACRS Vice Chairman
- A Member-at-Large, elected to serve concurrently with the ACRS Chairman
- The Executive Director of the ACRS

The ACRS Chairman shall serve as Chairman of this Subcommittee. If the Member-at-Large becomes unavailable for an extended period (typically more than two months), the Committee will elect a replacement at its next regular meeting. Procedures for replacement in the event of vacancies in the ex officio billets are covered elsewhere in these Bylaws.

5.3 Though not part of the formal Subcommittee structure, each member is encouraged to adopt one or more plants, that he may visit from time to time to maintain familiarity with their features and operating personnel.

5.4 Major reform of the Subcommittee structure is normally the responsibility of the Planning and Procedures Subcommittee, subject to full Committee approval.

Changes to the Subcommittee membership and tasks, and establishment of ad hoc Subcommittees to review specific issues or licensing applications, are the responsibility of the ACRS Chairman.

5.5 Each Chairman shall, within three months of taking office, review the number, responsibilities and member-

ship of the ACRS Subcommittees, and the workload balance among the members. In this task, he shall consult as needed the outgoing Chairman and the Executive Director. He shall provide the Committee with a list of his proposed changes, if any, before the end of that period.

- 5.6 In compliance with FACA, Subcommittee meetings that are devoted to fact-finding, analysis, and preparation of position papers (virtually all Subcommittee meetings) need not be public. The Committee's practice, however, is to open nearly all its Subcommittee meetings to public attendance. The Committee has the responsibility to make available to the public, consistent with FACA and the FOIA, the information on which its later decisions and reports are based.
- 5.7 Any two members of the full Committee will constitute a quorum for any Subcommittee meeting, whether or not they are currently listed as members of the Subcommittee. No single member shall function as a Subcommittee, although individual members may often collect information on behalf of either a Subcommittee or the full Committee.
- 5.8 The Subcommittee Chairman has both the authority and the responsibility to maintain order and decorum and may, at his option, recess the meeting until a later time if these are threatened. He may also order the ejection of any person who speaks without recognition by the Chair, who addresses subjects not under discussion by the Subcommittee, or who otherwise interferes with the orderly conduct of the Subcommittee's business.

## 6 APPOINTMENT OF MEMBERS

- 6.1 The members of the Committee are appointed by the Commission, which thereby determines the size of the Committee (up to the statutory maximum). The Committee will usually make an input to this process by soliciting nominations, evaluating candidates, and making recommendations to the Commission, which has the final authority. The term of an appointment to the Committee is four years, and the Commission has ruled (with some grandfathering at the time) that no member may serve more than three consecutive terms.
- 6.2 The criteria used by the Committee to evaluate candidates include education and experience, demonstrated skill in nuclear safety matters, the balance of the Committee in relation to the tasks that lie ahead, availability to serve, and possible conflicts of interest. Extraneous factors, such as race, sex, religion, color, national origin, political affiliation, age, marital status, or irrelevant physical handicap will not be considered. If the vacancy is caused by the conclusion of a member's term, and that member is eligible for (and desires) reappointment, he will be considered in parallel with all new applicants.



## 7 ELECTION OF OFFICERS

- 7.1 The Committee Chairman and Vice Chairman shall be elected to serve for one year, commencing on January 1 and ending on December 31 or until their successors are elected. Either or both may be reelected to serve no more than one additional consecutive one-year term. Either or both are subject to recall by a vote of two-thirds of the Committee members. Any motion for recall shall be made, seconded and discussed during one meeting, and voted upon at the next meeting.
- 7.2 In the event the Chairman is unable or unavailable to carry out his duties for a limited period, the Vice Chairman shall act as Chairman. In the event the Vice Chairman is unable or unavailable to carry out his duties for a limited period, the Chairman may appoint another member to act as Vice Chairman. A "limited period" is generally considered to be two months or less.
- 7.3 The line of succession for Committee officers is Chairman, Vice Chairman, and Member-at-Large of the Planning and Procedures Subcommittee. If either of the first two is no longer available to continue to serve, those next in line will move up in the succession. A special election will then be held to fill the resulting vacancy, using the procedure described below.

### 7.4 Regular Elections

The Committee Chairman and Vice Chairman for the following year shall be elected during the last regularly scheduled meeting of each year.

The Chairman shall be elected by a numerical majority of the current membership using a secret ballot, with all members as candidates. A member may withdraw his name from consideration by written notice to the Executive Director, no later than two weeks before the scheduled election. A current Chairman in his second consecutive one-year term shall be ineligible. If no candidate receives a numerical majority on the first ballot, a second ballot shall be taken using the three candidates (or more in case of a tie) receiving the most votes on the first ballot. If needed, additional ballots shall be taken using the two candidates (or more in case of a tie) receiving the most votes on the previous ballot,



until one candidate is favored by a numerical majority of the current membership. If the Committee agrees that no agreement is possible at the meeting, a Chairman shall be chosen by lot from the most recent list of candidates.

Following the election of the Chairman, the Vice Chairman shall be elected using the same process.

Absentee votes naming one member for Chairman and one for Vice Chairman shall be accepted and applied to each respective ballot taken. If they name a member eliminated from consideration by the foregoing procedure, they shall be discarded.

Following election of the Chairman and Vice Chairman, the nomination and election of a Member-at-Large to fill the vacancy on the ACRS Planning and Procedures Subcommittee will also occur. Nominations will be made from the floor by the Committee members.

7.5

#### Special Elections

In the event that a special election is required under the terms of 7.3, above, it shall be held at the earliest regularly scheduled meeting following the announced need to fill the position(s). The election shall be conducted in accordance with the terms of 7.4, above.

## 8 CONDUCT OF MEMBERS

- 8.1 Though not explicitly constrained to do so by the enabling legislation, the Committee has historically functioned as a collegial body, focusing the members' disparate views into a common position. For this reason it is inappropriate for an individual member to attempt to interpret Committee reports, recommendations, or actions, except as authorized by the Committee.

Individual members are always free, as individuals, to interact and communicate with individual Commissioners. This channel will normally, but not always, be opened by the relevant Commissioner seeking information, and it should always be clear that the member is not representing the Committee, but is functioning as an independent expert. Such contacts, where substantive, should be noted to the Chairman or to the Executive Director.

It is inappropriate for a member to use the latitude provided in the previous paragraph to undermine a declared Committee position.

- 8.2 Where requests for interpretation of ACRS positions are received from outside agencies, judgment should be used. Requests from the Congress should normally be honored by referral to the Executive Director. Where an individual member is asked for his views, he should respond, but with emphasis on the fact that he speaks for no one else. Requests from the media require more circumspection. The guiding principle is that a member should not undermine or reinterpret a Committee position, but is under no obligation to pretend that he agrees, if he doesn't. The right to disagree does not imply the right to reinterpret.

- 8.3 When an individual member has a safety-related concern that is not being considered by the Committee, he should recommend ACRS action by use of the procedures in Section 4.4 of these Bylaws. The ACRS staff will support related activities on the part of the member, such as developing related information, consistent with normal staff activities.

If the Committee decides not to take a position on the identified issue, the member is free to air his opinions

on the matter, but should make it known that the opinions stated are his own and not those of the ACRS.

A member pursuing a safety matter that is either not currently under review by the Committee, or on which his views differ from those of the majority, is entitled to staff support, subject to normal office priorities. Clearly, Committee matters have the highest priority, and a member may sometimes feel that he is getting inadequate support on a subject he deems important. In such matters, he should appeal to the Chairman, and, in extreme cases, to the Committee. Normally, the Executive Director will arrange staff priorities consistently with the guidance provided by the Chairman.

If the Committee examines an identified concern and reaches a conclusion with which a member disagrees, the preferred channel to express disagreement with ACRS reports is through additional comments to the Committee report. Members are discouraged from undermining the collegial position taken by the ACRS, but are free to express their professional opinions as they additionally and personally judge the issue, always emphasizing that they speak for themselves. The ACRS staff will provide support to individual members within the context of normal Committee business.

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If a member feels that he may have a conflict of interest with regard to a subject to be addressed by the Committee, he should mention it as early as possible, but in any case before he participates in the discussion. The Committee will comply with all applicable laws and NRC regulations.

It should be noted that prior work on a subject under review, even when undertaken for another agency or organization, does not represent a conflict of interest per se, but should be revealed to the Committee, on the record. The degree to which this earlier work compromises the member's impartiality will be determined by the Committee on a case-by-case basis. On the rare occasions in which the Committee's proposed action implies a judgment of the quality of that earlier work, it is a matter of professional ethics that the member not vote.

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In the course of his tenure on the Committee, a member will be sent many documents, and will discard most of them when their burden exceeds their utility. At the end of his tenure on the Committee, he will be expected to discard or return the remaining documents. Though technically government property, few, if any, will have

any residual value. Any doubtful cases will be resolved by the Executive Director.

8.6 Members (who are appointed as Special Government Employees) are expected to conform to all Federal regulations applicable thereto, as well as to the relevant NRC rules and regulations. They are also expected to meet the highest professional standards of integrity, as well as competence.

8.7 A member will often request that the ACRS staff provide him with additional information on a safety matter, either to supplement the information developed at a meeting, or for other relevant reasons. The staff will normally honor such requests, but when unreasonable amounts of staff time are involved, the Executive Director will so notify both the Chairman and the member. If no amicable solution can be achieved, the Chairman's decision shall be binding, subject to appeal to the full Committee. A decision of this sort is not a major decision.

## 9 MINUTES

- 9.1 The ACRS office will prepare minutes of all ACRS meetings, including Subcommittee meetings.
- 9.2 When factual information with potential archival value is being presented to the Committee or to a Subcommittee, during a meeting that is open to public attendance, the presentation will normally be transcribed. Deliberative sessions will normally not be transcribed.
- 9.3 A working copy of the minutes will be prepared by the cognizant ACRS staff engineers, and made available as soon as practicable to the Chairman of the full Committee or Subcommittee, and to other members. After review, and preferably within a month, the minutes will be certified by the full Committee or Subcommittee Chairman, as appropriate. By certifying the minutes, the cognizant Chairman attests to the best of his knowledge to the completeness and technical accuracy of the minutes.
- 9.4 Copies of the certified minutes will normally be distributed to the ACRS members and to Committee consultants when appropriate. They will then be forwarded to the Public Document Room, with only those deletions required by law.



## 10 COMMITTEE STAFF

10.1

The ACRS staff shall consist of an Executive Director and those technical, administrative, secretarial, and clerical personnel necessary to effectively support the Committee's activities. The Executive Director, or his delegate, will serve as the Designated Federal Official for all Committee and Subcommittee meetings. The Executive Director is also responsible for the management of the staff.

## 11 CONSULTANTS

- 11.1 The Committee will occasionally find it desirable to augment its expertise with respect to specific disciplines. It will therefore maintain a list of available consultants, and will call upon them as needed, most often at the Subcommittee level. Consultants attending a Subcommittee meeting will usually participate fully in the discussion.
- 11.2 Consultants' written reports to the ACRS office of their activities and views will be distributed to the interested ACRS members. Distribution outside the ACRS will normally be made to the affected NRC staff and to the Public Document Room.
- 11.3 In many fields the number of experts is limited, and the Committee may occasionally make use of consultants already helping the NRC staff. When, conversely, the NRC staff makes use of an ACRS consultant on a matter the Committee has under consideration, further use of him by the ACRS may compromise the Committee's apparent independence. Such matters will be addressed as they occur, using the criteria described in the Preamble.

## 12 AMENDMENTS

- 12.1 Any member of the Committee may propose an amendment to these Bylaws. The proposed amendment will be distributed to the members by the Executive Director, and scheduled for discussion at the next regular Committee meeting.
- 12.2 The final proposed amendment may be voted on not earlier than the first regular meeting after it has been presented to the full Committee.
- 12.3 A vote of two-thirds of the current ACRS membership shall be required to approve an amendment.

Revised: January 25, 1996

U.S. NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON NUCLEAR WASTE  
BYLAWS

## PREAMBLE

These Bylaws describe the functions of the Advisory Committee on Nuclear Waste (ACNW), the procedures to be used in performing its duties, and the responsibilities of the members. The Committee reports to and advises the Nuclear Regulatory Commission (NRC) on nuclear waste management, as directed by the Commission on the basis of periodic reviews of ACNW proposals. This includes 10 CFR Parts 60 and 61 and the implementation of other applicable regulations and legislative mandates such as the Nuclear Waste Policy Act, the Low-Level Radioactive Waste Policy Act, and the Uranium Mill Tailings Radiation Control Act, as amended.

The primary emphasis is on disposal facilities. In performing its work, the Committee examines and reports on those areas of concern referred to it by the Commission or its designated representatives, and will undertake other studies and activities on its own initiative related to those issues as directed by the Commission. The Committee will interact with representatives of NRC, the Advisory Committee on Reactor Safeguards (ACRS), other Federal agencies, State and local agencies, Indian Nations, private organizations, etc., as appropriate to fulfill its responsibilities.

All the following has as its purpose fulfillment of the Committee's responsibility to provide objective and independent advice to the Commission on matters affecting nuclear waste, and the procedures are intended to make certain that the inputs to that advice are fairly, openly, and adequately obtained and considered, that the members and the affected parties have an adequate chance to be heard, and that the resulting reports represent, to the extent possible, the best of which the Committee is capable. Any ambiguities in the following should be resolved in such a way as to support those objectives. Any internal conflicts of interpretation shall be decided by majority vote of the current membership of the Committee.

For parliamentary matters not explicitly addressed in these Bylaws, Robert's Rules of Order shall govern.



## 1 MEETING

- 1.1 A regular meeting schedule will be set by the Committee at the beginning of each Calendar Year. The Chairman, or in his/her absence the Vice Chairman, shall preside over the meeting.
- 1.2 In unusual circumstances, special meetings may be scheduled on call of the Chairman or, in his/her absence, the Vice Chairman. A majority of the members of the Committee may also direct that the Executive Director schedule a special meeting.
- 1.3 ACNW meetings will be open to public attendance, except for those portions in which matters are to be discussed that are exempt from public disclosure under the Federal Advisory Committee Act (FACA) or other appropriate rules or statutes. Active participation in the meeting is normally confined to:
- Members of the Committee
  - ACNW staff members
  - ACNW consultants, or others assisting the Committee, as needed
  - NRC staff and its consultants, as needed
  - Licensees and applicants, representatives of other agencies, and their consultants and contractors, as needed
  - Members of the public in accordance with FACA
  - Other persons with the consent of the Chairman
- 1.4 The Chairman has both the authority and the responsibility to maintain order and decorum, and may, at his/her option, recess the meeting if these are threatened. He/she may also order the removal of any person who speaks without recognition by the Chair, who addresses subjects not under discussion by the Committee, or who otherwise interferes with the orderly conduct of the Committee's business.
- 1.5 During those portions of a meeting open to the public, electronic recording of the proceedings is permitted. Television recording of the meeting will be permitted, to the extent that it does not interfere with the proper conduct of Committee business.

## MEETING AGENDA

- 2.1 The meeting agenda is determined by the Chairman (in the case of Working Group meetings, the Working Group Chairman) in consultation with the Executive Director. Potential agenda items will normally be suggested by the Commission, individual Committee members, and the staff.
- 2.2 Except in unusual circumstances, the Committee will not review matters brought to it by the NRC Staff unless documentation adequate to support a responsible review is provided to the members in a timely fashion.
- 2.3 In the absence of the documentation required in Article 2.2, an urgent staff item may be placed on the agenda only with the approval of the Committee Chairman.
- 2.4 Issues may come to the attention of the Committee through a variety of mechanisms, including self-generation. Whatever the source, review may be through any appropriate mechanism, including but not limited to, placement on a meeting agenda, referral to a consultant for evaluation, referral to a scheduled Working Group, or creation of an ad hoc Working Group.
- 2.5 Information items, and items of general interest, may be placed on the agenda by the Chairman.
- 2.6 In unusual situations where a member expects to be absent during a meeting and desires that a project be deferred to the following meeting, the member may request a delay upon showing, sufficiently in advance of the meeting so as not seriously to disrupt scheduling, that the reasons for the delay are compelling. A majority of the Committee is needed to approve the request. Approval may be by telephone poll between meetings, if required. As an alternative to deferral, the possibility of rescheduling the regular meeting or holding a special meeting can be implemented through timely approval by the Committee.

### 3 CONDUCT OF MEETINGS

- 3.1 The scheduling and conduct of ACNW meetings will be in accordance with the Federal Advisory Committee Act, as amended, implementing NRC Rules and Regulations, and other relevant legislation.
- 3.2 A quorum for a meeting of the full Committee consists of a minimum of more than half the current membership. Decisions shall be made by a majority of those present, except that major decisions shall only be made by a majority of the current membership. Should one or more members be unavailable for compelling reasons (such as extended incapacity or recusal), the current membership shall be regarded as reduced accordingly. A decision to finally approve any report to the Commission is a major decision. If there is doubt whether a decision is major, the Chairman shall rule, subject to reversal by the Committee. Such reversal shall be treated as a major decision.
- 3.3 The Chairman may take part in the discussion of any subject before the Committee, and may vote on any subject. He/she should not use the power of the Chair to bias or otherwise limit the discussion, but should use that power to keep the meeting approximately on schedule.
- 3.4 When a consensus appears to have developed on a matter under consideration, the Chairman may ask one or more members to draft a report stating the Committee's tentative position. In so doing, he/she may state or summarize that position for the benefit of the members and others present. However, it should be emphasized that no Committee position is final or binding until it has been formally endorsed by the Committee members, and a report written and approved.

## 4 REPORTS

- 4.1 For those matters in which an ACNW report is required before Commission action, an affected party (e.g., licensee, other Federal agency, or intervenor) will normally be provided the opportunity to discuss the matter with the Committee before the report is issued.
- 4.2 Unless matters coming under the FACA exemptions are involved, Committee reports will be prepared in public session. Nonetheless, the deliberations involved are predecisional, and no detailed record will normally be kept of the intermediate steps involved in coming to a decision.
- 4.3 Once a report is finally approved by the Committee, it shall be issued as expeditiously as possible, unchanged, with the following exceptions:
  - 4.3.1 The cognizant Working Group Chairman should review final ACNW reports for clarity and grammatical correctness but may not make changes that alter the intent of the Committee. If he/she has doubts regarding a proposed change, he/she must seek approval from the Committee before making the change.
  - 4.3.2 If, in the judgment of the Chairman, a report contains a serious misstatement or error of fact, and that possible error was not addressed by the Committee before final approval, the Chairman is authorized to recommend deferral of the matter until the next meeting. The Committee staff will then conduct a telephone poll of as many as possible of the members who participated in the preparation of the report, explaining the issue as fairly as they can. If a majority of those participants agree with the Chairman, the report shall be so deferred.
  - 4.3.3 In cases of time urgency, a rewording may be accomplished through collegial interaction, as, for example, through a special meeting or a conference call.
  - 4.3.4 Committee reports will normally reflect collegial views, and unanimity will often be achieved. Nonetheless, there will be occasions in which the majority is unconvinced by a minority argument, viewed as important by those who espouse it. The minority is then free to express its view through comments added to the report, subject to the following conditions:
    - 4.3.4.1 Before deciding to attach additional comments, the



proponents shall make a good-faith effort to persuade the Committee to adjust the main report to accommodate the minority view.

- 4.3.4.2 The authors of additional comments shall be named.
- 4.3.4.3 The additional comments shall deal with the subject of the report itself, and not be used as a vehicle for extraneous views. Any disagreement on the relevance of the remarks shall be resolved by a majority of those present at the meeting.
- 4.3.4.4 The additional comments shall be made available to the Committee as early as possible in the deliberations, both as part of the good-faith effort described above, and to provide an opportunity for others so inclined to join the original author(s).
- 4.3.4.5 There will be times in which the report is generated so late in the meeting that full discussion of the proposed additional remarks is precluded by time constraints. The author must then announce to the Committee his/her intent to submit additional remarks, indicate to the Committee the nature of the remarks, and have the text to the Committee office by noon (Washington time) on the third working day following the meeting, whether through telephone dictation, BBS, FAX, or other means.
- 4.3.4-6 Any member who was present at the meeting may ask at that time to see or hear the exact wording of the additional remarks as soon as they are available, and has until noon (Washington time) on the day following receipt of those remarks to add his/her name to the remarks. Members not present have not heard the debate, and may not add their approval to either the report or the additional remarks. There will be occasions on which a member feels a subject is of safety significance, but is unable to persuade the majority of the Committee that it warrants a Committee report. In such cases, the vehicle for dissent that is provided above is of no value, yet a subject deemed of safety significance to a member of the Committee ought not to be left unaddressed.

In such cases, the member should make a good-faith effort to persuade the Committee to take action, whether by writing a report on the subject, or by directing a Working Group to conduct an exploration. If the Committee decides to do neither, or if the member involved feels that the importance of the subject warrants prompt action, he/she is then free to write an individual report on the subject. Such a report should clearly state, at the beginning, that the member is not speaking for the



Committee, and that the Committee has declined to act to his/her satisfaction on the subject. A member using this mechanism should make every effort to apply the same professional standards to his/her individual communication as is expected from the Committee as a whole. The Committee in turn will make every effort to protect members' opportunities to address individual views.

- 4.5 When, owing to restrictions such as possible conflict of interest, any Committee member has disqualified himself or herself from participation in a matter, this circumstance shall be noted in the final ACNW report.
- 4.6 A factual summary statement of Committee activities at any scheduled meeting will be prepared by the ACNW Chairman or his/her designee, and furnished to the Chairman of the Commission.
- 4.7 When ACNW comments are requested by the NRC staff on specific matters, and the full Committee does not plan to take action, comments of individual members may be transmitted to the appropriate NRC offices by a forwarding memo from the ACNW Executive Director. Any comments to be transmitted in this manner are to be approved by the ACNW Chairman, and copies provided to the full Committee for information. The following sentence must be added to the text of such comments: "These comments are not to be construed or stated as Committee views."
- 4.8 Requests for reports or other support of the ACNW requiring a substantial effort by the NRC Staff should be approved by the ACNW Chairman and, when he/she considers it appropriate, discussed with the full Committee before they are transmitted to the NRC Staff, except in those cases where they are in direct support of a request from the Commission. In the latter cases, they need no discussion.
- 4.9 When it is anticipated that the Committee will write a report at a particular meeting, a designated member should prepare either a proposed draft report or a Statement of Issues. These should be available far enough in advance so that they can be used by the Committee in formulating its advice.
- 4.10 Requests by individual ACNW members for additional information from the NRC Staff or others appearing before the Committee will be listed and identified by an asterisk in the draft of "Actions, Agreements, Assignments, and Requests," which is provided to the

members following each Committee meeting. If the member who made the request wishes that the request be contained in the final version sent to the NRC Staff for follow-up action, he/she should confirm this in writing by a note to the Chairman or his/her designee.

## 5 WORKING GROUPS

- 5.1 The ACNW may form ad hoc Working Groups for specific purposes or for review of generic issues. No permanent Working Groups are authorized. Working Groups shall consist of at least two members, one of whom is designated as Chairman of the Working Group by action of the Chairman of the ACNW. Individual members may be authorized by the Committee to gather information, using resources as approved by the Committee.
- 5.2 At the time an ad hoc Working Group is formed, a specific charge/charter shall be prepared and approved by the Committee. The Working Group is required to conduct its affairs within that charter. All Working Groups are required to submit to the ACNW reports related to their charge/charter. All ad hoc Working Groups are automatically dissolved upon acceptance of their final report by the full ACNW.
- 5.3 The scheduling and conduct of meetings of Working Groups shall be in accordance with the procedures outlined in the Federal Advisory Committee Act, as amended, and other implementing instructions and regulations.
- 5.4 Any Committee Member may attend Working Group meetings and be counted for the purpose of establishing a quorum. A Working Group meeting may not begin until a quorum of at least two ACNW Members is present.
- 5.5 It may be appropriate from time to time to rotate the Chairmen of ACNW Working Groups in order to provide a more balanced workload and input by all ACNW Members. Each Chairman shall, within three months of taking office, review the number, responsibilities, and membership of the ACNW Working Groups, and the workload balance among the members. In this task, the Chairman shall consult as needed the outgoing Chairman and the Executive Director and shall provide the Committee with a list of proposed changes, if any, before the end of the three-month period. A two-year cycle will be the normal basis for changing assignments.
- 5.6 The full Committee or a Working Group shall, from time to time, discuss the priority of ACNW work, the assignment of appropriate resources, and setting of both near- and long-term goals. If a Planning Working Group is established for this purpose, it shall be composed of the Chairman, the Vice Chairman, an ACNW Member, and the Executive Director.

## 6 APPOINTMENT OF MEMBERS

- 6.1 The members of the Committee are appointed by the Commission. The Committee will usually make an input to this process by soliciting nominations, evaluating candidates, and making recommendations to the Commission, which has the final authority. The term of an appointment to the Committee is four years and the terms are staggered so a new member is appointed each year. It is Commission policy that no member may serve more than two consecutive terms.
- 6.2 The criteria used by the Committee to evaluate candidates include education and experience, demonstrated skill in nuclear waste management, disposal, and safety matters, the balance of the Committee in relation to the tasks that lie ahead, availability to serve, and possible conflicts of interest. Extraneous factors, such as race, sex, religion, color, national origin, political affiliation, age, marital status, or irrelevant physical handicap will not be considered. If the vacancy is caused by the conclusion of a member's term, and that member is eligible for (and desires) reappointment, he/she will be considered on an equal basis with all new applicants.
- 6.3 Candidates' applications are reviewed by a screening panel composed of a full-time Federal employee representing the Committee, a representative of the Commission, and a full-time nonNRC Federal employee selected by the Commission, who possesses the expertise/skills being sought. The panel will rank the best qualified candidates and submit a copy of its report identifying the criteria and rationale for the best qualified ranking to the Commission and to the Committee. The Committee should submit its own selection recommendations to the screening panel and/or the Commission.

After receipt of the recommendations of the Committee and the panel, the Commission will make a tentative selection, pending a conflict-of-interest review by the Office of the General Counsel (OGC) and a review by the Office of Personnel (OP). If OGC and OP determine that the nominee meets all legal and personnel (security) requirements, the NRC Chairman will officially notify the nominee that he/she has been appointed to the Committee.



## 7 ELECTION OF OFFICERS

- 7.1 The Committee Chairman and Vice Chairman shall be elected to serve for one year, commencing on July 1 and ending on June 30. Either or both may be reelected to serve no more than one additional consecutive term at the discretion of the Committee. Either or both are subject to recall by a vote of two-thirds of the Committee Members. The motion for recall shall be made, seconded and discussed during one meeting, and voted upon at the next meeting. The Committee may eliminate the position of Vice Chairman upon two-thirds vote. Reinstitution of the office of Vice Chairman by the Committee requires a simple majority vote.
- 7.2 In the event the Chairman is unable or unavailable to carry out his/her duties for a limited period, the Vice Chairman shall act as Chairman. In the event the Vice Chairman is unable or unavailable to carry out his/her duties for a limited period, the Chairman may appoint another member to act as Vice Chairman. A "limited period" is generally considered to be two months or less.
- 7.3 In the event that either the Chairman or the Vice Chairman (or both) is (are) unable to continue to serve beyond a limited time, a special election will be held to fill the position(s) for the remainder of the term(s).
- 7.4 Regular Elections

The Committee Chairman and Vice Chairman for the following year shall be elected during the last regularly scheduled meeting prior to June 30th.

The Chairman shall be elected by a numerical majority of the current membership using a secret ballot, with all members as candidates. A member may withdraw his/her name from consideration by written notice to the Executive Director, no later than two weeks before the scheduled election. If no candidate receives a numerical majority on the first ballot, a second ballot shall be taken using the three candidates (or more in case of a tie) receiving the most votes on the first ballot. If needed, additional ballots shall be taken using the two candidates (or more in case of a tie) receiving the most votes on the previous ballot, until one candidate is favored by a numerical majority of the current membership. If the Committee agrees that no agreement is possible at the meeting, a Chairman shall be chosen by lot from the most recent list of candidates. Following



the election of the Chairman, the Vice Chairman shall be elected using the same process.

Absentee votes naming one member for Chairman and one for Vice Chairman shall be accepted and applied to each respective ballot taken. If they name a member eliminated from consideration by the foregoing procedure, they shall be discarded.

7.5

Special Elections

In the event that a special election is required under the terms of 7.3, above, the Chairman or Vice Chairman (whichever office is not at stake in the election) shall serve as Chairman for the nomination and election process. If both are at stake, the next most recent available Chairman shall act as Chairman until the election is completed. The nomination of candidates will be done at the next regularly scheduled meeting. Officers will then be elected at the following regularly scheduled meeting.

## 8 CONDUCT OF MEMBERS

- 8.1 Though not explicitly constrained to do so, the Committee is intended to function as a collegial body, focusing the members' disparate views into a common position. For this reason it is inappropriate for an individual member to attempt to interpret Committee reports, recommendations, or actions to others, except as authorized by the Committee.

Individual members are always free, as individuals, to interact and communicate with individual Commissioners. This channel will normally, but not always, be opened by the relevant Commissioner seeking information, and it should always be clear that the member is not representing the Committee, but is functioning as an independent expert. Such contacts, where substantive, should be noted to the Chairman and to the Executive Director.

It is inappropriate for a member to use the ability to interact with individual Commissioners on an individual basis, as noted above, to be an advocate in opposition to a declared Committee position. Such opposition must be taken through additional remarks appended to a Committee communication.

- 8.2 Where requests for interpretation of ACNW positions are received from outside agencies, judgment should be used in responding. Requests from the Congress should be honored by referral to the Executive Director. Where an individual member is specifically asked for his/her views, he/she should respond, but with emphasis on the fact that he/she speaks for no one else. Requests from the media require more circumspection. The guiding principle is that a member should not undermine or reinterpret a Committee position, but is under no obligation to pretend that he/she agrees, if he/she does not. The right to express disagreement does not include the right to reinterpret.

- 8.3 When an individual member has a safety-related concern that is not being considered by the Committee, he/she should recommend ACNW action by use of the procedures in Section 4.4 of these Bylaws. The ACNW staff will support related activities on the part of the member, such as developing related information, consistent with normal staff activities.

If the Committee decides not to take a position on the identified issue, the member is free to air his/her

opinions on the matter, but should make it known that the opinions stated are his/her own and not those of the ACNW. The ACNW Staff will support related activities only to the extent necessary to solicit consideration by the ACNW.

3. member pursuing a safety matter that is either not currently under review by the Committee, or on which his/her views differ from those of the majority, is entitled to staff support, subject to normal office priorities. Clearly, Committee matters have the highest priority, and a member may sometimes feel that he/she is getting inadequate support on a subject he/she deems important. In such matters, he/she should appeal to the Chairman, and, in extreme cases, to the Committee. Normally, the Executive Director will arrange staff priorities consistent with the guidance provided by the Chairman.

If the Committee examines an identified concern and reaches a conclusion with which a member disagrees, the preferred channel to express disagreement with ACNW reports is through additional comments to the Committee report. Members are generally discouraged from taking a position that damages the collegial or consensus position taken by the ACNW unless important and basic considerations force such a disagreement. They are, however, free to express their professional opinions as they additionally and personally judge the issue, always emphasizing that they speak for themselves. The ACNW staff will provide support to individual members within the context of normal Committee business. A member who believes that he/she has not obtained satisfactory attention/action by the usual procedures regarding items of concern (e.g., identification of items for consideration by the Committee or by a designated Working Group) should write a letter to the ACNW Chairman describing the concern, the basis for it (to the degree practicable), and a proposed course of action (to the degree he/she is able). The Chairman will then assign the matter for discussion before the full Committee or take such other action as he/she deems appropriate to evaluate and resolve the issue.

8.4

If a member feels that he/she may have a conflict of interest with regard to a subject to be addressed by the Committee, he/she should mention it as early as possible, but in any case before he/she participates in the discussion. The Committee will comply with all applicable laws and NRC regulations.

It should be noted that prior work on a subject under

review, even when undertaken for another agency or organization, does not represent a conflict of interest per se, but should be revealed to the Committee, on the record. The degree to which this earlier work compromises the member's impartiality will be determined by the Committee on a case-by-case basis. On the rare occasions where the Committee's proposed action implies a judgment of the quality of that earlier work, it is a matter of professional ethics that the member not vote.

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- 8.7 A member will often request that the ACNW staff provide him/her with additional information on a safety matter, either to supplement the information developed at a meeting, or for other relevant reasons. The staff will normally honor such requests, but when unreasonable amounts of staff time are involved, the Executive Director will so notify both the Chairman and the member. If no amicable solution can be achieved, the Chairman's decision shall be binding, subject to appeal to the full Committee. A decision of this sort is not a major decision.

## 9 MINUTES

- 9.1 The ACNW office will prepare minutes of all ACNW meetings, including Working Group meetings.
- 9.2 When factual information with potential archival value is being presented to the Committee or to a Working Group, during a meeting that is open to public attendance, the presentation will normally be transcribed. Deliberative sessions will normally not be transcribed.
- 9.3 A working copy of the minutes will be prepared by the cognizant ACNW staff engineer/scientist, and made available as soon as practicable to the Chairman of the full Committee or Working Group, and to other members. After review, and preferably within a month, the minutes will be certified by the full Committee or Working Group Chairman, as appropriate. By certifying the minutes, the cognizant Chairman attests to the best of his/her knowledge to the completeness and technical accuracy of the minutes.
- 9.4 Copies of the certified minutes will normally be distributed to the ACNW members and to Committee consultants when appropriate. They will then be forwarded to the Public Document Room, with only those deletions required by law.



## 10 GUIDELINES FOR MEMBERS WITH LIMITED AVAILABILITY

- 10.1 The members should only undertake those Committee assignments, including designation as Working Group Chairman and Working Group Member, that he/she can handle effectively in the time he/she has available to devote to ACNW activities.
- 10.2 In the event a member anticipates an extended period (e.g., in excess of six months) when his/her ACNW service will be limited or there will be infrequent attendance at full Committee meetings and Working Group meetings, he/she should bring this to the attention of the Committee so that an understanding can be reached regarding his/her continued participation, assignments, etc., as an ACNW member.
- 10.3 If a member has a particular interest in subject matter which is appropriate for consideration during a Working Group or full Committee meeting, he/she should notify the Staff far enough in advance so that necessary arrangements can be made to explore this area effectively during the meeting.
- 10.4 Although an occasional meeting might be scheduled near a member's normal duty station to accommodate his/her availability, this should not be a regular practice, and he/she should take into account the burden this places on other members of the Committee and on the supporting NRC and ACNW Staff.

## 11 COMMITTEE STAFF

- 11.1 The ACNW staff shall consist of an Executive Director and those technical, administrative, secretarial, and clerical personnel necessary to effectively support the Committee's activities.
- 11.2 The Executive Director, or his/her delegate, will serve as the Designated Federal Official for all Committee and Working Group meetings. The Executive Director is also responsible for the management, assignments, and evaluation of the ACNW staff.

## 12 CONSULTANTS

- 12.1 The Committee may find it desirable to augment its expertise with respect to specific disciplines. It will therefore maintain a list of available consultants, and will call upon them as needed, most often at the Working Group level. Consultants attending a Working Group meeting will usually participate fully in the discussion.
- 12.2 Consultants' written reports to the ACNW office of their activities and views will be distributed to the interested ACNW members. Distribution outside the ACNW will normally be made to the affected NRC staff and to the Public Document Room.
- 12.3 In many fields the number of experts is limited, and the Committee may occasionally make use of consultants already helping the NRC staff. When, conversely, the NRC staff makes use of an ACNW consultant on a matter the Committee has under consideration, further use of him/her by the ACNW may compromise the Committee's apparent independence. Such matters will be addressed as they occur, using the criteria described in the Preamble.

### 13 PARTICIPATION IN RULEMAKING ACTIVITIES

The Committee will participate in rulemaking activities in accordance with provisions equivalent to those set forth for the ACRS in 10 CFR 2.809 of the Commission's regulations. When the ACNW decides after discussion to recommend that rulemaking be initiated by the NRC, the matter will be brought to the attention of the Commission. Details concerning ACNW participation in rulemaking activities and other matters will be included in a Memorandum of Understanding between the Chairman of the Committee and the NRC Executive Director of Operations at an appropriate time.

## 14 BYLAWS APPROVAL AND AMENDMENTS

- 14.1 Approval of the Bylaws requires two-thirds majority of the Committee members. Any member of the Committee may propose an amendment to these Bylaws. The proposed amendment will be distributed to the members by the Executive Director, and scheduled for discussion at the next regular Committee meeting.
- 14.2 The final proposed amendment may be voted on not earlier than the first regular meeting after it has been presented to the full Committee.
- 14.3 A vote of a two-thirds of the current ACNW membership shall be required to approve an amendment.



**Appendix D**  
**Division of Responsibilities**  
**Between ACRS/ACNW**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS  
WASHINGTON, D. C. 20555

July 11, 1990

The Honorable Kenneth M. Carr  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Chairman Carr:

**SUBJECT: DIVISION OF RESPONSIBILITIES BETWEEN ACRS AND ACNW**

We have been informed by the ACRS/ACNW Executive Director that you have requested a joint letter from the Advisory Committee on Reactor Safeguards and the Advisory Committee on Nuclear Waste regarding the division of responsibilities between the ACRS and ACNW related to areas of reactor safety and radioactive waste handling and disposal, respectively.

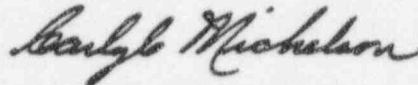
Both the ACRS and ACNW have agreed to the division of responsibilities outlined in your memorandum dated November 6, 1989 to Dr. Forrest J. Remick, then ACRS Chairman, and Dr. Dade W. Moeller, ACNW Chairman, as modified by your memorandum of April 18, 1990 regarding on-site dry cask storage of spent power plant fuel. In addition, both Committees have agreed with the division of specific responsibilities regarding the decommissioning of production and utilization facilities (10 CFR Part 50) as noted in the attached memorandum to you dated February 23, 1990.

Based on the recently modified Charter for the ACNW, it is our understanding that lead responsibility for review of activities associated with on-site handling and disposal of liquid, gaseous, and solid radioactive waste, including on-site storage of spent reactor fuel at production and utilization facilities will be assigned to the ACRS consistent with its other duties related to facilities licensed under 10 CFR Part 50.

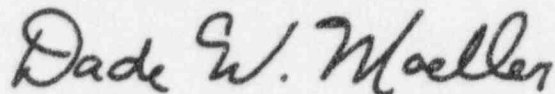
July 11, 1990

Both Committees believe that an adequate interface exists via the combined ACRS/ACNW staff so that each Committee can be sensitive to areas of interest to the other Committee.

Sincerely,



Carlyle Michelson  
ACRS Chairman



Dade W. Moeller  
ACNW Chairman

Attachment:

Memorandum dated February 23, 1990 for Chairman Carr from R. F. Fraley, Subject: Division of Responsibilities Between ACRS and ACNW



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS  
WASHINGTON, D. C. 20555

February 23, 1990

MEMORANDUM FOR: Chairman Carr

FROM: *R. F. Fraley*  
R. F. Fraley, Executive Director, ACRS/ACNW

SUBJECT: DIVISION OF RESPONSIBILITIES BETWEEN ACRS AND ACNW

REFERENCES: (1) ACNW letter dated October 18, 1989,  
Subject: Pathfinder Atomic Power Plant  
Dismantlement  
(2) Letter dated November 16, 1989 from James  
Taylor, Acting EDO, for Dade W. Moeller,  
ACNW, Subject: ACNW Comments on Pathfinder  
Atomic Power Plant Dismantlement

Consistent with your memorandum of November 6, 1989 the ACRS and ACNW have agreed to the attached guidelines to establish an interface in areas of mutual interest/concern, particularly the decommissioning of nuclear facilities.

In connection with 10 CFR Part 50 related items, the ACRS will retain its present lead responsibility throughout the active life of each facility. However, the Committees have agreed to a sharing of responsibilities that would actively involve the ACNW in review of nuclear power plant decommissioning and subsequent phases. At the time of decommissioning, the ACNW would assume lead responsibility for review of the Decommissioning Plan for 10 CFR Part 50 facilities while the ACRS would retain lead responsibility for other aspects of the decommissioning review (e.g., proposed changes in Technical Specifications, plant security provisions, etc.). Once the Decommissioning Plan has been approved, the core has been unloaded, and the "Possession Only" license has been issued, or an equivalent stage has been reached, the ACNW would assume lead responsibility for all aspects of the decommissioning. This is consistent with transfer of regulatory responsibility from NRR to NMSS at an equivalent stage.

This division of responsibility is consistent with the practice established by the ACNW report on Dismantlement of the Pathfinder Atomic Power Plant dated October 18, 1989 (Reference 1) and the EDO plans (EDO memorandum to D. W. Moeller dated November 16, 1989, Reference 2) for the staff to schedule a follow-up meeting on the dismantlement of the Pathfinder Plant.

If you believe that this particular split of responsibilities will unduly complicate the regulation or safety of Part 50 licensees, both Committee chairmen are willing to consider this matter further.

Attachment:

Assignment of ACRS/ACNW Responsibilities - Guidelines  
Regarding Decommissioning of Nuclear Facilities and  
the Interface Regarding Areas of Mutual Interest/  
Concern dated January 25, 1990, Rev. 3

cc:

Commissioner Roberts  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
S. Chilk, SECY  
C. Michelson, ACRS  
D. W. Moeller, ACNW



January 25, 1990  
Revision 3

**ASSIGNMENT OF ACRS/ACNW RESPONSIBILITIES - GUIDELINES  
REGARDING DECOMMISSIONING OF NUCLEAR FACILITIES AND THE  
INTERFACE REGARDING AREAS OF MUTUAL INTEREST/CONCERN**

**Background: Memorandum from Chairman Carr, NRC, to Dade W.  
Moeller, ACNW, and Forrest J. Remick, ACRS, dated  
November 6, 1989**

**1) Decommissioning of nuclear plants**

The members considered at what stage in the decommissioning process the responsibility as "lead" Committee should be transferred from the ACRS to the ACNW. It was agreed that this should normally take place when the decommissioning plan has been approved, the core has been unloaded from the RPV,<sup>(1)</sup> and the Possession Only License has been issued by NRR. NMSS normally assumes responsibility for plant activities at this point in the decommissioning process.

The decommissioning review includes several different matters which are reviewed ~~technically~~ by NRR or NMSS (Division of Low-Level Waste), as follows:

- 1.1) Decommissioning Plan - NMSS (LLW)
- 1.2) Security Plan Proposed Changes - NRR
- 1.3) Technical Specification Changes - NRR
- 1.4) Possession Only License - NRR
- 1.5) Defueling procedures for the core - NRR (if necessary)<sup>(2)</sup>

NRR has the overall responsibility for coordinating this review and related licensing action, with technical input from NMSS as indicated.

Members agreed that the ACRS have the lead responsibility for items 1.2 through 1.5 during the decommissioning review with ACNW input on a consulting basis as needed/appropriate. The ACNW would have the lead responsibility for item 1.1 with ACRS input as appropriate.

Once the Possession Only License or its equivalent is issued, the responsibility for regulation and licensing (e.g., amendments to

- 
- (1) In some cases full core unloading may be delayed for a variety of reasons.
  - (2) Most plants already have defueling procedures approved by NRC, but changes resulting from special conditions (e.g., core damage) may be needed.

the Technical Specifications/Security Plan, etc.) of the plant is transferred to NMSS (LLW). At this time, the ACNW would become the lead Committee in all areas with ACRS input provided on a consulting basis as needed/appropriate.

2) Interface of ACRS/ACNW regarding areas of mutual interest/concern

The ACRS/ACNW staff will continue to provide both Committees with related documents, in areas where, in the opinion of the cognizant staff engineer, (1) there is an overlap of interest/concern. This would include, for example, 10 CFR Part 20 changes, etc.. In addition, they will be directed to keep the cognizant ACRS subcommittee chairman and the ACNW Chairman informed of the plans and schedule for action by the lead Committee so that any necessary actions by the "other" Committee can be taken in a timely manner.

The ACRS staff will rely on the cognizant ACRS subcommittee chairman and the ACNW Chairman to take whatever action he deems appropriate (e.g., subcommittee or working group meeting, briefing by NRC staff, discussion with his fellow Committee members, etc.) to identify/develop areas of interest/concern to his parent Committee for endorsement so they can be transmitted to the lead Committee in a timely manner.

**Appendix E  
Staff Directory/  
ACRS/ACNW Functional Directory**

**ACRS/ACNW STAFF DIRECTORY**

**OFFICE OF THE EXECUTIVE DIRECTOR**

EXECUTIVE DIRECTOR

John T. Larkins

DEPUTY EXECUTIVE DIRECTOR

Richard P. Savio

ADMINISTRATIVE SECRETARY

Carol Ann Rowe

**FELLOWS**

ACRS FELLOWS

Richard R. Sherry  
August W. Cronenburg

**NUCLEAR REACTOR BRANCH**

BRANCH CHIEF

Sam Duraiswamy

SR. STAFF ENGINEERS

Paul A. Boehnert  
Michael T. Markley  
Noel F. Dudley  
Medhat M. El-Zeftawy  
Amarjit Singh

SECRETARY

Donna A. Anderson

**NUCLEAR WASTE BRANCH**

BRANCH CHIEF

Richard K. Major

SR. STAFF SCIENTISTS

Lynn G. Deering  
Andrew C. Campbell

SR. STAFF ENGINEER

Howard J. Larson

**OPERATIONS SUPPORT BRANCH**

BRANCH CHIEF

Carol A. Harris

SENIOR PROGRAM ANALYST

Roxanne Summers

ADMINISTRATIVE OFFICER

Barbara A. Wade

PROGRAM ASSISTANT

Barbara Jo White

INFORMATION SYSTEMS SPECIALIST

Ethel M. Barnard

ADMINISTRATIVE ASSISTANT

Tanya Winfrey

TECHNICAL INFORMATION ASSISTANT

Michele S. Kelton

AUDIOVISUAL INFORMATION ASSISTANT

Theron H. Brown

DOCUMENT CONTROL ASSISTANT/  
TRAINING COORDINATOR

Lillie M. Gaskins



## ACRS AND ACNW FUNCTIONAL DIRECTORY

<u>FUNCTION</u>	ACRS	ACNW
Mailroom Operation	Brown	Brown
Manpower Reporting System	Wade	Wade
Notebooks for Full Committee Meetings	Brown	Brown
Meeting Rooms (Local & Out-of-Town)	White	White
Meeting Scheduling	Cognizant Engineers*	Cognizant Engineers*
Member Selection Arrangements	Wade	Wade
Minutes of Full Committee Meetings	Summers (Kelton)	Kelton (Summers)
Administrative Manual	Summers	Summers
Out-of-Town Meeting Arrangements	White (Winfrey)	White (Winfrey)
Personnel Services	Harris (Wade)	Harris (Wade)
Program Support (National Laboratories, etc.)	White (Harris)	White (Harris)
Property Custodian	Wade (Brown)	Wade (Brown)
Purchase Orders	Harris/Wade	Harris/Wade
Records Liaison Officer	Barnard	Barnard
Reimbursements	Harris (Savio)	Harris (Savio)
Security Advisor	Harris	Harris
Statutory Requirements	Summers (Larkins)	Summers (Larkins)
Court Reporter	White (Rowe)	White (Rowe)
Subcommittee/Working Group Assignments	Duraiswamy	Major (Gaskins)
Supplies and Equipment	Wade (Summers)	Wade (Summers)
Technical Secretary	Gaskins	Gaskins
Telecommunications Officer	Summers (Kelton)	Kelton (Summers)
Training Coordinator	Barnard	Barnard
Travel Approval	Harris (Summers)	Harris (Summers)
Travel Services, Consultants	White (Winfrey)	White (Winfrey)
Travel Services, Members/Staff	Winfrey (White)	Winfrey (White)

Names in parentheses are backups.

\*See the latest Subcommittee Assignment List for names of Cognizant Engineers.

## ACRS AND ACNW FUNCTIONAL DIRECTORY

<u>FUNCTION</u>	ACRS	ACNW
Agenda for Full Committee Meeting	Duraiswamy (Rowe)	Major
Action Item Tracking System	Kelton	Kelton
Announcements of Future Meetings (Recorded Message)	White	White
Biographical Information on Members	Wade	Wade
Budget	Harris	Harris
Files	Kelton (Barnard)	Kelton (Barnard)
Classified Document Control	Barnard (Kelton)	Barnard (Kelton)
Classified Document Review	El Zeftawy	El Zeftawy
Computer Services and Support	Barnard	Barnard
Conference Room Reservations	White (Winfrey)	White (Winfrey)
Conflict-of-Interest List	Wade	Wade
Consultant Appointment	Wade (Harris)	Wade (Harris)
Consultant Management	Harris (Wade)	Harris (Wade)
Congressional Document Review	Harris (White)	Harris (White)
Contracts	White (Harris)	White (Harris)
Correspondence Preparation for Committee Chairman	Rowe	Gaskins
Credit Card Procurement	Wade/Summers	Wade/Summers
Document Ordering (Docketed Information)	Brown	Brown
Document Control System	Kelton (Barnard)	Kelton (Barnard)
Employment	Harris (Wade)	Harris (Wade)
Equipment Procurement and Maintenance	Wade (Summers)	Wade (Summers)
Federal Register Notices (Full Committee)	White (Rowe)	White (Rowe)
Federal Register Notices (Subcommittee/Working Groups)	White	White
Fellows Program	Larkins (Savio)	Larkins (Savio)
Foreign Document Review	Summers	Summers
Foreign Meetings	Summers	Summers
FOIA Coordinator	Barnard (Kelton)	Barnard (Kelton)
FOIA, Senior Officer	Savio	Savio
High-Level Waste Fund Accounting	Wade (Summers)	
Hotel Reservations	White (Winfrey)	White (Winfrey)
Information Resource Management	Summers (Barnard)	Summers (Barnard)
Information Technology Coordinator	Barnard	Barnard
Reproduction Equipment	Wade (Kelton)	Wade (Kelton)
Library Services	Kelton	Kelton
License Fee Manpower Accounting System	Wade	Wade
Administrative, Legal and Policy Issues	Harris/Summers	Harris/Summers

Advisory Committee on  
Reactor Safeguards

Advisory Committee on  
Nuclear Waste

Executive Director ....John T. Larkins  
Dep. Exec. Director...Richard P. Savio  
Admin. Secretary .. .....Carol A. Rowe

Fellowship Program  
Sr. Fellow .....August W. Cronenberg  
Sr. Fellow .....Richard R. Sherry

Nuclear Waste Branch  
Chief.... Richard K. Major  
Sr. Staff Eng./Scientist  
Andrew C. Campbell  
Lynn F. Deering  
Howard J. Larson

Nuclear Reactors Branch  
Chief .....Sam Duraiswamy  
Secretary ..Donna Anderson  
Sr. Staff Engineers  
Paul A. Boehnert  
Noel F. Dudley  
Medhat M. El-Zeftawy  
Michael T. Markley  
Amarjit Singh

Operations Support Branch  
Chief .....Carol A. Harris  
Admin. Secretary .....(Vacant)  
Sr. Prog. Analyst ..Roxanne Summers  
Admin. Officer .....Barbara Wade  
Info. Systems Spec. ..Ethel Barnard  
Program Asst. ....Barbara Jo White  
Admin. Asst. ....Tanya Winfrey  
Tech. Info. Asst. ...Michele Kelton  
Doc. Control Asst. ..Lillie Gaskins  
Audiovisual Info. Asst.  
Theron Brown

**Appendix F**  
**Fellowship Program**

## How Is A Fellow Compensated?

An ACRS Fellow will be compensated commensurate with his or her experience, salary history, and NRC pay guidelines. This salary may not exceed the rate established for a GG-15/10 position.

Some travel will be associated with ACRS Fellowship assignments. ACRS Fellows will be reimbursed for official travel and mutually agreed-upon relocation expenses in accordance with normal NRC practices.

The ACRS Fellowship Program was established by Secretarial Public Law 95-219 of August 1978 (December 23, 1977) by the NRC Authorization Act for Fiscal Year 1979. This provision is contained at 10 C.F.R. 41.101.

See Personnel Management Directive 65-10, "Relocation," and ACRS-10-11, "Pay Administration."

# The ACRS Fellowship Program

## The ACRS Fellowship Program





## What Is The ACRS Fellowship Program?

The U.S. Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards (ACRS) is the NRC's independent technical advisor. The ACRS (Committee) advises the Commission with regard to hazards at proposed or existing reactor facilities and the adequacy of proposed reactor safety standards. The ACRS conducts a Fellowship Program that is designed to facilitate the Committee's independent evaluation of reactor safety issues. More specifically, the ACRS Fellowship Program was established so that the NRC could hire individuals who would provide, for a limited time, technical support to the Committee in its review of highly complex, safety-related technical and policy issues, as well as reactor safety research activities. The Committee is currently carrying out its technical functions effectively, efficiently, and in a timely manner. The ACRS seeks individuals for the program who have the requisite technical skills, knowledge, and experience to contribute to the Committee's mission.

## Who Is Responsible For The Program?

The ACRS Subcommittee on the Fellowship Program has the responsibility for overseeing the overall activities of the program. On the basis of the recommendations of this subcommittee, the Committee develops tasks and assignments for, and evaluates,

the overall performance of, the Fellow-ship Program. The ACRS Executive Director, in consultation with the subcommittee, establishes priorities and schedules for the tasks assigned to fellow.

## What Does A Fellow Do?

Fellows normally work at ACRS Headquarters, where the ACRS Executive Director supervises their day-to-day activities. Fellows support the activities of the ACRS by:

- performing analyses of technical and policy issues
- attending meetings of NRC Advisory Committees, Federal State and Local agencies, and professional organizations and groups dealing with engineering and scientific issues that are of interest to the Committee
- participating in workshops and seminars for the purpose of exchanging information and discussing issues of interest to the Committee.

## How Do I Apply For A Fellowship?

Individuals from inside and outside the NRC are invited to apply for the ACRS Fellowship Program. The ACRS may consider, but is not limited to, the following methods of recruiting candidates for the Program:

- advertising in newspapers and professional journals

- mailing vacancy announcement sheets to universities and professional societies and
- publishing a recruitment notice in the Federal Register.

For further information, please contact the NRC Office of Personnel at (301) 415-7400.

## How Is A Fellow Selected?

Fellows are selected primarily on the basis of their candidate's academic training and work experience. The candidate is usually required to have had work experience directly related to the broad field of nuclear power plant design and operation, or in such highly specialized technical fields pertinent to the activities of the ACRS as risk assessment, thermal hydraulic analysis, digital instrumentation and control systems, or materials and nuclearity.

As true with all NRC employees, an ACRS Fellow candidate must satisfy applicable standards regarding NRC's conflict of interest and the duty-free-work place. NRC is an equal opportunity employer, and the ACRS Fellowship Program is open to all eligible candidates.

## How Long Is A Fellow's Appointment?

Individuals selected to serve as ACRS Fellows will be appointed for a two-year term. The total time served by an individual under term appointments will normally be no more than four years.

**Appendix G**  
**Delegation of Authority**

## OFFICIAL DELEGATIONS OF AUTHORITY

### REFERENCE

### DELEGATION

MD 9.1, Part IV

Standards for Delegation of Authority

FACA, Section 10(e) and (f)

Designated Federal Officials

Paul A. Boehnert  
Andrew C. Campbell  
Noel F. Dudley  
Lynn F. Deering  
Sam Duraiswamy  
Medhat El-Zeftawy  
Carol A. Harris  
Howard J. Larson  
John T. Larkins  
Richard K. Major  
Michael T. Markley  
Richard P. Savio  
Amarjit Singh  
Roxanne Summers

MD 13.1 (5201-032d)

Property Custodian

Barabara A. Wade  
Theron Brown

Authorize Payment of Members' Expenses

Carol A. Harris

MD 14 (1501-034 & 035)

Travel

Carol A. Harris  
Roxanne Summers

MD 10.99 (4171, Part 032a)

Adverse Actions

Immediate Supervisor

NIH Timesharing Charges

Ethel M. Barnard

## OFFICIAL DELEGATIONS OF AUTHORITY

### REFERENCE

### DELEGATION

Records Liaison Officer	MD 3.53, Part I
Ethel M. Barnard	
Telecommunications Control Officer	MD 2.3 (037)
Ethel M. Barnard	
Carol A. Harris	
Acquisition of Supplies/Services	MD 11.1 (5101-034b)
Barbara A. Wade	
Key Operator for Reproduction Equipment	MD 3.13, Part II
Barbara A. Wade	
Michele S. Kelton	
Personal Property Management	MD 13.1 (5201-032c)
Barbara A. Wade	
Time and Attendance Reporting	MD 10.43
<u>Certifying Officials</u>	
Sam Duraiwamy	
Carol A. Harris	
John T. Larkins	
Richard K. Major	
Richard P. Savio	
Roxanne Summers	
<u>Time and Attendance Clerks</u>	
Lillie M. Gaskins	
Donna A. Anderson	
<u>Check Distributor</u>	
Theron Brown	

## OFFICIAL DELEGATIONS OF AUTHORITY

### DELEGATION

### REFERENCE

Information Technology Coordinator

Ethel M. Barnard

Budget

Carol A. Harris

Authorized Classifier

MD 12.2, Part I

Medhat El-Zeftawy



**Appendix H**  
**Federal Employees Compensation Act**  
**(FECA)**

# Chapter 810

## Injury Compensation

### Contents

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This material has been prepared for inclusion in the Federal Personnel Manual by the Office of Workers' Compensation Programs (OWCP), Employment Standards Administration, U.S. Department of Labor. It is intended to serve as a handbook for Federal agency personnel specialists, compensation specialists, and supervisors. For information concerning any aspect of the program which is not addressed in this manual, contact the OWCP district office which serves your agency (a list of these offices appears in section i-4).

#### SUBCHAPTER 1. Overview

- 1-1. Purpose
- 1-2. Exclusiveness of Remedy
- 1-3. Office Structure
- 1-4. Jurisdiction
- 1-5. Information and Records
- 1-6. Penalties
- 1-7. Forms
- i-8. References
- 1-9. Training

#### SUBCHAPTER 2. Initiating Claims

- 2-1. Traumatic Injury
- 2-2. Occupational Disease
- 2-3. Recurrences
- 2-4. Death

#### SUBCHAPTER 3. Conditions of Coverage

- 3-1. Time
- 3-2. Civil Employee
- 3-3. Fact of Injury
- 3-4. Performance of Duty
- 3-5. Causal Relationship
- 3-6. Statutory Exclusions

#### SUBCHAPTER 4. Processing of Claims

- 4-1. Administrative Matters

- 4-2. Burden of Proof
- 4-3. Questionable Claims
- 4-4. Decisions and Notification

#### SUBCHAPTER 5. Continuation of Pay (COP)

- 5-1. Definition and Entitlement
- 5-2. Use of Leave Instead of COP
- 5-3. Controversion
- 5-4. Pay Rate for COP Purposes
- 5-5. Computation
- 5-6. Light Duty Assignments
- 5-7. Recurrences
- 5-8. Terminating COP
- 5-9. Reporting COP—Form CA-3

#### SUBCHAPTER 6. Medical Benefits and Care

- 6-1. Entitlement
- 6-2. Definition of Physician
- 6-3. Choice of Physician
- 6-4. Medical Treatment and Evaluation
- 6-5. Exclusion of Providers
- 6-6. Payment of Bills

#### SUBCHAPTER 7. Compensation Benefits

- 7-1. Disability Benefits
- 7-2. Death Benefits
- 7-3. Other Considerations
- 7-4. Computing Compensation

#### SUBCHAPTER 8. Long-Term Disability Claims

- 8-1. Initial Actions by OWCP
- 8-2. Restoration Rights
- 8-3. Reemployment with the Agency
- 8-4. OWCP Evaluation and Action
- 8-5. Rehabilitation Services

#### SUBCHAPTER 9. Agency Management of Compensation Claims

- 9-1. Management
- 9-2. Chargeback

#### APPENDIX A. Basic Forms for Processing

#### APPENDIX B. Injury/Illness Type and Source Codes

#### APPENDIX C. Occupational Disease Checklist

## Subchapter 1. Overview

This subchapter provides basic information concerning the administration of the Federal Employees' Compensation Act (FECA).

### 1-1. PURPOSE

The FECA provides compensation benefits to civilian employees of the United States for disability due to personal injury or disease sustained while in the performance of duty. The FECA also provides for the payment of benefits to dependents if a work-related injury or disease causes an employee's death. The FECA is intended to be remedial in nature, and proceedings under it are nonadversarial.

### 1-2. EXCLUSIVENESS OF REMEDY

Benefits provided under the FECA constitute the sole remedy against the United States for work-related injury or death. A Federal employee or surviving dependent is not entitled to sue the United States or recover damages for such injury or death under any other statute.

### 1-3. OFFICE STRUCTURE

OWCP is comprised of the Division of Longshore and Harbor Workers' Compensation, the Division of Coal Mine Workers' Compensation, and the Division of Federal Employees' Compensation. Each division is headed by an Associate Director, who in conjunction with regional management has authority over the operations of the district offices. In turn, each FECA district office is headed by a District Director, who has overall responsibility for office functions, and a Chief of Claims, who is directly responsible for claims matters. Serving under the Chief of Claims are one or more Supervisory Claims Examiners, who are responsible for the operation of individual claims units, and a number of Claims Examiners, who have primary responsibility for handling claims. Individuals at each level of authority from Claims Examiner to District Director have been delegated specific responsibilities for issuing decisions on claims.

### 1-4. JURISDICTION

Responsibility for Federal employees' compensation claims is vested in twelve district offices and the Branch of Special Claims. The jurisdictions of the offices are as follows:

District 1—Boston, MA: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

District 2—New York, NY: New Jersey, New York, Puerto Rico, and the Virgin Islands.

District 3—Philadelphia, PA: Delaware, Pennsylvania, and West Virginia.

District 6—Jacksonville, FL: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

District 9—Cleveland, OH: Indiana, Michigan, and Ohio.

District 10—Chicago, IL: Illinois, Minnesota, and Wisconsin.

District 11—Kansas City, MO: Iowa, Kansas, Missouri, and Nebraska.

District 12—Denver, CO: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

District 13—San Francisco, CA: Arizona, California, Hawaii, and Nevada.

District 14—Seattle, WA: Alaska, Idaho, Oregon, and Washington.

District 16—Dallas, TX: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

District 25—Washington, D.C.: Maryland, Virginia, and the District of Columbia.

District 50 (the Branch of Special Claims)—Washington, D.C.: Handles the claims of individuals injured overseas; individuals claiming exposure to radiation or Agent Orange; Department of Labor employees; Peace Corps and Vista volunteers; Members of Congress and their staffs; White House officials and employees; Reserve Officer Training Corps (ROTC) Cadets; members of the Coast Guard Auxiliary and temporary members of the Coast Guard Reserve; individuals whose

cases involve security considerations; and certain non-Federal claims.

### 1-5. INFORMATION AND RECORDS

Individual case files are protected under the Privacy Act, and only the employee, his/her representative (if any) and the agency may routinely have access to the file. Any of these parties may inspect the file at the district office which has custody of the file; an appointment should be requested ahead of time. If it is not possible to inspect the record at the district office, arrangements may be made to have the case sent to another Department of Labor office for review.

Employees and their representatives may have access to records from the case file which have been released to the agency by OWCP, including medical reports. The records must, however, be safeguarded in the same manner as other personnel material. Each agency is responsible for determining whether such information may properly be released in accordance with the regulations contained in 29 CFR 70a.

### 1-6. PENALTIES

The regulations state at 20 CFR 10.23 that any person charged with the responsibility for making reports in connection with an injury who willfully fails, neglects or refuses to do so; knowingly files a false report; induces, compels, or directs an injured employee to forego filing a claim or willfully retains any notice, report or paper required in connection with an injury is subject to a fine of no more than \$500 or imprisonment for no more than 1 year, or both.

### 1-7. FORMS

Agencies should maintain an adequate supply of the basic forms needed to process claims (exhibits of the basic forms and a chart showing the use of each form are appended to the chapter). The forms and their GPO stock numbers are as follows:

Form	Title
CA-1	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation (029-016-00070-4)
CA-2	Federal Employee's Notice of Occupational Disease and Claim for Compensation (029-016-00064-0)
CA-2a	Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation (029-016-00061-1)
CA-3	Report of Termination of Disability and/or Payment (029-016-00024-1)

Form	Title
CA-5	Claim for Compensation by Widow, Widower and/or Children (029-016-00021-6)
CA-5b	Claim for Compensation by Parents, Brothers, Sisters, Grandparents or Grandchildren (029-016-00025-6)
CA-6	Official Superior's Report of Employee's Death (029-016-00039-9)
CA-7	Claim for Compensation on Account of Traumatic Injury (029-016-00076-3)
CA-8	Claim for Continuing Compensation on Account of Disability (029-016-00073-9)
CA-16	Authorization for Examination and/or Treatment (029-016-00075-5)
CA-17	Duty Status Report (029-16-00059-3)
CA-20	Attending Physician's Report (attached to Form CA-7)
CA-20a	Attending Physician's Supplemental Report (attached to Form CA-8)
OWCP-1500a	Health Insurance Claim Form (029-016-00067-4)

Forms may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The purchase order must include the agency appropriation symbol and the requestor's signature. Forms may also be ordered by telephone at (202) 783-3238.

### 1-8. REFERENCES

Several resources describing the provisions of the law and how they are applied are available.

a. The Federal Employees' Compensation Act as amended, 5 U.S.C. 8101 et seq., is the source of entitlement to compensation benefits for Federal workers. Because virtually all of the provisions of the FECA have been interpreted and more fully described through Office directives and decisions of the Employees' Compensation Appeals Board, other resources will usually prove more helpful than the FECA itself except in locating citations found in OWCP decisions. Copies may be obtained at no charge from the district offices.

b. The Code of Federal Regulations, 20 CFR Chapter 10, Part A, more fully describes the provisions of the law and contains additional information concerning administration of the program. Reference to the regulations may occasionally be found in letters and decisions of OWCP. Copies may be obtained free of charge from the district offices.

c. The Federal (FECA) Procedure Manual describes in detail the procedures used by OWCP personnel in processing claims. It is divided into several sections by subject area, and the section most likely to be of use to



agency personnel is Part II, Claims. One copy of this volume may be provided free of charge to each agency. Other interested parties may obtain this volume at a cost of \$35 per copy. It may be ordered from:

Division of Federal Employees' Compensation  
Office of Workers' Compensation Programs  
200 Constitution Ave., NW., Room S-3229  
Washington, D.C. 20210

d. Questions and Answers About the Federal Employees' Compensation Act (Pamphlet CA-550) describes in nontechnical language the basic provisions of the law and includes information concerning the most common issues about entitlement and claims processing. It is intended for use primarily by employees, who may obtain single copies by contacting the district office.

e. Decisions of the Employees' Compensation Appeals Board may be found in bound volumes in most law libraries. They can also be purchased from GPO.

#### 1-9. TRAINING

OWCP has developed several kinds of instructional materials to assist agencies in processing compensation claims. The following courses are provided in response to requests from agency personnel:

a. The FECA Seminar provides an overview of the law for first line supervisors as well as middle and senior level managers. The seminar, which is comprised of lectures and visual aids, may range from 1 to 6 hours, and it may be given for either small or large groups. The seminar is usually held at the requesting

agency and may be given to single or multi-agency groups as well as to Federal labor unions.

b. The Basic Compensation Specialist Workshop provides a 3-day formal training session in a classroom setting. It is intended for agency personnel who are primarily responsible for processing OWCP claims and for those who spend at least 50 percent of their time handling OWCP claims. The training stresses skills needed to counsel injured employees, review claim forms for accuracy, document continuation of pay, and develop a recordkeeping system.

c. The Advanced Compensation Specialist Training is a self-instructional unit requiring approximately 3 days to complete. It is primarily intended for compensation specialists who have attended the basic course and who have 9 to 12 months of experience. The course stresses management of agency compensation case files with regard to third party matters, review of chargeback reports and billings, light duty assignments, and reemployment of the long-term disabled.

d. The FECA Supervisors Workshop provides a formal training session of either 3 or 6 hours in length. It is intended primarily for first line supervisors and covers their responsibilities to employees who are injured at work. The course concentrates on counseling employees about continuation of pay (COP), review of initial reporting forms, controversion of COP, light duty assignments for injured employees, and communication with other elements of the agency.

Arrangements for delivery of these courses may be made with the Technical Assistant of the district office which serves your agency.

## Subchapter 2. Initiating Claims

This subchapter describes the forms and procedures which should be used by employees and agencies in initiating claims for traumatic injury, occupational disease, recurrence of disability, and death. While the description refers to *supervisor* throughout, it is recognized that compensation specialists or safety and health specialists may also fulfill the agency's role in documenting compensation claims. An agency must not attempt to prevent an employee from filing a claim under any circumstances, regardless of any opinion it may hold with respect to the merits of the claim.

### 2-1. TRAUMATIC INJURY

A traumatic injury is defined as a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable by time and place of occurrence and member of the body affected; it must be caused by a specific event or incident or series of events or incidents within a single day or work shift. Traumatic injuries also include damage to or destruction of prosthetic devices or appliances, including eyeglasses and hearing aids if they were damaged incidental to a personal injury requiring medical services. (Personal property claims can be made only under the Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 240.)

a. Notice of Injury—Form CA-1. When an employee sustains a traumatic injury in the performance of duty, the employee should give a written report on Form CA-1 to the supervisor within 2 working days of the injury. If the employee is incapacitated, this action may be taken by someone acting on his/her behalf, including a family member, union official, representative, or agency official. The form must contain the original signature of the person giving notice. The supervisor should:

(1) Review the front of the form for completeness and accuracy, and assist the claimant in correcting any deficiencies found;

(2) Complete and sign the reverse of Form CA-1 and insert the appropriate codes on both the front and back of the form (appendix B of this chapter describes the

codes and their use). Indicate a telephone number where he/she can be reached if OWCP personnel have questions about the injury;

(3) Sign and return to the employee the receipt attached to Form CA-1 and furnish a copy of the form to the employee if requested;

(4) Authorize medical care if needed in accordance with paragraph (b) below;

(5) Inform the employee of the right to elect continuation of regular pay (discussed in detail in subchapter 5), or annual or sick leave if time loss will occur;

(6) Advise the employee whether continuation of pay (COP) will be controverted, and if so, whether pay will be terminated. The basis for the action must be explained to the employee. (Controversion is discussed in section 5-3; the reason for controverting a claim must always be shown on Form CA-1.)

If the employee incurs medical expense or loses time from work beyond the date of the injury, the agency should submit Form CA-1 to the district office with supporting information as soon as possible but no later than 10 working days after the injury (see subchapter 3 concerning the requirements for establishing a claim and descriptions of the kinds of information which should be submitted). Otherwise, the CA-1 should be retained in the employee's Employee Medical Folder (EMF).

(b) Medical Treatment—Form CA-16. If an employee requires medical treatment because of the injury, the supervisor should promptly complete the front of Form CA-16 within 4 hours of the request except under unusual circumstances. If the agency doubts whether the employee's condition is related to the employment, the agency should so indicate on the form. In an emergency, where there is no time to complete a Form CA-16, the agency may authorize medical treatment by telephone and then forward the completed form to the medical facility within 48 hours. Retroactive issuance of Form CA-16 is not permitted under any other circumstance.

(1) Delayed report of injury. If an employee has reported an injury several days after the fact, or did not

request medical treatment within 24 hours of the injury, the agency may still authorize medical care using Form CA-16. Agencies are encouraged to use discretion in issuing authorizations for medical care under such circumstances, but employees should not be penalized for short delays in reporting injuries. The agency may, however, refuse to issue a CA-16 if more than a week has passed since the injury on the basis that the need for immediate treatment would normally have become apparent in that period of time. An employee may not authorize his/her own medical treatment.

(2) Choice of physician. The employee is entitled to select the physician or facility which is to provide treatment. The provider must meet the definition of *physician* under the FECA and must not have been excluded from payment under the program (refer to subchapter 6 for guidance in authorizing providers). An agency may make its own facilities available for examination and treatment of injured employees, but use of its facilities may not be mandated to the exclusion of the employee's choice. An agency may examine the employee at its own facility in accordance with OPM regulations, but the employee's choice of physician for treatment must be honored, and treatment by the employee's physician must not be delayed.

(3) Obtaining treatment. Along with Form CA-16, the agency should give the employee Form OWCP-1500, which is used for billing (this form is discussed in subchapter 7). The physician should complete the reverse of Form CA-16 and the OWCP-1500 and forward them to OWCP; the agency may ask the physician for a copy of the report as well. The employee may be furnished transportation and/or reimbursement for travel and incidental expenses. A distance of 25 miles from the agency or the employee's home is generally considered a reasonable distance to travel for medical care unless appropriate care is not available within that radius.

(4) Referral. The original treating physician may wish to refer the employee for more specialized treatment or for further testing. He/she may do so on the basis of the Form CA-16 already issued; it is not necessary to issue additional authorizations for treatment. The original physician (or any physician to whom the employee is referred) is guaranteed payment for 60 days from the date of issue of Form CA-16 unless OWCP terminates this authority at an earlier date. Treatment may continue at OWCP expense if the claim is approved.

Should the employee wish to change physicians after the initial choice, he/she must contact OWCP in

writing for approval and include the reasons for requesting the change.

(c) Medical Reports—Forms CA-20, CA-20a, and CA-17. In all cases sent to OWCP, a medical report from the attending physician is required. This report may be made on Form CA-16 or on Forms CA-20 or CA-20a, which are attached to compensation claim forms. It may also be made by narrative report on the physician's letterhead stationery, or in the form of an emergency room summary; in all instances, however, the physician's original signature must appear on the report. The agency should supply medical report forms to the employee for completion by the physician as often as needed. These reports should be submitted in original form to OWCP.

Form CA-17, Duty Status Report, should be used by the agency to obtain interim medical reports concerning the employee's fitness for duty; it may be issued initially with Form CA-16. The agency should complete its portion of the form by describing the physical requirements of the employee's job and noting the availability of any light duty. The physician should forward the original Form CA-17 to the agency at reasonable intervals (but not more often than once a week) to monitor the employee's medical status and ability to return to light or full duty. (Agency offers of light duty during the COP period are discussed in subchapter 5.)

(d) Wage Loss/Permanent Impairment—Form CA-7. If disability is anticipated at the time of injury, the employee may elect to use leave or COP (which is discussed in subchapter 5) on Form CA-1. An employee who cannot return to work when COP terminates, or who is not entitled to receive COP, may claim compensation for wage loss on Form CA-7, and in controverted cases where pay is terminated Form CA-7 should be submitted with Form CA-1.

(1) When to file. If disability is expected to continue beyond the period of COP entitlement, the employee may claim compensation or use leave to cover his/her absence from work. If it is not clear whether the employee will remain disabled after the 45 days of COP are used, claim for compensation should be initiated. Employees who have filed claims should be carried in LWOP status. If a claimant returns to work after Form CA-7 has been filed, however, the agency should notify OWCP by telephone to avoid overpayments, and later provide written confirmation of return to duty.

(2) Completion. If compensation is to be claimed, the agency should give Form CA-7 to the employee on the 30th day of COP with instructions to complete the



front and return the form to the agency within 1 week (if it has not been returned by the 40th day of COP, the agency should contact the employee by telephone and request that it be submitted as soon as possible). The agency should also indicate the address of the district office in the box on the reverse of the Form CA-20 which is attached to the claim form. When the form is returned, the agency should complete the reverse of the form, including the name and the telephone number of an agency official with direct knowledge of the claim. The employee should arrange to provide medical evidence to support the period of disability claimed; this evidence may be submitted with the Form CA-7 or sent to OWCP separately.

(3) Submission. After the agency completes the form, it should be submitted to OWCP along with any new medical evidence in possession of the agency. OWCP will use the pay data supplied by the agency to determine the rate at which compensation is to be paid. (The claim should not be delayed for computation of shift differential, Sunday or holiday pay, or other incremental pay; these elements, which are discussed in subchapter 8, may be computed and submitted separately.) The dates of compensation claimed should represent the period of disability supported by the medical evidence or the interval until the employee's next medical appointment.

(4) Leave repurchase. An employee who takes sick or annual leave to avoid possible interruption of income may repurchase that leave, subject to agency concurrence, if the claim is approved, and Form CA-7 may be used for this purpose as well. The employee and agency should supply the factual and medical evidence described above, and in addition the agency should provide a detailed breakdown of leave used, showing the number of hours charged for each day claimed and whether sick or annual leave was used. (The relationship between COP use and leave use is discussed in section 5-2.)

(5) Lost wages for medical treatment. An employee who has returned to work but continues to require medical treatment during work hours may claim compensation for lost wages while undergoing or traveling to and from the treatment. Such a claim may be made on Form CA-7, and it should be accompanied by a statement from the agency showing the exact period of time and the total amount of wages lost due to the treatment, the rate of pay and the number of hours or days the employee would have worked if available.

Form CA-7 may also be used to claim a schedule award for permanent impairment as a result of trau-

matic injury (entitlement to such awards is discussed in section 7-1).

e. Continuing Wage Loss—Form CA-8. If disability is expected to continue, the agency should give the injured employee Form CA-8 10 days before the period claimed on Form CA-7 expires. The employee should complete the front and return it to the agency, which should complete the reverse of the form and indicate the address of the OWCP district office in the box on the back of CA-20a which is attached to the form. As with the Form CA-7, the claimant is responsible for obtaining medical support for the period claimed, and the dates of compensation claimed should represent the period of disability supported by the medical evidence or the interval until the employee's next medical appointment.

The completed form should be sent to OWCP at least 5 days before the end of the period claimed on Form CA-7. During the period of disability a Form CA-8 should be submitted every 2 weeks until otherwise instructed by OWCP. Form CA-8 may also be used to claim additional periods of leave repurchase; an itemized breakdown of leave used should be provided as described in paragraph (d). Here again, if the employee returns to work after a claim has been submitted, the agency should notify the district office by telephone immediately in order to avoid overpayments. Written confirmation of return to duty should also be supplied to the district office.

## 2-2. OCCUPATIONAL DISEASE

An occupational disease is defined as a condition produced in the work environment over a period longer than 1 workday or shift. It may result from systemic infection, repeated stress or strain, exposure to toxins, poisons, or fumes, or other continuing conditions of the work environment.

a. Notice of Occupational Disease—Form CA-2. The injured employee, or someone acting on his/her behalf, should give notice of occupational disease on Form CA-2. Upon receiving such notice, the supervisor should:

(1) Review the front of the form for completeness and accuracy, and assist the employee in correcting any deficiencies found;

(2) Complete and sign the reverse of Form CA-2 and insert the appropriate codes on both the front and back of the form (appendix B of this chapter describes these codes and their use). Indicate a telephone number where he/she may be contacted if OWCP personnel have questions concerning the claim.

(3) Sign and return to the employee the receipt attached to Form CA-2 and provide a copy of the form to the employee if requested;

(4) Issue to the employee two copies of the appropriate checklist, Form CA-35A-G, for the disease claimed (specific checklists have been devised for various conditions in order to facilitate submission of evidence—see appendix B).

(5) Explain the need for detailed information to the employee and advise him/her to furnish supporting medical and factual information requested on the checklist. If possible, this information should accompany the form when it is submitted;

(6) Review the employee's portion of the form and provide comments on the employee's statement requested in paragraph (5);

(7) Prepare a supporting statement to include exposure data, test results, copies of previous medical examinations, and/or witness statements, depending on the nature of the case. The checklist may be used to coordinate compilation of material by agency personnel, including compensation specialists and safety and health officers;

(8) Advise the employee of the right to elect sick or annual leave or leave without pay pending adjudication of the claim.

The completed Form CA-2 should be submitted to the district office within 10 working days of receipt from the employee. It should not be held for receipt of supporting documentation.

b. Medical Treatment—Form CA-16. Only in rare instances is medical care authorized by the employing agency in occupational disease claims. The agency must contact OWCP before issuing a Form CA-16 in such a claim.

c. Wage Loss/Permanent Impairment—Form CA-7. Form CA-7 is used to file an original claim for compensation because of pay loss resulting from an occupational disease. The claim should be filed within 10 days after pay stops or when the employee returns to work, whichever occurs first.

(1) Leave repurchase. The employee may wish to use sick or annual leave pending adjudication of the claim. If so, the employee may initiate repurchase of this leave, subject to agency concurrence, using Form CA-7. The agency should certify the amount and kind of leave used for each day claimed, and the employee should arrange for submission of medical evidence supporting the period of repurchase requested.

(2) Lost wages for medical treatment. An employee who has returned to work but continues to require

medical treatment during working hours may claim compensation for lost wages while undergoing or traveling to and from the treatment. Such a claim may be made on Form CA-7, and it should be accompanied by a statement from the agency showing the exact period of time and the total amount of wages lost due to the treatment, the rate of pay and the number of hours or days the employee would have worked if available. Form CA-7 may also be used to initiate a claim for schedule award for permanent impairment resulting from occupational disease. Entitlement to such awards is discussed in section 7-1.

d. Continued Wage Loss—Form CA-8. Form CA-8 may be used to claim continuing compensation after the initial period claimed on Form CA-7, or to claim additional periods of leave repurchase.

### 2-3. RECURRENCES

A recurrence is defined as a spontaneous return or increase of disability due to a previous injury or occupational disease without intervening cause, or a return or increase of disability due to a consequential injury (defined in section 3-5). A recurrence is distinguished from a new injury by the criterion that in a recurrence no event other than the previous injury accounts for the disability. Follow up medical care for an injury or disease which causes time loss is considered part of the original injury rather than a recurrence unless the claimant was previously released from treatment.

a. Claim for Recurrence—Form CA-2a. If a recurrence develops more than 6 months after the original injury, the employee and supervisor should complete Form CA-2a and submit it to OWCP. If the employee was entitled to use COP and the 45 calendar days of COP have not been exhausted, he/she may elect to use the remaining days if 6 months have not elapsed since first return to duty (see section 5-7 for detailed information). Otherwise, the employee may elect to use sick or annual leave pending adjudication of the claim for recurrence. The employee should arrange for submission of the factual and medical evidence described in the instructions attached to the form, paying particular attention to the need for bridging information which describes his/her condition and job duties between the original injury and the recurrence.

b. Medical Treatment—Form CA-16. The supervisor, at his/her discretion, may issue Form CA-16 to authorize examination or treatment for a recurrence of disability if it resulted from an injury previously recog-



nized as compensable by the Office. The supervisor may not authorize examination or treatment when OWCP has disallowed the original claim or when more than 6 months have elapsed since the employee last returned to work.

c. Claim for Wage Loss—Forms CA-7 and CA-8. If an employee wishes to claim compensation because of a recurrence, Form CA-7 is required if one was not previously submitted. If a Form CA-7 was submitted, then the employee is to complete a Form CA-8 and submit it to the agency along with supporting medical evidence. A Form CA-8 is to be completed and submitted every 2 weeks until the employee is otherwise notified by OWCP.

#### 2-4. DEATH

When an employee dies because of an injury incurred while in performance of duty, the agency should immediately notify OWCP. It should also contact any survivors, provide them with claim forms, and assist them in preparing the claim as much as possible. The

forms should be submitted even if a disability claim had previously been filed and benefits were paid. Continuation of benefits is not automatic, as it must be shown that the death resulted from the same condition for which the disability claim was accepted.

a. Claims for Death Benefits—Form CA-5 and CA-5b. The survivors of a deceased employee should use Form CA-5 or CA-5b in submitting claims for death benefits. The survivor should complete the front of the appropriate form, while the attending physician should complete the medical report on the reverse and forward it to OWCP. The submission should include a copy of the death certificate which has been certified by the issuing authority. It should also include a certified marriage certificate if a spouse is making claim, and a copy of any divorce or annulment decree if the decedent or spouse was formerly married. Certified copies of birth certificates of any children for whom claim is made should also be included.

b. Agency Notice—Form CA-6. This form is used by the agency to report the work-related death of an employee.

## Subchapter 3. Conditions of Coverage

Each claim for compensation must meet certain requirements before it can be accepted. This is true whether the claim is for traumatic injury, occupational disease, or death. While the requirements are examined somewhat differently according to the type of claim, they are always considered in the same order. This subchapter will describe these requirements as well as the three statutory prohibitions to payment of compensation. It will also describe the kind of information which should be submitted by the agency and claimant for each issue.

### 3-1. TIME

All cases must first satisfy the statutory time requirements of the FECA.

a. Provisions of the law. For injuries and deaths on or after September 7, 1974, the law provides that a claim for compensation must be filed within 3 years of the injury or death. Even if claim is not filed within 3 years, however, compensation may still be allowed if written notice of injury was given in 30 days or the immediate superior had actual knowledge of the injury or death within 30 days after occurrence. This knowledge may consist of written records or verbal notification; an entry into an employee's medical record may also satisfy this requirement if it is sufficient to place the agency on notice of a possible work-related injury or illness.

The law also provides that the filing of a disability claim because of injury will satisfy the time requirements for a death claim on the same injury. The failure of an individual to comply with the 3-year time requirement may be excused by OWCP because of exceptional circumstances (for example, being held prisoner of war).

For injuries occurring before September 7, 1974, different provisions apply with respect to timeliness. Contact the district office concerning any case in this category.

b. When time begins to run. For traumatic injury, the statutory time limitations begin to run from the date of

injury. For a latent condition, they begin to run when an injured employee who has a compensable disability becomes aware, or reasonably should have been aware, of a possible relationship between the condition and the employment. In situations where the exposure to possibly injurious employment-related conditions continues after this knowledge, the time for filing begins to run on the date of the employee's last exposure to the implicated conditions.

In death cases resulting from traumatic injury, time begins to run from the date of death. Where death is due to disease, time begins to run when the beneficiary is aware, or reasonably should have been aware, of causal relationship between the death and the factors of employment.

For a minor, the time limitations do not begin to run until the person reaches the age of 21 or has a legal representative. For a person who is mentally incompetent, the time limitations do not begin to run until the person has a legal representative.

c. Written notice. Form CA-1 or CA-2 constitute notice of injury. A claim for compensation (Form CA-7 in disability cases, Form CA-5 or CA-5b in death cases) may also constitute notice of injury. Moreover, OWCP will accept as a notice of injury or death any written statement which is signed by the claimant or someone acting on his/her behalf and which states: the name of the employee; the name and address of the claimant; the time and location of the injury or death; and the cause and nature of the injury or death.

d. Actual knowledge. An agency official may acquire actual knowledge through firsthand observation of the incident, from another employee, or from medical personnel at the agency's medical facility. This knowledge must place the employing establishment reasonably on notice of an on-the-job injury or death. An entry into the employee's medical records may be considered actual knowledge, as may the results of tests conducted by the agency in connection with known occupational hazards. The date on which the agency or OWCP receives written notice will be considered the date of filing. Information addressing the

issue of actual knowledge is needed only when the agency did not receive written notice within 3 years.

### 3-2. CIVIL EMPLOYEE

If the claim is timely filed, it must be determined whether the injured or deceased individual was an *employee* within the meaning of the law. This is always the second requirement considered.

a. Provisions of the law. All civilian Federal employees, except for nonappropriated fund employees, are covered by the FECA. In addition, coverage is provided by special legislation to Peace Corps and Vista volunteers; Federal petit or grand jurors; volunteer members of the Civil Air Patrol; Reserve Officer Training Corps Cadets; Job Corps, Neighborhood Youth Corps, and Youth Conservation Corps enrollees; and non-Federal law enforcement officers under certain circumstances involving crimes against the U.S.

b. Other considerations. Temporary employees are covered on the same basis as permanent employees. Contract employees, volunteers, and loaned employees are covered under some circumstances; such determinations must be made on a case-by-case basis once a claim is filed. Federal employees who are not citizens or residents of the U.S. or Canada are covered subject to certain special provisions governing their pay rates and computation of compensation payments.

### 3-3. FACT OF INJURY

If the issues of *time* and *civil employee* have been resolved affirmatively, it must be established whether the employee in fact sustained an injury or disease. Two factors are involved in this determination:

a. Occurrence of event. Whether the employee actually experienced the accident, event, or employment factor which is alleged to have occurred is resolved on the basis of factual evidence, including statements from the claimant, the agency, and any witnesses. An injury need not be witnessed in order to be compensable. If the agency feels, however, that the claimant's testimony is contrary to the facts and circumstances of the injury, it should supply pertinent information in support of its beliefs.

b. Medical condition. Whether the accident or employment factor resulted in an injury or disease is determined on the basis of the attending physician's statement that a medical condition is present which may be related to the incident. Simple exposure, (for instance, to a contagious condition or dusty environment) does not constitute an injury.

### 3-4. PERFORMANCE OF DUTY

If the first three criteria have been accepted, it must be determined whether the employee was in the performance of duty when the injury occurred.

a. Agency premises. An employee who is injured on agency premises during working hours has the protection of the FECA unless engaged in an activity which removes him/her from the scope of employment. Coverage includes injuries which occur while the employee was performing assigned duties or engaging in an activity which was reasonably associated with the employment. Such activities include use of facilities for the employee's comfort, health, and convenience as well as eating meals and snacks provided on the premises. The premises include areas immediately outside the building, such as steps or sidewalks, if these are Federally owned or maintained. The agency should document an injury occurring in such an area by submitting a diagram showing where it happened.

(1) Outside working hours. Coverage is extended to employees who are on the premises for a reasonable time before or after working hours; it is not extended, however, to employees who are visiting the premises for nonwork-related reasons. The agency should verify the time of the injury and provide any information in its possession about the employee's purpose in being on the premises at the time of injury.

(2) Representational functions. Injuries to employees performing representational functions entitling them to official time are covered. Injuries to employees engaged in the internal business of a labor organization, such as soliciting new members or collecting dues, are not covered. The agency should advise whether the employee was entitled to official time when injured.

(3) Parking facilities. The agency's premises include the parking facilities which it owns, controls, or manages. An employee will usually be covered if injured on such parking facilities. Information submitted by the agency should include a statement indicating whether it owns or leases the parking lot, and if the latter, the name and address of the owner (this information may be needed for purposes of developing the third-party aspect of the claim, which is described in section 4-1). If the parking lot is not immediately adjacent to the building, the agency should also supply a diagram showing where the injury took place in relation to the parking lot and building.

(4) Agency housing. An employee is covered if injured during the reasonable use of premises which



he/she is required or expected to occupy, and which are furnished or made available by the agency. (Employees who may use such housing include firefighters and Job Corps enrollees.) Any claim for injury occurring under such circumstances should be accompanied by a full description of the living arrangements and the requirements and expectations surrounding their use.

b. Off-premises injuries. Coverage is extended to workers such as letter carriers, chauffeurs, and messengers who perform service away from the agency's premises. It is also extended to workers who are sent on errands or special missions and workers who perform services at home.

(1) To and from work. Employees do not have the protection of the FECA when injured enroute between work and home, except where the agency furnishes transportation to and from work, where the employee is required to travel during a curfew or an emergency, or where the employee is required to use his/her vehicle during the workday. Such claims should be accompanied by a description of the circumstances.

(2) Lunch hour. Injuries which occur during lunch hour off the premises are not ordinarily covered unless the employee is in travel status or is performing regular duties off premises.

(3) Travel status. Employees in travel status are covered 24 hours a day for all reasonable incidents of their TDY. Thus, an employee injured on a sightseeing trip in the city to which he/she was assigned would be covered, as would an employee injured in the hotel shower. All claims for injuries occurring in travel status should be accompanied by a copy of the travel authorization.

(4) Vehicular accidents. Any claim involving a traffic accident should be accompanied by a copy of the police report, if any, and a diagram or map showing the location of the accident in relation to the places where official duty was last performed and next scheduled.

c. Other factors. Some injuries occur under circumstances which are not governed, or not completely governed, by the premises rules. Injuries involving any of the circumstances indicated below must be determined on a case-by-case basis.

(1) Recreation. An employee is covered while engaged in formal recreation for which he/she is paid or is required to perform as a part of training or assigned duties. Also covered are employees engaged in informal recreation, such as jogging, while on the agency premises. Under other circumstances, the agency must explain what benefit is derived from the employee's participation, the extent to which the agency sponsored

or directed the activity, and whether the employee's participation was mandatory or optional.

(2) Horseplay. An employee who is injured during horseplay is covered if the activity was one which could reasonably be expected where a group of workers are thrown into personal association for extended periods of time. In this kind of case, it must be determined whether the particular activity was a reasonable incident of the employment or was an isolated event which could not reasonably have been expected to result from close association.

(3) Assault. An injury or death caused by the assault of another person may be covered if it is established that the assault was accidental and arose out of an activity directly related to the work or work environment. Coverage may also be extended if the injury arose out of a personal matter having no connection with the employment if it was materially and substantially aggravated by the work association. The agency should submit copies of any internal or external investigation to which it has access as well as witness statements from parties having knowledge of the incident.

(4) Emergencies. Coverage is extended to employees who momentarily step outside the sphere of employment to assist in an emergency, such as to extinguish a fire or assist a person in imminent danger.

### 3-5. CAUSAL RELATIONSHIP

After the four factors described in subsection 3-4c have been considered, causal relationship between the condition claimed and the injury or disease sustained is examined. Unlike fact of injury, which is discussed in section 3-3 and which involves the determination that a medical condition is present, causal relationship involves establishment of a connection between the injury and the condition found. This factor is based entirely on medical evidence provided by physicians who have examined and treated the employee. Opinions of the claimant, agency or witness are not considered, nor is general medical information contained in published articles.

a. Kinds of causal relationship. Any injury or disease may be related to employment factors in any one of four ways:

(1) Direct causation. This term refers to situations where the injury or factors of employment result in the condition claimed through a natural and unbroken sequence.

**Aggravation.** If a pre-existing condition is worsened, either temporarily or permanently, by an injury arising in the course of employment, that condition is said to be aggravated.

(a) Temporary aggravation involves a limited period of medical treatment and/or disability, after which the employee returns to his/her previous physical status. Compensation is payable only for the period of aggravation established by the medical evidence, and not for any disability caused by the underlying disease. This is true even if the claimant cannot return to the job held at time of injury because the pre-existing condition may be aggravated again. For example, if exposure to dust at work temporarily aggravates an employee's pre-existing allergy, compensation will be payable only for the period of work-related disability, even though further exposure in the work place may cause another aggravation.

(b) Permanent aggravation occurs when a condition will persist indefinitely due to the effects of the work-related injury or when a condition is materially worsened by a factor of employment such that it will not return to the pre-injury state.

(c) Acceleration. An employment related injury or disease may hasten the development of an underlying condition, and acceleration is said to occur when the ordinary course of the disease does not account for the speed with which a condition develops.

(4) Precipitation. This term refers to a latent condition which would not have manifested itself on this occasion but for the employment. For example, a claimant's latent tuberculosis may be precipitated by work-related exposure.

b. Medical evidence. The issue of causal relationship almost always requires reasoned medical opinion for resolution. This opinion must be obtained from a physician who has examined or treated the employee for the condition claimed. In any case where a pre-existing condition involving the same part of the body is present, the physician must provide rationalized medical opinion which differentiates between the effects of the employment-related injury or disease and the pre-existing condition. Such evidence will permit the proper kind of acceptance (temporary vs. permanent aggravation, for instance).

To establish causal relationship, additional medical opinion may be requested of OWCP's District Medical Officer or from a specialist in the medical field perti-

nent to the injury or disease. In a claim for a psychiatric condition, a report from a psychiatrist will be required in order to meet this criterion. In claims for occupational hearing loss and pulmonary disease, the OWCP will refer the employee for examination by an appropriate specialist after exposure to the hazardous substance or condition has been established. Subchapter 6 may be consulted for further information concerning medical examinations.

c. Consequential and intervening injuries. Sometimes an injury occurring outside performance of duty may affect the compensability of a work-related injury.

(1) A consequential injury is a new injury which occurs as the result of a work-related injury; for example, it occurs because of weakness or impairment caused by a work-related injury. Included in this definition are injuries sustained while obtaining medical care for a work-related injury. Consequential injuries are compensable.

(2) An intervening injury is one which occurs outside the performance of duty to the same part of the body originally injured. The resulting condition will be considered related to the original injury unless the second injury alone is established as its cause.

### 3-6. STATUTORY EXCLUSIONS

Sometimes the circumstances of a case raise the issues of willful misconduct, intention to bring about the injury or death of oneself or another, or intoxication. If any of these factors is established as the cause of the injury or death, benefits must be denied. It should be noted, however, that these exclusions must be asserted and proven by the agency or by OWCP.

a. Willful misconduct. The question of deliberate willful misconduct may arise when the employee was violating a safety rule, disobeying other orders of the employer, or violating a law. Because safety rules have been established for the protection of the worker rather than the employer, simple negligent disregard of such rules is not sufficient to deprive an employee or beneficiary of entitlement to compensation. Disobedience of such orders may destroy the right to compensation only if the disobedience is deliberate and intentional as distinguished from careless and heedless.

b. Intoxication. In any case involving intoxication (which may be by alcohol or any other drug) the record must establish both the extent to which the employee was intoxicated at the time of the injury and the particular manner in which the intoxication caused the injury. It is not sufficient just to show that the employee



was intoxicated: it must be shown that the intoxication proximately caused the injury.

c. Intention to bring about injury or death to oneself or another. Where it appears that the employee brought about his/her own injury or death or that of another, intention must be established. If the factual and medical evidence shows that the employee was not in full

possession of his/her faculties, the injury may be compensable. Thus, suicide may be compensable if the injury and its consequences directly caused a mental disturbance or physical condition which produced a compulsion to commit suicide and prevented the employee from exercising sound discretion or judgment so as to control that compulsion.

## Subchapter 4. Processing of Claims

This subchapter will describe in general the procedures and responsibilities for case handling once the proper forms and accompanying information have been filed with OWCP. It will also describe the procedures which an agency should take if it believes a claim to be questionable.

### 4-1. ADMINISTRATIVE MATTERS

a. *Initial handling.* The notice of traumatic injury, occupational disease or death should be filed with the district office with jurisdiction over the location of the employing agency (after adjudication, the claim may be transferred to the district office with jurisdiction over the location of the employee's residence, if different). If possible, the notice should be accompanied by supporting documents such as medical reports and statements from the employee, the agency, and witnesses. When the notice is received, OWCP will send the claimant and the agency a postcard (Form CA-801) advising the claim number assigned to the case.

The file will then be assigned to a Claims Examiner, who will determine if information in addition to the initial submission is required for adjudication of the claim. If so, the information will be requested of the employee and/or the agency with a copy to all parties to the claim. While the requirements for accepting a claim are considered in the order shown in the previous subchapter, OWCP will attempt to request information on all unresolved aspects of the claim simultaneously in the interests of expeditious case handling.

b. *Representation.* The FECA provides that a claimant may be represented if he/she so desires, but is it not required. A representative need not be an attorney; a friend or union representative, for example, may act in this capacity, but any representative must be designated by the claimant in writing before OWCP will recognize him/her. The law contains no provision for payment of representatives' fees by OWCP. It does require, however, that OWCP approve such fees prior to payment. Contingency fee agreements are not honored by OWCP, and a claimant should not pay any fee prior to approval by OWCP.

c. *Obtaining information.* Agencies and employees usually communicate with OWCP via written correspondence. Most district offices have a contact office which can provide information on the status of a claim and answer general questions. When more detailed information is required, the Claims Examiner responsible for the case file can often satisfy the inquiry. If an agency has questions about common themes identified in a number of claims, it should contact the Chief of Claims or District Director for clarification of the procedures in question. Only inquiries which cannot be resolved in this manner should be referred to OWCP's National Office, and any such matter should be referred through the agency's headquarters. Policy questions may also be referred to OWCP's National Office.

Under the Privacy Act, the claimant or representative is entitled to receive one copy of the case file from OWCP free of charge; additional copies will be sent at a cost of 10 cents per page. It is not necessary to request the records under the Freedom of Information Act. Ordinarily, a complete copy of the record will be sent directly to the requestor; occasionally, if sensitive medical information is involved, the district office will choose to forward the medical reports to a physician of the claimant's choice so that the contents may be properly interpreted to the claimant. Sensitive medical information may be released to the employee's representative with the proviso that it not be disclosed to the claimant.

d. *Third party.* When a party other than the claimant or the agency appears to be responsible for an injury or death, the claimant may be asked to seek damages from that party. Such actions may include claims against individuals or product manufacturers. Agencies are encouraged to investigate the third party aspect of any claim and submit all information gathered to OWCP. The employee will be contacted with specific instructions concerning this aspect of the claim; he/she should not attempt to settle such a claim without first obtaining advice and approval from the Solicitor of Labor through OWCP.

While a claim is pending against the third party, OWCP will pay medical and compensation benefits to

which the beneficiary is entitled. If a recovery is made, the beneficiary must first pay outstanding legal fees and costs. He/she is then entitled to retain 20 percent of the remaining amount, plus an amount equivalent to a reasonable attorney's fee in proportion to the sum which will be owed to OWCP. The latter amount generally includes the total medical and compensation payments made by OWCP at the time of settlement. Any money remaining is retained by the beneficiary and credited against future claims for benefits. OWCP will resume payment of compensation benefits and medical bills only after the beneficiary has submitted claims which equal the amount of money remaining.

#### 4-2. BURDEN OF PROOF

The claimant has the responsibility to establish the essential elements of the claim as described in subchapter 3. OWCP will assist the claimant in meeting this responsibility, which is also termed burden of proof, by requesting evidence needed to fulfill the requirements of the claim if such information is not included with the original submission.

OWCP will attempt to obtain any pertinent medical evidence in the possession of another Federal facility, including the employing agency, but this assistance does not relieve the claimant's burden of proof. Agencies are required by law to provide medical and factual evidence requested by OWCP in order to adjudicate a claim. Agencies and claimants alike are always entitled to present information not specifically requested by OWCP.

When information is not submitted in a timely manner, delays in adjudicating cases and paying claims often result. To minimize such delays, OWCP will ask the claimant and agency to submit the required evidence within a specific period, usually 30 days from the date of the request. A copy of any request to the agency for information will be sent to the claimant, and vice versa. Following is a description of the procedures which OWCP will use with respect to requests for information from agencies.

##### a. Traumatic injury cases (including recurrence and death)

1. The factual evidence required from an employer in a traumatic case will often concern the circumstances surrounding the injury. By anticipating the information which OWCP will need, as described in the preceding subchapter, the agency will often be able to avoid handling correspondence which would otherwise be generated. Each submission of forms should

contain a clear description of how the injury occurred, including the time and place, whether it happened during working hours, the presence of witnesses, etc.

If this information is not included in the original submission, OWCP will request it. If a second request for such information is needed, OWCP will advise that absent a response the case will be processed on the basis of the evidence submitted by the claimant as follows:

- (a) If the claimant's statement is sufficiently detailed, OWCP will accept the statement and adjudicate the claim accordingly.
- (b) If the claimant's statement is not sufficient, the claim will be denied for the reason that the claimant did not meet his/her burden of proof.

2. Medical evidence in possession of the agency may also be requested.

- (a) With respect to unadjudicated claims, it is best if the agency submits copies of medical records pertaining to the injury and any relevant pre-existing condition at the time of initial submission to OWCP. This evidence will be requested of the agency if it is not sent with the original submission. If a second request is needed, OWCP will advise the claimant that it is attempting to obtain the evidence directly from the agency but that the burden of proof still rests with the claimant and that he/she should also try to obtain the medical evidence and forward it to OWCP. Under the Privacy Act, the claimant is entitled to obtain records pertaining to him/herself which are maintained by the agency. If medical evidence is not submitted in a timely manner, the claim will be denied on the basis that the claimant did not meet his/her burden of proof.

- (b) In an accepted case, if the claimant receives continuing care from an agency physician (or its contract provider), the agency should include supporting medical evidence for disability with claims submitted. Otherwise, it will be asked to submit the relevant medical evidence if the file does not support disability for the claimed period. If a second request is needed, OWCP will advise the claimant that while it is attempting to obtain the needed information, he/she should try to obtain it as well.

If the file contains *prima facie* medical evidence of disability for the period claimed but additional support is needed, OWCP will authorize payment for a reasonable period and request the evidence from the employer. If another claim is received and the previously

requested evidence has not been submitted, OWCP will again authorize payment of compensation for a reasonable period and refer the claimant to a medical specialist for examination.

3. Payment information needed will usually involve the claimant's salary or the days of LWOP claimed or leave used during the period involved. Agencies can speed the payment process by advising OWCP of any elements of the pay rate which should be included, such as night and Sunday differential, and whether the claimant has received these increments regularly (in which case the biweekly amount should be indicated) or sporadically (in which case the claimant's entire earnings in the relevant pay category for the year preceding the injury should be provided).

Where the pay rate is in question, OWCP will begin paying compensation using the lower salary and request clarification from the agency. If a second request is necessary, the claimant will be advised that documentation is necessary to support the higher pay rate and asked to submit any documentation in his/her possession. If the agency fails to reply and the claimant submits adequate documentation (e.g., pay stubs), OWCP will adjust compensation. Until sufficient documentation is received from either the agency or the claimant, compensation will be paid at the lower rate.

Where the days and hours of LWOP or leave status during a claimed period are in question, OWCP will request clarification from the agency. Any followup request needed will also advise the claimant of the need for documentation and invite him/her to submit a detailed account for the period in question. If the claimant provides such an account, OWCP will send a copy to the agency for review and advise that unless OWCP is notified of any inaccuracies in a timely manner, the claimant's accounting will be used to compute the payment.

b. Occupational disease claims (including recurrence and death)

1. OWCP will require factual information from the employer according to the type of medical condition involved. The information specified in the instructions for completing Form CA-2 and on the evidence checklist appropriate to the disease in question should be forwarded with the initial submission. If sufficiently detailed descriptions of the circumstances surrounding development of the claimed condition are not received, OWCP will make another request using the checklist.

If a second request is necessary, the agency will be advised that if timely response is not received the OWCP will process the claim based on the evidence

submitted by the claimant. As with traumatic injury cases, if that evidence is sufficient, the claimant's statements will be accepted and the claim will be adjudicated accordingly. If the evidence is not sufficient, the claim will be denied because the claimant did not meet his/her burden of proof.

2. Medical examination and treatment will generally not have been provided solely by an agency medical facility. A claimant who has also been seen by a private physician must submit supporting medical evidence from that physician. If additional evidence from the agency is needed, the claimant will be advised that OWCP is attempting to obtain it but that the burden of proof still rests upon the claimant and that he/she should also try to obtain that evidence.

3. As with traumatic injury cases, wage loss information needed from the agency will probably involve the claimant's pay rate or the days on LWOP or leave during the period claimed, and the procedures described for obtaining such information in traumatic injury cases will apply. The extensive development of medical evidence during the initial adjudication process should provide sufficient information concerning the nature and extent of disability to permit adjudication of the wage loss claim. If not, OWCP will follow the procedures for developing medical evidence in a traumatic wage loss claim.

Once OWCP accepts a claim, the burden of proof shifts from the employee to the Office. In order to rescind the acceptance of a condition or to make a retroactive determination that an employee was not disabled for a period during which compensation was paid, the Office must demonstrate not only that an error was made but that the weight of the evidence supports its conclusion concerning the merits of the claim.

#### 4-3. QUESTIONABLE CLAIMS

In the course of processing a claim, the agency may identify information which leads it to question the circumstances surrounding it. If this happens, the agency should investigate the circumstances and report the results to OWCP. All such allegations must be supported by specific factual evidence before they can be considered by OWCP, which is the final arbiter of entitlement. Situations which may prompt the agency to conduct such an investigation, and actions which the agency may take, are as follows:

a. If the employee has given differing versions of the incident to different people, or several witnesses give differing accounts of the facts surrounding the injury,



the agency should request a written statement from each person which details his/her knowledge of the situation.

b. If the employee reported to work on the date of the claimed injury with the appearance of a pre-existing condition or injury, the agency should obtain statements detailing the relevant observations from witnesses.

c. If a lengthy period elapses between the alleged injury and the time it is reported, and the claimant appears to be able to perform normal duties, a written statement detailing the situation should be composed.

d. If an employee who has claimed injury is reported to be working at another job, the agency should first ask him/her about the requirements of the other employment. Depending on the reply, the agency may wish to ask the employee for permission to contact the other employer for information concerning duties and periods of employment.

OWCP will consider all information submitted and correspond further with the parties involved if necessary. The authority to determine any aspect of a claim rests with OWCP, however, and while the agency is entitled to an explanation of the basis of OWCP's action, it must accept the determination rendered.

#### 4-4. DECISIONS AND NOTIFICATION

The employee will be notified by letter of the acceptance of his/her case if disability is expected to ensue or continue. The letter will state the condition for which the claim is accepted and advise how to claim compensation benefits and payment or reimbursement of medical bills. In cases involving potential long-term disability, OWCP will notify the employee of his/her obligation to seek work when disability is no longer total. The agency will receive a copy of this notification to the claimant and will also be asked to submit a copy of the employee's job description and SF 171 in order to prepare for eventual reemployment (this process is described in subchapter 8).

During the life of a claim, decisions may be rendered on various issues. Employees are usually notified by letter about such matters as approval or denial of surgical procedures and other forms of medical care, and payment of medical bills by OWCP. Appeal rights are not usually included in such determinations, but formal decisions may be issued on such matters if requested.

Any determination, whether affirmative or negative, which sets forth OWCP's findings with respect to the case and which includes a description of the em-

ployee's appeal rights is known as a formal decision. When a beneficiary is placed on the compensation rolls for schedule award, loss of wage-earning capacity, or death, he/she will receive a formal decision. Likewise, a formal decision is issued any time an adverse decision involving entitlement is reached, such as denial of an initial claim or denial of continuing benefits. Three avenues of appeal are provided for employees; the agency is not entitled to appeal. The employee may request only one form of appeal at a time.

a. **Hearing.** The law provides that a beneficiary is entitled to a hearing before an Office representative as long as the request is made within 30 days of the formal decision and a reconsideration has not already been undertaken. The request should be sent to the Branch of Hearings and Review at the address included with the appeal rights; no special form is needed. The hearing will be held within 100 miles of the claimant's home, and the employee may present evidence in support of the claim if desired. The agency will be notified when the hearing is scheduled and advised that it may request a copy of the transcript and/or send a representative to the hearing. The agency representative may not participate in the proceedings, however, unless specifically invited to do so by the employee or the OWCP representative. After the hearing is held and any additional evidence is submitted, a formal decision is issued which includes a description of the employee's further appeal rights.

b. **Reconsideration.** An employee may ask OWCP to reconsider any formal decision made by the district office. The request should be addressed to the district office handling the claim; no special form is required, but the request should clearly state the ground on which it is based. It must also be accompanied by evidence not previously submitted or arguments for error in fact or law in reaching the contested decision. A reconsideration may be requested at any time subsequent to the issuance of a formal decision. The new determination also constitutes a formal decision and contains a description of the employee's further appeal rights.

c. **Review by Employees' Compensation Appeals Board (ECAB).** An employee may request review by the ECAB, which is the highest authority in Federal workers' compensation claims. The employee should file for such review directly with the ECAB at the address included with the formal decision. The ECAB's review is based solely upon the case record at the time of the formal decision; new evidence is not



considered. Employees residing within the continental United States or Canada should file application for review within 90 days of the date of the decision. For

good cause shown the ECAB may excuse failure to timely file an application for review if it is filed within 1 year of the date of the decision.

## Subchapter 5. Continuation of Pay (COP)

### 5-1. DEFINITION AND ENTITLEMENT

The FECA provides that an employee's regular pay may be continued for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury. The intent of this provision is to eliminate interruption in the employee's income while the claim is being adjudicated. COP is not considered compensation and is therefore subject to income tax, retirement and other deductions. After entitlement to COP is exhausted, the employee must apply for compensation or use leave.

An employee is entitled to receive COP when he/she is absent from work due to disability or medical treatment or when he/she is reassigned by formal personnel action to a position with a lower rate of pay due to partial disability. Because informal assignment of light or restricted duties without a personnel action does not result in pay loss, time worked in such a position may not be charged to COP.

Temporary employees are entitled to COP on the same basis as permanent employees, but COP may not be paid after a termination date that was established prior to the injury. This means that COP may not continue past the NTE date shown on the employee's appointment SF 50, the NTE date shown on an extension of appointment SF 50 (or SF 52 that was approved prior to the injury), or the effective date shown on a termination SF 52 that was approved prior to the injury. Compensation will be paid after employment has ceased, regardless of how many days of COP have been used. Like any other employee, a temporary worker who first reports a traumatic injury after the employment is terminated is not entitled to COP.

### 5-2. USE OF LEAVE INSTEAD OF COP

An employee may use annual or sick leave to cover all or part of an absence due to injury. If an employee elects to use leave, each full or partial day for which leave is taken will be counted against the 45 days of entitlement. Therefore, while an employee may use COP intermittently along with sick or annual leave,

entitlement is not extended beyond 45 days of combined absences.

An election of sick or annual leave during the 45-day period is not irrevocable. If an employee who has elected leave for the period wishes to elect COP, the agency must make such a change on a prospective basis from the date of the employee's request. Where the employee wishes to have leave restored retroactively, the agency may honor the request but OWCP will not require it.

### 5-3. CONTROVERSION

Sometimes an agency objects to paying a claim for continuation of pay, either for one of the reasons provided by regulation or for some other reason. This action is called controversion. The agency may controvert a claim by completing the indicated portion of Form CA-1 and submitting detailed information in support of the controversion of OWCP. Even though a claim is controverted, however, the agency must continue the employee's regular pay unless at least one of the conditions set forth below applies:

- a. The disability is a result of an occupational disease or illness;
- b. The employee comes within the exclusions of 5 U.S.C. 8101(1)(B) or (E) (which refer to persons serving without pay or nominal pay, and to persons appointed to the staff of a former President);
- c. The employee is neither a citizen nor a resident of the United States, Canada, or the Canal Zone (i.e., a foreign national employed outside the areas indicated);
- d. The injury occurred off the employing agency's premises and the employee was not engaged in official "off-premises" duties;
- e. The employee caused the injury by his/her willful misconduct, or intended to bring about his/her injury or death or that of another person, or the employee's intoxication was the proximate cause of the injury;
- f. The injury was not reported on a form approved by OWCP (usually Form CA-1) within 30 days following the injury;

g. Work stoppage first occurred 6 months or more following the injury;

h. The employee initially reported the injury after employment was terminated;

i. The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, work study program, or other group covered by special legislation.

The agency may not continue pay under any of the above circumstances.

The employing agency may dispute an employee's right to receive COP (and/or the validity of the claim as a whole) on other grounds, for instance on the basis that the claimant was not performing assigned duty when the injury occurred, or that the condition claimed is not the result of a work-related injury. Any such objection should be supported by objective evidence such as witness statements, pictures, accident investigations, or time sheets. If the validity of a claim is disputed for reasons other than the nine conditions listed above, regular pay may not be interrupted during the 45-day period unless the controversy is sustained by OWCP.

#### 5-4. PAY RATE FOR COP PURPOSES

An employee's regular pay is his/her average weekly earnings, including premium pay, night or shift differential, Sunday or holiday pay, and other extra pay except for overtime (either regular or that required by the Fair Labor Standards Act (FLSA)).

a. For a regular full-time or part-time worker who works the same number of hours per week, the weekly pay rate equals the number of hours regularly worked each week times the hourly pay rate on the date of injury, excluding overtime.

b. For a regular part-time worker who does not work the same number of hours per week, the weekly pay rate equals the average weekly earnings for the 1-year period prior to the date of injury, excluding overtime.

c. For an irregular, WAE (when actually employed), or intermittent worker average of the employee's weekly earnings during the 1 year before the injury. It is computed on the basis of the total earnings divided by the number of weeks worked (partial weeks worked are counted as whole weeks). The annual earnings used for this computation must not, however, be less than 150 times the average daily wage earned within 1 year before the date of injury (the daily wage is the hourly rate times eight). Premium, night, or shift differentials as well as Sunday, holiday, or other extra pay should be included, but overtime pay may not be considered.

d. Within-grade increases or promotions the employee would have received but for the injury are included in COP since this payment represents salary and not compensation. Moreover, a claimant who does not exhaust his/her entitlement to COP at the time of injury and who is later entitled to use COP while employed at a higher paying job than the one held at the time of injury is entitled to receive COP at the higher rate of pay.

e. The effects of the injury sometimes result in loss of elements of pay such as night or Sunday differential (e.g., a night shift worker is reassigned to the day shift in order to perform prescribed light duty). In such situations COP should be granted for the lost elements of pay (e.g., the night differential). Each day for which COP is granted to cover lost elements of pay will count as one full day of COP toward the 45-day limit.

#### 5-5. COMPUTATION

Unless the injury occurs before the beginning of the workday, time loss on the day of injury should be charged to COP ~~charged to administrative leave~~. The period to be charged to COP begins with the first day or shift of disability or medical treatment following the date of injury, provided that the absence began within 6 months after the injury. COP should be charged for weekends and holidays if the medical evidence shows the employee was disabled on the days in question; for example, if the physician indicates that disability will continue only through Saturday for an individual who has Saturday and Sunday off, COP will be charged only through Saturday.

If work stoppage occurs for only a portion of a day or shift, a full day of COP will be counted against the 45-calendar day entitlement, even though the employee is not entitled to COP for the entire day or shift. For example, if an employee who has returned to work must lose 3 hours in order to receive physical therapy for the effects of the injury, he/she is entitled to only 3 hours of COP even though 1 full calendar day will be charged against the 45 day limit. If the employee is absent for all or part of the remaining workday, the time loss should be covered by leave, LWOP, AWOL, etc., as appropriate, since absence beyond the time needed to obtain the physical therapy cannot be charged to COP.

If the employee is only partially disabled following the injury, and continues to work several hours each workday, each day or partial day of absence from work is chargeable against the 45-day period.

### 5-6. LIGHT DUTY ASSIGNMENTS

When the physician's report indicates that the employee is no longer totally disabled, he/she is required to accept any reasonable offer of suitable light or limited duty. Such an offer may be made by telephone but must be confirmed in writing in order to be valid; it should include a description of the duties and requirements of the offered position. If a personnel action is involved, the employee must be furnished with a copy of it prior to the effective date.

COP should be paid if the employee has been assigned light duty by formal personnel action and pay loss results (e.g., the employee is placed in a light duty position at lower pay). COP should also be paid if the light duty consists of work at regular duties for fewer than the usually scheduled number of hours.

The dollar amount of COP will be the difference between the pay rates of the job held on date of injury and the light duty position. One full day of COP should be charged for each day of light duty, even though the employee is working a full shift.

If the employee refuses to accept the work offered, COP should be terminated. OWCP will then determine entitlement based on the medical reports and the duties of the offered position and issue a formal decision concerning payment of COP. A discussion of the criteria used in making such determinations is contained in section 8-4.

### 5-7. RECURRENCES

In many cases, an employee will return to work without using all 45 days of entitlement of COP. Should such an employee suffer a recurrence of disability, he/she may use COP if no more than 6 months have elapsed since the date of first return to work, including part-time work and light duty, following the first work stoppage. If the recurrence begins later than 6 months after the first return to work, the agency should not pay COP even though some days of entitlement remain unused. A period which begins before the 6-month deadline and continues beyond it may be charged to COP as long as the period of time is uninterrupted. If a third-party credit has been established, the agency should contact OWCP before paying COP.

### 5-8. TERMINATING COP

COP should not be stopped until:

- a. The agency receives medical information from the attending physician stating that the employee is no longer disabled for regular work. The employing agency should also terminate COP when a partially disabled employee returns to full-time light duty with no pay loss, or if he/she refuses a suitable offer of light duty; or
- b. The agency receives notice from OWCP that pay should be terminated; or
- c. The expiration of 45 calendar days.

An employee who is scheduled to be separated and reports a traumatic injury on or before the separation date should still be separated; he/she is entitled to COP up to the date of termination and to compensation thereafter.

### 5-9. REPORTING COP—FORM CA-3

a. Time cards. Time loss for an employee who is receiving COP should be recorded as "COP" on the Time and Attendance Report. A diminishing record of the 45-day limitation is to be maintained in the "Remarks" block.

b. Completion of Form CA-3. When entitlement to COP ends, the employee returns to work, or his/her disability ceases, the agency should complete Form CA-3 and submit it to OWCP (unless the return to duty information was included on Form CA-1 when the injury was first reported). The CA-3 should state the specific days and hours charged to COP and/or leave, and attachments may be used if necessary. The amount of money shown should reflect only the amount paid for COP; it should not include wages paid for light duty or for parts of days actually worked. In cases of intermittent or delayed disability, time charged to COP may be reported by narrative letter instead of by Form CA-3.

If the disability ends before the expiration of the 45 day period, the agency should terminate COP. An employee who is no longer disabled must return to work upon notification by the attending physician that he/she is able to perform full regular duty or suitable and available light duty. If the employee does not return to duty, an overpayment may result which is subject to collection by the agency.



## Subchapter 6. Medical Benefits and Care

### 6-1. ENTITLEMENT

The FECA at 5 U.S.C. 8103 authorizes medical services needed to provide treatment or to counteract or minimize the effects of any condition which is causally related to factors of Federal employment. No limit is imposed on the length of time for which medical expenses are paid, and the amount paid is based on OWCP's determination of the fees for the services involved.

Federal employees are entitled to all services, appliances, and supplies prescribed or recommended by qualified physicians which, in the opinion of OWCP, are likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of monthly compensation. Medical care includes examination, treatment, and related services such as hospitalization, medications, appliances, supplies, and transportation incident to securing them. Preventive care may not be authorized, however.

### 6-2. DEFINITION OF PHYSICIAN

The term "physician" includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors within the scope of their practice as defined by State law. Naturopaths, faith healers, and other practitioners of the healing arts are not recognized as physicians within the meaning of the law.

a. Chiropractors. Under the FECA, the services of chiropractors may be reimbursed only for treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist. The term "subluxation" is defined as an incomplete dislocation, off-centering, misalignment, fixation or abnormal spacing of the vertebrae anatomically which must be demonstrable on any X-ray film to individuals trained in the reading of X-rays. Chiropractors may interpret their own X-rays, and if a subluxation is diagnosed the chiropractor's assessment of any disability caused by it will be accepted. If a Form CA-16 is issued to a chiropractor for emergency care and the condition diagnosed is other than a subluxation, no

charges beyond the date of initial treatment will be honored. In this situation the employee is entitled to select another attending physician, who will need to submit a report substantiating the condition found and addressing any disability for work in order for the claim to be accepted.

b. Excluded physicians. The term "qualified physician" does not include those whose licenses to practice medicine have been suspended or revoked by a state licensing or regulatory authority who have been excluded from payment under the FECA (see section 6-5).

### 6-3. CHOICE OF PHYSICIAN

a. Initial choice. An employee is entitled to initial selection of physician for treatment of an injury. He/she may choose any licensed physician in private practice who is not excluded, or he/she may choose to be treated at a Government facility where one is available. Such facilities include medical officers and hospitals of the Army, Navy, Air Force and Veterans Administration.

b. Referral by attending physician. The attending physician may engage the services of other facilities which provide X-ray or laboratory services or of specialists whom the physician feels it necessary to consult. Charges for such services will usually be paid if they were requested by the attending physician.

c. Change of physician. Except for referral by the attending physician, any change in treating physician after the initial choice must be authorized by OWCP. Otherwise, OWCP will not be liable for the expenses of treatment. The employee should request any such change in writing with an explanation of the reasons for the request. If a physician initially selected by an employee is later excluded from participation under the regulations, the employee should choose another physician. Otherwise, and upon notification by OWCP, he/she will be liable for payment of the bills from the excluded provider.

d. Transfer of medical care. The agency does not have authority to transfer medical care from one physi-



cian to another. If adequate medical care is not available locally or the agency feels transfer of medical care is advisable for other reasons, OWCP must be contacted for instructions.

#### 6-4. MEDICAL TREATMENT AND EVALUATION

a. Claimant requests. Some forms of medical treatment should be approved by OWCP in advance in order to guarantee payment. Among such services are:

1. Surgery of any kind (it should be noted that OWCP may not require a claimant to undergo surgery or any other invasive procedure, such as a myelogram);

2. Private hospital room accommodations (only semi-private rooms will be authorized unless private accommodations are required by the employee's condition);

3. Hospital beds, traction apparatus, wheelchairs, and similar equipment;

4. Orthopedic appliances and shoes;

5. Nursing home care;

6. Courses of physical therapy;

7. Hearing aids and lip reading services;

8. The services of hearing and seeing eye dogs;

9. Membership in health clubs.

Request for any of these services should be made by the attending physician, who should include his/her reasons for believing the services to be necessary. Prior authorization need not be obtained to purchase minor appliances such as a sacroiliac belt or an ankle strap, or for such items as crutches and canes if prescribed by the attending physician.

b. OWCP requests. In addition to the attending physician, other medical personnel may be asked to evaluate a claimant and/or file. Evaluations may be requested in connection with original or continuing entitlement to benefits, the percentage of the claimant's permanent impairment or ability to return to full or light duty, or other issues. Physicians who may be asked to examine the claimant and/or file are as follows:

1. District medical adviser (DMA). Each District Office has one or more physicians on staff or under contract who respond to questions raised by OWCP staff. These questions include interpretation of medical issues posed by the treating physician and evaluations of the evidence on the DMA's own authority. The DMA also considers requests for surgery and other modalities of treatment requiring OWCP approval. The DMA does not, however, examine claimants except

where a claim for disfigurement of the face, head or neck is involved.

2. Medical specialist (second opinion referral). Medical issues sometimes arise which cannot be resolved on the basis of opinions provided by the attending physician and the DMA. Opinion will then be requested from a physician who specializes in the field of medicine pertinent to the issue. The appointment for examination may be made by OWCP, or the claimant may be asked to make the appointment. In either case, OWCP will pay for the examination, reasonable travel expenses, and wage loss in connection with it. The employee may bring a physician paid by him/her to the examination if desired.

3. Referee medical specialist. A conflict of medical opinion may be created when opinions of approximately equal weight appear in the file. Medical opinion from a referee specialist will then be arranged to resolve the conflict of opinion, which may concern the relationship of a condition to factors of employment, or the extent of disability, for example. The physician is chosen on the basis of rotation among the available specialists within a given geographical area who practice the pertinent area of medicine. OWCP will arrange the appointment and advise the claimant of the arrangements. As with second opinion referral, OWCP will pay the cost of the examination, reasonable travel expenses, and the amount of lost wages.

c. Agency requests. The FECA does not address the issue of medical examinations desired by the agency. The authority for agency requests for medical examinations is contained in 5 CFR 339.301 et seq.

#### 6-5. EXCLUSION OF PROVIDERS

Certain providers may be excluded from participation in the Federal employees' compensation program. The services of such providers may not be reimbursed by OWCP during the period of exclusion.

a. Fraud. Providers who have been convicted under a criminal statute of fraudulent activities in connection with a Federal or State program which makes payments to providers for medical services are automatically excluded from participation in the FECA program. This means that OWCP will not honor their bills for services. Providers who are excluded or suspended from similar Federal or State programs, including Medicare, are also automatically excluded from participation in the FECA program.

b. Other grounds. OWCP will initiate exclusion procedures upon receipt of information that a provider

has knowingly made a false statement or misrepresented a fact in connection with a claim for reimbursement or request for payment; charged more than the provider's customary fee for similar services without good cause; failed to reimburse a claimant who has paid a bill for treatment which was also paid by OWCP; repeatedly failed to submit full and accurate medical reports or failed to respond to requests for medical information; or furnished treatment substantially beyond the claimant's needs, or which fails to meet professionally recognized standards.

c. Due process. The regulations appearing at 20 CFR 10.450-457 include due process at every step to protect the rights of providers. These rights include administrative review of decisions and consideration of reinstatement after a period of exclusion if reasonable assurances exist that the action which led to the exclusion will not be repeated. Providers reinstated to participation in Medicare by the Health Care Financing Administration are automatically reinstated by OWCP.

d. Notification. OWCP will periodically distribute to agencies the names and addresses of excluded medical providers along with those who have been reinstated. Before authorizing medical services on Form CA-16, the agency should ensure that the medical provider selected by the employee is not among those excluded. An excluded physician may be reimbursed only for services rendered in a medical emergency. Designated agency officials should report instances of fraud or abuse coming to their attention to the district office.

e. Medical charges. On receipt of a bill from an excluded provider, OWCP will determine whether the claimant had been notified that the provider was excluded from the program by either the agency or OWCP. If not, OWCP will honor the bill and advise both the provider and the employee that further treatment may not be paid in accordance with the regulations. An employee whose initially chosen attending physician is excluded will be given the opportunity to choose a new physician.

#### 6-6. PAYMENT OF BILLS

Medical support is required to substantiate that services for which payment or reimbursement is requested were required for the accepted, work-related injury. Documentation usually takes the form of a report or clinical notes from the physician. Hospital bills should be supported by a copy of the discharge summary.

a. Forms. With the exceptions listed below, providers are required to submit their bills on the American Medical Association Standard Health Insurance Claim Form (HCFA-1500). A version of the form which includes instructions for submitting bills to OWCP carries the form number OWCP-1500. In some States the local version of the form may not be designated "HCFA-1500" or may differ from the standard AMA form in other ways. Such local variations may, however, be accepted if they are otherwise complete.

The only providers not required to use the HCFA-1500 are hospitals, nursing homes, pharmacies, Veterans Administration facilities and providers of ambulance services. Hospital and nursing home bills may be submitted on the institution's printed billing stationery, while VA facilities may submit bills using Form VA-10-9014.

b. Requirements. To be accepted for payment, the bill must include the following information:

- (1) Employee's name;
- (2) Provider's name and address;
- (3) Diagnosis;
- (4) Itemized list of services, with charges;
- (5) Tax identification number (the provider's Employer Identification Number or Social Security Number); and
- (6) Provider's signature or facsimile stamp.

If the bill is a photocopy, it must contain an original signature or stamp. Medical bills which are not complete or not on the standard form will be returned to the provider or the employee for correction.

c. Itemization. All bills must be sufficiently itemized to allow for evaluation of the charges. The Current Procedural Terminology (CPT) code for each medical, surgical, X-ray or laboratory service should be shown on the HCFA-1500, and bills should show the dates when the services or supplies were furnished. Individual dates are not necessary if the bill is for repetitive charges over a period of time. In such cases the billing should show the beginning and ending dates of service.

d. Disallowance of charges. Unless the amount involved is minor, OWCP will advise the payee fully of any adjustments to the bill by letter which explains the amount of the deletion or reduction, the particular charge affected, the reasons for the action, and the amount for which the bill is being approved.

e. Reimbursement. An employee who has paid a provider may request reimbursement by submitting either receipted bills from the provider or a completed HCFA-1500 signed by the provider. Hospital bills

must be stamped paid or otherwise certified to indicate that payment was made. Cash sales receipts that bear imprints of mechanical cash registers may be accepted if the nature of sale is identified. Photocopies of cancelled checks may be accepted in lieu of receipts but must be accompanied by itemized bills or other evidence of the charge for which payment was made. Prescription receipts must include the name of the drug and the date the prescription was filled.

f. Insurance companies. The employee should advise medical providers to submit bills for services to OWCP. In some cases, however, bills are submitted to the employee's health insurance carrier. The carrier may request reimbursement for such charges by submitting a completed HCFA-1500 or similar OWCP-approved form. The form should list procedures and charges for each provider, and copies of paid bills and cancelled checks should be attached. It should also include the carrier's Tax Identification Number.

g. Transportation expenses. When transportation to obtain medical care is not furnished by the Government, the employee may be reimbursed for travel expenses. Travel should be undertaken by the shortest route and by public conveyance such as bus or subway unless the employee's medical condition requires the use of a taxicab or specially equipped vehicle. An employee who uses his/her automobile will be reimbursed at the standard mileage rate for Government travel.

Standard Form 1012 should be used to claim reimbursement for travel expenses. All items will be reimbursed on the basis of actual expense; a per diem allowance is not payable. Wages and travel expenses of an attendant to accompany the claimant may be approved if his/her condition is such that travel cannot be accomplished otherwise. Authorization for this expense should be obtained in advance of the travel if possible.

## Subchapter 7. Compensation Benefits

This subchapter describes the various forms of compensation benefits which are available to injured employees and survivors in death claims. It also includes a section on computation on compensation benefits.

### 7-1. DISABILITY BENEFITS

An employee who suffers employment-related disability may be eligible for one or more types of wage loss compensation. Such benefits are classified according to the nature and extent of disability incurred.

a. **Temporary total disability.** Compensation based on loss of wages is payable after the end of continuation of pay where entitlement exists (see subchapter 5) or from the beginning of pay loss. An employee without dependents is entitled to compensation at the rate of 66⅔ percent of his/her salary. With dependents, he/she is entitled to 75 percent of the salary (refer to subsections 7-4a. and b).

(1) **Dependents.** The following are considered dependents for compensation purposes:

(a) A wife or husband residing with the employee or receiving regular support payments from him/her, either court-ordered or otherwise;

(b) An unmarried child who lives with the employee or who receives regular contributions of support from him/her, and who is under the age of 18, or over the age of 18 and incapable of self-support due to physical or mental disability;

(c) A student between 18 and 23 years of age who has not completed 4 years of post-high school education and who is regularly pursuing a full-time course of study.

(d) A parent who is wholly dependent upon and supported by the employee.

(2) **Waiting Days.** A 3-day waiting period, for which no compensation is payable, applies except in cases where disability extends more than 14 days or permanent disability results. In these cases compensation will be paid for the 3 days.

(3) **Duration of Compensation.** A claimant who receives long-term disability payments will be notified by letter of the amount of compensation to be paid,

including the pay rate and compensation rate. Compensation payments for total disability may continue as long as the medical evidence substantiates total disability. Only occasionally is an employee declared permanently and totally disabled; benefits provided to such an employee are identical to those provided for temporary total disability.

b. **Schedule Awards.** Compensation is provided for specified periods of time for the permanent loss, or loss of use, of certain parts and functions of the body. Partial loss or loss of use of these parts and functions is compensated on a proportional basis.

(1) **Compensation Schedule.** Following is a table which shows the number of weeks payable for each schedule member if the loss or loss of use of the function or part of the body is total:

Member	Weeks
Arm	312
Leg	288
Hand	244
Foot	205
Eye	160
Thumb	75
First finger	46
Great toe	38
Second finger	30
Third finger	25
Toe other than great toe	16
Fourth finger	15
Loss of hearing--monaural	52
binaural	200
Breast	52
Kidney	156
Larynx	160
Lung	156
Penis	205
Testicle	52
Tongue	160

Compensation for loss of binocular vision or for loss of 80% or more of the vision of an eye is the same as for loss of the eye. The degree of loss of vision or hearing



for a schedule award is determined without regard to correction; that is, improvements obtainable with use of eyeglasses and hearing aids are not considered in establishing the percentage of impairment. It should be noted that the law contains no provision for payment of a schedule award on account of permanent impairment to the back, heart or brain.

(2) Medical evidence required. Before payment of a schedule award can be considered, the condition of the affected member must reach maximum improvement. This determination involves a medical judgment that the condition has permanently stabilized. In most cases the percentage of impairment is determined in accordance with the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, and the evaluation on which the award is based must conform to the guidelines set forth in that publication.

(3) Claim and payment. If a claim for wage loss has not previously been submitted, Form CA-7 may be used to initiate a claim for schedule award. Otherwise, consideration may be requested by narrative letter. Compensation for schedule awards is computed by multiplying the indicated number of weeks times 66 2/3 percent (without dependents) or 75 percent (with dependents) of the pay rate (see paragraph a. above for more information concerning dependents).

(4) Decision. When a schedule award is issued, the claimant and agency will be notified of the length of the award (in number of weeks or days), the starting date of the award (the date of maximum medical improvement), the pay rate on which benefits are computed, and the compensation rate. The decision will include a description of the employee's appeal rights should he/she disagree with any element of the decision.

Schedule awards can be paid even if the employee returns to work. Employees may not, however, receive wage loss compensation and schedule awards benefits concurrently for the same injury. If an employee sustains a period of temporary total disability during the course of the award, it may be interrupted to pay the period of disability; the schedule award will resume afterwards. If an employee dies during the course of a schedule award from causes unrelated to the compensable injury, his/her dependents are entitled to the balance of the award at the rate of 66 2/3 percent.

c. Partial Disability Compensation. When the medical evidence shows that the employee is no longer totally disabled, OWCP will take steps to effect re-employment of the employee, either with the original agency or with another employer (this process is described in subchapter 8). If the employee is reemployed

at a job paying less than the original position, or if it is otherwise determined that he/she can perform the duties of a specific job that is deemed suitable, medically and otherwise, compensation will be payable based on this loss of wage-earning capacity.

(1) Payment. The FECA provides that employees who are partially disabled by an illness or injury causally related to Federal employment shall be compensated at a rate equal to 66 2/3 percent (without dependents) or 75 percent (with dependents) of the wage loss incurred as a result of the disability (see paragraph a. above concerning dependents). Benefits are paid for the duration of the wage loss due to the work-related disability.

(2) Decision. A formal decision containing the basis for OWCP's determination that the employee can perform the duties indicated and that the position is otherwise suitable is issued before benefits are reduced. The decision also shows the formula used to compute the new level of benefits, and it will contain a description of the employee's appeal rights should he/she disagree with any element of the decision.

d. Disfigurement. In cases where the employee suffers injury to the face, neck, or head, and disfigurement results, the FECA provides for payment of an award of compensation not to exceed \$3500 if the disfigurement will likely prove to be a handicap in securing or maintaining employment. As with schedule awards, payment of an award for disfigurement cannot be considered until maximum medical improvement has occurred. It should be noted that such awards can be considered only for seriously disfiguring scars and deformities.

e. Attendant's allowance. If an injury is so severe that the employee is unable to care for his/her physical needs, such a feeding, bathing, or dressing, an attendant's allowance of up to \$500 per month may be paid in addition to compensation for loss of wages. The assistance required must be personal in nature; an attendant's allowance cannot be paid for housekeeping services. An employee who believes he/she is entitled to such an allowance should contact the district office by letter for instructions on how to apply for this benefit.

f. House and vehicle modifications. An employee whose injury severely restricts mobility and independence in the normal functions of living, either permanently or for a prolonged period, may be entitled to house or vehicle modifications. Examples of such conditions include blindness, profound bilateral deafness, and total loss of use of limbs such that a prosthesis,



wheelchair, or leg brace is required. An employee may apply for such modifications by narrative letter. They must be recommended by the attending physician and must be consistent with the employee's pre-injury standard of living.

## 7-2. DEATH BENEFITS

The survivors of a Federal employee whose death is causally related to employment are entitled to benefits in the form of compensation payments, funeral expenses, transportation expenses for the remains, if necessary, and payment for termination of the deceased's status as a Federal employee.

a. Entitlement. The following individuals are entitled to compensation:

- (1) A widow or widower;
- (2) An unmarried child under the age of 18, or over the age of 18 who is incapable of self-support due to mental or physical disability;
- (3) A child between 18 and 23 years of age who has not completed 4 years of post high school education and is regularly pursuing a full-time course of study;
- (4) A parent, brother, sister, grandparent, or grandchild who was wholly or partially dependent on the deceased.

b. Compensation payments. Compensation is paid at the following rates:

(1) A surviving spouse with no eligible children is entitled to compensation at the rate of 50 percent of the deceased employee's salary (refer to subsections 7-4a. and b.). Benefits are paid to the spouse until death or remarriage before age 60. If a spouse under age 60 remarries, OWCP makes a lump-sum payment equal to 24 times the monthly compensation at the time of remarriage. The benefits of a spouse who remarries after the age of 60 will not be affected by the marriage.

(2) If children are eligible in addition to the spouse, he/she may receive compensation equal to 45 percent of the employee's regular pay, plus an additional 15 percent for each child, to a maximum of 75 percent of the deceased employee's regular pay. The children's portion is paid on a share and share alike basis.

(3) If the deceased employee leaves no spouse, the first child is entitled to 40 percent and each additional child is entitled to 15 percent of the employee's salary, up to a maximum of 75 percent, payable on a share and share alike basis.

(4) Other surviving dependents may be entitled to compensation benefits at various percentages specified by the FECA according to the degree of dependence.

Contact the district office for information concerning claims in this category.

c. Funeral and burial expenses. Up to \$800 will be paid for funeral and burial expenses. If the employee dies away from his/her area of residence, the cost of transporting the body to the place of burial will be paid in full. Itemized funeral bills should be submitted to OWCP for consideration of payment or reimbursement. In addition, a \$200 allowance will be paid in consideration of the expense of terminating the deceased's status as a Federal employee.

## 7-3. OTHER CONSIDERATIONS

The following sections apply to both disability and death claims.

a. Dual benefits. The FECA prohibits payment of compensation and certain other Federal benefits at the same time. This prohibition does not, however, prevent an individual from filing for benefits from more than one Government program at the same time. For instance, a claimant for disability benefits may file for a retirement annuity, either regular or disability, or a claimant for death benefits may apply for survivors annuity, while his/her claim with OWCP is pending. Only if both benefits are approved will the rules governing dual benefits be invoked.

(1) Office of Personnel Management (OPM). Except for schedule awards, a person may not receive disability benefits from OWCP concurrently with a regular or disability annuity, nor may a person receive death benefits from OWCP concurrently with a survivor's annuity. Therefore, a beneficiary who is entitled to both benefits must elect between them. The election may be offered by either OWCP or OPM depending on the order in which entitlement is determined.

An individual may, however, receive disability benefits from OWCP or an annuity from OPM on his/her own behalf along with death benefits from the other agency which are payable on account of a spouse's death.

The beneficiary may change his/her election for different periods of time based on the benefits which are more advantageous. In either case, however, the beneficiary must be fully advised of the amount which will be forthcoming and the nature and frequency of any increases which will accrue so that he/she can make an informed election.

(2) Veterans Administration (VA). Beneficiaries who receive compensation from the VA may also be

required to elect between the benefits paid by that agency and those paid by OWCP. Such an election is required when the disability or death resulted from an injury sustained in civilian Federal employment and the VA has held that it was caused by military service, or when the VA increases a service-connected disability award due to an injury sustained in Federal civilian employment (in the latter case the election involves only the increase in VA benefits due to disability incurred during civilian employment). No election is required between OWCP benefits and those granted by the VA for strictly service-related disability. In death claims, any payment made by the VA for funeral or burial expenses may not be duplicated by OWCP, and the total payable by both agencies may not exceed \$800.

(3) Other Federal Income. An employee may receive compensation concurrently with military retired pay, retirement pay, retainer pay or equivalent pay for service in the armed forces or other uniformed services subject to reduction of such pay in accordance with 5 U.S.C. 5532(b). An employee may also receive Social Security payments and OWCP benefits at the same time, subject to income limitations imposed by the Social Security Administration. Finally, an employee may receive unemployment compensation benefits concurrently with OWCP benefits.

b. Lump sum. The FECA was designed to provide for the periodic payment of compensation in order to ensure that beneficiaries have a continuing source of income to offset wage loss. With few exceptions such benefits are free from speculation, fluctuation, and attachment by creditors, and they are also generally free from taxes. Lump sum payments of compensation may be considered, however, where the monthly payment to the beneficiary is less than \$50 a month; the beneficiary is or is about to become a nonresident of the United States; or OWCP determines that it is in the beneficiary's best interest.

A beneficiary must be receiving benefits for death or permanent disability in order to be considered for a lump-sum settlement, and a detailed plan for use of the proceeds must be presented and approved by OWCP before an award under the second or third alternatives will be made. Application for such an award may be made by narrative letter. Lump sum payments are calculated on the basis of the present value of all future payments of compensation computed at 4% true discount compounded annually. A lump sum granted in a disability case discharges the Office's liability for com-

penation benefits but does not preclude continuing payment of medical expenses.

#### 7-4. COMPUTING COMPENSATION

Compensation checks are issued on a weekly or 4-weekly basis, depending on the kind of benefit and the length of time benefits are paid. Short-term payments of compensation are issued on a weekly basis, while long-term payments are made every 4 weeks. Checks may be sent to the beneficiary or to a financial institution designated by him/her to receive the funds, but they may not be sent in care of the claimant's representative unless guardianship or conservatorship is involved.

Compensation payments for wage loss are based on a percentage of the employee's salary (or a statutory pay rate). Payments are computed by multiplying the applicable percentage by the wage rate and increasing the result by any cost-of-living increases to which the beneficiary is entitled.

a. Pay rate. For both disability and death claims, the pay rate used to compute compensation payments is the one in effect on the date of injury, date of recurrence, or date disability began, whichever is higher. Thus, the pay rate for compensation purposes may change over the life of a claim. The salary used to compute compensation is not affected, however, by general increases in the rate paid for the employee's grade and step. Moreover, the pay rate is not affected by any promotion or raise the employee might have received but for the injury.

b. Additional elements of pay. Included in the salary are night shift, Sunday differential, and holiday pay, but not overtime. Hazard pay and dirty work pay are also included, as are quarters allowance and post differential for overseas employees. In reporting these elements of pay, the agency should indicate the weekly or biweekly amount if the employee has a regular schedule. If not, the agency should compute and submit to OWCP the dollar amount paid in each category for the calendar year preceding the effective date of the pay rate.

c. Compensation rate. The compensation rate is the percentage applied to the salary in order to determine the monetary amount of the compensation payment. These rates are described in sections 7-1 for disability cases and 7-2 for death cases.

d. Cost-of-living increases. Each March 1 the increase in the cost of living for the preceding calendar year is determined. If the beneficiary has been entitled

to compensation for at least 1 year prior to March 1, a cost-of-living increase is applied to the benefits.

e. Minimum and maximum rates. The law provides for minimum and maximum payments of compensation.

(1) Disability. Compensation for temporary total disability or schedule awards may not exceed 75 percent of the monthly salary of an employee at the highest step of the GS-15 level. For total disability, it may not be less than 75 percent of the monthly salary of an employee at the first step of the GS-2 level or actual pay, whichever is less.

(2) Death. Compensation for death may not exceed 75 percent of the highest step of the GS-15 level, and it may not be less than the minimum pay of the first step of the GS-2 salary. In no case may it exceed the employee's salary except when the excess is created by cost-of-living increases.

f. Buy-back of leave. Compensation entitlement for leave repurchase is computed in the same way as compensation for temporary total disability. Because leave is paid at 100 percent of the usual wage rate and compensation is paid as a percentage, the employee will generally owe the agency money for the leave repurchase. When OWCP advises the employee and the agency of the amount of compensation payable, the employee should consult with the agency to determine how much money he/she will need to repay. If the employee wishes to complete the transaction, the agency and employee will decide whether the compensation should be paid directly to the employee or refunded to the agency. The agency will be asked to state the amount paid to the employee for the leave to be repurchased; this amount may be based on either net or gross salary.

g. Incorrect payments. An employee who receives a compensation payment or reimbursement for medical expense which he/she knows to be incorrect, either partially or totally, should return the check to OWCP immediately. If an overpayment occurs, OWCP will determine whether the beneficiary is with fault in creation of the overpayment. Only if a beneficiary is determined to be without fault may waiver of the overpayment be considered.

h. Health benefits. OWCP will make deductions for Federal Employees' Health Benefits coverage for bene-

ficiaries who are entitled to continue their enrollment. Deductions cannot be made for periods less than 14 days, and compensation must be paid for at least 28 days in order for deductions to be made.

(1) Criteria. The following requirements must be met to continue enrollment:

(a) Disability. An employee may continue enrollment if he/she was enrolled (or covered as a family member) in a health benefits plan during the 5 years of service immediately preceding the start of compensation; during all service since his/her first opportunity to enroll; or continuously for the full period or periods of service beginning with the enrollment which became effective not later than December 31, 1964.

(b) Death. A beneficiary in a death case may continue enrollment if the three conditions noted above have been met and in addition the deceased employee was enrolled for self and family at time of death and at least one covered family member is receiving compensation from OWCP.

(2) Transfer. If the beneficiary will likely be on OWCP rolls for longer than 6 months, transfer in will be requested from the employing agency. If an employee returns to duty, the enrollment will be transferred back to the employing agency even if he/she is receiving compensation for loss of wage-earning capacity. If compensation benefits are terminated or if the employee elects an annuity from OPM over benefits from OWCP, OWCP will transfer enrollment to OPM. Similarly, enrollment will be transferred to OPM for a retired employee who is receiving a schedule award.

Beneficiaries are entitled to change health benefits plans during open season in the same manner as other Federal employees.

i. Optional life insurance (OLI). Basic coverage under the Federal Employees' Group Life Insurance Program is continued at no cost to the employee while he/she is receiving compensation. An employee may retain OLI while receiving compensation if he/she is eligible to continue regular insurance and has been rolled for no less than the 5 years of service immediately preceding the disability, or the full period or periods of service during which OLI was available, if less than 5 years. Questions about basic life insurance coverage should be referred to OPM, while questions about OLI may be directed to OWCP.



## Subchapter 8. Long-Term Disability Claims

This subchapter describes the way in which OWCP handles long-term disability claims and the process of reemployment of partially disabled employees. It also describes the sanctions to be applied to employees who do not cooperate with this effort.

### 8-1. INITIAL ACTIONS BY OWCP

A long-term disability case is one where disability continues for at least 60 days. In such cases the employee is placed on the periodic roll, advised that OWCP will notify him/her when the medical evidence shows termination of total disability, and asked to provide information concerning previous education and work experience. At the same time, the agency is asked to send a copy of the employee's job description, including physical requirements, and a copy of his/her SF 171. Information concerning the employee's earnings and dependents will be requested periodically during the course of total disability.

When the medical evidence shows that total disability has ended, the employee will be advised that he/she is expected to seek suitable work. In accordance with the provisions of 5 U.S.C. 8106, which provides for payment of compensation to partially disabled employees, OWCP will make every reasonable effort to arrange for employment of such employees. These efforts will concentrate initially on the employing agency, and only if reemployment with the agency is not possible will OWCP attempt to place the employee with a new employer.

### 8-2. RESTORATION RIGHTS

Federal employees who have fully or partially recovered from an employment-related injury have certain job retention rights. While these rights are provided by the FECA, the pertinent section of the law is actually administered by OPM. An employee who recovers within 1 year of beginning compensation or who is considered physically disabled has mandatory restoration rights to his/her old position or its equivalent, regardless of whether he/she is still on the agency rolls. If full recovery occurs after 1 year, he/she is

entitled to priority consideration, provided that application is made within 30 days of the date compensation ceases. If the employee is partially recovered, the agency must make every effort to restore him/her according to the circumstances of the case.

Such employees incur no loss of benefits which they would have received but for the injury or disease. The regulations on retention rights are contained in 5 CFR 353, 302, and 330. They provide that agencies should grant leave without pay to disabled employees for at least the first year the employee is receiving compensation and may grant extensions in increments of 6 months or a year. When an injured employee resumes Federal employment, the agency should verify that the employee has been receiving compensation during the entire period of absence from work whether in LWOP status or separated.

Employees originally hired on or after January 1, 1984, or rehired after a 1-year break in service are covered for retirement purposes by the Social Security Act and may also be subject to the Civil Service Retirement Act. See FPM Supplement 832-1 concerning Social Security coverage and FPM Supplement 831-1 for Civil Service Retirement coverage questions.

### 8-3. REEMPLOYMENT WITH THE AGENCY

When the medical evidence shows that total disability has ended, the agency may consider reemployment even if notification from OWCP has not yet been received. The following procedures apply to all employees still on agency rolls, regardless of how long they have received compensation.

a. *Medical evidence.* In order to make an appropriate job offer, the agency will need to obtain and evaluate medical evidence pertinent to the employee's work tolerance limitations (in some cases OWCP will provide this information). Medical information which is not more than 3 months old, and which addresses current medical limitations will usually be sufficient for the purpose of making a job offer. If the employee refuses to provide sufficient medical information for the agency to evaluate the propriety of a job offer, the agency should so notify OWCP.

b. Degree of recovery. If the employee is expected to return eventually to the job held at the time of injury, the agency may offer light or modified duty pending full recovery. Any such offer should be made in accordance with the procedures outlined in 8-3d. If the residuals of the injury will prohibit the employee from returning to the position held at the time of injury and the employee has been in receipt of compensation for more than 1 year, the agency should consider re-employment in the following order of preference.

(1) Return to the position held at the time of injury with modifications to accommodate the claimant's limitations;

(2) Employment in another position at the same salary as the position held at the time of injury; or

(3) Employment in another position at a lower salary than the position held at the time of injury.

c. Guidelines for reemployment. In attempting re-employment, the agency should try to minimize any disruptive impact on the employee. The position should be commensurate with the employee's medical condition and should take into account any new, non-work-related condition which has developed since the work-related injury. If a temporary position is offered, it must be at least 90 days in duration.

Generally, an employee who is capable of working 4 or more hours a day should be offered a position providing at least that much work, since employment of less than 4 hours a day is regarded as sheltered work and is reserved for the severely disabled. (On the other hand, an offer of less than 4 hours of work a day is suitable for an employee who cannot work longer hours.)

The agency must ensure that any position offered will be available throughout the period required to advise the employee of suitability and to allow him/her to respond. An employee might refuse a job offer initially, then accept it subsequent to receiving a letter from OWCP. If the job is not available when the employee accepts the offer, the OWCP will find that suitable employment was not available and benefits will continue.

d. Elements of job offer. The agency may contact the employee by telephone to advise of the availability of a job, but the offer must be confirmed as soon as possible in writing. A copy of the offer must be sent to the OWCP at the same time. The offer should include:

(1) A description of the duties to be performed;

(2) The specific physical requirements of the position and any special demands of the workload or unusual working conditions;

(3) The organizational and geographical location of the job;

(4) The date on which the job will be available;

(5) The date by which a response to the job offer is required.

The agency should not, however, request election of OPM benefits if the employee declines the job offer; obtaining such an election is solely the responsibility of OWCP.

e. Claimant's response. The agency should provide a copy of the employee's response to OWCP when it is received. If he/she accepts the job, the agency should notify the OWCP as soon as possible of the date of return to duty in order to avoid overpayments of compensation. Benefits will be terminated or adjusted as of the date of return to duty.

#### 8-4. OWCP EVALUATION AND ACTION

When a copy of the job offer is received, OWCP will evaluate the position to determine whether it is suitable and advise the employee of its findings.

a. Suitability. The following factors are considered in determining suitability:

(1) The nature of the injury;

(2) The degree of physical impairment;

(3) The usual employment;

(4) The employee's age;

(5) Qualifications for other employment, including education, previous employment, and training.

If OWCP finds the job unsuitable, it will notify the agency and inquire whether other accommodations can be made.

b. Advising the employee. If the job offer is found suitable, OWCP will so notify the employee in writing and advise that he/she is expected to accept the job or to show reasonable cause for refusal. OWCP will advise the employee that the failure to accept the job or to respond within 30 days will result in termination of compensation payments and allow 30 days for response.

(1) Acceptance. If the employee accepts the position offered, compensation will be terminated if no loss of pay has resulted, or reduced if the new job pays less than the old, effective the date of the return to duty.

(2) No response. If no answer is received, benefits will be terminated and a compensation order will be issued on the basis that the employee has refused suitable work.



(3) Refusal with no explanation. If the employee refuses the offer without explanation, OWCP will issue a compensation order and terminate benefits.

(4) Refusal with explanation. If the employee refuses the offer but provides reasons in support of the refusal, OWCP will evaluate them and determine whether reasonable cause has been shown. If reasonable cause is shown, OWCP will advise the employing agency and compensation will continue at a level commensurate with the degree of disability while further attempts at placement are made. If no, a compensation order will be issued and benefits will be terminated.

The success of efforts to return employees to gainful employment while providing procedural due process requires close cooperation between employing agencies and OWCP. Early notification of job offers and complete information about the offers will aid OWCP in making its decisions. For its part OWCP recognizes its responsibility to evaluate job offers and to notify employees.

#### 8-5. REHABILITATION SERVICES

The FECA at 5 U.S.C. 8104 provides that vocational rehabilitation services may be provided to permanently disabled employees in order to assist them in returning to gainful employment consistent with their physical, emotional, and educational abilities (such services may not, however, be provided to employees whose disabilities are temporary). A case involving extended disability may be considered for rehabilitation services if requested by the attending physician, the employee, or the agency.

An OWCP Rehabilitation Specialist will contact the claimant for an initial interview. The claimant will then be referred to a state or private rehabilitation counselor

for development of a rehabilitation plan. A plan may include one or more of the following services: selective placement with the previous employer, placement with a new employer, counseling, guidance, testing, work evaluations, training, self-employment, job follow-up, and medical rehabilitation. Each employee is evaluated in order to provide the most appropriate services to him/her, and not all of the services indicated will be included in any given plan.

An employee in an approved rehabilitation program may be paid an allowance in connection with this program not to exceed \$200 per month. The employee is also entitled to compensation at the rate for total disability during rehabilitation efforts. When the employee returns to work, compensation will be reduced to reflect his/her wage-earning capacity if the new job pays less than the old. If reemployment is at the same or higher pay rate than the job held at time of injury, compensation benefits will be terminated. Should an employee involved in a rehabilitation program refuse to cooperate or make a good faith effort to obtain reemployment, OWCP may reduce or terminate compensation depending on the circumstances of the refusal.

In some situations reemployment is not feasible despite the best efforts of both the employee and OWCP. When this happens the employee's wage-earning capacity may be determined on the basis of a position which the medical evidence indicates that the employee can perform and which is available in his/her commuting area. The suitability of the position must be determined in accordance with the factors described in subsection 8-4a, before OWCP can reduce or terminate benefits. A formal decision, including appeal rights, will be issued in any case where the benefit level is affected.

## Subchapter 9. Agency Management of Compensation Claims

### 9-1. MANAGEMENT

Agencies are encouraged to develop comprehensive plans for managing their compensation programs in order to provide good service to employees while containing costs. Throughout this chapter, a number of suggestions and directives have been provided which will help agencies to manage their programs. The following is a summary of the most important actions agencies can take:

a. **Training.** Insure that sufficient training in technical and managerial skills is provided to those personnel who will routinely handle compensation claims and that resource materials are available to those who handle them infrequently. A list of the courses provided and resources for understanding the program is provided in subchapter 1.

b. **Administration.** Establish a recordkeeping system which will enable the agency to maintain copies of claim forms, medical reports, correspondence with OWCP, and other materials related to each compensation claim in an orderly fashion. Designate a representative within each organizational unit who will serve as a liaison with OWCP concerning unusually difficult claims.

c. **Documentation.** Insure that the facts surrounding each injury are adequately investigated at the time of injury. This step will enable OWCP to obtain full documentation and enable the agency to substantiate claims it feels are questionable.

d. **Medical.** Obtain medical information from injured employees as often as necessary within the regulations in order to assess the possibility of return to regular or light duty. Advise physicians of any light duty assignments available and their specific requirements in order to provide the best possible chance for reemployment. This step will also allow the agency to monitor the medical care provided and notify OWCP if it believes action should be taken in this regard.

e. **Reemployment.** Maintain employees on the employment rolls as long as possible in order to afford them the opportunity for reemployment, and maintain contact with the employees while they are receiving

compensation. Identify jobs suitable for the disabled and initiate efforts to reemploy recovered or recovering employees as soon as the medical evidence indicates that this is possible.

f. **Financial.** Conscientious application of the above principles will result in savings to the agency and better service to injured employees. Agencies should also pay special attention to chargeback billings and arrange to charge costs to the lowest organizational level practicable in order to make managers more aware of costs. The chargeback system is discussed in detail in the next section.

### 9-2. CHARGEBACK

The FECA program is financed by the Employees' Compensation Fund, which consists of monies appropriated by Congress or contributed from operating revenues. The chargeback system is the mechanism by which the costs of compensation for work-related injuries and deaths are assigned to employing agencies annually at the end of the fiscal accounting period, which runs from July to June for chargeback purposes. Each year OWCP furnishes each agency with a statement of payments made from the fund on account of injuries suffered by its employees. The agencies include these amounts in their budget requests to Congress. The resulting sums appropriated or obtained from operating revenues are deposited in the fund.

a. **Identification.** A compensation claim is identified as belonging to a particular agency based on the agency code that is entered into the OWCP data processing system when the case is created. The agency should precode all initial notices of injury, disease and death in order to reduce errors in the chargeback system. The agency will receive a postcard (Form CA-801) from OWCP each time a case is created for one of its employees. OWCP also provides each agency quarterly listings of the cases and charges that will appear on the yearly chargeback bill.

b. **Errors.** To prevent incorrect entries from appearing on the quarterly chargeback report and yearly bill, agencies should review CA-801s and report errors to

district offices as soon as possible. If no objection is raised upon receipt of the form, OWCP assumes that the chargeback code is correct and charges costs associated with the case of that agency's account.

When an agency receives a Form CA-801 which it believes to be incorrect, it should notify OWCP in writing within 60 days. The district office will then review the disputed case to determine whether a keying or coding error occurred and make any necessary corrections to the agency code.

c. Quarterly chargeback report. Each agency receives a quarterly report which provides a breakdown of cases and costs for which charges will appear on the yearly chargeback bill. This report can be used to identify and correct errors before the agency is billed for them. When an agency believes that a case appearing on its chargeback report does not belong on its account, it should check current personnel and payroll records as well as search the service record file and/or send an inquiry to the Federal Records Center. OWCP also welcomes authorized agency personnel to review case files at the district office in order to resolve such discrepancies.

d. Requesting changes. Requests for changes based on review of the quarterly chargeback report should be addressed to the District Director of the district office having jurisdiction over the case in question. The request should be made within 90 days of receipt of the report, and it must be accompanied by appropriate documentation such as copies of an SF-50, service record card (SF-7), or response from the Federal Records Center. OWCP will review the case file and supporting evidence to determine whether an incorrect agency code was assigned. If the evidence does not support the agency's request, OWCP will send the agency a copy of the Form CA-1, CA-2, or CA-6 from the case file and explain the basis for its finding.

If the evidence indicates that the disputed case belongs on another agency's account, OWCP will notify the new agency and forward a copy of Form CA-1 or CA-2 from the case file. Prior to changing the agency code, OWCP will provide the agency 60 days to respond in the event that it disputes ownership of the case. Due to the time needed for verification and correction, errors brought to the attention of OWCP during the fourth quarter of a fiscal year may not be corrected in time for that year's bill. If incorrect charges appear on the bill, adjustment will be handled as described.

If the assigned chargeback code represents the wrong organization or command within the agency, the request for change of code must be made by an agency official with the authority to speak for the entire department rather than for a single command or organizational unit.

e. Adjustments to the chargeback bill. When an adjustment to the yearly chargeback bill is desired, the request must be sent directly to the OWCP National Office. It must be accompanied by documentation which shows that the disputed charge did not involve an employee of that agency, or by a complete explanation of the basis for the agency's objection. OWCP will make a determination and correct verified errors on a bill by crediting the subsequent year's billing statement.

If another agency should have been charged, that agency will be notified by OWCP and a debit will appear on its next bill. Credits or debits will be made only for charges appearing on the agency's most recent bill. Adjustments will be made only if there is an effect on the total for the particular billing entity. Transfers of charges from one organization to another on the same bill will not be made.

## Appendix A. Basic Forms for Processing

FORM NO	FORM TITLE	PURPOSE	PREPARED BY	WHEN SUBMITTED	COMPLETED FORMS SENT TO
CA-1	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation	Notifies supervisor of a traumatic injury and serves as the report to OWCP when (1) the employee has sustained a traumatic injury which is likely to result in a medical charge against the compensation fund; (2) the employee loses time from work on any day following the injury date, whether the time is charged to leave or to continuation of pay; (3) disability for work may subsequently occur; (4) permanent impairment appears likely; or (5) serious disfigurement of the face, head, or neck is likely to result.	Employee or someone acting on employee's behalf; witness (if any); supervisor	By employee within 2 working days (but will meet statutory time requirements if filed no later than 3 years after the injury); by supervisor within 2 working days following receipt of the form from the employee.	Supervisor, by employee or someone acting on employee's behalf; then to the appropriate OWCP office by the supervisor.
CA-2	Federal Employee's Notice of Occupational Disease and Claim for Compensation	Notifies supervisor of an occupational disease and serves as the report to OWCP when (1) the disease is likely to result in medical charge against the compensation fund; (2) the employee loses time from work on any day because of the disease, whether the time is charged to leave or the employee chooses to claim injury compensation; (3) disability for work may subsequently occur; (4) permanent impairment appears likely; or (5) serious disfigurement of the face, head, or neck is likely to result.	Employee or someone acting on employee's behalf; witness (if any); supervisor	By employee within 30 days (but will meet statutory time requirements if filed no later than 3 years after the injury); by supervisor after receipt of the form from the employee.	Supervisor, by employee or someone acting on employee's behalf; then to the appropriate OWCP office by the supervisor.



FORM NO.	FORM TITLE	PURPOSE	PREPARED BY	WHEN SUBMITTED	COMPLETED FORMS SENT TO
CA-2a	Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation	Notifies OWCP that an employee, after returning to work, is again disabled due to a prior injury or occupational disease. It also serves as a claim for continuation of pay or for compensation based on the recurrence of a previously reported disability.	Supervisor	Immediately upon receiving notice that the employee has suffered a recurrence. When the employee stops work as a result of recurring disability, the employee shall advise the supervisor whether he/she wishes to continue to receive regular pay provided qualifications are met or charge the absence to sick or annual leave.	Appropriate OWCP office.
CA-3	Report of Termination of Disability and/or Payment	Notifies OWCP that disability from injury has terminated and/or that continuation of pay has terminated and/or that employee has returned to work.	Supervisor	Immediately after the disability or continuation of pay terminates, or the employee returns to work.	Appropriate OWCP office.
CA-5	Claim for Compensation by Widow, Widower and/or Children	Claims compensation on behalf of these dependents when injury results in death.	Person claiming compensation (for self or on behalf of children) and attending physician.	Within 30 days, if possible, but not later than 3 years after death. If the death resulted from an injury for which a disability claim was timely filed, the time requirements for filing death claim have been met.	Supervisor, by claimant or someone acting on claimant's behalf; then to appropriate OWCP office.



FORM NO	FORM TITLE	PURPOSE	PREPARED BY	WHEN SUBMITTED	COMPLETED FORMS SENT TO
CA-5b	Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren	Claims compensation for these dependents when injury results in death.	Person claiming compensation (or guardian on behalf of children) and attending physician	Within 30 days, if possible, but not later than 3 years after death. If the death resulted from an injury for which a disability claim was timely filed, the time requirements for filing death claim have been met.	Supervisor, by claimant or someone acting on claimant's behalf; then to appropriate OWCP office.
CA-6	Official Superior's Report of Employee's Death	Notifies OWCP of the employment-related death of an employee.	Supervisor	Immediately upon knowledge by supervisor of the employment-related death of an employee.	Appropriate OWCP office.
CA-7	Claim for Compensation on Account of Traumatic Injury or Occupational Disease	Claims compensation if (1) medical evidence shows disability is expected (and is not covered by CUP in traumatic cases); (2) the injury has resulted in permanent impairment involving the total or partial loss, or loss of use, of certain parts of the body or serious disfigurement of the face, head or neck; (3) loss of wage-earning capacity has resulted.	Employee or someone acting on employee's behalf; supervisor, and attending physician (on attached Form CA-20)	In case of traumatic injury, the form must be completed and filed with OWCP not more than 5 working days before the termination of the 45 days. In case of occupational disease, this form should be submitted as soon as pay stops.	Supervisor, by employee or someone acting on employee's behalf; then to the appropriate OWCP office by the supervisor.

FORM NO.	FORM TITLE	PURPOSE	PREPARED BY	WHEN SUBMITTED	COMPLETED FORMS SENT TO
CA-8	Claim for Continuing Compensation on Account of Disability	Claims compensation when loss of pay continues beyond the time covered by the claim on Form CA-7.	Employee or someone acting on employee's behalf; supervisor, and attending physician (on attached Form CA-20a)	At least 5 days before the end of the period claimed on Form CA-7 or CA-8 for the period of disability supported by medical evidence.	Supervisor, by employee or someone acting on employee's behalf, then to the appropriate OWCP office by the supervisor.
CA-16	Request for Examination and/or Treatment	Authorizes an injured employee to obtain examination and/or treatment for up to 60 days and provides OWCP with initial medical report. Treatment may be obtained from a local hospital or physician (who may be a surgeon, osteopath, podiatrist, dentist, clinical psychologist, optometrist, or, under certain circumstances, a chiropractor), or from a U.S. medical facility, if available. May also be used for illness or disease if prior approval is obtained from OWCP. The employee may initially select the medical provider of his/her choice but must request any change from OWCP.	Part A—Supervisor  Part B—Attending Physician	Part A—By supervisor, in duplicate, within 48 hours followed first examination and/or treatment.  Part B—By attending physician or medical facility as promptly as possible after initial examination.	Part A—Physician or medical facility.  Part B—Appropriate OWCP office.
CA-17	Duty Status Report	In traumatic injury cases, provides supervisor and OWCP with interim medical report containing information as to employee's ability to return to any type of work.	Supervisor and attending physician	Promptly upon completion of examination or most recent treatment.	Original to the employing agency and copy to appropriate OWCP office.
CA-20	Attending Physicians Report	Provides medical support for claim and is attached to Form CA-7; provides OWCP with medical information.	Supervisor and attending physician	Promptly upon completion of examination or most recent treatment.	Appropriate OWCP office.

<i>FORM NO</i>	<i>FORM TITLE</i>	<i>PURPOSE</i>	<i>PREPARED BY</i>	<i>WHEN SUBMITTED</i>	<i>COMPLETED FORMS SENT TO</i>
CA-20a	Attending Physician's Supplemental Report	Provides OWCP with additional medical information in connection with supplemental claim filed on attached Form CA-8.	Supervisor and attending physician	Promptly upon completion of examination or most recent treatment.	Appropriate OWCP office.
OWCP-1500a	Federal Employee's Compensation Program Medical Provider's Claim Form	Provides OWCP with standard billing form to facilitate payment of medical bills. The form should accompany the CA-16 when employee is referred to a physician.	Attending physician, employee must sign in item 12	Promptly upon completion of examination or treatment; physician may submit in usual billing cycle.	Appropriate OWCP office.

**Appendix I**  
**Sick Leave Excuses**

**From:** Network Control Center (NCC)  
**To:** n:\OFFADMIN\ALLGROUP\AR1.GRP,...  
**Date:** Thursday, December 15, 1994 7:07 am  
**Subject:** \*\*\* PERSONNEL BULLETIN \*\*\* (DJW2,MEH2)

PLEASE SEND ALL RESPONSES TO MEH2 OR DJW2

**TO:** All Employees  
**FROM:** Paul E. Bird, Director  
Office of Personnel  
**SUBJECT:** FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT

The recently passed Federal Employees Family Friendly Leave Act expands the use of sick leave by permitting most employees to use a total of up to 104 hours of sick leave each leave year (or in the case of a part-time employee or an employee with an uncommon tour of duty, the number of hours of sick leave normally accrued during a leave year) to (1) provide care for a family member as a result of physical or mental illness; injury; pregnancy; childbirth; or medical, dental, or optical examination or treatment; or (2) make arrangements necessitated by the death of a family member or attend the funeral of a family member. These sick leave provisions became effective December 2, 1994, and will remain effective during a three-year pilot program.

A family member is defined in the regulations as:

Spouse, and spouse's parents

Children, including adopted children, and their spouses

Parents

Brothers and sisters and their spouses

Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship

Under this Act all covered full-time employees will be able to use a total of up to 40 hours of sick leave each year for family care or to make arrangements necessitated by the death of a family member or attend the funeral of a family member. In addition, a covered full-time employee who maintains a balance of at least 80 hours of sick leave will be able to use an additional 64 hours of sick leave per year for these purposes, bringing the total amount of sick leave available under these provisions to a maximum of 104 hours per year for employees who satisfy this condition. Seven examples are attached for further clarification.



All requests to use sick leave under these provisions should be submitted on an SF-71, "Application for Leave," to the employee's leave-approving official, who will monitor these requests. The properly annotated SF-71 (see below) should be sent to Payroll along with regular time and attendance records. The square marked "Sick Leave" in block 5 of the form should be checked, and one of the following brief descriptions (in quotations) should be written in the "Remarks" section (block 6):

"Sick Leave 1" -- to provide care for a family member as a result of physical or mental illness; injury; pregnancy; childbirth; or medical, dental, or optical examination or treatment; or

"Sick Leave 2" -- to make arrangements necessitated by the death of a family member or attend the funeral of a family member.

With the implementation of these new provisions, the Office of Personnel Management also has established a requirement for agencies to report on the use of sick leave for these purposes beginning with leave year 1995. Additional information and guidance will be provided at a later date.

If you have any questions about these provisions, contact David Woodend on 415-7102 or Marthe Harwell on 415-7104.

## FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT

### WORKING EXAMPLES

For simplicity in conveying the principles of the Federal Employees Family Friendly Leave Act, the fact that employees will normally continue to earn sick leave during periods of leave use has been disregarded.

1. The employee has a sick leave balance of 40 hours. The employee requests 40 hours of sick leave to care for an ill child. The supervisor may authorize up to 40 hours of sick leave for this purpose, but no more because the employee's sick leave balance is below 80 hours.
2. The employee has a sick leave balance of 80 hours. The employee requests 40 hours of sick leave to care for an ill spouse. The supervisor may authorize up to 40 hours of sick leave for this purpose, but no more because the employee's sick leave balance would fall below 80 hours.
3. The employee has a sick leave balance of 120 hours. The employee requests 40 hours of sick leave to care for an ill brother. The supervisor may authorize up to 40 hours of sick leave for this purpose, but no more because the employee's sick leave balance would fall below 80 hours.
4. The employee has a sick leave balance of 130 hours. The employee requests 88 hours of sick leave to care for an ill father-in-law. The supervisor may authorize up to 50 hours of sick leave for this purpose, but no more because the employee's sick leave balance would fall below 80 hours.
5. The employee has a sick leave balance of 1,000 hours. The employee requests 80 hours of sick leave to make arrangements necessitated by the death of a parent. The supervisor may authorize the entire 80 hours of sick leave requested for this purpose.
6. The employee has a sick leave balance of 480 hours. The employee requests 112 hours of sick leave to make arrangements necessitated by the death of a spouse. The supervisor may authorize up to 104 hours of sick leave for this purpose, but no more because 104 hours is the maximum amount of sick leave that can be authorized for this purpose in a leave year.
7. The employee has exhausted all sick leave and has been granted 240 hours of advanced sick leave. The employee requests 60 hours of sick leave to make arrangements necessitated by the death of a child. The supervisor may authorize only 40 hours of sick leave for this purpose because the employee's sick leave balance is below 80 hours. (Note: Unused advanced sick leave does not constitute a positive sick leave balance.)

**Appendix J**  
**Conflict-of-Interest Documents**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

ANNOUNCEMENT NO. 147

DATE: Dec. 2, 1992

TO: All NRC Employees

SUBJECT: NEW GOVERNMENT-WIDE STANDARDS OF CONDUCT  
REGULATIONS

The Office of Government Ethics (OGE), the agency with responsibility for providing guidance on preventing conflicts of interest, promulgated new government-wide standards of conduct regulations, which will take effect on February 3, 1993. These regulations will replace the NRC conduct regulations found at 10 C.F.R. Part 0. Because the new regulations are quite comprehensive and complex, the Office of the General Counsel has prepared the attached detailed summary of their provisions. A copy of the OGE regulations in their entirety is being distributed separately to all employees.

Because employees will be held accountable to comply with these regulations, it is essential that each employee understands their requirements. For this reason, I ask every employee to read and retain this summary as well as the regulations when received. Employees should be given at least one hour of official time to read the regulations.

The new regulations make significant changes to the current rules regarding seeking employment, gifts to official superiors, speaking at conferences, participating at widely-attended gatherings, writing letters of recommendation, accepting honorary degrees or awards with a value over \$200, participating in matters affecting a former employer, and accepting compensation for teaching, speaking, or writing.

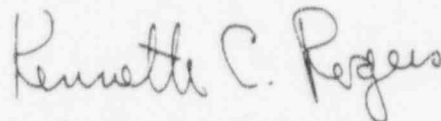
The regulations do not contain provisions on employee participation in professional associations on government time; this issue will be addressed in a subsequent Office of Government Ethics rulemaking. In the interim, any use of official time for activities relating to professional associations must be beneficial to the NRC.

One of the most important parts of the regulations concerns acceptance of gifts from private sources. In some respects, the rules liberalize current gift-acceptance provisions. Specifically, they allow an employee to accept from anyone, including a licensee, a non-cash gift valued at \$20 or less per occasion, with a \$50 limit on gifts from that person during a year. However, the regulations prohibit accepting gifts from the same source so frequently that a reasonable person with knowledge of the relevant facts would be led to believe the employee is using public office for private gain. They also provide that it is never inappropriate and frequently prudent for an employee to decline a gift offered by a prohibited source, such as a licensee or contractor, or because of the employee's official position. The Commission would, therefore, emphasize that, because it is essential that NRC employees maintain an arms-length relationship with those who are regulated by or have business before this agency, it would be prudent for NRC employees to exercise care even in accepting permitted gifts or meals from these sources.

Congress has not modified the law barring employees from accepting honoraria for speeches, appearances, or articles. These restrictions are mentioned in the new standards of conduct regulations and set forth in greater detail in other Office of Government Ethics regulations.

A separate set of regulations issued by the Office of Government Ethics requires that all employees who file a financial disclosure report must receive at least one hour of oral ethics training each year. Beginning in January 1993, the Office of the General Counsel will conduct ethics training in headquarters and the regions for the approximately 2,500 NRC employees subject to the financial disclosure requirements. Further details on this training will be provided to employees at a later date.

If anyone has any questions about the new regulations, please contact John Szabo in the Office of the General Counsel at 301-504-1610.



Kenneth C. Rogers  
Acting Chairman

Attachment:  
As stated



OFFICE OF THE GENERAL COUNSEL

SUMMARY OF NEW GOVERNMENT-WIDE  
STANDARDS OF EMPLOYEE CONDUCT

On August 7, 1992, the Office of Government Ethics (OGE) promulgated uniform standards of ethical conduct for Executive Branch employees. These regulations, when they become effective on February 3, 1993, will supersede (with limited exceptions) conduct regulations for all agencies, including the NRC regulations set forth in Part 0 of title 10 of the Code of Federal Regulations. The NRC's current regulations restricting stock ownership and requiring approval of certain outside employment will remain in effect until February 3, 1994, unless prior to that date, the NRC has, with OGE's approval, promulgated supplemental regulations continuing these requirements.

The following is a summary of the OGE regulations. An asterisk (\*) indicates a significant change from current regulations, policies, procedures, or interpretations. A double asterisk (\*\*) means that the term is defined in the regulations and described further in this Summary.

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## SUBPART A -- GENERAL PROVISIONS

General principles. The regulations prescribe the 14 general principles of ethical conduct set forth in President Bush's 1989 Executive Order on ethics (E.O. 12674). Most of these principles have long been reflected in NRC's regulations, such as prohibiting use of public office for private gain. They also require employees to (1) disclose waste, fraud, abuse, and corruption, (2) satisfy their just financial obligations, (3) not engage in outside employment or activities, including seeking other employment, that conflict with official duties, and (4) endeavor to avoid actions creating the appearance of violating the law or the standards of conduct regulations. A determination on whether particular circumstances create an appearance that the law or these standards have been violated shall be made from the perspective of a reasonable person with knowledge of the relevant facts. 5 CFR 2635.101 (OGE regulations).

Definitions. Many important definitions used throughout the regulations are contained in this subpart:

\* "Agency designee" is an employee delegated authority to make determinations, give approvals, grant waivers, or take actions permitted by the conduct regulations. (Until the issuance of an NRC Directive naming appropriate designees, these authorities will be exercised by officials designated in applicable provisions of 10 CFR Part 0.)

\* "Employee" includes special government employees (consultants and most advisory committee members who serve less than 130 days during a 365-day period). This means that most of the standards of conduct regulations will apply to special government employees. Previously, only specified portions applied to special government employees. Different rules applying to special government employees are spelled out in the OGE regulations and in this Summary. Status as an employee is not affected by pay or leave status, or in the case of a special government employee, by the fact that the individual does not perform official duties on a given day.

"Person" is an all-inclusive term. It includes corporations, their subsidiaries, and their employees as well as non-profit organizations and foreign, state, and local governments. A corporation is deemed to control a subsidiary if it owns 50% or more of its voting securities. The definition specifically excludes a federal agency or entity or its employees when acting on behalf of the agency. 5 CFR 2635.102.

\* Details. Employees on detail to another agency for more than 30 days would be subject to the supplemental conduct regulations of the agency to which the employee is detailed and not their own agency. (This means that, unlike current practice, most detailees to the NRC would be subject to this agency's stock ownership restrictions and approval requirements for certain

outside employment, unless the NRC provides otherwise in an OGE approved supplemental regulation.) Employees detailed to the legislative or judicial branches would be subject to the ethical standards of the branch to which they are detailed. An agency ethics official can exempt from the gift acceptance standards employees detailed for more than six months to an international organization or a state or local government if certain specified findings are made. 5 CFR 2635.104.

\* Supplemental regulations. Agencies are authorized to issue agency-specific regulations supplementing the uniform regulations (such as the stock ownership prohibition and outside employment rules). They will be published as addenda to the OGE regulations in 5 CFR Part 2635. OGE must concur with NRC supplemental regulations. 5 CFR 2635.105.

Disciplinary actions. Violations of the conduct regulations may be cause for disciplinary action. Agencies have responsibility to initiate appropriate disciplinary action, but OGE may order or recommend corrective action if dissatisfied with the agency's response. 5 CFR 2635.106.

\* Ethics Advice. Each agency will continue to have a designated ethics official responsible for coordinating and managing its ethics program, including delegating ethics counseling to deputy ethics officials. (At the NRC, the Commission has designated the General Counsel as the Designated Agency Ethics Official; the General Counsel has designated certain OGC attorneys as Deputy Counselors. Employees should obtain guidance on the conduct regulations from an OGC Deputy Counselor in the Division of Legal Counsel, Legislation, and Special Projects.) Employees will not be subject to agency disciplinary action if they follow advice from a Deputy Counselor, provided that the employee made a full disclosure of all the relevant facts. However, good faith reliance on a Deputy Counselor's opinion, while an important consideration, will not necessarily preclude the Justice Department from prosecuting an individual for statutory violations. 5 CFR 2635.107.

#### SUBPART B -- GIFTS FROM OUTSIDE SOURCES

Prohibitions. Employees are prohibited from directly or indirectly (\*\*) soliciting or accepting (with certain exceptions specified below) gifts (\*\*) from a prohibited source (\*\*) or gifts given because of the employee's official position. A gift is solicited or accepted because of the employee's official position if it is from a person other than another employee and would not have been solicited, offered, or given had the employee not held his position as a Federal employee.

Regardless of any of the exceptions to this prohibition, employees cannot:

--accept gifts in return for being influenced in the performance of an official act,



--solicit or coerce the offering of a gift,  
--accept gifts from the same or different sources so frequently that a reasonable person would conclude the individual is using public office for private gain,  
--accept a gift in violation of a statute (such as the statutes barring bribery or supplementation of salary from any source other than the United States), or  
--accept training by a person, such as a vendor, if its purpose is to promote its products or services. 5 CFR 2635.202.

Gift includes a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. This includes services as well as gifts of training, transportation, local travel, and lodgings and meals. It excludes (1) modest refreshments such as soft drinks, coffee and donuts that are not offered as part of a meal, (2) opportunities and benefits available to the public or a class consisting of all government employees, (3) greeting cards and other items with little intrinsic value such as plaques, certificates, and trophies, (4) bank loans on terms generally available to the public, (5) pension benefits under a former employer's plan, and (6) rewards and prizes given to competitors in contests or events that are open to the public, including random drawings.

"Prohibited source" is a person who seeks official action by the employee's agency, does or seeks business with the agency, conducts activities regulated by the agency, has interests that may be substantially affected by the performance or nonperformance of the employee's official duties, or is an organization a majority of whose members meets the above description. 5 CFR 2635.203.

Indirect gift is a gift given with the employee's knowledge and acquiescence to the employee's parent, sibling, spouse, child or dependent relative because of the relationship to the employee or given to another person, including a charity, on the employee's designation, recommendation, or other specification.

Exceptions. The regulations prescribe numerous exceptions to the gift-acceptance prohibition in addition to the exclusions noted above in the definition of gift. However, the regulations prohibit employees from accepting gifts from the same source so frequently that a reasonable person would be led to believe the employee is using public office for private gain. They also provide that, even though a gift may be accepted legally,

"it is never inappropriate and frequently prudent for an employee to decline a gift offered from a prohibited source or because of his official position."

The exceptions set forth in 5 CFR 2635.204 are the following:



1. \* "De minimis" exception. Employees may accept unsolicited gifts having a market value of \$20 or less per occasion, but may not accept gifts with a value of more than \$50 from a single source in a calendar year. A particular licensee and its employees would be considered a single source. This exception does not authorize the acceptance of cash or investment interests, such as stocks, bonds, or certificates of deposit. If a gift exceeds \$20 in value, the employee cannot pay the excess over \$20 in order to accept the gift. If more than one gift offered on a single occasion exceeds \$20 in aggregate value, the employee may decline any distinct item in order to accept those items aggregating \$20 or less. (This exception represents a significant change from current regulations which generally preclude employees from acceptance of gifts and meals from the regulated community.)

2. Personal gifts. Employees may continue to accept gifts motivated by a family relationship or personal friendship. (Meals or gifts funded from corporate expense accounts are not personal gifts.)

3. Discounts. Employees may accept discounts, including reduced membership or other fees for participation in an organization, if the offer is available to all government employees and the only restrictions on membership relate to professional qualifications. Employees may also accept favorable rates and commercial discounts that are available to federal employees or to members of the public. Discounts received from non-prohibited sources may be accepted if the discount is not limited to those with a high rank or rate of pay. However, employees cannot accept a benefit to which the government would be entitled because of the use of government funds, such as a free gift resulting from the agency's purchases from a vendor.

4. \* Awards and honorary degrees. Employees, including special government employees, can accept gifts, other than cash or an investment interest, of \$200 or less in value if such gifts are a bona fide award or incident to a bona fide award for meritorious public service or achievement if the donor does not have interests that may be substantially affected by the performance or nonperformance of the employee's duties or is an organization whose members do not have such interests. Gifts with an aggregate market value in excess of \$200 and awards of cash or investment interests may be accepted if an agency ethics official determines in writing that the award is part of an established program of recognition made on a regular basis according to written standards. Employees can accept honorary degrees from institutions of higher education if written approval is received from an agency ethics official. Meals and entertainment for the employee and family at a presentation event of the award or degree may be accepted regardless of value. (These approval requirements are new.)

5. Business-related gifts. Employees may accept meals, lodging, transportation, and other benefits resulting from the outside employment or business relationship of the employee or the employee's spouse if it is clear that the gift is not offered or enhanced because of the employee's government position. Employees may accept expenses customarily provided by a prospective employer in connection with bona fide employment discussions but must first disqualify themselves if the prospective employer has interests that could be affected by the employee's performance or nonperformance of official duties under the procedures in Subpart F of these regulations.

6. Gifts from political organizations. Only officials exempt from the Hatch Act (which restricts the political activities of federal employees) may accept meals, expenses, and other benefits for participating at political events. (The only NRC officials exempt from the Hatch Act are the Commissioners.)

7. \* Speaking engagements. Employees who are speakers, panelists, or otherwise presenting information on behalf of the agency at a conference or other event may accept food and free attendance for those days that they are making their presentation. On the days they are not speaking or otherwise presenting information at the conference, employees may only accept a waiver of conference fees and meals if it is a "widely-attended" gathering (discussed below) or the sponsoring organization is a tax exempt organization under 26 U.S.C.

1(c)(3), which are generally non-profit charitable, religious, or educational institutions and some professional organizations. (In the past, NRC speakers have not been required to pay a fee to cover attendance at a conference on days when they were not speakers. In most cases, the employee could presumably accept free food and attendance for the entire event because it will qualify as a "widely-attended" gathering).

8. \* "Widely-Attended" gatherings. Employees may attend "widely-attended" gatherings without cost and accept food and refreshments offered if there has been a determination that attendance is in the agency's interest because it would further agency programs or operations. A gathering is "widely attended" if, for example, it is open to members from throughout a given industry or profession or if those in attendance represent a range of persons interested in a given matter. For employees subject to the federal leave system, attendance at the event shall be on the employee's own time, unless administrative leave has been authorized. The determination that attendance is in the agency's interest must be made by the agency designee and may be given orally, unless the sponsor of the event has interests that would be substantially affected by the performance or nonperformance of the employee's duties or the majority of the members of the sponsoring association or organization have such interests. In such a case, the agency designee must determine in writing that the agency interest in the employee's participation at the event outweighs the concern that acceptance of the gift or

free attendance may improperly influence the employee in the performance of official duties. The agency designee may authorize the employee's spouse to attend this event if other attendees will generally be accompanied by their spouses. (In the past, written approval was required for attendance at all "widely-attended" gatherings. Also, the provision relating to attendance by the employee's spouse is new.)

9. Gifts authorized by supplemental regulation or statute may be accepted, such as travel expenses from certain tax-exempt non-profit organizations for training or attendance at meetings or under the Foreign Gifts and Decorations Act.

10. \* Meals, refreshments and entertainment in foreign areas. An employee assigned to duty in, or on official travel, to a foreign area may accept food, refreshments, or entertainment in the course of a breakfast, luncheon, dinner, or other meeting if (1) the value of the gift does not exceed the applicable per diem rate for the foreign area, (2) there is participation in the meeting or event by non-U.S. citizens or representatives of foreign governments or other foreign entities, (3) attendance at the meeting is part of the employee's official duties, and (4) the gifts of meals, refreshments or entertainment is not from a foreign government. (Different rules apply to receipt of gifts from foreign governments.)

\* Disposition of gifts. Employees must return gifts they cannot accept or pay the donor the fair market value of the gift. Perishable gifts, such as food or flowers, may be given to charity, shared with others in the recipient's office, or destroyed. Agencies may authorize disposition or return of gifts at government expense. Employees who promptly satisfy the disposition requirements on their own initiative or after prompt consultation with an agency ethics official will not be deemed to have violated the bar on acceptance of prohibited gifts. 5 CFR 2635.205.

#### SUBPART C -- GIFTS BETWEEN EMPLOYEES

Prohibition on Gifts to superiors. Except as provided in this Subpart, employees cannot directly or indirectly: (1) give a gift to, or make a donation for a gift to, an official superior; or (2) solicit contributions from other employees for a gift to either their own or the other employees' official superior. Employees cannot directly or indirectly accept gifts from an employee receiving less pay than themselves unless they are not in a subordinate-superior relationship and there is a personal relationship that justifies the gift. An official superior may never coerce the offering of a gift from a subordinate. 5 CFR 2635.302.

\*\* Official Superior means any other employee (other than the President or Vice President) including but not limited to an immediate supervisor, whose official responsibilities include



directing or evaluating the performance of the employee's official duties or those of any other official superior of the employee. Employees are considered to be the subordinate of any of their official superiors.

\* Exceptions to the prohibition: Items (other than cash) valued at \$10 or less may be given to a superior on an occasional basis (such as birthdays or holidays). The \$10 rule does not apply to office refreshments to be shared in the office; personal hospitality at a residence customarily provided to friends; customary items, such as "hostess gifts," given in connection with hospitality at a residence; contributions of annual leave under the government's leave transfer program; and gifts on special, infrequent occasions such as marriage, illness, birth of a child, or retirement. An employee may solicit voluntary contributions (\*\*) of a nominal amount from other employees to gather the funds for an appropriate gift to an official superior on a special, infrequent occasion or for items, such as food or refreshments, to be shared in the office among several employees. 5 CFR 2635.304.

\*\* Voluntary contribution means a contribution freely given, without pressure or coercion. The amount is to be left to the employee's discretion although the employee soliciting contributions may suggest an amount or respond to an inquiry on an appropriate amount. The solicitor must make clear that employees can contribute less than the suggested amount or nothing. Employees who pay a proportionate share of the total cost of an organized lunch or similar event will be deemed to have made a voluntary contribution. 5 CFR 2635.303.

#### SUBPART D -- CONFLICTING FINANCIAL INTERESTS

Disqualifying interests. Employees are prohibited by 18 USC 208(a) from participating personally and substantially (\*\*) in their official capacity in a particular matter (\*\*) in which, to their knowledge, they or any person whose interests are "imputed" (\*\*) to them have a financial interest (\*\*), if the matter will have a "direct and predictable" (\*\*) effect on that interest. 5 CFR 2635.402.

\*\* Imputed interests are financial interests of the employee's spouse, minor child, general partner, any organization the employee serves as officer, director, trustee, general partner, or employee, or anyone with whom the employee is negotiating, or has an arrangement for, prospective employment.

\*\* Particular matter encompasses only matters involving deliberation, decision, or action focused on the interests of specific persons or a discrete and identifiable class of persons (even though it does not involve formal parties). It may include governmental action such as legislation or policy-making narrowly focused on the interests of a discrete and identifiable class. It does not extend to broad policy options directed to the

interests of a large and diverse group. Some generic rulemakings would be considered particular matters. Examples in the OGE regulations indicate that a rulemaking proceeding affecting a large group of taxpayers would not be a particular matter (such as an IRS regulation relating to depreciation), but a safety regulation pertaining to safety standards for trucks using interstate highways would be a particular matter.

\*\* Direct and predictable effect. A particular matter will have a "direct" effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. There is no such effect if the chain of causation is attenuated or contingent on the occurrence of events that are speculative, independent, or unrelated to the matter. There will be a "predictable" effect if there is a real, as opposed to a speculative, possibility that the matter will affect a financial interest.

\*\* Personal and substantial. "Personal" participation means to directly participate in the matter, including direct and active supervision. "Substantial" participation means involvement that is of significance to the matter, even though it is not determinative of the outcome. Substantiality is based not only on the effort devoted to the matter, but also on its importance. While a series of peripheral involvements may be insubstantial, the single act of approving or participating in a critical step may be substantial, such as participation through decision, approval, disapproval, recommendation, investigation, or rendering advice.

Disqualification. Employees are required to disqualify themselves from participating in particular matters which affect their financial interests or ones imputed to them. There is no requirement to file a written statement of disqualification unless asked to do so by an agency ethics official or the person responsible for their assignment. However, employees who become aware of the need to disqualify themselves from a particular matter to which they have been assigned should notify their supervisor so that they can be immediately relieved of responsibility for the matter. Pursuant to 18 U.S.C. 208(b), employees with a disqualifying financial interest may participate in a particular matter if they receive a waiver from their appointing official based on a determination that the interest is not so substantial as to affect the integrity of their services to the government. (No NRC official should make this determination without first consulting an ethics official in the Office of the General Counsel.) When practicable, the OGC must consult with OGE prior to granting a waiver. 5 CFR 2635.402

Divestiture. Sale or other divestiture of the disqualifying interest will permit the employee to participate in the matter. Employees may be required to sell the interest if the continued holding is prohibited by statute or supplemental regulation or if



the agency determines that a substantial conflict exists between the financial interest and the employee's duties or the accomplishment of the agency's mission.

\* Prohibited financial interests. Employees cannot acquire or hold interests prohibited by statute, agency regulation, or agency determination of substantial conflict. Agencies may issue supplemental regulations prohibiting the holding of a financial interest or a class of financial interests by employees or a class of employees, based on a determination that holding the interest would cause a reasonable person to question the impartiality and objectivity with which agency programs are administered. Supplemental regulations may also restrict the holdings of the employee's spouse or minor children if the agency determines that there is a direct and appropriate nexus between the prohibition or restriction and the efficiency of the service. (Current NRC stock prohibitions cover the employee, the spouse, minor children, and other relatives living in the household. These restrictions will remain in effect until February 3, 1994, or until a supplemental regulation is promulgated, whichever occurs first. The current NRC restrictions will need to be revised to reduce their scope to exclude anyone other than the employee, spouse, and minor children.) An agency could also prohibit the holding of a financial interest if the employee would be required to disqualify himself or herself from matters critical to the performance of official duties or would adversely affect the efficient accomplishment of the agency's mission because another employee could not be readily assigned to the matter. 5 CFR 2635.403.

"Financial interest" is limited to interests owned by the employee or by the employee's spouse or minor children. The term includes any current or contingent ownership, equity, or security interest (e.g. stocks and bonds) and may include an indebtedness or compensated employment relationship. It also includes service, with or without compensation, as an officer, director, trustee, general partner, or employee of any person, including a nonprofit entity. It does not include a future interest created by someone other than the employee, spouse, or dependent child or any right as a beneficiary in an estate that is not settled. 5 CFR 2635.403(c).

Period for divestiture. Employees directed by their agency to divest themselves of a financial interest have a reasonable time to sell. Except in cases of unusual hardship, a reasonable period should not exceed 90 days. All employees, except special government employees, are eligible to defer the tax consequences of a required sale (see Subpart J). (Currently, NRC employees are given one year to divest themselves of prohibited securities that are added to the agency's prohibited stock list as a result of the annual review of that list.) 5 CFR 2635.403(d).

**SUBPART E -- IMPARTIALITY IN PERFORMING OFFICIAL DUTIES**

Personal and business relationships When an employee knows that a "particular matter" (\*\*) involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his or her household or knows that a person with whom he or she has a "covered relationship" (\*\*) is or represents a party to such matter, the employee must evaluate whether participation in the matter is appropriate. If the employee determines that the circumstances would cause a reasonable person with the relevant facts to question the employee's impartiality, the employee should not participate in the matter, unless the employee informs the agency designee of the appearance problem and receives written authorization from the designee.

5 CFR 2635.502.

\* "Covered relationships." There are five categories of covered relationships:

- persons, other than prospective employers, with whom the employee has or seeks a financial relationship (except a routine consumer transaction);
- members of the employee's household or relatives with whom the employee has a close personal relationship;
- persons for whom the employee's spouse, parents or dependent child serves or seeks to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee;
- persons for whom the employee served in the last year as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee; and
- a nonpolitical organization in which the employee is an active participant. (Payment of dues or the donation or solicitation of financial support does not, in itself, constitute active participation.) 5 CFR 2635.502(b).

\* Agency designee authorization. Where there is a problem of an appearance of impropriety from the financial interest, the agency designee may authorize the employee to participate in the matter. The authorization shall be documented in writing at the designee's discretion or when requested by the employee. It must be based on an independent determination, after consideration of all relevant circumstances, that the government's need for the employee's participation in a particular matter outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. If authorized by the agency designee to participate in a particular matter, employees may not later disqualify themselves from participation if based on the same circumstances considered by the agency designee. 5 CFR 2635.502(d). (This provision is significant because, for the first time, there is a government-wide requirement that an employee is not to participate in matters affecting his former employer for the first year following termination of that relationship, unless prior written approval is received from the NRC.)

\* Extraordinary payments from former employers. Employees who receive a severance payment exceeding \$10,000 prior to entering federal service are prohibited for two years from the date of receipt of payment from participating in any particular matter in which the former employer is a party or represents a party. It does not apply to payments made pursuant to an established compensation or benefits plan. A waiver can be granted only by the head of the agency (or person delegated authority to issue 18 USC 208(b) waivers) if there is a finding that the amount was not so substantial as to cause a reasonable person to question the employee's ability to act impartially. 5 CFR 2635.503.

#### SUBPART F -- SEEKING OTHER EMPLOYMENT

\* Employees shall disqualify themselves from participation in any particular matter directly and predictably (\*\*) affecting the financial interests of a person with whom they are seeking employment (a prospective employer) (\*\*) or have any arrangement concerning prospective employment. There are no such obligations on employees seeking employment with someone whose financial interests are not affected by their official duties. (This means, for example, that an employee in one regional office may negotiate with a utility located in another region or with a utility in their region for which the employee has no responsibility without informing the supervisor.) Employees may accept travel expenses and other reasonable amenities incident to employment discussions even from a prospective employer who is a prohibited source under the gift standards in Subpart B. 5 CFR 2635.602.

\* "Seeking employment" has begun when the employee directly or indirectly:

- engaged in "negotiations," which involved discussion or communication with another person or the person's agent or intermediary, mutually conducted with a view toward reaching an agreement on possible employment. It is not limited to discussions of specific terms and conditions in a specific position;
- made an unsolicited communication (e.g., sent out a resume) to a person or such person's agent on possible employment. It does not include communications for the sole purpose of requesting a job application. Employees are not required to disqualify themselves from participating in a generic rulemaking affecting an entity to whom they have submitted a resume until the recipient responds by indicating an interest in employment discussions; or
- made a response, other than a rejection, to an unsolicited communication from a person or agent on possible employment.

An employee is no longer seeking employment when:

- either party rejects the possibility of employment and all employment discussions have terminated, or
- two months have transpired after the employee sent an unsolicited resume or proposal and the employee received no



indication of interest in employment discussions from the prospective employer.

A response deferring discussions for the foreseeable future does not constitute a rejection. 5 CFR 2635.603(c).

Prospective employer is any person with whom the employee is seeking employment. It includes a person who uses an agent or other intermediary or is contacted by an employee's agent to seek to establish an employment relationship if the agent identifies the prospective employer to the employee.

Disqualification. Employees who wish to initiate employment contacts with a person whose financial interests they know will be directly and predictably affected by a particular matter to which they will be assigned shall take steps necessary to disqualify themselves before beginning to seek employment with that person. Written disqualification statements are not necessary unless requested by the agency ethics official or the employee's supervisor. Appropriate oral or written notification of the employee's disqualification may be made to coworkers by the employee or a supervisor to ensure that the employee does not participate in matters affecting the prospective employer (\*\*). When a disqualification will preclude the employee from participating in matters critical performance (such as a resident inspector seeking employment with the utility that operates the facility he or she is responsible for), the agency may allow the employee to take annual leave or leave without pay while seeking employment, or may take other appropriate administrative action.

Waiver. Employees may participate in matters affecting a prospective employer (\*\*) if they receive a waiver either under 18 USC 208(b) or by the agency designee if the designee finds that the government's need for the employee's participation outweighs the concerns that a reasonable person may question the integrity of the agency's programs or operations. The agency designee may determine that an employee no longer seeking employment shall remain disqualified for a specified period of time from matters affecting a prospective employer if the designee determines that the concern that a reasonable person may question the integrity of the agency's decision making process outweighs the Government's interest in the employee's participation in the particular matter. 5 CFR 2635.604-.606.

#### SUBPART G -- MISUSE OF POSITION

\* Public office for private gain. Employees shall not use their public office for their own private gain, for the endorsement of any product, service, or enterprise, or for the private gain of friends, relatives, or persons with whom they are affiliated in a nongovernmental capacity, including nonprofit organizations in which they are officers or members, and persons with whom they have or seek employment or business relations. Employees shall not use their office in a manner to induce or coerce another

person, including a subordinate, to provide any benefit to themselves or their friends, relatives, or persons with whom they are affiliated in a nongovernmental capacity.

Use of title or position. Employees shall not use their government position or title in a manner that could reasonably be construed to imply government endorsement of their personal activities or those of another or to endorse any product, service, or enterprise. Employees may only sign a letter of recommendation using their official title or government letterhead paper in response to a request for an employment recommendation or character reference based on their personal knowledge of an individual they dealt with in the course of federal employment or whom they are recommending for federal employment. In instances where an employee is not able to use government letterhead or official title, the employee can mention his or her official title in the body of the letter. Employees are not prohibited, in connection with a personal activity, from using a term of address or rank that they normally employ, such as "The Honorable." 5 CFR 2635.702.

Use of nonpublic information. Employees shall not engage in a financial transaction using nonpublic information (\*\*), nor allow the use of nonpublic information to further their own private interest or that of another through advice, recommendation, or by an unauthorized disclosure. (However, disclosures made inadvertently or by mistake would not violate this regulation.)

\*\* Nonpublic information is information employees gain from federal employment and that they know or reasonably should know has not been made available to the general public. It includes information (1) exempt from disclosure under the Freedom of Information Act, (2) designated confidential by an agency, or (3) that has not actually been disseminated to the general public and is not authorized to be made available to the public on request. 5 CFR 2635.703.

Use of government property. Employees have a duty to protect and conserve government property and may not use it or allow its use for other than authorized purposes. 5 CFR 2635.704.

Use of official time. Unless legally authorized, employees shall not use official time other than to perform official duties. Employees shall also not encourage, direct, coerce, or request a subordinate to use official time for nonofficial activities unless legally authorized. 5 CFR 2635.705.



## SUBPART H -- OUTSIDE ACTIVITIES

Employees who wish to engage in outside employment or other activities are subject to applicable requirements in this subpart, other subparts and supplementary regulations, and statutes, such as the conflict of interest laws (18 U.S.C. 201-209), the Hatch Act (prohibiting certain political activities), the Emoluments Clause of the Constitution (which bars acceptance of compensation from foreign governments), and the Ethics Reform Act's provisions banning honoraria and limiting noncareer employees' outside compensation. 5 CFR 2635.801.

Conflicting activities. Employees shall not engage in outside activities that conflict with official duties, those prohibited by statute or agency supplemental regulation, or those which would require disqualification by reason of the conflicting financial interest or the impartiality standards (Subparts D and E). 5 CFR 2635.802.

Prior approval. Employees shall obtain prior approval for outside employment or activities if required by agency supplemental regulation. Agencies may require prior approval of outside employment by employees or any category of employees by supplemental regulation. (Current NRC regulations which require prior written approval of certain outside activities remain in effect until February 3, 1994 or until NRC promulgates a new supplemental regulation, whichever comes first. The NRC intends to promulgate a new supplemental regulation.) 5 CFR 2635.803.

Noncareer employees. Full-time noncareer Presidential appointees shall not receive any outside earned income during their appointment. Noncareer employees covered under title VI of the Ethics Reform Act (generally Commissioner assistants) may not receive outside earned income that exceeds 15 percent of annual income. 5 CFR 2635.804.

\* Expert witness. An employee shall not serve, other than on behalf of the United States, as an expert witness, with or without compensation, in a U.S. court or agency proceeding in which the U.S. is a party or has a direct and substantial interest. However, the designated agency ethics official may authorize service as an expert witness (1) as being in the government's interest, after consulting with the federal agency representing the government or the agency with the most direct and substantial interest, or (2) because the subject matter of the testimony does not relate to the employee's official duties. Employees are not prohibited from serving as a fact witness under subpoena. (Special government employees who are appointed by the President, serve on a statutorily-established commission, or serve more than 60 days in a 365-day period shall not serve as expert witnesses in federal proceedings in which their employing agency is a party or has a direct and substantial interest unless authorized by the designated agency ethics official.) 5 CFR 2635.805.

\* Participation in professional associations. The Office of Government Ethics will address this issue in a forthcoming rulemaking proceeding. Its proposed rule, which generally precluded federal employees from using government time to administer the affairs of professional organizations, generated considerable controversy.

Teaching, speaking, and writing. Employees, including special government employees, shall not receive compensation (\*\*) from a nongovernment source for teaching, speaking, or writing that relates to their official duties. (This restriction is in addition to the Ethics Reform Act's prohibition on employees' receiving certain honoraria for an appearance, speech, or article.) The prohibitions in this regulation involve activities:

- 1) undertaken as part of official duties;
- 2) where the invitation to engage in the activity was primarily extended because of the employee's official position rather than the employee's expertise;
- 3) where the invitation was extended, directly or indirectly, by a person with interests that may be substantially affected by the performance or nonperformance of the employee's duties;
- 4) where the information conveyed through the activity draws substantially on ideas or official data that are nonpublic information; or
- 5) where the subject matter focuses specifically on (a) any matter to which the employee is presently assigned to or which the employee had been assigned to during the previous year, (b) any ongoing or announced policy, program, or operation of the agency, or (c) in the case of a noncareer employee, the general subject matter area, industry, or economic sector primarily affected by the programs and operations of the agency.

As to prohibition number 5, special government employees are only barred by subpart (a). However, special government employees who have not served the government more than 60 days in the preceding 365 days are only barred from receiving compensation for activities pertaining to particular matters involving specific parties in which they participated personally and substantially.

\* For career employees, restriction 5 prohibits accepting compensation when teaching, speaking, or writing about agency policies, programs, and operations or on specific matters to which they are assigned or were assigned during the previous year. The prohibition applies only where the activity deals in significant part with the agency's policies, programs or operations and would not prohibit, for example, compensation for a speech on a general subject matter, such as nuclear power, as long as the speech only incidentally touches on agency responsibilities, programs, or operations. Restriction 5 also does not preclude employees (other than covered noncareer

employees) from receiving compensation for teaching, speaking or writing on a subject within their discipline or inherent area of expertise based on their educational background or experience even though the activity generally deals with a subject within the agency's mission.

Employees are not prohibited from compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher learning or an elementary or secondary school or part of an education or training program sponsored and funded by a federal, state, or local government even if the subject matter of the course focuses on the agency's responsibilities, programs, or operations.

\*\* Compensation for these activities includes any form of consideration, remuneration, or income, including royalties and travel reimbursements, but not meals or other incidents of attendance as waiver of attendance fees or course materials.

Employees engaged in nongovernmental teaching, speaking, or writing shall not use their official title or position to identify themselves in connection with that activity or to promote a book or course. However, employees may include their title as part of biographical information (provided that it is not given greater prominence than other biographical information) or when coupled with an appropriate disclaimer in a scholarly article in professional journals that the views expressed do not necessarily represent the views of the agency. 5 CFR 2635.807.

Fundraising activities. Employees shall not use their official position to raise funds for any organization, including a charitable group, unless specifically authorized by statute, executive order, or regulation (such as the Combined Federal Campaign). Employees may raise funds in their personal capacities, but shall not solicit funds or other support from subordinates or prohibited sources, use their official title, position, official time, government resources, or authority in connection with that fundraising. An employee who is ordinarily addressed by a general term, such as, "The Honorable," or a rank, such as military or ambassadorial rank, may use or permit the use of that term of address or rank for such purposes.

Employees may continue to speak in an official capacity at appropriate events, even though the event may also serve a fundraising purpose, if the speech relates to official duties and the employee does not request donations or other support for the group. They can also attend a fundraising event as long as, to their knowledge, their attendance is not used to promote the event. 5 CFR 2635.808.

Just financial obligations. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those imposed by law, such as federal, state and local taxes. 5 CFR 2635.809.

Gambling. The Office of Personnel Management issued on November 30, 1992, final regulations that prohibit employees from conducting or participating in any gambling activity on government property or while on official duty. This prohibition includes operating a gambling device, conducting a lottery or pool, a game for money or property, or selling or purchasing a numbers slip or ticket. An exception to this rule permits these activities if they are sponsored by an employee recreation association under policies and procedures approved by the head of the relevant agency. The OPM regulations also prohibit employees from engaging in conduct prejudicial to the government. 5 CFR 735.201-203.

#### SUBPART I -- RELATED STATUTORY AUTHORITIES

This Subpart lists a number of statutes that establish standards to which employee conduct must conform. These include the criminal conflict of interest statutes (18 U.S.C. 201-209), which prohibit bribery, supplementation of salary, certain representations to the government, and certain post-employment activities, and laws prohibiting certain contracting practices and nepotism.







UNITED STATES  
NUCLEAR REGULATORY COMMISSION

ANNOUNCEMENT NO. 45

DATE: May 5, 1994

TO: All NRC Employees

SUBJECT: NEW NRC SUPPLEMENTAL STANDARDS OF CONDUCT  
REGULATIONS; ETHICS TRAINING; HONORARIA BAN UPDATE

SUPPLEMENTAL CONDUCT REGULATIONS

On April 13, 1994, the NRC, with the concurrence of the Office of Government Ethics (OGE), published the attached regulations for NRC employees that supplement the government-wide standards of ethical conduct issued by OGE (Attachment A). These supplemental regulations prescribe the rules for NRC employees on outside employment and security ownership, two areas not specifically addressed in the OGE regulations.

The supplemental regulations will take effect on July 12, 1994. On that date, two Management Directives implementing those regulations will also take effect and the current NRC conduct regulations on outside employment and security ownership contained in 10 CFR Part 0 will be repealed. Until July 12, 1994, the current rules and the most recent prohibited securities list (published on December 14, 1993) apply.

The supplemental regulations do not substantially change the longstanding NRC rules on outside employment and security ownership, with these exceptions relating to security ownership: (1) a new prohibition on ownership of a limited number of energy or utility sector mutual funds and (2) a new reporting obligation for employees who acquire prohibited securities through such means as gifts or inheritance or because the security was added to the prohibited securities list. The following is a summary of the new regulations.

I. Prohibited Securities

Current Restriction

The NRC conduct regulations in effect until July 12, 1994, prohibit certain employees from holding any stocks, bonds, or other securities issued by major entities in the commercial nuclear field that are specifically named in a list published annually by the Office of the General Counsel. This prohibition

extends to all employees who occupy a position at or above GG-13 or its equivalent, employees below GG-13 in positions with certain occupational codes, and members of the Advisory Committee on Reactor Safeguards (ACRS), the Advisory Committee on Nuclear Waste (ACNW), and the Atomic Safety and Licensing Board Panel (ASLBP). It also prohibits the spouses, minor children, and other members of the household of these employees from owning any securities issued by entities on the prohibited securities list. This prohibition can be waived on a case-by-case basis if the Chairman determines that it would be inequitable to require divestiture of the prohibited security.

Changes under the Supplemental Regulation (5 CFR § 5801.102)

A. Who will be subject to the restriction:

The new supplemental regulation will continue to subject to the prohibited securities restriction all senior NRC officials, which include the Commissioners, the Inspector General, members of the Senior Executive Service, employees who hold a non-SES position above GG-15, and members of the ACRS, ACNW, and ASLBP.

Employees in grades GG-15 or below who have duties and responsibilities that require participation in policy deliberations affecting entities on the prohibited securities list will be covered by the restriction. The positions of these employees will be specifically listed in the management directive implementing this regulation (MD 7.7). Employees will be provided a list of positions covered by the restriction as soon as Management Directive 7.7 has been finalized. This directive will be published by July 12, 1994. With some exceptions (such as employees who have administrative or information resource management responsibilities), almost all employees who file financial disclosure statements will be subject to the security ownership restriction.

The securities restriction will also apply to the spouses and minor children of all employees subject to the prohibition. However, other members of the employee's household will no longer be barred from holding prohibited securities because, under the government-wide standards of conduct, the scope of the prohibition cannot extend beyond the employee's spouse and minor children.

B. Categories of Prohibited Entities

The regulation also makes some minor revisions to the current restriction by adding securities issued by applicants for or holders of design approvals or combined construction permits and operating licenses issued under 10 CFR Part 52 and securities issued by State or local governments to finance low-level waste facilities.

For the first time, the restriction will include energy or utility sector mutual funds that have invested more than 25 percent of their assets in prohibited securities. The security ownership restriction does not encompass mutual funds whose primary objective does not include investing in the energy or utility sectors, regardless of the percentage of NRC prohibited securities found their portfolio. Future prohibited securities lists will include the names of energy or utility mutual funds which have investments in excess of 25 percent in prohibited securities. The next prohibited securities list, which will be published in July 1994, will contain the mutual funds listed in Attachment B to this memorandum. Employees covered by the security restriction will be required to divest their holdings in any of these funds by October 10, 1994, which is 90 days after the effective date of the supplemental regulations.

Employees liable for capital gains taxes resulting from the sales of these funds may wish to contact OGC about obtaining a certificate of divestiture from the Office of Government Ethics which would permit the deferral of any capital gains tax. (An employee should not sell the fund before obtaining the certificate.)

#### C. Period for Compliance

Consistent with the OGE regulations, this regulation provides a uniform 90-day period for divestiture of any prohibited securities. The NRC Chairman may extend the date for divestiture in cases of undue hardship.

The time frames for complying with the restriction have been modified. Currently, employees have 30 days to comply after commencing employment or being promoted to a position covered by the security ownership prohibitions; one year for any security newly added to the prohibited security list; and a reasonable time to dispose of securities obtained involuntarily, such as through inheritance, gift, or marriage.

#### D. Waivers

The criteria for granting waivers from the security ownership prohibition have been modified to provide more specificity. The new regulation will authorize the NRC Chairman to grant a waiver: (1) if, under the circumstances, application of the prohibition is not necessary to ensure confidence in the impartiality and objectivity with which NRC programs are administered; (2) legal constraints prevent divestiture; or (3) for special Government employees, divestiture would result in substantial financial hardship.

An example of the second category (legal constraint preventing divestiture) would be a situation in which the prohibited



security is held as part of the assets of a trust of which the employee is a beneficiary and where the trustee, who has sole authority to purchase and sell the assets, refuses the employee's request to sell the prohibited security.

#### E. Elimination of Annual Certification of Compliance

Under this regulation, employees will no longer be required to certify annually that they are in compliance with the security restrictions. There is inadequate justification for continuing this requirement because the annual certifications have rarely revealed ownership of prohibited securities. The NRC will continue to require employees to certify compliance when they are appointed to a position covered by the restriction or promoted for the first time to a position covered by the restriction.

Employees who obtain prohibited securities after their initial certification either involuntarily (such as through inheritance, gift, or marriage), or as a result of additions to the prohibited securities list will be required to report these securities to OGC in writing within 30 days of acquisition or appearance on the prohibited securities list, as appropriate. Employees must also inform OGC when the security is divested. For example, employees who hold mutual funds listed on the next prohibited securities list will be required to inform OGC of these holdings within 30 days after the publication date of the list and again when the employee's shares in the fund are divested.

#### II. Prior Approval for Outside Employment (5 CFR § 580.103)

The new regulation retains the requirement that NRC employees obtain prior written approval before engaging in any outside employment with entities that are regulated by or have business with the Commission. Special Government employees (employees appointed to perform temporary duties either on a full-time or intermittent basis for a period not to exceed 130 days during any consecutive 365-day period) are not subject to this requirement. The preamble to the regulation reiterates NRC policy to encourage teaching, lecturing, or writing not prohibited by the conduct regulations or other applicable law.

The Management Directive implementing this provision (MD 7.8) will be published by July 12, 1994. It will include specific procedures for obtaining approval of such outside employment. The Directive will provide that employees in offices reporting to the Executive Director for Operations (EDO) must obtain approval from the EDO or Deputy EDO. For Commission-level offices, approval must be obtained from the employee's office director.

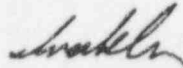
ETHICS TRAINING

The OGC will provide annual ethics training from September through November 1994. The OGE regulations on ethics training require that all employees who file a financial disclosure form receive one hour of ethics training each year. The training for Headquarters employees will be held in the new auditorium in Two White Flint North. The Regional Counsels will provide training to employees in their region. Details on ethics training will be provided in the coming months.

HONORARIA BAN

On April 18, 1994, the Supreme Court granted the Department of Justice's petition for certiorari in the case challenging the constitutionality of the statute prohibiting Federal employees from receiving any honoraria for an appearance, speech, or article. On September 28, 1993, the Court of Appeals for the District of Columbia had held that this ban is unconstitutional.

The effect of the Supreme Court's action is that the Court will hear this case, but a decision is not expected before July 1995. In the interim, the Department of Justice has stated that it will continue its policy to take no legal action against any employee who receives an honorarium between September 28, 1993, and the date the Supreme Court decides on the constitutionality of the ban even if the Supreme Court were to reverse the Court of Appeals decision.



Ivan Selin  
Chairman

Attachments:

- A. New NRC Supplemental Conduct Regulations
- B. List of Mutual Funds That Will be Added to  
NRC's Next Prohibited Securities List



ATTACHEMENT A

New NRC Supplemental Conduct Regulations

# Rules and Regulations

Federal Register

Vol. 59, No. 71

Wednesday, April 13, 1994

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## NUCLEAR REGULATORY COMMISSION

### 5 CFR Chapter XLVIII

### 10 CFR Part 0

RINs 3200-AA15 and 3150-AE80

### Supplemental Standards of Ethical Conduct for Employees of the Nuclear Regulatory Commission

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC), with the concurrence of the Office of Government Ethics (OGE), is issuing regulations for employees of the Nuclear Regulatory Commission that supplement the Standards of Ethical Conduct for Employees of the Executive Branch issued by OGE. These supplemental regulations address outside employment by NRC employees and ownership of securities by NRC employees, their spouses, and minor children. The NRC is also repealing its current regulations on these subjects, while adding a cross-reference to the new provisions and preserving certain separable financial interest exemptions.

**EFFECTIVE DATE:** Final rule effective July 12, 1994.

**FOR FURTHER INFORMATION CONTACT:** John Szabo, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301-504-1606.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On August 7, 1992, the Office of Government Ethics published the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) for codification at 5 CFR part 2635. See 57 FR 35006-35067, as

corrected at 57 FR 48557 and 57 FR 53583. These Standards, which took effect on February 3, 1993, set uniform ethical conduct standards applicable to all executive branch personnel.

5 CFR 2635.105 authorizes executive agencies, with concurrence from OGE, to publish agency-specific supplemental regulations that are necessary to implement their ethics programs. The Nuclear Regulatory Commission, with OGE's concurrence, has determined that the following supplemental regulations, being codified in new chapter XLVIII of 5 CFR, consisting of part 5801, are necessary for successful implementation of the NRC's ethics program. By this notice, the Nuclear Regulatory Commission is also repealing the parts of its regulations which were preserved by 5 CFR part 2635 pending issuance of this supplemental regulation (see the additional OGE grace period extension at 59 FR 4779-4780).

## II. Analysis of the Regulations

### Section 5801.101 General

Section 5801.101 explains that the regulations contained in the final rule apply to all NRC employees, including members of the Commission, and are supplemental to the executive branch-wide standards. Members and employees of the Nuclear Regulatory Commission also are subject to the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635, the executive branch financial disclosure regulations at 5 CFR part 2634, and additional regulations regarding their conduct published by the agency in 10 CFR part 0.

### Section 5801.102 Prohibited Securities

5 CFR 2635.403(a) authorizes agencies, by supplemental regulation, to prohibit or restrict the acquisition or holding of a financial interest or a class of financial interests by agency employees based on a determination that the acquisition or holding of such interests would cause reasonable persons to question the impartiality and objectivity with which agency programs are administered. Where it is necessary to the efficiency of the service, such prohibitions or restrictions may be extended to employees' spouses and minor children.

By 10 CFR 0.735-29, the Commission has long prohibited most of its employees, their spouses, minor

children, and other members of their households, from holding stocks, bonds, and other securities issued by major entities in the commercial nuclear field. Section 5801.102 imposes very similar restrictions upon designated employees, their spouses and minor children, based upon the Commission's determination that these restrictions are necessary to maintain public confidence in the impartiality and objectivity with which the NRC executes its regulatory functions. The restrictions also will help to maintain public confidence that sensitive information relating to agency operations is not misused for private gain and will help accomplish the NRC's mission by avoiding widespread disqualification of employees from the performance of their official duties.

Section 5801.102 is narrower in scope than 10 CFR 0.735-29 in that it does not apply to all members of the employee's household. Consistent with 5 CFR 2635.403(a) and 2635.403(c)(1), it restricts only the holdings of designated employees, their spouses, and minor children. The Commission has determined that application of the securities restrictions in § 5801.102 to spouses and minor children is necessary to the efficiency of the service. As evidenced by 10 CFR 0.735-29, the NRC believes it is important to the success of its mission for regulated entities and others affected by agency decisions to have this additional degree of assurance that agency decisions are not influenced by considerations of personal gain on the part of NRC personnel.

In addition to limiting the section's application to employees, their spouses, and minor children, the Commission has made other minor revisions to the restrictions as stated in 10 CFR 0.735-29. The categories of prohibited securities set forth in § 5801.102(b) have been revised to reflect the new types of licenses established in 10 CFR part 52 and to include securities issued by State or local governments to finance low-level waste facilities. Section 5801.102(b)(8) also prohibits employees for the first time from owning securities issued by an energy or utility sector mutual fund that has invested more than 25 percent of the fund's assets in prohibited securities.

The time frames for complying with the security ownership regulations have also been modified. Under 10 CFR 0.735-29, NRC employees have had 30

days to comply after commencing employment or being promoted to a position covered by the security ownership prohibitions; one year to divest any security interest newly added to the agency's prohibited security list; and a "reasonable time" to dispose of securities inherited by gift. Consistent with 5 CFR 2635.403(d), the final rule provides a uniform 90-day period for divestiture, with extension available in cases of undue hardship.

The criteria in § 5801.102(e) for waiving the prohibition on holding a specific security have been modified to provide greater specificity. A criterion has been newly added to cover circumstances in which legal constraints prevent divestiture. One example of such a legal constraint would be the situation in which the prohibited security is held as part of the assets of a trust of which the employee is a beneficiary and where the trustee, who has sole authority to purchase and sell the assets, refuses the employee's request to sell the prohibited security.

The Commission has eliminated the requirement contained in 10 CFR 0.735-29 that employees who are subject to the security ownership restrictions certify each year that they are in compliance. Because the annual certifications have rarely revealed violations of the substantive restrictions, there is inadequate justification for continuing this requirement. However, to monitor compliance, the NRC will continue to require employees holding designated positions to certify compliance upon commencement of employment with the agency or upon promotion for the first time to a position covered by the security ownership restriction. Agency employees will also be required to report to the Office of the General Counsel in writing any prohibited securities obtained after the initial certification. This will permit the Office of the General Counsel to track required divestitures.

On the effective date of this regulation, the NRC will issue Management Directive 7.7 and its accompanying Handbook which lists those agency positions covered by the security ownership restrictions. The Handbook will also describe procedures for obtaining Certificates of Divestiture and waivers from the security ownership restrictions. Both the Management Directive and Handbook will be available at the NRC Public Document Room, 2120 L Street, NW., Washington, DC 20555-0001. Copies will also be available in each NRC Office.

#### *Section 5801.103 Prior Approval for Outside Employment*

5 CFR 2635.803 authorizes individual agencies, by supplemental regulation, to require agency employees to obtain approval before engaging in outside employment or other outside activities. The NRC has long had the prior approval requirement, set forth in 10 CFR 0.735-40. Section 5801.103 of the final rule retains the requirement that NRC employees obtain prior written approval before engaging in outside employment with entities that are regulated by or have business with the Commission. The NRC policy has been, and will continue to be, to encourage teaching, lecturing, or writing not prohibited by 5 CFR part 2635 or other applicable law.

The agency designees for approval of outside employment and internal agency procedures for obtaining the necessary approvals will be set forth in NRC Management Directive 7.8 and the accompanying Handbook. This Directive and Handbook will be issued on the effective date of this regulation and will be available in the NRC Public Document Room and in each NRC Office.

#### **III. Repeal of Superseded Portions of the NRC Conduct Regulations and Related Modifications**

The final rule repeals the NRC conduct regulations 10 CFR 0.735-8, 0.735-29, and 0.735-40, effective on the same day that this rule takes effect. The information collection requirements of § 0.735-8 are no longer necessary. Section 0.735-29 will be superseded by the prohibitions on securities contained in 5 CFR 5801.102 and § 0.735-40 will be superseded by the requirements for prior approval of outside employment contained in 5 CFR 5801.103. These repeals, together with those effected by 58 FR 3825 and 29951, leave in 10 CFR part 0 only the waiver provisions of §§ 735-21 (a) and (b) which are preserved by 5 CFR 2635.402(d)(1). These paragraphs are redesignated § 0.735-2 (a) and (b) to follow a new § 0.735-1 which provides a cross-reference to the NRC's supplemental regulation and to the executive branch-wide financial disclosure and standards of ethical conduct regulations at 5 CFR parts 2634 and 2635.

#### **IV. Matters of Regulatory Procedure**

##### *Administrative Procedure Act*

Pursuant to 5 U.S.C. 553(b), the NRC finds good cause not to seek public comment on this rule. Such comment is unnecessary because the NRC is essentially repromulgating existing

regulations in a different form, and the regulations pertain wholly to internal agency personnel matters that affect only NRC employees, their spouses, and minor children. To increase the likelihood of a smooth transition from the NRC's prior ethics rules to the new Government-wide standards of ethical conduct regulations, these rulemaking actions should take place as soon as possible. The rule and accompanying repeals will become effective 90 days after the date of publication in the **Federal Register**.

##### *Environmental Impact: Categorical Exclusion*

The NRC has determined that this final rule is the type of action described in categorical exclusions 10 CFR 51.22(c) (1) and (2). Therefore, neither an environmental assessment nor an environmental impact statement has been prepared for this final regulation.

##### *Paperwork Reduction Act Statement*

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

##### *Regulatory Analysis*

The NRC is promulgating a supplemental regulation to OGE's Government-wide standards of conduct regulations in order to implement effectively the NRC's ethics program. This rule has no significant impact on health, safety or the environment. There is no substantial cost to licensees, the NRC, OGE, or other Federal agencies.

##### *Regulatory Flexibility Act*

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities because it affects only NRC employees.

##### *Backfit Analysis*

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and that a backfit analysis is not required for this final rule because these supplemental regulations do not involve any provisions which would impose backfits as defined in 10 CFR 50.109.

##### *List of Subjects*

5 CFR Part 5801

Conflict of interests. Government employees.



## 10 CFR Part 0

Conflict of interests, Criminal penalties.

Dated at Rockville, Maryland, this 23rd day of March, 1994.

For the Nuclear Regulatory Commission,  
Samuel J. Chalk,

Secretary of the Commission.

Approved: March 31, 1994.

Stephen D. Potts,

Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Nuclear Regulatory Commission, with the concurrence of the Office of Government Ethics, is amending title 5 of the Code of Federal Regulations and title 10, chapter I, of the Code of Federal Regulations as follows:

## TITLE 5—[AMENDED]

1. A new chapter XLVIII, consisting of part 5801, is added to title 5 of the Code of Federal Regulations to read as follows:

## 5 CFR CHAPTER XLVIII—NUCLEAR REGULATORY COMMISSION

## PART 5801—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE NUCLEAR REGULATORY COMMISSION

Sec.

5801.101 General.

5801.102 Prohibited securities.

5801.103 Prior approval for outside employment.

Authority: 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); 42 U.S.C. 2201, 5841; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306, 5 CFR 2635.105, 2635.403, 2635.803.

## § 5801.101 General.

In accordance with 5 CFR 2635.105, the regulations in this part apply to members and other employees of the Nuclear Regulatory Commission and supplement the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR part 2635. In addition to the standards in 5 CFR part 2635 and this part, members and other employees are subject to the executive branch financial disclosure regulations contained in 5 CFR part 2634 and to additional regulations regarding their conduct contained in 10 CFR part 0.

## § 5801.102 Prohibited securities.

(a) *General prohibition.* No covered employee, and no spouse or minor child of a covered employee, shall own securities issued by an entity on the list described in paragraph (b) of this section.

(b) *Prohibited securities list.* Once a year, or on a more frequent basis, the

Commission will publish and distribute to employees a list of entities whose securities a covered employee or the spouse or minor child of a covered employee may not own. The list shall consist of entities which are:

(1) Applicants for or holders of early site permits, construction permits, operating licenses, or combined construction permits and operating licenses for facilities which generate electric energy by means of a nuclear reactor;

(2) State or local governments, if the primary purpose of the security is to finance the construction or operation of a nuclear reactor or a low-level waste facility;

(3) Entities manufacturing or selling nuclear power or test reactors;

(4) Architectural-engineering companies providing services relating to a nuclear power reactor;

(5) Applicants for, or holders of, a certified standard design;

(6) Entities licensed or regulated by the Commission to mill, convert, enrich, fabricate, store, or dispose of source, byproduct, or special nuclear material, or applicants for such licenses that are designated by the Commission because they are or will be substantially engaged in such nuclear fuel cycle or disposal activities;

(7) The parent corporation of any subsidiary described in paragraphs (b)(1)–(b)(6) of this section; and

(8) An energy or utility sector investment fund which has more than 25% of its assets invested in securities issued by entities described in paragraphs (b)(1)–(b)(7) of this section.

(c) *Definitions.* For purposes of this section:

(1) A covered employee means:

(i) A member of the Commission;

(ii) The Inspector General of the NRC;

(iii) A member of the Senior Executive Service (SES);

(iv) An employee who holds a non-SES position above GS-15; and

(v) Any other employee, including a special Government employee, whose duties and responsibilities, as determined by the Commission or its designees, require application of the securities ownership prohibition contained in this section to ensure public confidence that NRC programs are conducted impartially and objectively. The positions of these employees are specified in NRC Management Handbook 7.7, which is available in the NRC Public Document Room; and

(2) The term "securities" includes all interests in debts or equity instruments. The term includes, without limitation, secured and unsecured bonds,

debentures, notes, securitized assets and commercial paper, as well as all types of preferred and common stock. The term encompasses both current and contingent ownership interests, including any beneficial or legal interest derived from a trust. It extends to any right to acquire or dispose of any long or short position in such securities and includes, without limitation, interests convertible into such securities, as well as options, rights, warrants, puts, calls, and straddles with respect thereto.

(d) *Divestiture and reporting of prohibited securities.*—(1) *Newly covered employees.* Upon promotion or other appointment to a position subject to the securities prohibition of this section, a covered employee shall sign a certification:

(i) Identifying securities of an entity on the prohibited securities list which the employee, or the spouse or minor child of the employee, owns, or

(ii) Stating that the employee, or the spouse or minor child of the employee, does not own any prohibited securities. Except as provided in paragraph (d)(4) of this section, the newly covered employee, or the spouse or minor child of the employee, shall divest prohibited securities within 90 days after appointment to the covered position.

(2) *Newly prohibited securities.* Within 30 days after publication of the prohibited securities list to which an entity's name has been added, a covered employee who owns, or whose spouse or minor child owns, prohibited securities shall make a written report of that ownership to the Office of the General Counsel. Except as provided in paragraph (d)(4) of this section, the covered employee, or the spouse or minor child of the covered employee, shall divest prohibited securities within 90 days after publication of the prohibited securities list.

(3) *Securities acquired without specific intent.* Within 30 days after a covered employee, or the spouse or minor child of a covered employee, acquires securities of an entity on the prohibited securities list as a result of marriage, inheritance, gift or otherwise without specific intent to acquire the securities, the covered employee shall make a written report of the acquisition to the Office of the General Counsel. Except as provided in paragraph (d)(4) of this section, a covered employee, or the spouse or minor child of a covered employee, shall divest prohibited securities within 90 days after the date of acquisition.

(4) *Extension of period to divest.* Upon a showing of undue hardship, the Chairman of the Nuclear Regulatory

Commission may extend the 90 day period for divestiture specified in paragraphs (d)(1) through (d)(3) of this section.

(5) *Disqualification pending divestiture.* Pending divestiture of prohibited securities, a covered employee must disqualify himself or herself, in accordance with 5 CFR 2635.402, from participation in particular matters which, as a result of continued ownership of the prohibited securities, would affect the financial interests of the employee, or those of the spouse or minor child of the employee. Disqualification is not required where a waiver described in 5 CFR 2635.402(d) applies. Procedures for obtaining individual waivers are contained in NRC Handbook 7.7, which is available in the NRC Public Document Room.

(6) *Tax treatment of gain on divested securities.* Where divestiture is required by this section, the covered employee (except a special Government employee) may be eligible to defer the tax consequences of divestiture under subpart J of 5 CFR part 2634, pursuant to procedures in NRC Handbook 7.7, which is available in the NRC Public Document Room.

(e) *Waivers.* (1) The Chairman may grant a waiver to permit a covered employee, or the spouse or minor child of a covered employee, to retain ownership of a security of an entity on the prohibited securities list upon a determination that the holding of the security is not inconsistent with 5 CFR part 2635 or otherwise prohibited by law, and that:

(i) Under the circumstances, application of the prohibition is not necessary to ensure confidence in the impartiality and objectivity with which NRC programs are administered;

(ii) Legal constraints prevent divestiture; or

(iii) For a special Government employee, divestiture would result in substantial financial hardship.

(2) Where a waiver has been granted under paragraph (e)(1) of this section, the covered employee must disqualify himself or herself, in accordance with 5 CFR 2635.402, from participation in particular matters which, as a result of continued ownership of the prohibited security, would affect the financial interests of the employee, or those of the spouse or minor child of the employee unless the employee has received a waiver described in 5 CFR 2635.402(d), pursuant to procedures in NRC Handbook 7.9, which is available in the NRC Public Document Room.

**§ 5801.103 Prior approval for outside employment.**

(a) An employee, other than a special Government employee, shall obtain written authorization before engaging in compensated outside employment with:

- (1) A Commission licensee;
- (2) An applicant for a Commission license;
- (3) An organization directly engaged in activities in the commercial nuclear field;
- (4) A Commission contractor;
- (5) A Commission supplier;
- (6) An applicant for or holder of a license issued by a State pursuant to an agreement between the Commission and the State;
- (7) A trade association which represents clients concerning nuclear matters; or
- (8) A law firm or other organization which is participating in an NRC proceeding or which regularly represents itself or clients before the NRC.

(b) Requests for approval shall be submitted in writing to the agency designee specified in NRC Management Directive 7.8, which is available in the NRC Public Document Room, in accordance with procedures set forth in the accompanying NRC Handbook.

(c) Approval of outside employment shall be granted in writing only upon a determination by the agency designee that the proposed outside employment would not violate a Federal statute or regulation, including 5 CFR 2635.

(d) For purposes of this section, "outside employment" means any form of non-Federal employment, business relationship or activity, involving the provision of personal services by the employee. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker.

**10 CFR CHAPTER I—NUCLEAR REGULATORY COMMISSION**

**PART 0—CONDUCT OF EMPLOYEES**

2. The authority citation for part 0 is revised to read as follows:

Authority: Secs. 25, 161, 68 Stat. 9925, 948, as amended (42 U.S.C. 2035, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306, 5 CFR 2635.105 and 2635.402(d)(1). Section 0.735-2, also issued under 5 U.S.C. 552, 553.

3. A new § 0.735-1 is added to read as follows:

**§ 0.735-1 Cross-reference to employee ethical conduct standards and financial disclosure regulations.**

Employees of the Nuclear Regulatory Commission (NRC) are subject to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the NRC regulation at 5 CFR part 5801 which supplements the executive branch-wide standards, and the executive branch-wide financial disclosure regulations at 5 CFR part 2634.

4. Section 0.735-21 is redesignated as § 0.735-2 and the heading is revised to read thereof, "Exemptions for financial interests."

**§ 0.735-8, 0.735-29 and 0.735-40 (Removed)**

5. Sections 0.735-8, 0.735-29 and 0.735-40 are removed.  
[FR Doc. 94-8691 Filed 4-12-94; 8:45 am]  
BILLING CODE 7580-10-P

**DEPARTMENT OF AGRICULTURE**

**Rural Telephone Bank**

**7 CFR Part 1610**

**Rural Electrification Administration**

**7 CFR Parts 1735, 1737, 1744, 1753**

**Rural Telephone Bank and Telephone Program Loan Policies, Procedures, and Requirements; and Telecommunications System Construction Policies and Procedure**

AGENCY: Rural Electrification Administration and Rural Telephone Bank, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) adopts, except the State Telecommunications Modernization Plan, its interim rule published December 20, 1993, as a final rule with minor technical changes. The action makes changes to the telephone program required by the Rural Electrification Loan Restructuring Act 1993 (RELRA or legislation).

EFFECTIVE DATE: May 13, 1994.

FOR FURTHER INFORMATION CONTACT: Matthew P. Link, Director, Rural Telephone Bank Management Staff, Rural Electrification Administration, U.S. Department of Agriculture, 14th Independence Avenue, SW., room 2832-S, Washington, DC 20250-150 telephone number (202) 720-0530.



ATTACHMENT B

List of Mutual Funds That Will be Added to  
NRC's Next Prohibited Securities List



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 18, 1994

MEMORANDUM FOR: NRC Special Government Employees

FROM: James A. Fitzgerald  
Assistant General Counsel for  
Legal Counsel, Legislation  
and Special Projects

SUBJECT: ANNUAL ETHICS TRAINING

The government-wide regulations on ethics training issued by the Office of Government Ethics require that all employees who file a financial disclosure report be provided each year with a minimum of one hour of ethics training rendered verbally. In the case of special Government employees (SGEs), an agency may meet the annual training requirement by distribution of written materials. 5 C.F.R. § 2638.704(d)(2)(ii).

To fulfill this requirement, I am providing, as the deputy NRC ethics official, the attached information addressing:

- DEFINITION OF SPECIAL GOVERNMENT EMPLOYEE
- CRIMINAL CONFLICT OF INTEREST STATUTES
- RECENT CHANGES ON CONFIDENTIAL FINANCIAL DISCLOSURE
- POLITICAL ACTIVITIES
- RELEVANT STANDARDS OF CONDUCT REGULATIONS
- EMPLOYMENT BY OR GIFTS FROM FOREIGN GOVERNMENTS
- NRC SUPPLEMENTAL CONDUCT REGULATIONS

I hope that you find this material useful. If you have any questions about this material or other ethics matters, please do not hesitate to contact a deputy ethics counselor in our office at 504-1607. Because violations of ethics provisions constitute violations of Federal criminal law or conduct regulations, it is important that special Government employees seek advice before acting in any matter where there is any question about the scope or application of ethics laws or regulations.

James A. Fitzgerald  
Assistant General Counsel for  
Legal Counsel, Legislation  
and Special Projects

Attachment:  
Ethics Training Materials

ATTACHMENT

## Who is a Special Government Employee

The legal definition of a "special Government employee" in the executive branch is an officer or employee who is retained, designated, appointed, or employed to perform temporary duties on a full-time or intermittent basis, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days. 18 U.S.C. § 202(a); 5 C.F.R. § 2635.102(1).

Thus, if an SGE works on NRC business in excess of 130 days during any period of 365 consecutive days, a determination must be made whether the employee has moved out of the SGE category for purposes of the conflict of interest statutes.<sup>1</sup> Office of Government Ethics guidelines for this determination are as follows:

1. An SGE who is not expected to exceed the 130-day limit at the time of appointment, but who happens to exceed that limit during the year, will not be considered to have become a regular Government employee. However, in that situation, a new estimate of the number of days on which the employee is expected to perform duties should be made at the end of the year. (The OGC Division of Legal Counsel, Legislation and Special Projects should be consulted if the projected number of days of duty remains at 130 days or less for the following year, but the employee again exceeds the limit.)
2. An SGE who moves into a position (e.g., chairman of a Federal advisory committee) that invariably entails service that exceeds the 130-day limit will be considered a regular Government employee for conflict of interest purposes during the period in which he or she occupies that position.

## Criminal Conflict of Interest Statutes

The criminal conflict of interest statutes (18 U.S.C. §§ 201-208) apply to SGEs as follows:

- o 18 U.S.C. § 201 -- Section 201 prohibits Federal employees and SGEs from seeking, accepting, or agreeing to receive anything of value in return for being influenced in the performance or nonperformance of an official act.

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<sup>1</sup> A part of a day should be counted as a full day for purposes of determining how many days an individual has worked in a year, as well as for purposes of estimating how many days an individual is expected to perform duty during an upcoming year. Note that the fact that an employee is considered to have moved out of the SGE category for conflict of interest purposes does not necessarily change the status of the employee for purposes of application of Federal personnel rules.

- 18 U.S.C. § 203 -- Section 203 prohibits an SGE from receiving compensation from a non-Government party for representational services rendered by the employee or another person before a Federal agency or other specified entity on any particular matter involving a specific party (i) in which the SGE has participated personally and substantially as a Government employee or SGE, or (ii) which is pending in the Government agency in which the SGE is serving if the SGE has served for more than 60 days during the immediately preceding 365 days.
- 18 U.S.C. § 205 -- Section 205 prohibits an SGE from representing a non-Government party, with or without compensation, before a Federal agency or other specified entity on any particular matter in which the United States is a party or has a direct and substantial interest (i) that the SGE participated in personally and substantially as a Government employee or SGE, or (ii) which is pending in the agency in which the SGE is serving if the SGE has served for more than 60 days during the immediately preceding 365 days.
- 18 U.S.C. § 207 -- Section 207 imposes a life-time ban on a former SGE in representing another person to any Federal agency or other specified entity on any particular matter involving a specific party in which the former SGE participated personally and substantially while serving the Government. Section 207 contains other restrictions, none of which pertain to NRC SGEs. There are exceptions to these restrictions and provisions for waivers. SGEs should contact the Office of the General Counsel regarding such exceptions or waivers.
- 18 U.S.C. § 208 -- Section 208(a) prohibits an SGE from participating personally and substantially in any particular matter that could affect the SGE's financial interest or the financial interest of the SGE's spouse, minor child, general partner, an organization in which the SGE serves as an officer, director, trustee, general partner, or employee, or an organization with which the SGE is negotiating or with which the SGE has an arrangement for prospective employment.

Section 208(b)(1) authorizes issuing a waiver to this restriction from the SGE's appointing official if the official determines in writing in advance that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the SGE. In addition, section 208(b)(3) authorizes issuance of a waiver to an SGE who serves on a committee subject to the Federal Advisory Committee Act if the official responsible for the individual's appointment certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the particular financial interest involved.



ATOMIC ENERGY ACT EXCEPTION: The Atomic Energy Act exempts members of NRC advisory committees from the provisions of 18 U.S.C. §§ 203, 205, and 207 for uncompensated activities relating to particular matters that directly involve the NRC or in which the NRC is directly interested. 42 U.S.C. § 2203. Advisory committee members should contact OGC for further details concerning this exemption.

#### Changes to Confidential Financial Disclosure Reporting Requirements

Special Government employees must file a financial disclosure report when first appointed and every year thereafter. 5 C.F.R. Part 2634. Those who work or are expected to work for the NRC for more than 60 days during a calendar year and are paid at a rate above the GS-15 level must file a public financial disclosure report (SF 278) by May 15 of each year. All others must file a confidential financial disclosure report (SF 450) annually, usually when reappointed as an SGE.

On November 30, 1993, the Office of Government Ethics published a final rule amending the requirements for what must be reported on the confidential financial disclosure form (SF 450). As of that date, individuals filing a confidential statement are no longer required to report the following assets:

- accounts (including both demand and time deposits) in depository institutions, including banks, savings and loan associations, credit unions, and similar depository financial institutions;
- money market mutual funds and accounts;
- U.S. Government obligations, including Treasury bonds, bills, notes, and savings bonds; and
- Government securities issued by U.S. Government agencies.

This exception does not apply to an SGE who must file a public financial disclosure report (SF 278). The Office of Government Ethics is developing a new confidential disclosure report that will specify these exclusions.

#### Political Activities

The Hatch Act (5 U.S.C. §§ 7321-7328) prescribes the restrictions on the political activities of Federal employees. (See Employee Announcement No. 89 (November 4, 1993) for a description of these restrictions under the Hatch Act, as recently amended.) SGEs are only subject to the Hatch Act during the 24-hour period of any day in which they are actually performing Government business.

Standards of Conduct

The following are some of the major standards of conduct regulations (5 C.F.R. Part 2635) that pertain to special Government employees:

I. Outside Teaching, Speaking, and Writing

SGEs are prohibited from receiving compensation for outside teaching, speaking, and writing that "relates to the employee's official duties." 5 C.F.R. § 2635.807. The "relatedness" test is met for an SGE if:

(A) the activity is undertaken as an official Government duty;

(B) the circumstances indicate that the invitation to engage in the activity was extended to the SGE primarily because of the employee's official position rather than the employee's expertise on the particular subject matter;

(C) the invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of the employee's official duties;

(D) the information conveyed through the activity draws substantially on ideas or official data that are non-public information; or

(E) the subject of the activity deals in significant part with any matter the SGE is presently assigned or was assigned during the previous one-year period. (However, if the SGE has not served or is not expected to serve for more than 60 days during any one-year period of appointment, then the "relatedness" focuses not on assigned matters but only on particular matters involving specific parties in which the SGE participated or is participating personally and substantially.)

EXCEPTIONS:

1. This provision does not preclude an SGE from receiving compensation for teaching, speaking, or writing on a subject within the SGE's discipline or inherent area of expertise based on the SGE's educational background or experience, even though the activity deals generally with a subject within the agency's areas of responsibility.

2. These restrictions also do not apply for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education, an

elementary or secondary school, or a program of education or training sponsored and funded by the Federal, State or local government.

## II. Gifts

The regulations prohibit SGEs from accepting gifts given directly or indirectly from "prohibited sources"<sup>2</sup> or given because of the SGE's Federal position. There are exceptions to this prohibition, such as gifts resulting from the SGE's outside business or employment activities if it is clear that the gift was not offered because of the SGE's NRC status. 5 C.F.R. §§ 2635.202, 2635.204. Other exceptions to this prohibition include:

- Non-cash gifts valued at \$20 or less, with a maximum value of \$50 during a calendar year from any one source;
- Attendance at "widely-attended" gatherings (e.g. those open to members from throughout a given industry or profession); and
- Gifts based on a pre-existing personal relationship, such as a family member or close friend.

The gift regulations also prohibit SGEs from accepting an honorary degree from an institution of higher learning which is a "prohibited source," such as a university which has an NRC license, unless the agency ethics official determines in writing that acceptance of the degree would not cause a reasonable person to question the SGE's impartiality. The ethics official must also approve acceptance of any award valued at more than \$200 for meritorious public service or achievement from a "prohibited source."

## III. Fundraising

An SGE may engage in fundraising in a personal capacity as long as the SGE does not personally solicit funds or other support from anyone known to the SGE to be a person whose interests may be substantially affected by the performance or nonperformance of the SGE's Federal duties. 5 C.F.R. § 2635.808.

## IV. Expert Witness

An SGE cannot serve as an expert witness in a proceeding before a United States court or agency in which the United States is a party or has a direct and substantial interest, except on behalf of the United States, if the SGE participated while a Federal

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<sup>2</sup> A "prohibited source" includes NRC licensees or contractors or those whose interests may be substantially affected by the SGE's performance or nonperformance of official duties.

employee or SGE in the particular proceeding, unless authorized by the designated agency ethics official.

In addition, an SGE who was appointed by the President, serves on a commission established by statute, or has served or is expected to serve for more than 60 days in a period of 365 consecutive days, cannot serve, other than on behalf of the U.S., as an expert witness, with or without compensation, in any proceeding before a U.S. court or agency in which the SGE's employing agency is a party or has a direct and substantial interest unless authorized by the designated agency ethics official. 5 C.F.R. § 2635.805.

#### V. Impartiality

The regulations provide that SGEs should not participate in any particular NRC matter involving specific parties which the SGE knows is likely to have a direct and predictable affect on the financial interests of a member of his or her household, or which the SGE knows that a person with whom he or she has a "covered relationship" is or represents a party to that matter, if the SGE determines that a reasonable person with knowledge of the relevant facts would question the SGE's impartiality in the matter. A waiver to this restriction can be granted by the SGE's office director or committee chairman. 5 C.F.R. § 2635.501, MD 7.9.

A "covered relationship" includes anyone with whom the SGE has a business, contractual, or other financial relationship; a relative with whom the SGE has a close personal relationship; a person or entity that the SGE's spouse, parent, or dependent child serves as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee; and a person or entity that the SGE served during the past year as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee. 5 C.F.R. § 2635.502(b)(1).

#### VI. Misuse of Position

SGEs are prohibited from using their NRC title or position for their own private gain, the endorsement of any product, service, or enterprise, or the private gain of friends, relatives, or anyone with whom they are affiliated in a nongovernmental capacity, including nonprofit organizations they serve as officers, members, employees, or in any other business relationship. They cannot use their title or position to coerce or induce another person to provide any benefit to themselves or another person.

SGEs are also prohibited from using non-public NRC information in a financial transaction to further their private interest or that of another, or from disclosing non-public information without



authorization. SGEs are not allowed to use Government property for unauthorized purposes. 5 C.F.R. Part 2635, Subpart G.

#### Employment by or Gifts From Foreign Governments

There are constitutional limitations to an SGE's employment by a foreign government, including political subdivisions of a foreign government. U.S. Constitution, art. I., § 9, cl. 8. There are also statutory provisions restricting acceptance of gifts from foreign governments. 5 U.S.C. § 7342. SGEs should consult with the Office of the General Counsel for details about these restrictions.

#### NRC Supplemental Conduct Regulations

The NRC, with the Office of Government Ethics, published, on April 13, 1994, supplemental regulations to the government-wide standards of conduct regulations. 5 C.F.R. §§ 5801.101-5801.103. These regulations will take effect on July 12, 1994. By that same date, the NRC's implementing management directives will be published. (Employee Announcement No. 45 (May 5, 1994) contains more details about these regulations including a copy of them.)

The only SGEs affected by the supplemental regulations are members of the Advisory Committee on Reactor Safeguards, the Advisory Committee on Nuclear Waste, and the Atomic Safety and Licensing Board Panel. These members are prohibited from owning any securities issued by major entities in the nuclear field that are specified on a list published annually by the Office of the General Counsel. The security ownership prohibition also extends to the spouse and minor children of these members, but no longer includes other members of their household. The new regulation also eliminates the annual certification of compliance with the restriction.

The new regulation modifies the criteria for granting a waiver to this restriction. It provides that the Chairman can grant a waiver to an SGE if divestiture of the prohibited security would result in substantial financial hardship. (Under this change, the general practice would be that an exemption would only be granted to permit an ACRS or ACNW member to hold prohibited securities held at the time of appointment to the Committee or which were subsequently acquired involuntarily, through marriage, gift, or inheritance. After appointment, members would be barred from purchasing prohibited securities on their own accord.)





UNITED STATES  
NUCLEAR REGULATORY COMMISSION

ANNOUNCEMENT NO. 83

DATE: October 26, 1995

TO: All NRC Employees

SUBJECT: REVISED LIST OF STOCKS, BONDS, AND OTHER SECURITY INTERESTS THAT CERTAIN NRC EMPLOYEES ARE PROHIBITED FROM OWNING

Revised List of Prohibited Securities

Attached is a revised list of entities whose stocks, bonds, and other security interests may not be owned by certain NRC employees, their spouses, or minor children.

This prohibition applies to all senior employees; members of the Advisory Committee on Reactor Safeguards, the Advisory Committee on Nuclear Waste, and the Atomic Safety and Licensing Board Panel; and employees at grade GG-15 or below with regulatory responsibilities whose position is listed in Management Handbook 7.7, Exhibit 1.

Employees subject to the restriction as well as their spouses or minor children who own securities issued by entities added to this list must inform OGC in writing of their holdings within 30 days of the date of this Announcement and their plans for divestiture. They have 90 days to divest themselves of these securities unless they receive an extension from the NRC Chairman because of undue hardship.

The Chairman may grant a waiver to the divestiture requirement: (1) if it is not necessary to ensure confidence in the impartiality and objectivity with which NRC programs are administered; (2) if legal constraints prevent divestiture; or (3) for special Government employees only, if divestiture would result in substantial financial hardship.

The attached list changes the most recent list (July 5, 1994) as follows:

Nuclear Utilities: Adds to this category Unicom (the new name for CeCo Holding Company, the parent of Commonwealth Edison) and MidAmerican Energy Company (which merged with Iowa-Illinois Gas Company, the co-owner of Quad Cities).

Architectural Engineering Companies: Adds Duke Engineering Services.

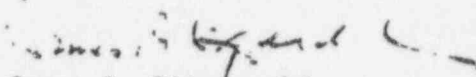
Fuel Cycle Applicants and Licensees: Adds Holtech Corporation; Packaging Technology (PAC TECH); Vectra Corporation; Kaiser Aluminum Specialty Products; Energy Fuels Nuclear, Inc.; Scientific Ecology Group, Inc.; and

Sierra Nuclear Corporation (the new name of Pacific Sierra Nuclear Associates).

Energy or Utility Sector Mutual Funds: Adds AAL Utilities Fund; Benham Utilities Income Fund; Colonial Utilities Fund; Dean Witter Variable Investment Utilities Series; Merrill Lynch Utility Income Fund, Inc.; Paine Webber Utility Income Fund; Putnam Utilities Growth and Income Fund; Smith Barney Funds, Inc.; and Van Kampen American Merrit Utility. Deletes Eaton Vance Total Return Trust; Fidelity Utilities Income Fund; Financial Strategic Utilities Portfolio; Fortress Utility Fund; Franklin Global Utilities Fund; Liberty Utilities Fund; MFS Utilities Fund; Pilgrim Corporate Utilities Fund; and Stratton Monthly Dividend Shares, Inc.

Employees who wish to defer the tax consequences of any divestiture may seek a Certificate of Divestiture. They should not sell their prohibited securities prior to obtaining this certificate. For further details, See Management Handbook 7.7 or contact Lee Cadorette (OGC), 415-1613.

There is no prohibition on the purchase of security interests in entities not on this list. Employees are advised, however, that in the event they, or their spouse or minor children, hold securities worth more than \$1000 in any entity not on this list, they must recuse themselves from participation in any particular matter affecting that entity under 10 C.F.R. § 0.735-2.

  
James A. Fitzgerald  
Assistant General Counsel

Attachment:  
List of Prohibited Securities

COMPANIES IN WHICH NRC EMPLOYEES COVERED BY 5 C.F.R. 5801.102  
ARE PROHIBITED FROM OWNING STOCK, BONDS,  
OR OTHER SECURITY INTERESTS

1. Nuclear Utilities

- Alabama Power Company
- \*Alachua Electric Department, FL
- Allegheny Electric Cooperative, Inc.
- American Electric Power Co., Inc.
- \*Anaheim Electric Division, CA
- Arkansas Power & Light Company
- \*\*Atlantic Energy, Inc.  
(Atlantic City Electric Company)
- \*Austin Electric Department, TX
- \*Baltimore Gas & Electric Company
- Bangor Hydro-Electric Company
- Boston Edison Company
- \*Bushnell Utility Dept., FL
- Cajun Electric Power Cooperative
- Cambridge Electric Light Company
- Canal Electric Light Company
- Carolina Power & Light Company
- Centerior Energy Corp.  
(Cleveland Electric Illuminating Co.)  
(Toledo Edison Co.)
- Central Hudson Gas & Electric Corp.
- Central Iowa Power Cooperative
- Central Maine Power Company
- Central & South West Corporation  
(Central Power & Light Company)
- Central Vermont Public Service Corp.
- \*\* \*Chicopee Municipal Lighting Plant  
(Chicopee Electric Light Dept.)
- CMS Energy Corp. (Consumers Power Co.)
- Commonwealth Electric Company
- Commonwealth Energy System
- Connecticut Light & Power Company
- Connecticut Municipal Electric Energy Cooperative, Inc.
- Connecticut Yankee Atomic Power Co.
- Consolidated Edison Co. of New York

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\*This entity is a municipal or state government organization. Ownership of bonds or other financial instruments issued by such an organization is proscribed only when the bonds or other financial instruments are issued specifically for the construction of nuclear power plants.

\*\*Note that this is a new name for an entity previously listed. The former name of this entity is in parentheses.

Corn Belt Power Cooperative  
Dairyland Power Cooperative  
\*Dalton Water & Light Commission, GA  
Delmarva Power & Light Company  
Detroit Edison Company  
Dominion Resources (Virginia Electric & Power Corp.)  
Duke Power Company  
Duquesne Light Company  
Eastern Utilities Associates  
El Paso Electric Company  
Entergy Corporation (Middle South Utilities, Inc.)  
Entergy Operations, Inc.  
\*Eugene Water & Electric Board, OR  
Fitchburg Gas & Electric Light Co.  
\*Florida Municipal Power Agency  
Florida Progress Corporation  
(Florida Power Corporation)  
FPL Group, Inc.  
(Florida Power & Light Company)  
\*Gainesville-Alachua County Regional Electric, Water,  
and Sewer Utilities Board, FL  
General Public Utilities Company  
Georgia Power Company  
\*\*Great Bay Power Corporation (EAU Power Corporation)  
Green Mountain Power Corporation  
Gulf States Utilities Company  
Houston Industries, Inc. (Houston  
Lighting & Power Dept.)  
\*Hudson Light & Power Dept., MA  
IE Industries (Iowa Electric Light & Power Co.)  
Illinova Corporation  
(Illinois Power Company)  
Indiana Michigan Power Co.  
Interstate Power Company  
Jersey Central Power & Light Co.  
Kansas City Power & Light Co.  
\*Kansas Electric Power Cooperative  
Kansas Gas & Electric Co.  
Kansas Power & Light Co.  
\*Kissimee Utilities, FL  
\*Leesburg Municipal Electric Dept., FL  
Long Island Lighting Company  
\*Long Island Power Authority  
\*Los Angeles Department of Water & Power  
Louisiana Power & Light Co.  
\*Lyndonville Electric Dept., VT  
Madison Gas & Electric Co.  
Maine Public Service Company  
Maine Yankee Atomic Power Co.  
Massachusetts Municipal Wholesale Electric Company  
Metropolitan Edison Company  
\*\*MidAmerican Energy Company (Iowa-Illinois Gas & Electric Co.)  
Mississippi Power & Light Co.  
Montaup Electric Co.



Municipal Electric Authority of Georgia  
Nebraska Public Power District  
New England Electric System  
New England Gas & Electric Association  
New England Power Company  
New Hampshire Electric Cooperative, Inc.  
\*New Smyrna Beach Utilities Commission, FL  
\*New York Power Authority  
New York State Electric & Gas Corp.  
Niagara Mohawk Power Corporation  
North Atlantic Energy Corporation  
North Atlantic Energy Service Company  
(subsidiary of Northeast Utilities)  
North Atlantic Service Corporation  
\*North Carolina Electric Membership Corporation  
\*North Carolina Municipal Power Agency No. 1  
\*North Carolina Eastern Municipal Power  
Agency  
Northeast Nuclear Energy Company  
Northeast Utilities  
Northeast Utilities Service Company  
(subsidiary of Northeast Utilities)  
Northern States Power Company  
\*Ocala Utilities Division, FL  
Oglethorpe Power Corp.  
Ohio Edison Company  
Old Dominion Electric Cooperative  
Omaha Public Power District  
\*Orlando Utilities Commission, FL  
Pacific Gas & Electric Company  
Pacific Power & Light Company  
(Pacific Corporation)  
\*\*PECO Energy Company  
(Philadelphia Electric Company)  
Pennsylvania Electric Company  
Pennsylvania Power Company  
Pennsylvania Power & Light Company  
\*Piedmont Municipal Power Agency  
Pinnacle West Capital Corporation  
(AZP Holding Company)  
(Arizona Public Service Company)  
Portland General Corporation  
(Portland General Electric Company)  
Public Service Company of Colorado  
Public Service Company of New Hampshire  
Public Service Company of New Mexico  
Public Service Enterprise Group  
(Public Service Electric & Gas Company)  
Puget Sound Power & Light Company  
\*Riverside Public Utilities, CA  
Rochester Gas & Electric Corporation  
\*Sacramento Municipal Utility District  
Salt River Project Agricultural  
Improvement & Power District

Saluda River Electric Cooperative  
\*San Antonio Public Service Board, TX  
San Diego Gas & Electric Company  
Scana Corp.  
    (South Carolina Electric & Gas Co.)  
Seminole Electric Cooperative, Inc.  
South Carolina Electric & Gas Co.  
South Carolina Public Service Authority  
South Mississippi Electric Power  
    Association  
SCE Corporation  
    (Southern California Edison Company)  
\*Southern California Public Power Authority  
    Southern Company  
    Southern Nuclear Operating Company, Inc.  
    Soyland Power Cooperative, Inc.  
    System Energy Resources, Inc.  
\*Tallahassee Electric Dept., FL  
\*Taunton Municipal Lighting Plant, MA  
Tennessee Valley Authority  
TU Electric  
    (Dallas Power & Light Co.)  
    (Texas Electric Service Company)  
    (Texas Power & Light Company)  
Texas Utilities Electric Company  
\*\*Unicom (CeCo Holding Co.; Commonwealth Edison Co.)  
Union Electric Company  
United Illuminating Company  
Unitil Corporation  
Vermont Electric Generation &  
    Transmission Cooperative, Inc.  
Vermont Yankee Nuclear Power Corp.  
Washington Public Power Supply System  
    (WPPSS)  
Washington Water Power Company  
Western Massachusetts Electric Co.  
WP&L Holdings  
    (Wisconsin Power and Light Co.)  
Wisconsin Energy Corp.  
    (Wisconsin Electric Power Co.)  
WPS Resources Corporation  
    (Wisconsin Public Service Corporation)  
Wolf Creek Nuclear Operating Corporation  
Yankee Atomic Electric Company

2. Manufacturers/Vendors of Power or Test Reactors

ABB Atom, Inc. (Combustion Engineering)  
ASEA Brown Boveri (Combustion Engineering)  
General Electric  
McDermott Corp. (Babcock & Wilcox)  
Neal Blue, Inc. (Blue Family Group)  
(General Atomics Technologies)  
Offshore Power Systems  
Westinghouse

3. Architectural Engineering Companies

Bechtel  
Black & Veatch  
Brown Boveri  
Burns & Roe  
C.F. Braun  
Duke Engineering Services  
Dravo Corporation (Gibbs & Hill)  
Ensearch (Ebasco)  
Gilbert Associates/Commonwealth Companies  
Halliburton (Brown & Root)  
Raytheon Corporation (United Engineers &  
Constructors)  
Sargeant & Lundy  
Southern Services Co.  
Stone & Webster

4. Fuel Cycle Applicants and Licensees

ABB Atom, Inc. (Combustion Engineering)  
Allied Signal  
American Ecology, Inc. (U.S. Ecology)  
American Nuclear Corp.  
Atlas Corp. (Atlas Minerals)  
Cabot Corporation  
CEGB America, Inc.  
COGEMA USA (Pathfinder Mines Corp.)  
Energy Fuels Nuclear, Inc.  
Envirocare of Utah  
Everest Mineral Corp.  
Fansteel, Inc.  
Ferrett Exploration Co., Inc.  
Fluor Corp.  
Foster Wheeler (FW Applications, Inc.)  
General Atomics Technologies Corp.  
(Sequoyah Fuels Corp.)  
General Electric Company  
General Nuclear Systems, Inc.  
Holtech Corporation  
Homestake Mining Co.

Kaiser Aluminum Specialty Products  
Kennecott Uranium Corporation  
Louisiana Energy Services  
Mallinckrodt, Inc.  
McDermott (Babcock and Wilcox)  
Molycorp, Inc.  
Neal Blue Inc. (Blue Family Group)(General Atomics)  
(Sequoyah Holding Co.)(Sequoyah Fuels Corp.)  
NFS Services, LTD (Nuclear Fuel Services, Inc.)  
Nuclear Assurance Corp.  
Nuclear Packaging  
Packaging Technology  
Plateau Resources  
Power Resources, Inc.  
RIO Algom Corp. (Quivera, RIO Algom Mining Co.)  
Scientific Ecology Group, Inc.  
Shieldalloy Corporation  
Siemens Capital Corp. (U.S. affil. of Kraftwerk Union AG, FRG)  
Siemens, West Germany  
\*\*Sierra Nuclear Corporation (Pacific Sierra Nuclear Associates)  
Total Minerals Corporation  
Transnuclear, Inc.  
Umetco Minerals Corporation  
UNC Resources  
UNC Incorporated (United Nuclear Corporation)  
US Ecology  
United States Enrichment Corporation  
Uranerz U.S.A. Inc.  
Uranium Resources, Inc. (Hydro Resources, Inc.)  
Urenco, Ltd.  
US Ecology  
Waste Management, Inc. (Chem Nuclear)  
Westinghouse

5. Energy or Utility Sector Mutual Funds \*\*\*

AAL Utilities Fund  
ABT Utility Income Fund, Inc.  
America's Utility Fund, Inc.  
Benham Utilities Income Fund  
Colonial Utilities Fund  
Dean Witter Utilities Fund  
Dean Witter Variable Investment Services--Utility Series  
Flagship Utility Income Fund (Corporate Cash Management Fund)  
Franklin Utilities Fund

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\*\*\* NOTE: This list was based on a recent OGC review of mutual fund prospectuses. Because the assets of a fund change, employees should contact OGC if a fund listed above holds less than 25% of its assets in prohibited securities.



Merrill Lynch Utility Income Fund, Inc.  
Paine Webber Utility Income Fund  
Prudential Utility Fund, Inc.  
Putnam Utilities Growth and Income Fund  
Smith Barney Fund, Inc.  
Vanguard Utilities Income Portfolio  
Van Kampen American Merrit Utility

**Appendix K**  
**BankCard Procedures**

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I. PURPOSE OF PROCEDURES

To provide participants in the Nuclear Regulatory Commission's (NRC) Government BankCard Program with instructions for the proper use of the BankCard as an alternative method for small purchase orders \$2,500<sup>1</sup> and under.

II. DEFINITIONS

A. General Services Administration

The GSA's Federal Supply Service (FSS) has awarded a single award schedule contract (Federal Supply Schedule, Industrial Group 651, IG Class 6153) for Government-Wide Commercial Credit Card Service.

B. Contractor Bank

All references to the **contractor bank** are intended to mean the commercial banking institution that the GSA has selected as the contractor to administer the BankCard services for all of the Federal Government. The GSA has awarded an FSS contract for Government-Wide Commercial BankCard services to Rocky Mountain BankCard System (RMBCS), a subsidiary of Colorado National Bank. Under the contract, the RMBCS provides participating Federal agencies with its VISA International Merchant Purchase Authorization Card (I.M.P.A.C.).

C. BankCard

All references herein to **BankCard** refer to the commercial BankCard issued by the contractor bank.

D. Cardholder

The cardholder must be an NRC employee to whom a BankCard is issued. The BankCard bears this person's name and can only be used by the named individual for the purpose of making authorized U.S. Government purchases.

E. Delegation of Authority

A written "Delegation of Authority" will be issued by the Director, Division of Contracts, to the designated individual to appoint that individual as an authorized cardholder and to establish a single purchase limit up to \$2,500.

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<sup>1</sup>Procurement personnel in the Division of Contracts and the Regional Offices, with warrants, are authorized to make purchases up to the single purchase limitation of \$25,000.



F. Approving Official

The approving official is responsible for the review and approval of purchases made by assigned cardholders at the end of each billing cycle and must be a current, NRC employee. A cardholder cannot be his/her own approving official. An individual may not be an approving official for his/her supervisor.

G. Allowance Holder

Office Directors, Regional Administrators or other management officials delegated authority by the Director, Division of Budget and Analysis, Office of the Controller (OC), are allocated funds for use in implementing their program and administrative responsibilities. Such an official is referred to as an allowance holder. Regional Administrators and the Directors of the following offices are designated as allowance holders: NRR, NMSS, RES, AEGD, IRM, ADM, OP, and OIG. In addition, the Chief, Budget Planning, Analysis, and Operations Branch, Division of Budget and Analysis, is the allowance holder for OC.

H. Statements of Account

RMBCS will provide three statements at the end of NRC's billing cycle. The first statement is mailed to the cardholder. This is called a "Statement of Account" and delineates a listing of all items processed in the previous 30 days. The second statement is an approving official account summary which is mailed to the approving official and lists purchases made by each cardholder for whom he/she is responsible. The third statement is the official invoice sent to Division of Accounting and Finance, Office of the Controller (DAF/OC) summarizing purchases for all approving officials and cardholders assigned to each office.

I. Spending Limits

1. Single Purchase Limit: The maximum amount which a cardholder may spend in a single transaction. This limit is established by the allowance holder (or designee). The single purchase may consist of a number of items handled as one transaction, but cannot exceed the authorized single purchase limit, including freight and other costs. The single purchase limit for each cardholder is specified in the "Delegation of Authority" letter.

2. Thirty-Day Cardholder Limit: A 30-day spending limit is imposed on each cardholder's cumulative purchases in a given month. The 30-day dollar limit for each cardholder is established by each allowance holder (or designee) based on budget considerations. The 30-day limit is established at the time the cardholder account is set up and will be commensurate with their estimated usage.

3. Thirty-day Approving Official Limit: The combined authorized 30-day limit for all cardholders equals the 30-day limit for a given approving official. This limit will vary depending upon the number of cardholders assigned to an approving official.

J. Funds Certifying Official

Individual delegated authority to certify the availability of funds allocated to an NRC allowance holder. Certifying the availability of funds is the act of committing funds.

III. NRC RESPONSIBILITIES FOR BANKCARD PROGRAM

A. Office Directors and Regional Administrators

Determine and recommend individuals to serve as cardholders and approving officials from their organizations.

B. Director, Office of Administration

Serves as the senior Agency official for administration of the BankCard Program. Exercises oversight to assure that card assignments are appropriate and that cards are utilized in a prudent manner.

C. Director, Division of Accounting & Finance (DAF), Office of the Controller (OC)

Makes payment to the RMBCS within 30 calendar days of receipt of the statement in accordance with the provisions of the Prompt Payment Act, Public Law 97-177.

D. Director, Division of Contracts

1. Provides overall program direction and management of the BankCard program.
2. Issues "Delegation of Authority" letter (Attachment 1) to individuals named by Office Directors and Regional Administrators as cardholders.
3. Issues "Designation of Approving Official" letter (Attachment 2) to individuals named by Office Directors and Regional Administrators as approving officials.

E. Agency Program Coordinator (BankCard)

Coordinates all the day-to-day BankCard activities, including training and resolution of issues. Serves as the principal liaison with the GSA commercial credit card contractor.

IV. NRC PROGRAM PROCEDURES

A. Obtaining a BankCard

To obtain a BankCard, NRC Office Directors and Regional Administrators submit a request to the Director, ADM, identifying: (1) prospective cardholders, and approving officials and (2) each cardholder's single purchase limit and 30-day limit. The cardholder is an NRC employee to whom a credit card will be issued, and the approving official is the individual designated to verify and approve credit card purchases. Cardholders and approving officials must complete the Agency's "NRC Procedures for Use of the U.S. Government BankCard" training course. The APC will schedule training for prospective cardholders and approving official after receipt of the above request.

Upon completion of the required training, the Director, DC, will sign a "Delegation of Authority" memorandum to the prospective cardholder stating the cardholder's single purchase and 30-day limits. The Director, DC, will also issue a memorandum with the appropriate guidance to the cardholders' approving official as designated by the Office Director. The APC will make arrangements to provide the delegation and BankCard directly to the individual recipient.

B. Limitations on Purchases Using the BankCard

The BankCard was specially designed showing the great seal of the U.S. and the words "United States of America" imprinted on it to avoid being mistaken for a personal credit card. It is strictly for U.S. Government purchases. The BankCard will not be used for personal items or for identification for personal transactions even if reimbursement is intended.

The U.S. Government BankCard Program was developed to be as nonrestrictive as possible. Cardholders may use the BankCard for any purchase up to \$2,500 that would be authorized through normal small purchase procedures. However, regulations dictate that certain restrictions be imposed. The following items/services may not be purchased using a BankCard unless otherwise indicated:

1. janitorial, yard, or maintenance services (maintenance services are not to be confused with repair services for which the credit card may be used);
2. cash advances;
3. rental or lease of land, buildings, and motor vehicles;
4. purchase of telecommunications (telephone) services;
5. personal expense items such as transportation costs, meals, lodging expenses, telephone calls (except in emergency situations);
6. items \$300.00 and over that are available from a GSA mandatory source (list to be provided as part of training and includes items such as furniture, copying/printing equipment, televisions/videos, and office machines);
7. items for which delivery will exceed 30 days;
8. recruitment advertising, space for recruiting events and training except by **Office of Personnel cardholders only**;
9. tickets for unscheduled airline, bus, boat, or train travel except when no scheduled transportation is available, if funds specifically committed for travel are used;
10. repair services covered by an existing maintenance agreement;
11. items which the agency store or supply room normally stocks unless such items are out of stock or are not accessible to cardholder due to travel status or work site; and
12. FIP products except in accordance with the supplementary guidelines issued by IRM (**Attachment 3**).

C. Tax Exemption

The U.S. Government BankCard is embossed with the words "U.S. GOVERNMENT TAX EXEMPT." It is imperative that the cardholder remind the merchant before the purchase is made that the purchases are tax exempt. Cardholders will be provided a tax exemption certificate for use when making purchases with the BankCard.

D. Commitment of Funds Before Using BankCard

Each cardholder is responsible for ensuring that adequate funds have been committed prior to making each purchase. Making a purchase using the BankCard results in obligating NRC's funds. Prior to each purchase, the cardholder must assure that adequate committed funds are available for the purpose of the purchase. Other purchase restrictions are contained in Sections E and F.

A "blanket" commitment of funds may be made by a funds certifying official (FCO) for a category of purchases which will fall under a unique combination of the following accounting classifications: Budget Fiscal Year (BFY), Budget and Reporting Number (B&R), Job Code, and Budget Object Classification (BOC). The FCO makes such a commitment by certifying funds availability on NRC Form 30, "Request For Administrative Services" or an equivalent document. The cardholder is responsible for maintaining a log of purchase transactions made against the blanket commitment and a balance of committed funds which have not yet been used for purchases. The cardholder may not make purchases in excess of amounts certified as available. If a purchase is to be made which falls within the guidelines for permissible BankCard purchases but which will require different accounting classifications than those used on any blanket commitments, the cardholder must obtain a separate certification of funds under the proposed accounting classifications. For example, if funds have been committed only for the purchase of office supplies under BOC 2610, "Office and Stationery Supplies," the cardholder would have to obtain a new certification of funds from the FCO before making a purchase for furniture which is chargeable to BOC 3121, "Furniture and Fixtures -Non-Capitalized."

E. Making Over-the-Counter Purchases

1. Determine that the purchase is permissible and the price is fair and reasonable (e.g., current catalog or price lists, advertisements, or any other reasonable basis). Ask for Government discount prices that may be available. Inform the vendor that the purchase is tax exempt.
2. Provide the vendor with the ship-to address (for warehouse delivery see Section F, "Telephone Ordering Procedures," Item No. 2).
3. Verify that the dollar amount on the sales receipt is correct and that no sales tax has been included before signing and dating it.



4. Retain a copy of the charge slips and/or record the purchase on the "NRC BankCard Log," see Section G.

F. Telephone Ordering Procedures

1. Determine that the purchase is permissible and the price is fair and reasonable. Ask for Government discount prices that may be available. Ensure that shipping cost, if applicable, are included in the price. Inform the vendor that the purchase is tax exempt.
2. If warehouse delivery is required, instruct the vendor to mark the shipping label/packing slip as follows:
  - NRC BANKCARD (CARDHOLDER'S LAST NAME/  
ROOM AND BUILDING NUMBER)  
5000 Boiling Brook Parkway  
Rockville, MD 20852  
(Regions will provide their own delivery address)Inform the vendor that the warehouse receiving hours are Monday - Friday, 7:15 AM to 3:45 PM.
3. Provide the vendor with the your name, telephone number, and BankCard number.
4. Instruct the vendor to send the customer copy of the sales draft to your NRC office address.
5. Confirm that the vendor agrees to reflect appropriate BankCard account information on the shipping/receiving report when shipment is made so that receipt of the supplies may reconciled against the monthly "Statement of Account."
6. Record the purchase in the "NRC BankCard Log."

G. Maintaining the "NRC BankCard Log"

Cardholders should prepare the "NRC BankCard Log" (Attachment 4) or similar record of purchase for reconciliation against the "Statement of Account" at the end of the billing cycle. The cardholder shall:

1. Record all purchases for the billing period from start to finish.
2. Complete all the columns of the Log for each individual BankCard transaction. Note: "Office Supplies" is an incomplete description; some detail of items purchased is required.

3. Sign and date the log and submit the original to the approving official for his/her review and approval at the end of the billing cycle.
4. The cardholder will retain a copy of the "NRC BankCard Log" for reconciliation with the cardholder's "Statement of Account."

H. Payment Features

The billing cycle assigned by the GSA commercial credit card contractor to NRC runs from the 14th of the month through the 13th of the following month. Within five (5) working days of the end of the billing cycle, the contractor will send "Statements of Account" to (i) the cardholder, (ii) the approving official, and (iii) the Director, DAF/OC.

The DAF/OC will pay the bill after verifying the charges against each cardholder's "Statement of Account," which the approving official forwards to DAF/OC at the end of the monthly billing cycle. At the time the obligation is processed, the corresponding BankCard commitment is reduced by the same amount in NRC's accounting system.

The cardholder makes no direct payment to the bank. All NRC bills are consolidated into a single invoice by the contractor bank and sent for payment to the NRC's DAF/OC. Cardholders must certify on their individual "Statements of Account" that the item(s) ordered have been received and the charges are correct for payment, or show the charge as a disputed item.

BankCards and "Statements of Account" are mailed to the cardholder's NRC office. The contractor bank will have no record of the cardholder's home address, personal credit history, or social security number.

The BankCard may be used for official U.S. Government purchases overseas. However, the cardholder should first verify with the vendor if additional fees will be charged. If additional fees are charged, the card should not be used.

I. The Statement of Account

Upon Receipt of the "Statement of Account," the CARDHOLDERS shall:

1. Review the "Statement of Account" for accuracy. Reconcile the "Statement of Account" against the "NRC BankCard Log" for the appropriate month. No entries are needed for the administrative fee block.
2. Fill in the appropriate commitment document number-BFY-Job Code-BOC in the accounting code block. If the codes are the

same for every purchase on the statement, you may fill in the first entry and write "same" in the subsequent accounting code blocks.

3. Attach the customer copy of the charge slip (unless a telephone order was made) to the "Statement of Account."
4. Sign and forward, the original "Statement of Account" and "NRC BankCard Log" receipts, and any other necessary documentation ("I.M.P.A.C. Program Cardholder Statement of Questioned Item" form, credit vouchers) to the approving official within five (5) working days of receipt from the contractor bank.

5. Other Responsibilities

a. Item(s) Not on Statement

Retain the customer copy of the BankCard charge slip and the vendor invoice until it appears on the "Statement of Account."

b. Lost Charge Slip

If the customer copy of the BankCard charge slip is not available to send with the statement, mark the word "Lost" in the space marked "Date of Purchase" and attach an explanation.

c. Absence of Cardholder

If a cardholder will not be available to sign the "Statement of Account" because of leave or travel, s/he must forward the "NRC BankCard Log" and all copies of the sales drafts to the approving official. Once the "Statement of Account" is approved, the approving official will send a copy of the cardholder statement plus the attachments to DAF/OC.

Upon Receipt of Statement of Account from Cardholder, the APPROVING OFFICIAL shall:

1. Review and certify the cardholder's "Statement of Account" against the approving official's composite statement received directly from the GSA commercial credit card contractor to ensure that the statement is proper for payment, including certification that all purchases were made in accordance with these procedures.
2. Sign and date the "Statement of Account." If serving in an acting capacity, please state this, and show the name of the approving official of record.

3. Forward each cardholder's "Statement of Account," customer copy of receipts, and "Cardholder Statement of Questioned Item" form or credit voucher to DAF/OC within ten (10) working days after receipt of the statements from the GSA commercial credit card contractor.
4. Send all cardholders' documentation on time. If one or two cardholders are delayed in forwarding their "Statements of Account" for approving official verification, do not wait for the delayed statements.
5. Retain the approving official composite statement and the cardholder's "NRC BankCard Log" for three (3) years after the approval of the billing.

J. Changing Account Information

1. Change in Name, Address, or Spending Limit: To change account information (e.g., increase or decrease spending limits, change names or addresses), the approving official can request the change in writing to the APC. A copy of the transmittal memorandum signed by the allowance holder (or designee) must be sent to the Director, ADM, when an increase or decrease in the spending limit is involved. Emergency requests to the GSA commercial credit card contractor from the APC to raise the limit on a temporary basis can be handled by telephone or electronic mail.
2. Departure or Transfer of BankCard Holders: If a cardholder or approving official leaves the Agency, or is transferred to a position of different responsibilities, that individual must send his/her change in writing to the Director, DC, or designee with the cardholder's BankCard cut in half. The Director, DC, or designee will cancel the cardholder's delegation of authority or approving official's designation, note any destroyed card and forward the account maintenance form to the GSA commercial credit card contractor.

K. Safeguarding BankCards

When not being used, BankCards should be safeguarded as would personal cash or a personal credit card. It is the responsibility of the cardholder to assure that the Bankcard is not accessible to others for use. When not being carried for use, the Bankcard may be inconspicuously stored in a locked pedestal or standing file cabinet if a GSA-approved security container or cabinet with a locking bar and combination lock is not readily available. If a filing cabinet is used, appropriate precautions regarding the availability of keys should be taken and the security of the Bankcard routinely checked.

If any BankCard is lost or stolen, immediately notify the contractor bank, approving official, and the APC. This notification will exempt the cardholder from any personal liability as a result of unauthorized use of the BankCard. The GSA commercial credit card contractor may be reached 24 hours a day, 7 days a week, at:

Inside the Continental U.S.: 1-800-227-6736

Outside the Continental U.S.: 303-620-7328

Provide the following to your approving official and APC:

1. cardholder's complete name;
2. card number;
3. date and location of loss;
4. if stolen, date reported to police;
5. date and time contractor was notified;
6. any purchase(s) made on the day card was lost or stolen;
7. new card mailed within two (2) working days after reported loss or stolen.

Any lost or stolen BankCard should also be reported to the DSEC/ADM.

L. Use of the Bankcard Resulting in Fraud, Waste, or Abuse

If an individual knowingly uses the credit card for unauthorized purposes, such action may be considered an attempt to commit fraud against the U.S. Government and may result in immediate cancellation of the card and disciplinary action against the cardholder. The cardholder may be personally liable to the Government for the amount of the unauthorized purchases and may be subject to a fine of not more than \$10,000 or imprisonment for not more than five (5) years, or both, under 18 U.S.C. 287.

M. Agency Contact for Guidance on Credit Card Use and Administration

Questions regarding use and administration of the credit card should be directed to the designated APC, Vicki Gladhill at 415-6519.





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

Attachment 1

MEMORANDUM TO: (Cardholder's Name)  
(Cardholder's Office)

FROM: Edward L. Halman, Director  
Division of Contracts  
Office of Administration

SUBJECT: DELEGATION OF AUTHORITY FOR USE OF THE U.S.  
GOVERNMENT BANKCARD

Pursuant to the authority granted me in Management Directive 9.21, dated May 26, 1993, (formerly Manual Chapter 0133), you are delegated authority to make purchases with the use of a credit card issued through a GSA-administered contract with Rocky Mountain BankCard System, or its successor. You will be issued a BankCard with your name and account number embossed on it.

This delegation is effective upon receipt of your personal BankCard. Your use of this card will be subject to periodic review to ensure compliance with applicable laws and regulations referenced in "The NRC Procedures for Use of the U.S. Government BankCard" provided to you during the required training course for cardholders.

An approving official will be named to be responsible for the review and approval of all purchases made by you under this delegation. This review will be accomplished on a monthly basis and will cover purchases already made by you. Identified below are your dollar limits for single purchases and for total purchases over a 30-day period, as determined by your office or region.

Your single purchase may not exceed:	Your 30-day purchasing limit is:	Your approving official is:

When you receive your credit card, you must follow the instructions sent with your card. Please acknowledge receipt by telephoning Rocky Mountain BankCard System at 1-800-227-6736. This will activate your account.

This delegation will terminate upon your separation from the agency or upon reassignment to another office within the NRC. Before you leave your current position, you must submit a "I.M.P.A.C. Procurement Program Cardholder Account Maintenance" form, with your credit card, to the Agency Program Coordinator, Ms. Vicki Gladhill, Mail Stop T-712, in order to cancel your account.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

Attachment 2

MEMORANDUM TO: (Approving Official's Name and Title)  
(Approving Official's Branch and Division)  
(Approving Official's Office or Region)

FROM: Edward L. Halman, Director  
Division of Contracts  
Office of Administration

SUBJECT: DESIGNATION OF APPROVING OFFICIAL

You are hereby designated as the approving official for the employees listed below who are being issued a U.S. Government BankCard. This designation is to be used in accordance with "The NRC Procedures for Use of the U.S. Government BankCard" issued to you during the required training course for prospective approving officials.

As an approving official, you must review each cardholder's "Statement of Account" at the end of the billing cycle to verify that all expenditures were for official reasons and have your approval. Please ensure that the cardholder has included the correct commitment document numbers, i.e., Budget Fiscal Year (BFY), Budget and Reporting Number (B&R), Job Code and Budget Object Classification (BOC) in the accounting code block on the Statement of Account. Sign, date and forward the "Statement of Account" with any necessary attachments to the Division of Accounting and Finance, Office of the Controller, within ten (10) working days of its receipt by the cardholder from Rocky Mountain BankCard System. Retain the original "NRC BankCard Log" for your records.

Your 30-day limit, a list of current cardholders and their related 30-day limits, and the alternate approving official, if named, are listed below. If you have a question on this program that is not answered in "The NRC Procedures for Use of the U.S. Government BankCard," you should contact Ms. Vicki Gladhill, Agency Program Coordinator, on (301) 415-6519 or me on (301) 415-7305.

Approving Official 30-day limit	Cardholder/30-day limit	Alternate Approving Official

cc: P. J. Rabideau  
Allotment Financial Manager  
Alternate Approving Official

### Guidelines and Procedures for Acquisition of FIP Resources Using Bankcards

The following restrictions apply to the use of Bankcards by Headquarters Offices (other than IRM)<sup>1</sup> for the acquisition of Federal Information Processing (FIP) resources:

- 1) FIP support services that duplicate services provided by IRM may not be acquired. Support services provided by IRM that may not be duplicated through Office Bankcard purchases include applications system software development and maintenance, hardware installation and maintenance, and network and telecommunications services.
- 2) Network-related equipment and software may not be acquired. This means network hardware including network interface cards, workstation operating system software (such as DOS and Windows) and any software that must be installed on a LAN server (including network versions of applications software, network operating system and communications software) may not be acquired.
- 3) FIP acquisitions will be limited to \$2,500 per purchase.
- 4) Any hardware acquired at a cost of more than \$100 must be purchased for installation within existing equipment.

Acquisition of minor peripherals such as mice and trackballs (which generally cost less than \$100) and components such as video boards, memory, hard disks, and CD-ROM drives to be installed in existing equipment would be permitted (even if they cost more than \$100).

The acquisition of computer systems and significant external peripherals such as monitors, printers, scanners, would not be permitted. IRM will acquire computer systems and significant external peripherals using contracts, purchase orders, and Bankcard purchases as appropriate.

IRM and Office roles and responsibilities when using Bankcards for the acquisition of FIP resources:

- 1) Offices will be responsible for assessing the need for equipment and software purchased through the Bankcard program and for controlling its location and use.

Upon initiation of the Bankcard program IRM will provide Headquarters Offices with a listing of their current software inventory. Offices will be responsible for maintaining information on what software they have as necessary for their operations and planning purposes. IRM will not require that Offices continue IRM's current practice of assigning a unique control number to each software package.

- 2) All FIP Office Bankcard purchases must be approved by the Office's SIRMO or Alternate SIRMO.

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<sup>1</sup>Regional Offices may exceed these restrictions; however, for acquisitions that exceed these restrictions the Office must submit a requisition to IRM for approval before making the bankcard purchase (as is done currently for Regional Office FIP purchase).



## Exhibits

- Exhibit 1 SF 52 - Request for Personnel Action
- Exhibit 2 NRC 351 - SES Performance Plan and Appraisal
- Exhibit 3 NRC 412A - Non-SES Performance Appraisal System Performance Plan
- Exhibit 4 NRC 412 - Non-SES Performance Plan and Appraisal System Summary Rating
- Exhibit 5 NRC 363 - Employee Suggestion
- Exhibit 6 CA 1 - Workman's Compensation Forms (injuries)
- Exhibit 7 CA 2 - Workman's Compensation Forms (Illness)
- Exhibit 8 NRC 704 - Time and Attendance
- Exhibit 9 SF 71 - Application for Leave
- Exhibit 10 NRC 328 - Request for Annual Leave Restoration Based on Exigency of Public Business
- Exhibit 11 NRC 145 - Request and Authorization for Irregular or Occasional Overtime or Compensatory Time
- Exhibit 12 NRC 704B - Time and Attendance used for Additions or Corrections to Previously Submitted Data
- Exhibit 13 NRC 35 - Records Transfers
- Exhibit 14 Manpower Sheets
- Exhibit 15 NRC 368 - Training Request and Authorization
- Exhibit 16 NRC 368A - Evaluation of Training
- Exhibit 17 Consultant Request
- Exhibit 18 OF 306 - Declaration for Federal Employment



## Exhibits

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- Exhibit 2 NRC 351 - SES Performance Plan and Appraisal
- Exhibit 3 NRC 412A - Non-SES Performance Appraisal System Performance Plan
- Exhibit 4 NRC 412 - Non-SES Performance Plan and Appraisal System Summary Rating
- Exhibit 5 NRC 363 - Employee Suggestion
- Exhibit 6 CA 1 - Workman's Compensation Forms (Injuries)
- Exhibit 7 CA 2 - Workman's Compensation Forms (Illness)
- Exhibit 8 NRC 704 - Time and Attendance
- Exhibit 9 SF 71 - Application for Leave
- Exhibit 10 NRC 328 - Request for Annual Leave Restoration Based on Exigency of Public Business
- Exhibit 11 NRC 145 - Request and Authorization for Irregular or Occasional Overtime or Compensatory Time
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- Exhibit 13 NRC 35 - Records Transfers
- Exhibit 14 Manpower Sheets
- Exhibit 15 NRC 368 - Training Request and Authorization
- Exhibit 16 NRC 368A - Evaluation of Training
- Exhibit 17 Consultant Request
- Exhibit 18 OF 306 - Declaration for Federal Employment

- Exhibit 19           OF 612 - Optional Application for Federal Employment
- Exhibit 20           SF 450 - Security Forms Package
- Exhibit 21           NRC 448 - Request for Appointment of Consultant, Expert, or Member
- Exhibit 22           NRC 236 - Personnel Security Clearance Request and Notification
- Exhibit 23           145 B - Security Waiver Memo
- Exhibit 24           NRC 173 - Standard Work Order for DOE Work
- Exhibit 25           Form 30 - Request for Administrative Service (Purchase Orders)
- Exhibit 26           SF 278 - Public Financial Disclosure Reports
- Exhibit 27           NRC 445 - Foreign Travel
- Exhibit 28           NRC 279 - Official Travel Authorization
- Exhibit 29           NRC 64 - Travel Vouchers
- Exhibit 30           SF 1164 - Claims for Reimbursement for Expenditures on Official Business
- Exhibit 31           NRC 119 - Custodial Receipt for Sensitive Personnel Property
- Exhibit 32           NRC 400 - Request for Procurement Action
- Exhibit 33           Request Form for Use of Video Teleconference Equipment
- Exhibit 34           NRC 527 - Request for Purchase Using ACRS/ACNW Government-Issued Visa BankCard
- Exhibit 35           NRC 527 - NRC BankCard Log
- Exhibit 36           Request for the Following Item(s)/Service(s)

- Exhibit 37 SF 1034 - Public Voucher for Purchases and Services Other Than Personal
- Exhibit 38 SF 86 - Questionnaire for Sensitive Positions (Part I and II)
- Exhibit 39 SF 87 - Federal Employees Fingerprint Cards
- Exhibit 40 NRC 176 - Security Acknowledgement
- Exhibit 41 OF 510 - Applying for a Federal Job
- Exhibit 42 NRC 89 - Photo Badge Request
- Exhibit 43 NRC 217 - Lost Badge Report
- Exhibit 44 NRC 466 - Property Pass
- Exhibit 45 NRC 420 - Request for Premium Cost Mail Service

**Exhibit 1**  
**SF 52 - Request for Personnel Action**

# REQUEST FOR PERSONNEL ACTION

## PART A - Requesting Office (Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)

1. Actions Requested	2. Request Number
3. For Additional Information Call (Name and Telephone Number)	4. Proposed Effective Date
5. Action Requested By (Typed Name, Title, Signature, and Request Date)	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date)

## PART B - For Preparation of SF 50 (Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
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### FIRST ACTION

5-A. Code 5-B. Nature of Action

5-C. Code 5-D. Legal Authority

5-E. Code 5-F. Legal Authority

### SECOND ACTION

6-A. Code 6-B. Nature of Action

6-C. Code 6-D. Legal Authority

6-E. Code 6-F. Legal Authority

7. FROM: Position Title and Number

15. TO: Position Title and Number

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
-------------	--------------	--------------------	------------------	------------------	---------------	--------------	---------------	--------------------	------------------	------------------------	---------------

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
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14. Name and Location of Position's Organization

22. Name and Location of Position's Organization

### EMPLOYEE DATA

23. Veterans Preference 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%	24. Tenure 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite	25. Agency Use	26. Veterans Preference for A/F YES NO
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27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
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30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period
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### POSITION DATA

34. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved	35. FLSA Category E - Exempt N - Nonexempt	36. Appropriation Code	37. Bargaining Unit Status
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38. Duty Station Code 39. Duty Station (City-County-State or Overseas Location)

40. Agency Data	41.	42.	43.	44.
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45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship 1 - USA 8 - Other	50. Veterans Status	51. Supervisor Status
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## PART C--Reviews and Approvals (Not to be used by requesting office.)

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature	Approval Date
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**PART D--Remarks by Requesting Office**

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement?  
If "YES", please state these facts on a separate sheet and attach to SF 52.)

YES  NO

**PART E--Employee Resignation/Retirement**

**Privacy Act Statement**

You are requested to furnish a specific reason for your resignation or retirement and forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations

with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day--midnight--unless you specify otherwise.)

2. Effective Date    3. Your Signature    4. Date Signed    5. Forwarding Address (Number, Street, City, State, ZIP Code)

**PART F--Remarks for SF 50**

**Exhibit 2**  
**NRC 351 - SES Performance Plan and Appraisal**

RATING PERIOD

**SENIOR EXECUTIVE SERVICE (SES)  
PERFORMANCE PLAN AND APPRAISAL**

FROM

TO

SENIOR EXECUTIVE -- TYPED NAME (LAST, FIRST, MIDDLE INITIAL)

ORGANIZATION

SENIOR EXECUTIVE -- TITLE

CAREER APPOINTEE

ES LEVEL

YES

NO

ES

**PART I -- PERFORMANCE PLANNING**

Establish/communicate performance plan elements and standards to the SES member at the beginning of the appraisal period. Provide Part I information. Review Part III Elements and Standards and provide specific Program Goals (Critical Element I), Subelements, and Standards (up to three Subelements). It is optional to add one Subelement/Standard to Critical Element III, if applicable.

**1. APPROVALS FOR PERFORMANCE PLAN -- ELEMENTS AND STANDARDS**  
*(To be completed at the beginning of the rating period)*

SUPERVISING EXECUTIVE -- TYPED NAME, TITLE, AND ORGANIZATION

SIGNATURE

DATE

SES MEMBER -- TYPED NAME AND TITLE

*(ACKNOWLEDGES RECEIPT OF THE PLAN - DOES NOT NECESSARILY AGREE)*

SIGNATURE

DATE

**2. REVIEW/APPROVAL OF PERFORMANCE PLAN (OFFICE DIRECTOR/REGIONAL ADMINISTRATOR OR DESIGNEE)**

SECOND-LEVEL APPROVAL -- TYPED NAME, TITLE AND ORGANIZATION

SIGNATURE

DATE

**3. MIDYEAR PROGRESS REVIEW**  
*(TO BE COMPLETED AFTER THE REVIEW)*

SIGNATURE -- SUPERVISOR

DATE

SIGNATURE -- EMPLOYEE

DATE

## PART II -- PERFORMANCE APPRAISAL SUMMARY

### SUMMARY PERFORMANCE RATING DEFINITIONS

#### INSTRUCTIONS

Supervising Official should review elements and standards described in Part III. Transfer summary rating in III-3 to Part IIA and indicate appropriate pay level/award recommendation. Item B below should be completed only in offices where there are second-level supervisors below the Office Director level.

#### FULLY SUCCESSFUL (FS)

Job performance ranges from consistently meets to exceeds that expected as described in the performance standards at the Fully Successful level. For the summary rating, the Senior Executive performed at an overall Fully Successful level. Exceptional performance within this range is documented through subelement ratings evaluated at the "Exceeds" level.

#### MINIMALLY SATISFACTORY (M)

Job performance occasionally was less than that expected in the performance standards. For the summary rating, the Senior Executive performed at a minimally satisfactory level, has been rated minimally satisfactory in at least one critical element, with no other element of a lower rating.

#### UNSATISFACTORY (U)

Job performance was normally below that expected in the performance standards. For the summary rating, the Senior Executive performed at an unsatisfactory level, if rated unsatisfactory in one or more critical elements.

### SUBELEMENT PERFORMANCE RATING DEFINITIONS

#### INSTRUCTIONS

Performance in each subelement is rated against the performance standard and is assigned a value according to the definitions listed below. The subelement ratings for each critical element in Part III. The critical element and summary performance ratings defined above (FS, M, U) are derived from the subelement ratings. Minimally satisfactory and unsatisfactory ratings must be justified in writing.

#### **Meets**

This rating describes performance in the subelement that meets the fully successful performance level. Because a high level of performance is expected of all NRC senior executives, this is the appropriate rating for most NRC executives.

#### **Exceeds**

This rating indicates an exceptional performance in the subelement that substantially exceeds the midpoint of the fully successful performance range.

#### **Does Not Meet**

This rating describes performance in the subelement that does not meet the fully successful performance level described in the performance standard. This rating is generally assigned to those in the minimally satisfactory through unsatisfactory performance range.

SENIOR EXECUTIVE -- TYPED NAME (LAST, FIRST, MIDDLE INITIAL)	ORGANIZATION	ES LEVEL
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**PART II -- PERFORMANCE APPRAISAL SUMMARY**

**INSTRUCTIONS:**

Order of review and signature follows the order/steps shown on the form.  
Summary rating is taken from Part III, 3.

	SUMMARY			PAY LEVEL		AWARD RECOMMENDED			PLACEMENT		SIGNATURE	DATE
	FS	M	U	FROM ES	TO ES	NO	YES	AMOUNT	REASSIGN	REMOVE		
A. STEP 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	SUPERVISING EXECUTIVE	
B. STEP 2	(OPTIONAL -- SEE INSTRUCTIONS)										SECOND-LEVEL SUPERVISOR	

A copy of this form was provided to the SES Member on \_\_\_\_\_ Date \_\_\_\_\_

**C. STEP 3 SENIOR EXECUTIVE SERVICE MEMBER**

SENIOR EXECUTIVE: (Complete this step and return this appraisal to your supervisor/second-level supervisor within 5 workdays.) I have reviewed and discussed my performance appraisal with my supervisor/second level supervisor. My signature does not imply that I agree with the appraisal or rating. (Return to Supervising Executive if rating is acceptable and no independent review is requested.)

**INDEPENDENT REVIEW**

REQUESTED       NOT REQUESTED

YES, I DO WISH TO SUBMIT WRITTEN COMMENTS TO THE PERFORMANCE REVIEW BOARD (5 working days from date of receipt).

NO, I DO NOT WISH TO SUBMIT WRITTEN COMMENTS TO THE PERFORMANCE REVIEW BOARD.

SIGNATURE -- SES MEMBER \_\_\_\_\_

DATE \_\_\_\_\_

INDEPENDENT REVIEWER COMMENTS ATTACHED  YES  NO

(COMPLETE IF INDEPENDENT REVIEW IS REQUESTED)

D. STEP 4	RATING			PAY LEVEL		AWARD RECOMMENDED			PLACEMENT		SIGNATURE	DATE
	FS	M	U	FROM ES	TO ES	NO	YES	AMOUNT	REASSIGN	REMOVE		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	INDEPENDENT REVIEWER (If applicable)	

RANKING OFFICIAL  AGREES  DISAGREES WITH THE SUMMARY RATING

E. STEP 5	RATING			PAY LEVEL		AWARD RECOMMENDED			PLACEMENT		SIGNATURE	DATE
	FS	M	U	FROM ES	TO ES	NO	YES	AMOUNT	REASSIGN	REMOVE		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	RANKING OFFICIAL	

THE PRB HAS REVIEWED THE DOCUMENTATION SUBMITTED, AND  AGREES  DISAGREES WITH THE SUMMARY RATING RECOMMENDATIONS

F. STEP 6	RATING			PAY LEVEL		AWARD RECOMMENDED			PLACEMENT		SIGNATURE	DATE
	FS	M	U	FROM ES	TO ES	NO	YES	AMOUNT	REASSIGN	REMOVE		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	PERFORMANCE REVIEW BOARD	

G. STEP 7	RATING			PAY LEVEL		AWARD RECOMMENDED			PLACEMENT		SIGNATURE	DATE
	FS	M	U	FROM ES	TO ES	NO	YES	AMOUNT	REASSIGN	REMOVE		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	APPOINTING AUTHORITY (If other than Awarding Authority)	

H. STEP 8	RATING			PAY LEVEL		AWARD RECOMMENDED			PLACEMENT		SIGNATURE	DATE
	FS	M	U	FROM ES	TO ES	NO	YES	AMOUNT	REASSIGN	REMOVE		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	AWARDING AUTHORITY (Final Decision)	



COMMENTS AND NARRATIVE JUSTIFICATIONS

- I. Narrative Comments and Justifications by the Supervising Executive.  
Describe achievements and areas for improvement for each of the critical elements. Include overall assessment of the magnitude of the job, particularly with respect to supervisory and funding responsibilities, training and development needs, and management succession plans, where appropriate. (Additional pages may be used.)

Achievements:

Area for Improvement:

- J. Applicable Comments by the Second-level Supervisor, Ranking Official, PRB, Appointing Authority, or Awarding Authority.

**PART III -- ELEMENTS AND STANDARDS**

INSTRUCTIONS: Supervising Executive should assess the SES Member's achievement of the elements described against the stated performance standards. For each critical element in III-1, check the level of achievement (exceeds, meets, does not meet) for each subelement, then provide a summary rating for the element by checking the appropriate box. Transfer the III-1 summary ratings for each critical element to the summary evaluation boxes in III-2. Make an assessment and provide narrative justification for the summary evaluation of the critical elements in III-2. Based on the evaluation of the critical elements, make your final summary for the SES Member's performance during the rating period by checking the appropriate box in III-3. When completed, this summary rating should be transferred to Part II-A.

**1. CRITICAL ELEMENTS EVALUATION**

**CRITICAL ELEMENT I -- ACHIEVEMENT OF PROGRAM GOALS**

**Achieves program goals, as listed below in accordance with the NRC Five-Year Plan and/or Office Operating Plan.**

SUBELEMENT A -- (Briefly describe Executive's specific responsibilities--what is done in carrying out Five-Year/Office Operating Plan Goals.)

**RATING FOR SUBELEMENT A**

- EXCEEDS
- MEETS
- DOES NOT MEET

**FULLY SUCCESSFUL PERFORMANCE STANDARD**

Manages with an understanding and perspective of agency-wide organizational goals and objectives. Supports other Offices/Regions in achieving Five-Year/Office Operating Plan goals. Meets stated goals and objectives within specified time frames and budget allocations. Where applicable, ensures the establishment, maintenance, and improvement of safety in achieving goals. Where appropriate, recognizes safety as a dominant responsibility in interactions with licensees and others. Keeps management informed of significant program initiatives, developments, and statuses.

SUBELEMENT B -- (Optional)

**RATING FOR SUBELEMENT B**

- EXCEEDS
- MEETS
- DOES NOT MEET

**FULLY SUCCESSFUL PERFORMANCE STANDARD**

SUBELEMENT C -- (Optional)

**RATING FOR SUBELEMENT C**

- EXCEEDS
- MEETS
- DOES NOT MEET

**FULLY SUCCESSFUL PERFORMANCE STANDARD**

**RATING FOR CRITICAL ELEMENT I**

- FULLY SATISFACTORY
- MINIMALLY SATISFACTORY
- UNSATISFACTORY

**PART III -- ELEMENTS AND STANDARDS (Continued)**

**1. CRITICAL ELEMENTS EVALUATION (Continued)**

**CRITICAL ELEMENT II -- MANAGEMENT EFFECTIVENESS**

Manages the organization in accordance with sound management principles as outlined below.

**SUBELEMENT A -- Program Management:** Plans and organizes work of Office. Develops policies and procedures to accomplish work. Develops program plans and milestones. Evaluates programs to anticipate or solve problems and takes corrective action.

**RATING FOR SUBELEMENT A**

- EXCEEDS
- MEETS
- DOES NOT MEET

**FULLY SUCCESSFUL PERFORMANCE STANDARD**

Sets long-term and short-term program objectives that are realistic and responsive to NRC/Office goals and priorities. Develops effective approaches for meeting NRC/Office objectives. Plans specific milestones to permit successful monitoring and control of program activities. Usually completes work by established deadlines. Uses monitoring and evaluation procedures to ensure outputs/products are timely and of good quality.

**SUBELEMENT B -- Human Resources Management:** Selects and develops staff. Appraises SES and non-SES staff, including all phases of the performance appraisal process. Supports EEO and Affirmative Action efforts and employment practices. Utilizes staff and manages FTE. Manages performance through awards system and corrective actions. Handles differing professional views and opinions. Complies with the merit system principals set forth under 5 U.S.C. 2301.

**RATING FOR SUBELEMENT B**

- EXCEEDS
- MEETS
- DOES NOT MEET

**FULLY SUCCESSFUL PERFORMANCE STANDARD**

Makes selections in a timely manner based on merit and affirmative action considerations. Adheres to EEO/Affirmative Action principles and merit system principals and objectives in human resources management. Supports training and developmental activities for staff. Appraises staff performance accurately and within prescribed time frames.

Uses appropriate rewards and takes corrective action as necessary. Utilizes staff and manages FTE efficiently and effectively. Handles differing professional views or opinions effectively according to approved guidelines and within authorized time limits.

**SUBELEMENT C -- Financial Management:** Responsible for submission of well-defined and thoroughly reviewed budgets; timely and authorized obligation and costing of provided funds; sound management of contracts and laboratory agreements; proper functioning of internal control systems; prevention of fraud, waste, and abuse of allotted funds including travel; and appropriate activities under the Chief Financial Officer's Act.

**RATING FOR SUBELEMENT C**

- EXCEEDS
- MEETS
- DOES NOT MEET

**FULLY SUCCESSFUL PERFORMANCE STANDARD**

Prepares realistic and timely budget requests and adequate justifications which consider fiscal constraints and programs priorities. Utilizes and manages funds efficiently and effectively with good financial management policies, practices, and procedures. Develops a spending and procurement plan well in advance of the beginning of the fiscal year so that allotted funds can be obligated in a timely manner. Ensures that no violations of the Anti-Deficiency Act occur due to certification of funds in excess of those allotted. Follows established procurement/contracting policies regarding appropriate negotiation and administration practices (including proper certification of availability of funds prior to obligation) and ensures that contractual effort supports agency priorities and costs are appropriate. Takes appropriate action to ensure prompt project closeout and recovery of excess obligations when work has been completed. Establishes and maintains effective and efficient management controls in administrative and program areas, conducts reviews that are sufficient to identify material and other weaknesses, and corrects identified weaknesses in a timely manner. Fully supports the agency's responsibilities under the Chief Financial Officer's Act.

**RATING FOR CRITICAL ELEMENT II**

- FULLY SATISFACTORY
- MINIMALLY SATISFACTORY
- UNSATISFACTORY

**PART III -- ELEMENTS AND STANDARDS (Continued)**

**1. CRITICAL ELEMENTS EVALUATION (Continued)**

**CRITICAL ELEMENT III -- INDIVIDUAL PERFORMANCE**

Accomplishes tasks through application of the following individual skills and abilities to achieve goals.

SUBELEMENT A -- Problem Solving and Initiative: Applies problem solving and initiative in developing, implementing, and carrying out program and management effectiveness goals. Demonstrates leadership skills in addressing specific problems and initiative and creativity in resolving problems and achieving desired results.

**RATING FOR SUBELEMENT A**

EXCEEDS

MEETS

DOES NOT MEET

**FULLY SUCCESSFUL PERFORMANCE STANDARD**

Within the bounds of policy and management guidance, moves forward in all areas of responsibility. Takes initiative in overcoming day-to-day problems, generally without referring them to higher management. Identifies and, where possible, corrects weaknesses in areas of responsibility. Recommends resolution of problems to his/her management which are beyond immediate authority to implement. Practices are generally consistent with the supervisor's philosophy, Commission goals, and the Five-Year Plan.

SUBELEMENT B -- Interpersonal Skills/Agency Representative: Articulates and communicates goals and objectives; deals with peers, supervisors, and subordinates within the NRC; and interfaces with other organizational components, as necessary, to achieve goals. Deals with other agencies, the public, the media, State and local governments and/or the international community, and the nuclear industry orally and in writing as necessary to achieve program goals.

**RATING FOR SUBELEMENT B**

EXCEEDS

MEETS

DOES NOT MEET

**FULLY SUCCESSFUL PERFORMANCE STANDARD**

Responds appropriately to external inquiries. Ensures dissemination of appropriate information as the need arises in a manner acceptable to higher level management. Consistently demonstrates a professional attitude in communicating with others inside and external to the NRC. Defends program positions and effectively negotiates organization positions in dealing with others.

SUBELEMENT C -- Other (Optional -- Describe)

**RATING FOR SUBELEMENT C**

EXCEEDS

MEETS

DOES NOT MEET

**FULLY SUCCESSFUL PERFORMANCE STANDARD**

**RATING FOR CRITICAL ELEMENT III**

FULLY SATISFACTORY

MINIMALLY SATISFACTORY

UNSATISFACTORY

PART III – ELEMENTS AND STANDARDS (Continued)

2. SUMMARY EVALUATION OF CRITICAL ELEMENTS

ELEMENT	FULLY SUCCESSFUL	MINIMALLY SATISFACTORY	UNSATISFACTORY
I PROGRAM GOALS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II MANAGEMENT EFFECTIVENESS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III INDIVIDUAL PERFORMANCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. SUMMARY PERFORMANCE RATING

<input type="checkbox"/> FULLY SUCCESSFUL	<input type="checkbox"/> MINIMALLY SATISFACTORY	<input type="checkbox"/> UNSATISFACTORY
---	---	---



**Exhibit 3**  
**NRC 412A - Non-SES Performance Appraisal**  
**System Performance Plan**

**NON-SES PERFORMANCE APPRAISAL SYSTEM  
PERFORMANCE PLAN**

SUPERVISORY       NONSUPERVISORY

RATING PERIOD FROM \_\_\_\_\_ TO \_\_\_\_\_

EMPLOYEE'S NAME (Last, first, middle initial) \_\_\_\_\_ POSITION TITLE \_\_\_\_\_ SERIES AND GRADE \_\_\_\_\_

ORGANIZATION (Office, division, branch) \_\_\_\_\_

**1. APPROVALS FOR PERFORMANCE PLAN - ELEMENTS AND STANDARDS** (To be completed at the beginning of rating period)

SIGNATURE - SUPERVISOR \_\_\_\_\_ TYPED NAME AND TITLE \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE - REVIEWER \_\_\_\_\_ TYPED NAME AND TITLE \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE - EMPLOYEE (Signature acknowledges only receipt of the performance elements and standards and does not necessarily indicate agreement with them) \_\_\_\_\_ TYPED NAME AND TITLE \_\_\_\_\_ DATE \_\_\_\_\_

Complete the performance plan at the beginning of the rating period. Each employee must have at least three, but no more than six, critical elements. (Non-critical elements should not be included.) Record and number each critical element. Immediately below the critical element, record the standard for fully successful performance. Leave sufficient blank space below each performance standard for the narrative rating to be completed at the end of the appraisal period. To ensure adequate space for the narrative rating, you may use an entire page for each element, its associated performance standard, and space for the narrative rating.

At the end of the rating period, rate the employee's performance against the established standards. Provide the narrative for each element directly below the standard to which it applies. Check the appropriate element rating from the columns on the right.

(O = Outstanding; E = Excellent; FS = Fully Successful; MS = Minimally Successful; U = Unacceptable)

NOTE: If any one critical element is rated "U," the employee's overall summary rating must be "U."

**2. MID-YEAR PROGRESS REVIEW** (To be completed after the review)

SIGNATURE - SUPERVISOR \_\_\_\_\_ SIGNATURE - EMPLOYEE \_\_\_\_\_ DATE \_\_\_\_\_

PERFORMANCE ELEMENTS, STANDARDS, AND APPRAISAL

O E FS MS U

**NON-SES PERFORMANCE APPRAISAL SYSTEM**  
**PERFORMANCE PLAN (CONTINUATION)**

RATING  
PERIOD

FROM

TO

PERFORMANCE ELEMENTS, STANDARDS, AND APPRAISAL

O E FS MS U

**Exhibit 4**  
**NRC 412 - Non-SES Performance Plan and**  
**Appraisal System Summary Rating**

**NON-SES PERFORMANCE APPRAISAL SYSTEM  
SUMMARY RATING**

SUPERVISORY       NONSUPERVISORY

RATING PERIOD

FROM \_\_\_\_\_ TO \_\_\_\_\_

This Summary Rating page applies to NRC Form 412A, "Non-SES Performance Appraisal System Performance Plan."

EMPLOYEE NAME (Last, first, middle initial) \_\_\_\_\_ POSITION TITLE \_\_\_\_\_ SERIES AND GRADE \_\_\_\_\_

ORGANIZATION (Office, division, branch) \_\_\_\_\_

TYPE OF RATING (Check appropriate box)

RATING OF RECORD FY \_\_\_\_\_ (See NRC Appendix 4151 Part IC 1)       CHANGE IN POSITION (See NRC Appendix 4151, Part IC 2)

DETAIL OR TEMPORARY PROMOTION (See NRC Appendix 4151, Part IC 3)       OTHER (Specify) \_\_\_\_\_

INSTRUCTIONS FOR DETERMINING AND ASSIGNING A SUMMARY RATING

- ON NRC FORM 412A, APPRAISE THE EMPLOYEE'S PERFORMANCE AGAINST THE ESTABLISHED PERFORMANCE STANDARD FOR EACH CRITICAL ELEMENT AND ASSIGN THE APPROPRIATE RATING FOR EACH ELEMENT.
- ON THE CHART BELOW, INDICATE THE RATING AND THE NUMERICAL EQUIVALENT FOR EACH CRITICAL ELEMENT RATED. (If one or more critical element is rated UNACCEPTABLE, the summary rating must be UNACCEPTABLE.) TOTAL THE POINTS AND DIVIDE BY THE NUMBER OF CRITICAL ELEMENTS RATED, AND ROUND OFF TO THE SECOND DECIMAL POINT.
- DETERMINE THE APPROPRIATE SUMMARY RATING FROM THE CONVERSION TABLE BELOW.
- ASSIGN THE SUMMARY RATING BY CHECKING THE APPROPRIATE BOX IN THE SUMMARY RATING BLOCK.

CHART										CONVERSION TABLE (Compare with quotient below)	SUMMARY RATING (Check appropriate box)	
CRITICAL ELEMENT NUMBER	ELEMENT RATING					NUMERICAL EQUIVALENT						
	O	E	FS	MS	U	O=4	E=3	FS=2	MS=1	U=0*		
1											0	<input type="checkbox"/> O-OUTSTANDING
2											0	<input type="checkbox"/> E-EXCELLENT
3											0	<input type="checkbox"/> FS-FULLY SUCCESSFUL
4											0	<input type="checkbox"/> MS-MINIMALLY SUCCESSFUL
5											0	<input type="checkbox"/> U-UNACCEPTABLE
6											0	
TOTAL 0.00										+	=	QUOTIENT

\* IF ONE OR MORE CRITICAL ELEMENT IS RATED U, SUMMARY RATING MUST BE U.

SIGNATURE - REVIEWER \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE - SUPERVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE - EMPLOYEE (Signature acknowledges only receipt of rating and carries no implications of concurrence in the appraisal) \_\_\_\_\_ DATE \_\_\_\_\_

EMPLOYEE COMMENTS \_\_\_\_\_



**Exhibit 5**  
**NRC 363 - Employee Suggestion**

**EMPLOYEE SUGGESTION**

*INSTRUCTIONS: Prepare this form legibly (preferably typewritten) and submit 3 copies to your supervisor.*

1. NAME OF SUGGESTER		2. POSITION TITLE	3. GRADE
4. OFFICE - DIVISION - BRANCH - SECTION		5. BUILDING   ROOM NO.	6. SUPERVISOR

7. DESCRIBE THE PRESENT SITUATION, CONDITION, METHOD, ETC., WHICH YOU BELIEVE SHOULD BE CHANGED OR IMPROVED. *(Continue on reverse if necessary)*

8. DESCRIBE YOUR SUGGESTION. *(If you believe the suggestion will save manpower or material, improve methods, simplify work, prevent accidents, give specific details about the savings and improvements. Continue on reverse if necessary).*

9. COULD THIS IDEA/CONTRIBUTION HAVE POSSIBLE APPLICATION IN ANY OTHER AGENCY?  YES *(indicate where)*  NO

<p>10. <i>I understand that the suggestion submitted on this form may be granted an award only if adopted by the Government by written notification or through practical application of the idea as a result of the suggestion within 2 years of the date of final action on the suggestion.</i></p> <p><i>I hereby agree that the use of this suggestion by the United States shall not form the basis for a further claim of any nature upon the United States by me, my heirs, or assigns.</i></p>	SIGNATURE OF SUGGESTER
	DATE:
	SIGNATURE OF COSUGGESTER (if any)
	DATE:

ACKNOWLEDGMENT	
<p>THANK YOU FOR YOUR SUGGESTION. It will be carefully considered by those who have functional responsibility in the area of your suggestion, and you will be advised of the action taken. Your interest in improving NRC operations is appreciated.</p>	SIGNATURE OF SUPERVISOR
	DATE SUGGESTION RECEIVED   DATE OF ACKNOWLEDGMENT

**Exhibit 6**  
**CA 1 - Workman's Compensation Forms**  
**(Injuries)**

Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation

**U. S. Department of Labor**  
 Employment Standards Administration  
 Office of Workers' Compensation Programs



**Employee: Please complete all boxes 1 - 15 below. Do not complete shaded areas.**  
**Witness: Complete bottom section 16.**  
**Employing Agency (Supervisor or Compensation Specialist): Complete shaded boxes a, b, and c.**

**Employee Data**

1. Name of employee (Last, First, Middle)			2. Social Security Number		
3. Date of birth Mo. Day Yr. _____	4. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	5. Home telephone ( ) _____		6. Grade as of date of injury Level Step	
7. Employee's home mailing address (include city, state, and zip code)				8. Dependents <input type="checkbox"/> Wife, Husband <input type="checkbox"/> Children under 18 years <input type="checkbox"/> Other	

**Description of Injury**

9. Place where injury occurred (e.g. 2nd floor, Main Post Office Bldg., 12th & Pine)

10. Date injury occurred Mo. Day Yr. _____	Time : <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	11. Date of this notice Mo. Day Yr. _____	12. Employee's occupation
--	---	---	---------------------------

13. Cause of injury (Describe what happened and why)

14. Nature of injury (Identify with the injury and the part of body, e.g., fracture of left leg)	a. Occupation code	
	b. Type code	c. Source code
	OWCP Use - NOI Code	

**Employee Signature**

15. I certify, under penalty of law, that the injury described above was sustained in performance of duty as an employee of the United States Government and that it was not caused by my willful misconduct, intent to injure myself or another person, nor by my intoxication. I hereby claim medical treatment, if needed, and the following, as checked below, while disabled for work:

- b. Continuation of regular pay (COP) not to exceed 45 days and compensation for wage loss if disability for work continues beyond 45 days. If my claim is denied, I understand that the continuation of my regular pay shall be charged to sick or annual leave, or be deemed an overpayment within the meaning of 5 USC 5584.
- a. Sick and/or Annual Leave

Signature of employee or person acting on his/her behalf \_\_\_\_\_

Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensation as provided by the FECA or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment or both.

Have your supervisor complete the receipt attached to this form and return it to you for your records.

**End of Employee Report**

**Witness**

16. Statement of witness (Describe what you saw, heard, or know about this injury)

Name of witness	Signature of witness	Date signed
Address	City	State Zip Code

**Official Supervisor's Report: Please complete information requested below:**

**Supervisor's Report**

17. Agency name and address of reporting office (include city, state, and zip code) \_\_\_\_\_ OWCP Agency Code \_\_\_\_\_  
 \_\_\_\_\_ OSHA Site Code \_\_\_\_\_  
 \_\_\_\_\_ Zip Code \_\_\_\_\_

18. Employee's duty station (Street address and zip code) \_\_\_\_\_ Zip Code \_\_\_\_\_

19. Regular work hours From:  a.m.  p.m. To:  a.m.  p.m.  
 20. Regular work schedule  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat.

21. Date of injury Mo. Day Yr. \_\_\_\_\_  
 22. Date notice received Mo. Day Yr. \_\_\_\_\_  
 23. Date stopped work Mo. Day Yr. \_\_\_\_\_ Time:  a.m.  p.m.  
 24. Date pay stopped Mo. Day Yr. \_\_\_\_\_  
 25. Date 45 day period began Mo. Day Yr. \_\_\_\_\_  
 26. Date returned to work Mo. Day Yr. \_\_\_\_\_ Time:  a.m.  p.m.

27. Was employee injured in performance of duty?  Yes  No (If "No," explain)

28. Was injury caused by employee's willful misconduct, intoxication, or intent to injure self or another?  Yes (If "Yes," explain)  No

29. Was injury caused by third party?  Yes  No (If "No," go to item 31.)  
 30. Name and address of third party (include city, state, and zip code) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

31. Name and address of physician first providing medical care (include city, state, zip code) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 32. First date medical care received Mo. Day Yr. \_\_\_\_\_  
 33. Do medical reports show employee is disabled for work?  Yes  No

34. Does your knowledge of the facts about this injury agree with statements of the employee and/or witness?  Yes  No (If "No," explain)

35. If the employing agency controverts continuation of pay, state the reason in detail. \_\_\_\_\_  
 36. Pay rate when employee stopped work \$ \_\_\_\_\_ Per \_\_\_\_\_

**Signature of Supervisor and Filing Instructions**

37. A supervisor who knowingly certifies to any false statement, misrepresentation, concealment of fact, etc., in respect of this claim may also be subject to appropriate felony criminal prosecution.  
 I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exception:

Name of supervisor (Type or print) \_\_\_\_\_  
 Signature of supervisor \_\_\_\_\_ Date \_\_\_\_\_  
 Supervisor's Title \_\_\_\_\_ Office phone \_\_\_\_\_

38. Filing instructions  No lost time and no medical expense: Place this form in employee's medical folder (SF-66-D)  
 No lost time, medical expense incurred or expected: forward this form to OWCP  
 Lost time covered by leave, LWOP, or COP: forward this form to OWCP  
 First Aid Injury



Official Supervisor's Report: Please complete information requested below:

**Supervisor's Report**

17. Agency name and address of reporting office (include city, state, and zip code) \_\_\_\_\_ OWCP Agency Code \_\_\_\_\_

\_\_\_\_\_ OSHA Site Code \_\_\_\_\_

\_\_\_\_\_ Zip Code \_\_\_\_\_

18. Employee's duty station (Street address and zip code) \_\_\_\_\_ Zip Code \_\_\_\_\_

19. Regular work hours From:  a.m. To:  a.m.  p.m. To:  p.m.

20. Regular work schedule  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat.

21. Date of injury Mo. Day Yr. \_\_\_\_\_

22. Date notice received Mo. Day Yr. \_\_\_\_\_

23. Date stopped work Mo. Day Yr. \_\_\_\_\_ Time:  a.m.  p.m.

24. Date pay stopped Mo. Day Yr. \_\_\_\_\_

25. Date 45 day period began Mo. Day Yr. \_\_\_\_\_

26. Date returned to work Mo. Day Yr. \_\_\_\_\_ Time:  a.m.  p.m.

27. Was employee injured in performance of duty?  Yes  No (If "No," explain) \_\_\_\_\_

28. Was injury caused by employee's willful misconduct, intoxication, or intent to injure self or another?  Yes (if "Yes," explain)  No

29. Was injury caused by third party?  Yes  No (If "No," go to item 31.)

30. Name and address of third party (include city, state, and zip code) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

31. Name and address of physician first providing medical care (include city, state, zip code) \_\_\_\_\_

\_\_\_\_\_

32. First date medical care received Mo. Day Yr. \_\_\_\_\_

33. Do medical reports show employee is disabled for work?  Yes  No

34. Does your knowledge of the facts about this injury agree with statements of the employee and/or witness?  Yes  No (If "No," explain) \_\_\_\_\_

35. If the employing agency controverts continuation of pay, state the reason in detail. \_\_\_\_\_

36. Pay rate when employee stopped work \$ \_\_\_\_\_ Per \_\_\_\_\_

**Signature of Supervisor and Filing Instructions**

37. A supervisor who knowingly certifies to any false statement, misrepresentation, concealment of fact, etc., in respect of this claim may also be subject to appropriate felony criminal prosecution.

I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exception:

Name of supervisor (Type or print) \_\_\_\_\_

Signature of supervisor \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Title \_\_\_\_\_ Office phone \_\_\_\_\_

38. Filing instructions  No lost time and no medical expense: Place this form in employee's medical folder (SF-66-D)

No lost time, medical expense incurred or expected: forward this form to OWCP

Lost time covered by leave, LWOP, or COP: forward this form to OWCP

First Aid Injury

**Disability Benefits for Employees under the Federal Employees' Compensation Act (FECA)**

The FECA, which is administered by the Office of Workers' Compensation Programs (OWCP), provides the following benefits for job-related traumatic injuries:

- (1) Continuation of pay for disability resulting from traumatic, job-related injury, not to exceed 45 calendar days. (To be eligible for continuation of pay, the employee, or someone acting on his/her behalf, must file Form CA-1 within 30 days following the injury; however, to avoid possible interruption of pay, the form should be filed within 2 working days. If the form is not filed within 30 days, compensation may be substituted for continuation of pay.)
- (2) Payment of compensation for wage loss after the 45 days, if disability extends beyond such period.
- (3) Payment of compensation for permanent impairment of certain organs, members, or functions of the body (such as loss or loss of use of an arm or kidney, loss of vision, etc.), or for serious disfigurement of the head, face, or neck.
- (4) Vocational rehabilitation and related services where necessary.
- (5) Full medical care from either Federal medical officers and hospitals, or private hospitals or physicians, of the employee's choice. Generally, 25 miles from the place of injury, place of employment, or employee's home is a reasonable distance to travel for medical care; however, other pertinent facts must also be considered in making selection of physicians or medical facilities.

At the time an employee stops work following a traumatic, job-related injury, he or she may request continuation of pay or use sick or annual leave credited to his or her record. Where the employing agency continues the employee's pay, the pay must not be interrupted until:

- (1) The employing agency receives medical information from the attending physician to the effect that disability has terminated;
- (2) The OWCP advises that pay should be terminated; or
- (3) The expiration of 45 calendar days following initial work stoppage.

If disability exceeds, or it is anticipated that it will exceed, 45 days, and the employee wishes to claim compensation, Form CA-7, with supporting medical evidence, must be filed with OWCP. To avoid interruption of income, the form should be filed on the 40th day of the COP period. Form CA-3 shall be submitted to OWCP when the employee returns to work, disability ceases, or the 45 days period expires.

For additional information, review the regulations governing the administration of the FECA (Code of Federal Regulations, Title 20, Chapter 1) or Chapter 810 of the Office of Personnel Management's Federal Personnel Manual.

**Privacy Act**

In accordance with the Privacy Act of 1974 (Public Law No. 93-579, 5 U.S.C. 552a) and the Computer Matching and Privacy Protection Act of 1988 (Public Law No. 100-503), you are hereby notified that: (1) The Federal Employees' Compensation Act, as amended (5 U.S.C. 8101, et seq.) is administered by the Office of Workers' Compensation Programs of the U.S. Department of Labor. In accordance with this responsibility, the Office receives and maintains personal information on claimants and their immediate families. (2) The information will be used to determine eligibility for and the amount of benefits payable under the Act. (3) The information collected by this form and other information collected in relation to your compensation claim may be verified through computer matches. (4) The information may be given to Federal, State, and local agencies for law enforcement and for other lawful purposes in accordance with routine uses published by the Department of Labor in the Federal Register. (5) Failure to furnish all requested information may delay the process, or result in an unfavorable decision or a reduced level of benefits. (Disclosure of a social security number (SSN) is voluntary; the failure to disclose such number will not result in the denial of any right, benefit or privilege to which an individual may be entitled. Your SSN may be used to request information about you from employers and others who know you, but only as allowed by law or Presidential directive. The information collected by using your SSN may be used for studies, statistics, and computer matching to benefit and payment files.)

**Receipt of Notice of Injury**

This acknowledges receipt of Notice of Injury sustained by  
(Name of injured employee)

Which occurred on (Mo., Day, Yr.)

At (Location)

Signature of Official Superior

Title

Date (Mo., Day, Yr.)

## Instructions for Completing Form CA-1

Complete all items on your section of the form. If additional space is required to explain or clarify any point, attach a supplemental statement to the form. Some of the items on the form which may require further clarification are explained below.

### Employee (Or person acting on the employees' behalf)

#### 13) Cause of Injury

Describe in detail how and why the injury occurred. Give appropriate details (e.g.: if you fell, how far did you fall and in what position did you land?)

#### 14) Nature of Injury

Give a complete description of the condition(s) resulting from your injury. Specify the right or left side if applicable (e.g., fractured left leg; cut on right index finger).

#### 15) Election of COP/Leave

If you are disabled for work as a result of this injury and file CA-1 within thirty days of the injury, you are entitled to receive continuation of pay (COP) from your employing agency. COP is

paid for up to 45 calendar days of disability, and is not charged against sick or annual leave. You may elect sick or annual leave if you wish, but compensation from OWCP may not be claimed during the 45 days of COP entitlement. (You may not claim compensation to repurchase leave used during this period.) Also, if you change your election within one year, the agency is obliged to convert past periods of leave to COP, which qualify.

Your agency may controvert (dispute) your entitlement to COP, but must continue pay unless the controversion is based on one of the nine reasons listed in the instructions for item 35.

If you receive COP, but OWCP later determines that you are not entitled to COP, you may either change COP to sick or annual leave or pay the employing agency back for the COP received.

### Supervisor

At the time the form is received, complete the receipt of notice of injury and give it to the employee. In addition to completing items 17 through 38, the supervisor is responsible for obtaining the witness statement in item 16 and for filling in the proper codes in shaded boxes a, b, and c on the front of the form. If medical expense or lost time is incurred or expected, the completed form should be sent to OWCP within 10 working days after it is received.

The supervisor should also submit any other information or evidence pertinent to the merits of this claim.

If the employing agency controverts COP, the employee should be notified and the reason for controversion explained to him or her.

#### 17) Agency name and address of reporting office

The name and address of the office to which correspondence from OWCP should be sent (if applicable, the address of the personnel or compensation office).

#### 18) Duty station street address and zip code

The address and zip code of the establishment where the employee actually works.

#### 29) Was injury caused by third party?

A third party is an individual or organization (other than the injured employee or the Federal government) who is liable for the injury. For instance, the driver of a vehicle causing an accident in which an employee is injured, the owner of a building where unsafe conditions cause an employee to fall, and a manufacturer whose defective product causes an employee's injury, could all be considered third parties to the injury.

#### 31) Name and address of physician first providing medical care

The name and address of the physician who first provided medical care for this injury. If initial care was given by a nurse or other health professional (not a physician) in the employing agency's health unit or clinic, indicate this on a separate sheet of paper.

#### 32) First date medical care received

The date of the first visit to the physician listed in item 31.

#### 35) Does the employing agency controvert continuation of pay?

COP may be controverted (disputed) for any reason; however, the employing agency may refuse to pay COP only if the controversion is based upon one of the nine reasons given below:

- a) The disability results from an occupational disease or illness;
- b) The employee is a volunteer working without pay or for nominal pay, or a member of the office staff of a former President;
- c) The employee is neither a citizen or a resident of the United States or Canada;
- d) The injury occurred off the employing agency's premises and the employee was not involved in official "off premise" duties;
- e) The injury was proximately caused by the employee's willful misconduct, intent to bring about injury or death to self or another person, or intoxication;
- f) The injury was not reported on Form CA-1 within 30 days following the injury;
- g) Work stoppage first occurred 90 days or more following the injury;
- h) The employee initially reported the injury after his or her employment was terminated; or
- i) The employee is enrolled in the Civil Air Patrol, Peace Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

### Employing Agency - Required Codes

Box a (Occupation Code), Box b (Type Code),  
Box c (Source Code), OSHA Site Code

The Occupational Safety and Health Administration (OSHA) requires all employing agencies to complete these items when reporting an injury. The proper codes may be found in OSHA Booklet 2014, "Recordkeeping and Reporting Guidelines."

#### OWCP Agency Code

This is a four-digit (or four digit plus two letter) code used by OWCP to identify the employing agency. The proper code may be obtained from your personnel or compensation office, or by contacting OWCP.

**Disability Benefits for Employees under the Federal Employees Compensation Act (FECA)**

The FECA, which is administered by the Office of Workers' Compensation Programs (OWCP), provides the following benefits for job-related traumatic injuries:

- (1) Continuation of pay for disability resulting from traumatic, job-related injury, not to exceed 45 calendar days. (To be eligible for continuation of pay, the employee, or someone acting on his/her behalf, must file Form CA-1 within 30 days following the injury; however, to avoid possible interruption of pay, the form should be filed within 2 working days. If the form is not filed within 30 days, compensation may be substituted for continuation of pay.)
- (2) Payment of compensation for wage loss after the 45 days, if disability extends beyond such period.
- (3) Payment of compensation for permanent impairment of certain organs, members, or functions of the body (such as loss or loss of use of an arm or kidney, loss of vision, etc.), or for serious disfigurement of the head, face, or neck.
- (4) Vocational rehabilitation and related services where necessary.
- (5) Full medical care from either Federal medical officers and hospitals, or private hospitals or physicians, of the employee's choice. Generally, 25 miles from the place of injury, place of employment, or employee's home is a reasonable distance to travel for medical care; however, other pertinent facts must also be considered in making selection of physicians or medical facilities.

At the time an employee stops work following a traumatic, job-related injury, he or she may request continuation of pay or use sick or annual leave credited to his or her record. Where the employing agency continues the employee's pay, the pay must not be interrupted until:

- (1) The employing agency receives medical information from the attending physician to the effect that disability has terminated;
- (2) The OWCP advises that pay should be terminated; or
- (3) The expiration of 45 calendar days following initial work stoppage.

If disability exceeds, or it is anticipated that it will exceed, 45 days, and the employee wishes to claim compensation, Form CA-7, with supporting medical evidence, must be filed with OWCP. To avoid interruption of income, the form should be filed on the 40th day of the COP period. Form CA-3 shall be submitted to OWCP when the employee returns to work, disability ceases, or the 45 days period expires.

For additional information, review the regulations governing the administration of the FECA (Code of Federal Regulations, Title 20, Chapter 1) or Chapter 810 of the Office of Personnel Management's Federal Personnel Manual.

**Privacy Act**

In accordance with the Privacy Act of 1974 (Public Law No. 93-579, 5 U.S.C. 552a) and the Computer Matching and Privacy Protection Act of 1988 (Public Law No. 100-503), you are hereby notified that: (1) The Federal Employees' Compensation Act, as amended (5 U.S.C. 8101, et seq.) is administered by the Office of Workers' Compensation Programs of the U.S. Department of Labor. In accordance with this responsibility, the Office receives and maintains personal information on claimants and their immediate families. (2) The information will be used to determine eligibility for and the amount of benefits payable under the Act. (3) The information collected by this form and other information collected in relation to your compensation claim may be verified through computer matches. (4) The information may be given to Federal, State, and local agencies for law enforcement and for other lawful purposes in accordance with routine uses published by the Department of Labor in the Federal Register. (5) Failure to furnish all requested information may delay the process, or result in an unfavorable decision or a reduced level of benefits. (Disclosure of a social security number (SSN) is voluntary; the failure to disclose such number will not result in the denial of any right, benefit or privilege to which an individual may be entitled. Your SSN may be used to request information about you from employers and others who know you, but only as allowed by law or Presidential directive. The information collected by using your SSN may be used for studies, statistics, and computer matching to benefit and payment files.)

**Receipt of Notice of Injury**

This acknowledges receipt of Notice of Injury sustained by  
(Name of injured employee)

Which occurred on (Mo., Day, Yr.)

At (Location)

Signature of Official Superior

Title

Date (Mo., Day, Yr.)



## Instructions for Completing Form CA-1

Complete all items on your section of the form. If additional space is required to explain or clarify any point, attach a supplemental statement to the form. Some of the items on the form which may require further clarification are explained below.

### Employee (Or person acting on the employees' behalf)

#### 13) Cause of Injury

Describe in detail how and why the injury occurred. Give appropriate details (e.g.: if you fell, how far did you fall and in what position did you land?)

#### 14) Nature of Injury

Give a complete description of the condition(s) resulting from your injury. Specify the right or left side if applicable (e.g., fractured left leg: cut on right index finger).

#### 15) Election of COP/Leave

If you are disabled for work as a result of this injury and file CA-1 within thirty days of the injury, you are entitled to receive continuation of pay (COP) from your employing agency. COP is

paid for up to 45 calendar days of disability, and is not charged against sick or annual leave. You may elect sick or annual leave if you wish, but compensation from OWCP may not be claimed during the 45 days of COP entitlement. (You may not claim compensation to repurchase leave used during this period.) Also, if you change your election within one year, the agency is obliged to convert past periods of leave to COP, which qualify.

Your agency may controvert (dispute) your entitlement to COP, but must continue pay unless the controversion is based on one of the nine reasons listed in the instructions for item 35.

If you receive COP, but OWCP later determines that you are not entitled to COP, you may either change COP to sick or annual leave or pay the employing agency back for the COP received.

### Supervisor

At the time the form is received, complete the receipt of notice of injury and give it to the employee. In addition to completing items 17 through 38, the supervisor is responsible for obtaining the witness statement in item 16 and for filling in the proper codes in shaded boxes a, b, and c on the front of the form. If medical expense or lost time is incurred or expected, the completed form should be sent to OWCP within 10 working days after it is received.

The supervisor should also submit any other information or evidence pertinent to the merits of this claim.

If the employing agency controverts COP, the employee should be notified and the reason for controversion explained to him or her.

#### 17) Agency name and address of reporting office

The name and address of the office to which correspondence from OWCP should be sent (if applicable, the address of the personnel or compensation office).

#### 18) Duty station, street address and zip code

The address and zip code of the establishment where the employee actually works.

#### 29) Was injury caused by third party?

A third party is an individual or organization (other than the injured employee or the Federal government) who is liable for the injury. For instance, the driver of a vehicle causing an accident in which an employee is injured, the owner of a building where unsafe conditions cause an employee to fall, and a manufacturer whose defective product causes an employee's injury, could all be considered third parties to the injury.

#### 31) Name and address of physician first providing medical care

The name and address of the physician who first provided medical care for this injury. If initial care was given by a nurse or other health professional (not a physician) in the employing agency's health unit or clinic, indicate this on a separate sheet of paper.

#### 32) First date medical care received

The date of the first visit to the physician listed in item 31.

#### 35) Does the employing agency controvert continuation of pay?

COP may be controverted (disputed) for any reason; however, the employing agency may refuse to pay COP only if the controversion is based upon one of the nine reasons given below:

- The disability results from an occupational disease or illness;
- The employee is a volunteer working without pay or for nominal pay, or a member of the office staff of a former President;
- The employee is neither a citizen or a resident of the United States or Canada;
- The injury occurred off the employing agency's premises and the employee was not involved in official "off premise" duties;
- The injury was proximately caused by the employee's willful misconduct, intent to bring about injury or death to self or another person, or intoxication;
- The injury was not reported on Form CA-1 within 30 days following the injury;
- Work stoppage first occurred 90 days or more following the injury;
- The employee initially reported the injury after his or her employment was terminated; or
- The employee is enrolled in the Civil Air Patrol, Peace Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

### Employing Agency - Required Codes

Box a (Occupation Code), Box b (Type Code),  
Box c (Source Code), OSHA Site Code

The Occupational Safety and Health Administration (OSHA) requires all employing agencies to complete these items when reporting an injury. The proper codes may be found in OSHA Booklet 2014, "Recordkeeping and Reporting Guidelines."

#### OWCP Agency Code

This is a four-digit (or four digit plus two letter) code used by OWCP to identify the employing agency. The proper code may be obtained from your personnel or compensation office, or by contacting OWCP.



Official Supervisor's Report: Please complete information requested below:

**Supervisor's Report**

17. Agency name and address of reporting office (include city, state, and zip code) \_\_\_\_\_ OWCP Agency Code \_\_\_\_\_  
 \_\_\_\_\_ OSHA Site Code \_\_\_\_\_  
 \_\_\_\_\_ Zip Code \_\_\_\_\_

18. Employee's duty station (Street address and zip code) \_\_\_\_\_ Zip Code \_\_\_\_\_

19. Regular work hours From:  a.m.  p.m. To:  a.m.  p.m.  
 20. Regular work schedule  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat.

21. Date of injury Mo. Day Yr. \_\_\_\_\_  
 22. Date notice received Mo. Day Yr. \_\_\_\_\_  
 23. Date stopped work Mo. Day Yr. \_\_\_\_\_ Time:  a.m.  p.m.

24. Date pay stopped Mo. Day Yr. \_\_\_\_\_  
 25. Date 45 day period began Mo. Day Yr. \_\_\_\_\_  
 26. Date returned to work Mo. Day Yr. \_\_\_\_\_ Time:  a.m.  p.m.

27. Was employee injured in performance of duty?  Yes  No (If "No," explain)

28. Was injury caused by employee's willful misconduct, intoxication, or intent to injure self or another?  Yes (If "Yes," explain)  No

29. Was injury caused by third party?  Yes  No (If "No," go to item 31.)  
 30. Name and address of third party (include city, state, and zip code)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

31. Name and address of physician first providing medical care (include city, state, zip code)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 32. First date medical care received Mo. Day Yr. \_\_\_\_\_  
 33. Do medical reports show employee is disabled for work?  Yes  No

34. Does your knowledge of the facts about this injury agree with statements of the employee and/or witness?  Yes  No (If "No," explain)

35. If the employing agency controverts continuation of pay, state the reason in detail.  
 \_\_\_\_\_  
 36. Pay rate when employee stopped work  
 \$ \_\_\_\_\_ Per \_\_\_\_\_

**Signature of Supervisor and Filing Instructions**

37. A supervisor who knowingly certifies to any false statement, misrepresentation, concealment of fact, etc., in respect of this claim may also be subject to appropriate felony criminal prosecution.  
 I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exception:

Name of supervisor (Type or print) \_\_\_\_\_  
 Signature of supervisor \_\_\_\_\_ Date \_\_\_\_\_  
 Supervisor's Title \_\_\_\_\_ Office phone \_\_\_\_\_

38. Filing instructions  No lost time and no medical expense: Place this form in employee's medical folder (SF-66-D)  
 No lost time, medical expense incurred or expected: forward this form to OWCP  
 Lost time covered by leave, LWOP, or COP: forward this form to OWCP  
 First Aid Injury

Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation

U.S. Department of Labor  
 Employment Standards Administration  
 Office of Workers' Compensation Programs



Employee: Please complete all boxes 1 - 15 below. Do not complete shaded areas.

Witness: Complete bottom section 16.

Employing Agency (Supervisor or Compensation Specialist): Complete shaded boxes a, b, and c.

**Employee Data**

1. Name of employee (Last, First, Middle)		2. Social Security Number	
3. Date of birth Mo. Day Yr. 	4. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	5. Home telephone ( )	6. Grade as of date of injury Level Step
7. Employee's home mailing address (Include city, state, and zip code)		8. Dependents <input type="checkbox"/> Wife, Husband <input type="checkbox"/> Children under 18 years <input type="checkbox"/> Other	

**Description of Injury**

9. Place where injury occurred (e.g. 2nd floor, Main Post Office Bldg., 12th & Pine)

10. Date injury occurred Mo. Day Yr. 	Time : <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	11. Date of this notice Mo. Day Yr. 	12. Employee's occupation
---	---	--	---------------------------

13. Cause of injury (Describe what happened and why)

14. Nature of injury (Identify both the injury and the part of body, e.g., fracture of left leg)	a. Occupation code
	b. Type code      c. Source code
	OWCP Use - NOI Code

**Employee Signature**

15. I certify, under penalty of law, that the injury described above was sustained in performance of duty as an employee of the United States Government and that it was not caused by my willful misconduct, intent to injure myself or another person, nor by my intoxication. I hereby claim medical treatment, if needed, and the following, as checked below, while disabled for work:

b. Continuation of regular pay (COP) not to exceed 45 days and compensation for wage loss if disability for work continues beyond 45 days. If my claim is denied, I understand that the continuation of my regular pay shall be charged to sick or annual leave, or be deemed an overpayment within the meaning of 5 USC 5584.

a. Sick and/or Annual Leave

Signature of employee or person acting on his/her behalf \_\_\_\_\_

Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensation as provided by the FECA or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment or both.

Have your supervisor complete the receipt attached to this form and return it to you for your records.

**End of Employee Report**

**Witness**

16. Statement of witness (Describe what you saw, heard, or know about this injury)

Name of witness	Signature of witness	Date signed
Address	City	State      Zip Code

## Instructions for Completing Form CA-1

Complete all items on your section of the form. If additional space is required to explain or clarify any point, attach a supplemental statement to the form. Some of the items on this form which may require further clarification are explained below.

### Employee (Or person acting on the employees' behalf)

#### 13) Cause of Injury

Describe in detail how and why the injury occurred. Give appropriate details (e.g.: If you fell, how far did you fall and in what position did you land?)

#### 14) Nature of Injury

Give a complete description of the condition(s) resulting from your injury. Specify the right or left side if applicable (e.g., fractured left leg; cut on right index finger).

#### 15) Election of COP/Leave

If you are disabled for work as a result of this injury and file CA-1 within thirty days of the injury, you are entitled to receive continuation of pay (COP) from your employing agency. COP is

paid for up to 45 calendar days of disability, and is not charged against sick or annual leave. You may elect sick or annual leave if you wish, but compensation from OWCP may not be claimed during the 45 days of COP entitlement. (You may not claim compensation to repurchase leave used during this period.) Also, if you change your election within one year, the agency is obliged to convert past periods of leave to COP, which qualify.

Your agency may controvert (dispute) your entitlement to COP, but must continue pay unless the controversion is based on one of the nine reasons listed in the instructions for item 35.

If you receive COP, but OWCP later determines that you are not entitled to COP, you may either change COP to sick or annual leave or pay the employing agency back for the COP received.

### Supervisor

At the time the form is received, complete the receipt of notice of injury and give it to the employee. In addition to completing items 17 through 38, the supervisor is responsible for obtaining the witness statement in item 16 and for filling in the proper codes in shaded boxes a, b, and c on the front of the form. If medical expense or lost time is incurred or expected, the completed form should be sent to OWCP within 10 working days after it is received.

The supervisor should also submit any other information or evidence pertinent to the merits of this claim.

If the employing agency controverts COP, the employee should be notified and the reason for controversion explained to him or her.

#### 17) Agency name and address of reporting office

The name and address of the office to which correspondence from OWCP should be sent (if applicable, the address of the personnel or compensation office).

#### 18) Duty station street address and zip code

The address and zip code of the establishment where the employee actually works.

#### 29) Was injury caused by third party?

A third party is an individual or organization (other than the injured employee or the Federal government) who is liable for the injury. For instance, the driver of a vehicle causing an accident in which an employee is injured, the owner of a building where unsafe conditions cause an employee to fall, and a manufacturer whose defective product causes an employee's injury, could all be considered third parties to the injury.

#### 31) Name and address of physician first providing medical care

The name and address of the physician who first provided medical care for this injury. If initial care was given by a nurse or other health professional (not a physician) in the employing agency's health unit or clinic, indicate this on a separate sheet of paper.

#### 32) First date medical care received

The date of the first visit to the physician listed in item 31.

#### 35) Does the employing agency controvert continuation of pay?

COP may be controverted (disputed) for any reason; however, the employing agency may refuse to pay COP only if the controversion is based upon one of the nine reasons given below:

- a) The disability results from an occupational disease or illness;
- b) The employee is a volunteer working without pay or for nominal pay, or a member of the office staff of a former President;
- c) The employee is neither a citizen or a resident of the United States or Canada;
- d) The injury occurred off the employing agency's premises and the employee was not involved in official "off premise" duties;
- e) The injury was proximately caused by the employee's willful misconduct, intent to bring about injury or death to self or another person, or intoxication;
- f) The injury was not reported on Form CA-1 within 30 days following the injury;
- g) Work stoppage first occurred 90 days or more following the injury;
- h) The employee initially reported the injury after his or her employment was terminated; or
- i) The employee is enrolled in the Civil Air Patrol, Peace Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

### Employing Agency - Required Codes

Box a (Occupation Code), Box b (Type Code),  
Box c (Source Code), OSHA Site Code

The Occupational Safety and Health Administration (OSHA) requires all employing agencies to complete these items when reporting an injury. The proper codes may be found in OSHA Booklet 2014, "Recordkeeping and Reporting Guidelines."

#### OWCP Agency Code

This is a four-digit (or four digit plus two letter) code used by OWCP to identify the employing agency. The proper code may be obtained from your personnel or compensation office, or by contacting OWCP.

**Disability Benefits for Employees under the Federal Employees Compensation Act (FECA)**

The FECA, which is administered by the Office of Workers' Compensation Programs (OWCP), provides the following benefits for job-related traumatic injuries:

- (1) Continuation of pay for disability resulting from traumatic, job-related injury, not to exceed 45 calendar days. (To be eligible for continuation of pay, the employee, or someone acting on his/her behalf, must file Form CA-1 within 30 days following the injury; however, to avoid possible interruption of pay, the form should be filed within 2 working days. If the form is not filed within 30 days, compensation may be substituted for continuation of pay.)
- (2) Payment of compensation for wage loss after the 45 days, if disability extends beyond such period.
- (3) Payment of compensation for permanent impairment of certain organs, members, or functions of the body (such as loss or loss of use of an arm or kidney, loss of vision, etc.), or for serious disfigurement of the head, face, or neck.
- (4) Vocational rehabilitation and related services where necessary.
- (5) Full medical care from either Federal medical officers and hospitals, or private hospitals or physicians, of the employee's choice. Generally, 25 miles from the place of injury, place of employment, or employee's home is a reasonable distance to travel for medical care; however, other pertinent facts must also be considered in making selection of physicians or medical facilities.

At the time an employee stops work following a traumatic, job-related injury, he or she may request continuation of pay or use sick or annual leave credited to his or her record. Where the employing agency continues the employee's pay, the pay must not be interrupted until:

- (1) The employing agency receives medical information from the attending physician to the effect that disability has terminated;
- (2) The OWCP advises that pay should be terminated; or
- (3) The expiration of 45 calendar days following initial work stoppage.

If disability exceeds, or it is anticipated that it will exceed, 45 days, and the employee wishes to claim compensation, Form CA-7, with supporting medical evidence, must be filed with OWCP. To avoid interruption of income, the form should be filed on the 40th day of the COP period. Form CA-3 shall be submitted to OWCP when the employee returns to work, disability ceases, or the 45 days period expires.

For additional information, review the regulations governing the administration of the FECA (Code of Federal Regulations, Title 20, Chapter 1) or Chapter 810 of the Office of Personnel Management's Federal Personnel Manual.

**Privacy Act**

In accordance with the Privacy Act of 1974 (Public Law No. 93-579, 5 U.S.C. 552a) and the Computer Matching and Privacy Protection Act of 1988 (Public Law No. 100-503), you are hereby notified that: (1) The Federal Employees' Compensation Act, as amended (5 U.S.C. 8101, et seq.) is administered by the Office of Workers' Compensation Programs of the U.S. Department of Labor. In accordance with this responsibility, the Office receives and maintains personal information on claimants and their immediate families. (2) The information will be used to determine eligibility for and the amount of benefits payable under the Act. (3) The information collected by this form and other information collected in relation to your compensation claim may be verified through computer matches. (4) The information may be given to Federal, State, and local agencies for law enforcement and for other lawful purposes in accordance with routine uses published by the Department of Labor in the Federal Register. (5) Failure to furnish all requested information may delay the process, or result in an unfavorable decision or a reduced level of benefits. (Disclosure of a social security number (SSN) is voluntary; the failure to disclose such number will not result in the denial of any right, benefit or privilege to which an individual may be entitled. Your SSN may be used to request information about you from employers and others who know you, but only as allowed by law or Presidential directive. The information collected by using your SSN may be used for studies, statistics, and computer matching to benefit and payment files.)

**Receipt of Notice of Injury**

This acknowledges receipt of Notice of Injury sustained by  
(Name of injured employee)

Which occurred on (Mo., Day, Yr.)

At (Location)

Signature of Official Superior

Title

Date (Mo., Day, Yr.)

**Exhibit 7**  
**CA 2 - Workman's Compensation Forms**  
**(Illness)**



Notice of Occupational Disease  
and Claim for Compensation

U.S. Department of Labor  
Employment Standards Administration  
Office of Workers' Compensation Programs



Employee: Please complete all boxes 1 - 18 below. Do not complete shaded areas.  
Employing Agency (Supervisor or Compensation Specialist): Complete shaded boxes a, b, and c.

**Employee Data**

1. Name of employee (Last, First, Middle)			2. Social Security Number		
3. Date of birth Mo. Day Yr. 	4. Sex	5. Home telephone ( )	6. Grade as of date of last exposure	Level	Step
7. Employee's home mailing address (include city, state, and ZIP code)				8. Dependents <input type="checkbox"/> Wife, Husband <input type="checkbox"/> Children under 18 years <input type="checkbox"/> Other	

**Claim Information**

9. Employee's occupation		a. Occupation code
10. Location (address) where you worked when disease or illness occurred (include city, state, and ZIP code)		11. Date you first became aware of disease or illness Mo. Day Yr. 
12. Date you first realized the disease or illness was caused or aggravated by your employment Mo. Day Yr. 	13. Explain the relationship to your employment, and why you came to this realization	

14. Nature of disease or illness	OWCP Use - NOI Code
	b. Type code    c. Source code
15. If this notice and claim was not filed with the employing agency within 30 days after date shown above in item #12, explain the reason for the delay.	
16. If the statement requested in item 1 of the attached instructions is not submitted with this form, explain reason for delay.	
17. If the medical reports requested in item 2 of attached instructions are not submitted with this form, explain reason for delay.	

**Employee Signature**

18. I certify, under penalty of law, that the disease or illness described above was the result of my employment with the United States Government, and that it was not caused by my willful misconduct, intent to injure myself or another person, nor by my intoxication. I hereby claim medical treatment, if needed, and other benefits provided by the Federal Employees' Compensation Act.

Signature of employee or person acting on his/her behalf \_\_\_\_\_ Date \_\_\_\_\_

Have your supervisor complete the receipt attached to this form and return it to you for your records.

Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensation as provided by the FECA or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment or both.

Official Supervisor's Report of Occupational Disease: Please complete information requested below

**Supervisor's Report**

19. Name of employee (Last, First, Middle) \_\_\_\_\_ OWCP Agency Code \_\_\_\_\_  
 \_\_\_\_\_ OSHA Site Code \_\_\_\_\_  
 \_\_\_\_\_ ZIP Code \_\_\_\_\_

20. Employee's duty station (Street address and ZIP Code) \_\_\_\_\_ ZIP Code \_\_\_\_\_

21. Regular work hours From:  a.m. To:  a.m.  p.m.  p.m.  
 22. Regular work schedule  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat.

23. Name and address of physician first providing medical care (include city, state, ZIP code) \_\_\_\_\_  
 24. First date medical care received Mo. Day Yr. \_\_\_\_\_  
 25. Do medical reports show employee is disabled for work?  Yes  No

26. Date employee first reported condition to supervisor Mo. Day Yr. \_\_\_\_\_  
 27. Date and hour employee stopped work Mo. Day Yr. \_\_\_\_\_ Time  a.m.  p.m.

28. Date and hour employee's pay stopped Mo. Day Yr. \_\_\_\_\_ Time  a.m.  p.m.  
 29. Date employee was last exposed to conditions alleged to have caused disease or illness Mo. Day Yr. \_\_\_\_\_

30. Date returned to work Mo. Day Yr. \_\_\_\_\_ Time  a.m.  p.m.

31. If employee has returned to work and work assignment has changed, describe new duties \_\_\_\_\_

32. Was injury caused by third party?  Yes  No  
 If "No," go to Item 34.  
 33. Name and address of third party (include city, state, and ZIP code) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Signature of Supervisor**

34. A supervisor who knowingly certifies to any false statement, misrepresentation, concealment of fact, etc., in respect to this claim may also be subject to appropriate felony criminal prosecution.

I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exception:

Name of Supervisor (Type or print) \_\_\_\_\_

Signature of Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Title \_\_\_\_\_ Office phone \_\_\_\_\_

**Disability Benefits for Employees under the Federal Employees' Compensation Act (FECA)**

The FECA, which is administered by the Office of Workers' Compensation Programs (OWCP), provides the following general benefits for employment-related occupational disease or illness:

- 1) Full medical care from either Federal medical offices and hospitals, or private hospitals or physicians of the employee's choice.
- 2) Payment of compensation for total or partial wage loss.
- 3) Payment of compensation for permanent impairment of certain organs, members, or functions of the body (such as loss or loss of use of an arm or kidney, loss of vision, etc.), or for serious disfigurement of the head, face, or neck.
- 4) Vocational rehabilitation and related services where necessary.

The first three days in a non-pay status are waiting days, and no compensation is paid for these days unless the period of disability exceeds 14 calendar days, or the employee has suffered a permanent disability. Compensation for total disability is generally paid at the rate of 2/3 of an employee's salary if there are no dependents, or 3/4 of salary if there are one or more dependents.

If an employee is in doubt about compensation benefits, the OWCP District Office servicing the employing agency should be contacted. (Obtain the address from your employing agency.)

For additional information, review the regulations governing the administration of the FECA (Code of Federal Regulations, Title 20, Chapter 1) or Chapter 810 of the Office of Personnel Management's Federal Personnel Manual.

**Privacy Act**

In accordance with the Privacy Act of 1974 (Public Law No. 93-579, 5 U.S.C. 552a) and the Computer Matching and Privacy Protection Act of 1988 (Public Law No. 100-503), you are hereby notified that: (1) The Federal Employees' Compensation Act, as amended (5 U.S.C. 8101, et seq.) is administered by the Office of Workers' Compensation Programs of the U.S. Department of Labor. In accordance with this responsibility, the Office receives and maintains personal information on claimants and their immediate families. (2) The information will be used to determine eligibility for and the amount of benefits payable under the Act. (3) The information collected by this form and other information collected in relation to your compensation claim may be verified through computer matches. (4) The information may be given to Federal, State, and local agencies for law enforcement and for other lawful purposes in accordance with routine uses published by the Department of Labor in the Federal Register. (5) Failure to furnish all requested information may delay the process, or result in an unfavorable decision or a reduced level of benefits. (Disclosure of a social security number (SSN) is voluntary; the failure to disclose such number will not result in the denial of any right, benefit or privilege to which an individual may be entitled. Your SSN may be used to request information about you from employers and others who know you, but only as allowed by law or Presidential directive. The information collected by using your SSN may be used for studies, statistics, and computer matching to benefit and payment files.)

**Receipt of Notice of Occupational Disease or Illness**

This acknowledges receipt of notice of disease or illness sustained by:  
(Name of injured employee)

was first notified about this condition on (Mo., Day, Yr.)

At (Location)

Signature of Official Superior

Title

Date (Mo., Day, Yr.)

This receipt should be retained by the employee as a record that notice was filed.

## INSTRUCTIONS FOR COMPLETING FORM CA-2

Complete all items on your section of the form. If additional space is required to explain or clarify any point, attach a supplemental statement to the form. In addition to the information requested on the form, both the employee and the supervisor are required to submit additional evidence as described below. If this evidence is not submitted along with the form, the responsible party should explain the reason for the delay and state when the additional evidence will be submitted.

### Employee (or person acting on the employee's behalf)

Complete items 1 through 18 and submit the form to the employee's supervisor along with the statement and medical reports described below. Be sure to obtain the Receipt of Notice of Disease or Illness completed by the supervisor at the time the form is submitted.

#### 1) Employee's statement

In a separate narrative statement attached to the form, the employee must submit the following information:

- a) A detailed history of the disease or illness from the date it started.
- b) Complete details of the conditions of employment which are believed to be responsible for the disease or illness.
- c) A description of specific exposures to substances or stressful conditions causing the disease or illness, including locations where exposure or stress occurred, as well as the number of hours per day and days per week of such exposure or stress.
- d) Identification of the part of the body affected. (If disability is due to a heart condition, give complete details of all activities for one week prior to the attack with particular attention to the final 24 hours of such period.)
- e) A statement as to whether the employee ever suffered a similar condition. If so, provide full details of onset, history, and medical care received, along with names and addresses of physicians rendering treatment.

#### 2) Medical report

- a) Dates of examination or treatment.
- b) History given to the physician by the employee.
- c) Detailed description of the physician's findings.
- d) Results of x-rays, laboratory tests, etc.
- e) Diagnosis.
- f) Clinical course of treatment.
- g) Physician's opinion as to whether the disease or illness was caused or aggravated by the employment, along with an explanation of the basis for this opinion. (Medical reports that do not explain the basis for the physician's opinion are given very little weight in adjudicating the claim.)

#### 3) Wage loss

If you have lost wages or used leave for this illness, Form CA-7 should also be submitted.

### Supervisor (Or appropriate official in the employing agency)

At the time the form is received, complete the Receipt of Notice of Disease or Illness and give it to the employee. In addition to completing items 19 through 34, the supervisor is responsible for filling in the proper codes in shaded boxes a, b, and c on the front of the form. If medical expense or lost time is incurred or expected, the completed form must be sent to OWCP within ten working days after it is received. In a separate narrative statement attached to the form, the supervisor must:

- a) Describe in detail the work performed by the employee. Identify fumes, chemicals, or other irritants or situations that the employee was exposed to which allegedly caused the condition. State the nature, extent, and duration of the exposure, including hours per days and days per week, requested above.
- b) Attach copies of all medical reports (including x-ray reports and laboratory data) on file for the employee.
- c) Attach a record of the employee's absence from work caused by any similar disease or illness. Have the employee state the reason for each absence.
- d) Attach statements from each co-worker who has first-hand knowledge about the employee's condition and its cause. (The co-workers should state how such knowledge was obtained.)
- e) Review and comment on the accuracy of the employee's statement requested above.

The supervisor should also submit any other information or evidence pertinent to the merits of this claim.

### Item Explanations: Some of the items on the form which may require further clarification are explained below.

#### 14. Nature of the disease or illness

Give a complete description of the disease or illness. Specify the left or right side if applicable (e.g., rash on left leg; carpal tunnel syndrome, right wrist).

#### 19. Agency name and address of reporting office

The name and address of the office to which correspondence from OWCP should be sent (if applicable, the address of the personnel or compensation office).

#### 20. Employee's duty station, street address and ZIP code

The street address and zip code of the establishment where the employee actually works.

#### 23. Name and address of physician first providing medical care

The name and address of the physician who first provided medical care for this injury. If initial care was given by a nurse or other health professional (not a physician) in the employing agency's health unit or clinic, indicate this on a separate sheet of paper.

#### 24. First date medical care received

The date of the first visit to the physician listed in item 23.

#### 32. Was the injury caused by third party?

A third party is an individual or organization (other than the injured employee or the Federal government) who is liable for the disease. For instance, manufacturer of a chemical to which an employee was exposed might be considered a third party if improper instructions were given by the manufacturer for use of the chemical.

### Employing Agency - Required Codes

#### Box a (Occupational Code), Box b, (Type Code), Box c (Source Code), OSHA Site Code

The Occupational Safety and Health Administration (OSHA) requires all employing agencies to complete these items when reporting an injury. The proper codes may be found in OSHA Booklet 2014, Record Keeping and Reporting Guidelines.

#### OWCP Agency Code

This is a four digit (or four digit two letter) code used by OWCP to identify the employing agency. The proper code may be obtained from your personnel or compensation office, or by contacting OWCP.



Notice of Occupational Disease  
and Claim for Compensation

U.S. Department of Labor  
Employment Standards Administration  
Office of Workers' Compensation Programs



Employee: Please complete all boxes 1 - 18 below. Do not complete shaded areas.  
Employing Agency (Supervisor or Compensation Specialist): Complete shaded boxes a, b, and c.

Employee Data					
1. Name of employee (Last, First, Middle)				2. Social Security Number	
3. Date of birth	Mo.	Day	Yr.	4. Sex	5. Home telephone ( )
7. Employee's home mailing address (include city, state, and ZIP code)				6. Grade as of date of last exposure	
				Level	Step
				8. Dependents	
				<input type="checkbox"/> Wife, Husband	
				<input type="checkbox"/> Children under 18 years	
				<input type="checkbox"/> Other	

Claim Information	
9. Employee's occupation	a. Occupation code
10. Location (address) where you worked when disease or illness occurred (include city, state, and ZIP code)	11. Date you first became aware of disease or illness
	Mo. Day Yr.
12. Date you first realized the disease or illness was caused or aggravated by your employment	13. Explain the relationship to your employment, and why you came to this realization
Mo. Day Yr.	

14. Nature of disease or illness	OWCP Use - NOI Code
	b. Type code c. Source code

15. If this notice and claim was not filed with the employing agency within 30 days after date shown above in item #12, explain the reason for the delay.

16. If the statement requested in item 1 of the attached instructions is not submitted with this form, explain reason for delay.

17. If the medical reports requested in item 2 of attached instructions are not submitted with this form, explain reason for delay.

**Employee Signature**

18. I certify, under penalty of law, that the disease or illness described above was the result of my employment with the United States Government, and that it was not caused by my willful misconduct, intent to injure myself or another person, nor by my intoxication. I hereby claim medical treatment, if needed, and other benefits provided by the Federal Employees' Compensation Act.

Signature of employee or person acting on his/her behalf \_\_\_\_\_ Date \_\_\_\_\_

Have your supervisor complete the receipt attached to this form and return it to you for your records

Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensation as provided by the FECA or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment or both.



Official Supervisor's Report of Occupational Disease: Please complete information requested below

Supervisor's Report	
19. Name of employee (Last, First, Middle)	OWCP Agency Code
	OSHA Site Code
ZIP Code	

20. Employee's duty station (Street address and ZIP Code) ZIP Code

21. Regular work hours From: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. To: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	22. Regular work schedule <input type="checkbox"/> Sun. <input type="checkbox"/> Mon. <input type="checkbox"/> Tues. <input type="checkbox"/> Wed. <input type="checkbox"/> Thurs. <input type="checkbox"/> Fri. <input type="checkbox"/> Sat.
--	--

23. Name and address of physician first providing medical care (include city, state, ZIP code)	24. First date medical care received <span style="float: right;">Mo. Day Yr.</span> _____
	25. Do medical reports show employee is disabled for work? <input type="checkbox"/> Yes <input type="checkbox"/> No

26. Date employee first reported condition to supervisor <span style="float: right;">Mo. Day Yr.</span> _____	27. Date and hour employee stopped work <span style="float: right;">Mo. Day Yr. Time</span> _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
--	--

28. Date and hour employee's pay stopped <span style="float: right;">Mo. Day Yr. Time</span> _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	29. Date employee was last exposed to conditions alleged to have caused disease or illness <span style="float: right;">Mo. Day Yr.</span> _____
---	--

30. Date returned to work <span style="float: right;">Mo. Day Yr. Time</span> _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	
--	--

31. If employee has returned to work and work assignment has changed, describe new duties

32. Was injury caused by third party? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," go to Item 34.	33. Name and address of third party (include city, state, and ZIP code) _____ _____ _____
--	--

Signature of Supervisor

34. A supervisor who knowingly certifies to any false statement, misrepresentation, concealment of fact, etc., in respect to this claim may also be subject to appropriate felony criminal prosecution.

I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exception:

Name of Supervisor (Type or print)	
Signature of Supervisor	Date
Supervisor's Title	Office phone

**Disability Benefits for Employees under the Federal Employees' Compensation Act (FECA)**

The FECA, which is administered by the Office of Workers' Compensation Programs (OWCP), provides the following general benefits for employment-related occupational disease or illness:

- (1) Full medical care from either Federal medical officers and hospitals, or private hospitals or physicians of the employee's choice.
- (2) Payment of compensation for total or partial wage loss.
- (3) Payment of compensation for permanent impairment of certain organs, members, or functions of the body (such as loss or loss of use of an arm or kidney, loss of vision, etc.), or for serious disfigurement of the head, face, or neck.
- (4) Vocational rehabilitation and related services where necessary.

The first three days in a non-pay status are waiting days, and no compensation is paid for these days unless the period of disability exceeds 14 calendar days, or the employee has suffered a permanent disability. Compensation for total disability is generally paid at the rate of 2/3 of an employee's salary if there are no dependents, or 3/4 of salary if there are one or more dependents.

If an employee is in doubt about compensation benefits, the OWCP District Office servicing the employing agency should be contacted. (Obtain the address from your employing agency.)

For additional information, review the regulations governing the administration of the FECA (Code of Federal Regulations, Title 20, Chapter 1) or Chapter 810 of the Office of Personnel Management's Federal Personnel Manual.

**Privacy Act**

In accordance with the Privacy Act of 1974 (Public Law No. 93-579, 5 U.S.C. 552a) and the Computer Matching and Privacy Protection Act of 1988 (Public Law No. 100-503), you are hereby notified that: (1) The Federal Employees' Compensation Act, as amended (5 U.S.C. 8101, et seq.) is administered by the Office of Workers' Compensation Programs of the U.S. Department of Labor. In accordance with this responsibility, the Office receives and maintains personal information on claimants and their immediate families. (2) The information will be used to determine eligibility for and the amount of benefits payable under the Act. (3) The information collected by this form and other information collected in relation to your compensation claim may be verified through computer matches. (4) The information may be given to Federal, State, and local agencies for law enforcement and for other lawful purposes in accordance with routine uses published by the Department of Labor in the Federal Register. (5) Failure to furnish all requested information may delay the process, or result in an unfavorable decision or a reduced level of benefits. (Disclosure of a social security number (SSN) is voluntary; the failure to disclose such number will not result in the denial of any right, benefit or privilege to which an individual may be entitled. Your SSN may be used to request information about you from employers and others who know you, but only as allowed by law or Presidential directive. The information collected by using your SSN may be used for studies, statistics, and computer matching to benefit and payment files.)

**Receipt of Notice of Occupational Disease or Illness**

This acknowledges receipt of notice of disease or illness sustained by:  
(Name of injured employee)

was first notified about this condition on (Mo., Day, Yr.)

At (Location)

Signature of Official Superior

Title

Date (Mo., Day, Yr.)

This receipt should be retained by the employee as a record that notice was filed.

## INSTRUCTIONS FOR COMPLETING FORM CA-2

Complete all items on your section of the form. If additional space is required to explain or clarify any point, attach a supplemental statement to the form. In addition to the information requested on the form, both the employee and the supervisor are required to submit additional evidence as described below. If this evidence is not submitted along with the form, the responsible party should explain the reason for the delay and state when the additional evidence will be submitted.

### Employee (or person acting on the employee's behalf)

Complete items 1 through 18 and submit the form to the employee's supervisor along with the statement and medical reports described below. Be sure to obtain the Receipt of Notice of Disease or Illness completed by the supervisor at the time the form is submitted.

#### 1) Employee's statement

In a separate narrative statement attached to the form, the employee must submit the following information:

- a) A detailed history of the disease or illness from the date it started.
- b) Complete details of the conditions of employment which are believed to be responsible for the disease or illness.
- c) A description of specific exposures to substances or stressful conditions causing the disease or illness, including locations where exposure or stress occurred, as well as the number of hours per day and days per week of such exposure or stress.
- d) Identification of the part of the body affected. (If disability is due to a heart condition, give complete details of all activities for one week prior to the attack with particular attention to the final 24 hours of such period.)
- e) A statement as to whether the employee ever suffered a similar condition. If so, provide full details of onset, history, and medical care received, along with names and addresses of physicians rendering treatment.

#### 2) Medical report

- a) Dates of examination or treatment.
- b) History given to the physician by the employee.
- c) Detailed description of the physician's findings.
- d) Results of x-rays, laboratory tests, etc.
- e) Diagnosis.
- f) Clinical course of treatment.
- g) Physician's opinion as to whether the disease or illness was caused or aggravated by the employment, along with an explanation of the basis for this opinion. (Medical reports that do not explain the basis for the physician's opinion are given very little weight in adjudicating the claim.)

#### 3) Wage loss

If you have lost wages or used leave for this illness, Form CA-7 should also be submitted.

### Supervisor (Or appropriate official in the employing agency)

At the time the form is received, complete the Receipt of Notice of Disease or Illness and give it to the employee. In addition to completing items 19 through 34, the supervisor is responsible for filling in the proper codes in shaded boxes a, b, and c on the front of the form. If medical expense or lost time is incurred or expected, the completed form must be sent to OWCP within ten working days after it is received. In a separate narrative statement attached to the form, the supervisor must:

- a) Describe in detail the work performed by the employee. Identify fumes, chemicals, or other irritants or situations that the employee was exposed to which allegedly caused the condition. State the nature, extent, and duration of the exposure, including hours per days and days per week, requested above.
- b) Attach copies of all medical reports (including x-ray reports and laboratory data) on file for the employee.
- c) Attach a record of the employee's absence from work caused by any similar disease or illness. Have the employee state the reason for each absence.
- d) Attach statements from each co-worker who has first-hand knowledge about the employee's condition and its cause. (The co-workers should state how such knowledge was obtained.)
- e) Review and comment on the accuracy of the employee's statement requested above.

The supervisor should also submit any other information or evidence pertinent to the merits of this claim.

**Item Explanations: Some of the items on the form which may require further clarification are explained below.**

#### 14. Nature of the disease or illness

Give a complete description of the disease or illness. Specify the left or right side if applicable (e.g., rash on left leg; carpal tunnel syndrome, right wrist).

#### 19. Agency name and address of reporting office

The name and address of the office to which correspondence from OWCP should be sent (if applicable, the address of the personnel or compensation office).

#### 20. Employee's duty station, street address and ZIP code

The street address and zip code of the establishment where the employee actually works.

#### 23. Name and address of physician first providing medical care

The name and address of the physician who first provided medical care for this injury. If initial care was given by a nurse or other health professional (not a physician) in the employing agency's health unit or clinic, indicate this on a separate sheet of paper.

#### 24. First date medical care received

The date of the first visit to the physician listed in item 23.

#### 32. Was the injury caused by third party?

A third party is an individual or organization (other than the injured employee or the Federal government) who is liable for the disease. For instance, manufacturer of a chemical to which an employee was exposed might be considered a third party if improper instructions were given by the manufacturer for use of the chemical.

### Employing Agency - Required Codes

Box a (Occupational Code), Box b, (Type Code), Box c (Source Code), OSHA Site Code

The Occupational Safety and Health Administration (OSHA) requires all employing agencies to complete these items when reporting an injury. The proper codes may be found in OSHA Booklet 2014, Record Keeping and Reporting Guidelines.

### OWCP Agency Code

This is a four digit (or four digit two letter) code used by OWCP to identify the employing agency. The proper code may be obtained from your personnel or compensation office, or by contacting OWCP.

**Exhibit 8**  
**NRC 704 - Time and Attendance**

U.S. NUCLEAR REGULATORY COMMISSION  
Employee Verification of  
Time and Attendance Reported

Name: \_\_\_\_\_ Unit: \_\_\_\_\_ Pay Period: 5 Year: 97

	2/16	2/17	2/18	2/19	2/20	2/21	2/22	WEEK 1	
	SUN	MON	TUE	WED	THU	FRI	SAT	TOTALS	
Regular Wkd	-	-	-	-	-	-	-	-	
Leave Used									
Annual	-	-	-	-	-	-	-	-	
Sick	-	-	-	-	-	-	-	-	
Holiday	-	-	-	-	-	-	-	-	
Comp	-	-	-	-	-	-	-	-	
Credit Hrs	-	-	-	-	-	-	-	-	
Relig Comp	-	-	-	-	-	-	-	-	
Other	-	-	-	-	-	-	-	-	
LWOP	-	-	-	-	-	-	-	-	
Regular PD	-	-	-	-	-	-	-	-	
Premium Hours									
Overtime	-	-	-	-	-	-	-	-	
Comp Earned	-	-	-	-	-	-	-	-	
Credit Hrs	-	-	-	-	-	-	-	-	
Relig Comp	-	-	-	-	-	-	-	-	
Holiday	-	-	-	-	-	-	-	-	
Night Diff	-	-	-	-	-	-	-	-	
Sunday	-	-	-	-	-	-	-	-	
	2/23	2/24	2/25	2/26	2/27	2/28	3/1	WEEK 2	PPD
	SUN	MON	TUE	WED	THU	FRI	SAT	TOTALS	TOTAL
Regular Wkd	-	-	-	-	-	-	-	-	
Leave Used									
Annual	-	-	-	-	-	-	-	-	
Sick	-	-	-	-	-	-	-	-	
Holiday	-	-	-	-	-	-	-	-	
Comp	-	-	-	-	-	-	-	-	
Credit Hrs	-	-	-	-	-	-	-	-	
Relig Comp	-	-	-	-	-	-	-	-	
Other	-	-	-	-	-	-	-	-	
LWOP	-	-	-	-	-	-	-	-	
Regular PD	-	-	-	-	-	-	-	-	
Premium Hours									
Overtime	-	-	-	-	-	-	-	-	
Comp Earned	-	-	-	-	-	-	-	-	
Credit Hrs	-	-	-	-	-	-	-	-	
Relig Comp	-	-	-	-	-	-	-	-	
Holiday	-	-	-	-	-	-	-	-	
Night Diff	-	-	-	-	-	-	-	-	
Sunday	-	-	-	-	-	-	-	-	

Pay Period Still Open, Original Record

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Certifying Official: \_\_\_\_\_ Date: \_\_\_\_\_



**Exhibit 9**  
**SF 71 - Application for Leave**

## APPLICATION FOR LEAVE

**INSTRUCTIONS:** Please complete Items 1-8 after reading the Privacy Act Statement shown below.

1. Name (Print or type - Last, First, M.I.)				2. Employee I.D. Number					
3. Organizational Unit				4-A	MONTH	DAY	Hour	A.M.	4-C Total Number of Hours
				FROM:				P.M.	
5. I hereby request (If more than one box is checked, explain in Item 6. Remarks)				4-B	MONTH	DAY	Hour	A.M.	
				TO:				P.M.	
<input type="checkbox"/> Annual Leave (Annual leave requested may not exceed the amount av. liable for use during the leave year.) <input type="checkbox"/> Sick Leave. <input type="checkbox"/> Leave Without Pay. <input type="checkbox"/> Compensatory Time. <input type="checkbox"/> Other. (Specify)				6. Remarks					
				7. Employee's Signature				8. Date (Month, Day, Year)	

### OFFICIAL ACTION ON APPLICATION

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved (If disapproved, give reason. If annual leave, initiate action to reschedule.)	Signature (Annual leave approved may not exceed the amount available for use during the leave year.)	Date (Month, Day, Year)
-----------------------------------	---	--	-------------------------

**EMPLOYEE** - Check the appropriate box below (Items 1-4) if you are applying for sick leave. If your agency requires such certification, please have your doctor or practitioner complete the Certification section below. Falsification of information in this portion of the form may be grounds for disciplinary action, including dismissal.

1. I was incapacitated for duty by: <input type="checkbox"/> Sickness. <input type="checkbox"/> Off-The-Job Injury. <input type="checkbox"/> On-The-Job Injury. <input type="checkbox"/> Pregnancy and Confinement.	2. I was required to care for a member of my family with a contagious disease. (Give name and relationship of family member, and name of disease.)
3. I will be undergoing medical, dental, or optical examination or treatment	4. I was exposed to a contagious disease. (Give name of disease and circumstances of exposure.)

### CERTIFICATION OF PHYSICIAN OR PRACTITIONER

Employee's Name	Period Under Professional Care (Indicate Month, Day, Year)	
Remarks	From:	To:
	I certify that the employee named was under my professional care for the period indicated above, and that the employee's condition during this period made reporting to work inadvisable.	
Signature of Physician or Practitioner	Date (Month, Day, Year)	

### PRIVACY ACT STATEMENT

Section 6311 of Title 5 to the U.S. Code authorizes collection of this information. The primary use of this information is by management and your payroll office to approve and record your use of leave. Additional disclosures of this information may be: To the Department of Labor when processing a claim for compensation regarding a job-connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health Benefits carriers regarding a claim; to a Federal, State, or local law enforcement agency when your agency becomes aware of a violation or possible violation of civil or criminal law; to a Federal agency when conducting an investigation on you for employment or security reasons; to the Office of Personnel Management or General Accounting Office when the information is required for evaluation of leave administration; and to the General Service Administration in connection with its responsibilities for records management.

When the employee identification number is your Social Security Number, collection of this information is authorized by Executive Order 9397. Furnishing the information on this form, including your Social Security Number, is voluntary, but failure to do so may result in disapproval of this request.

If your agency uses the information furnished on this form for purposes other than these indicated above, it may provide you with an additional statement reflecting those purposes.

**Exhibit 10**  
**NRC 328 - Request for Annual Leave**  
**Restoration Based on Exigency**  
**of Public Business**

**REQUEST FOR ANNUAL LEAVE RESTORATION BASED ON EXIGENCY OF PUBLIC BUSINESS**

**INSTRUCTIONS:** REFER TO NRC APPENDIX 4145, PART II, K AND L. MANAGEMENT INITIATES THIS FORM WHEN IT APPEARS THAT AN EXIGENCY\* OF PUBLIC BUSINESS MAY REQUIRE CANCELLATION OF SCHEDULED ANNUAL LEAVE WHICH WILL CAUSE FORFEITURE. (*Requests for annual leave restoration due to sickness or administrative error should be made by memorandum, in accordance with NRC Appendix 4145, Part II, L.*) ATTACH AN SF 71, APPLICATION FOR LEAVE, OR OTHER SUBSTANTIATING DOCUMENTATION WHICH REQUESTED LEAVE DATED BEFORE THE START OF THE THIRD PAY PERIOD PRIOR TO THE ACTUAL END OF THE LEAVE YEAR. INFORMATION NOT ON THE SF 71 (*OR OTHER SUBSTANTIATING DOCUMENTATION*) SHOULD BE INCLUDED BELOW. NORMALLY MANAGEMENT OBTAINS THE DECISION THAT AN EXIGENCY EXISTS FROM THE DIRECTOR, OFFICE OF ADMINISTRATION, IN ADVANCE OF CANCELLING SCHEDULED ANNUAL LEAVE WHICH WILL RESULT IN FORFEITURE.

\*EXIGENCY - AN OPERATIONAL DEMAND OF SUCH IMPORTANCE AS TO PRECLUDE USE OF SCHEDULED ANNUAL LEAVE.

1. EMPLOYEE NAME		DATE	2. NUMBER OF HOURS REQUESTED FOR RESTORATION	
3. ORGANIZATIONAL UNIT ( <i>Branch, division, office</i> )			4. T&A UNIT NUMBER	5. EMPLOYEE MAIL STOP
6. BEGINNING DATE OF EXIGENCY		7. ENDING DATE OF EXIGENCY		
8. DATE ON WHICH LEAVE WAS SCHEDULED	9. DATE(S) DURING WHICH LEAVE WAS SCHEDULED FOR USE			10. TOTAL HOURS SCHEDULED FOR USE
	FROM	DATE	HOUR	AM PM
	TO	DATE	HOUR	AM PM
11. REASON(S) FOR SUBSEQUENT CANCELLATION OF APPROVED LEAVE ( <i>Nature of exigency</i> )				
12. CALENDAR DATE CANCELLED LEAVE WAS RESCHEDULED FOR USE ( <i>If applicable</i> )		13. DATE(S) DURING WHICH LEAVE RESCHEDULED FOR USE ( <i>If applicable</i> )		14. TOTAL HOURS RESCHEDULED FOR USE ( <i>If applicable</i> )
		FROM	DATE	HOUR
		TO	DATE	HOUR
			AM PM	AM PM
<b>15. REQUEST/CONCURRENCE</b> ( <i>Retain copy if desired for tracking purposes</i> )				
a. SIGNATURE - LEAVE APPROVING OFFICIAL ( <i>Normally originates this request, and certifies that facts are correct.</i> )				DATE
b. SIGNATURE - REQUESTING OFFICIAL ( <i>Office Director or Regional Administrator</i> )				DATE
c. SIGNATURE - DIRECTOR, DIVISION OF ORGANIZATION AND PERSONNEL ( <i> certify that NRCM 4145 requirements are met.</i> )				DATE
(1) LEAVE SCHEDULED BEFORE CUT-OFF DATE		(2) EVIDENCE OF SUPERVISOR'S CANCELLATION OF SCHEDULED LEAVE		(3) NUMBER OF HOURS REQUESTED IS CORRECT
YES		YES		YES
NO		NO		NO ( <i>Give correct number</i> _____)
(4) RECOMMEND APPROVAL TO DIRECTOR, OFFICE OF ADMINISTRATION				
YES		NO		
<b>16. APPROVAL/DISAPPROVAL</b>				
APPROVED	SIGNATURE - DIRECTOR, OFFICE OF ADMINISTRATION			DATE
DISAPPROVED <i>(Return to 15a above)</i>				
<b>17. PAYROLL PROCESSING. DETERMINE AND ENTER DATA BELOW. RETAIN ORIGINAL AND SEND TWO COPIES TO EMPLOYEE</b> <i>(One for Leave Approving Official)</i>				
a. SIGNATURE - CHIEF, EMPLOYEE COMPENSATION UNIT, OFFICE OF RESOURCE MANAGEMENT				DATE
b. NUMBER OF HOURS RESTORED	c. PAY PERIOD IN WHICH RESTORED		d. END OF LEAVE YEAR BY WHICH RESTORED LEAVE MUST BE USED	

**Exhibit 11**  
**NRC 145 - Request and Authorization for**  
**Irregular or Occasional Overtime**  
**or Compensatory Time**



**REQUEST AND AUTHORIZATION FOR IRREGULAR OR OCCASIONAL OVERTIME  
OR COMPENSATORY TIME**

OFFICE/DIVISION

REPORTING T&A UNIT

*Authorization for payment or for compensatory time off in lieu of payment for irregular or occasional work in excess of regularly scheduled hours is requested as follows:*

PAY PERIOD ENDING

NAME	DATE	O/T HOURS	EXPLANATION OR JUSTIFICATION	COMPENSATED BY	
				PAYMENT	COMPENSATORY

RECOMMENDED

APPROVED

SIGNATURE - SUPERVISOR

DATE

SIGNATURE - APPROVING OFFICIAL

DATE

**Exhibit 12**  
**NRC 704B - Time and Attendance used for**  
**Additions or Corrections to**  
**Previously Submitted Data**

TIME AND ATTENDANCE  
NRC FORM 704-B  
(11-85)  
NRCM 4137

PAY PERIOD	YEAR	WORK SCHEDULE	SOCIAL SECURITY NO.	EMPLOYEE'S NAME		T&A UNIT	C									
							LEAVE			OTHER ABSENCE			PREMIUM HOURS			
REG HOURS	ANN	SICK	CODE	HOURS	CODE	HOURS	TOTAL HOURS	FROM	TO	OVER-TIME	COMP TIME	NIGHT DIFFER	SUNDAY/HOLIDAY	CODE	HOURS	
SUN																
MON																
TUES																
WED																
THUR																
FRI																
SAT																
TOTAL WEEK 1																
SUN																
MON																
TUES																
WED																
THUR																
FRI																
SAT																
TOTAL WEEK 2																

Hours Recorded are Correct (NRCM 4137)  
EMPLOYEE'S SIGNATURE

Overtime Approved (NRCM 4136)  
OVERTIME APPROVAL SIGNATURE

Certified Correct (NRCM 1101)  
CERTIFYING OFFICIAL'S SIGNATURE

**Exhibit 13**  
**NRC 35 - Records Transfers**

NRC FORM 35

(11-93)  
NRCMD 3.53U.S. NUCLEAR REGULATORY  
COMMISSION

## RECORDS TRANSFER

## INFORMATION AND RECORDS MANAGEMENT BRANCH COMPLETES BLOCKS 1-10, 22, AND 27-31.

1. JOB NUMBER	2. FRC ACCESSION NUMBER	3. DATE JOB RECEIVED	
4. VOLUME IN CUBIC FEET	5. LOCATION NUMBER(S)	6. DATE ELIGIBLE FOR DESTRUCTION	
7. DATE ELIGIBLE FOR TRANSFER TO NARA	8. ORIGINATING OFFICE CODE	9. FACILITY CODE	
		<input type="checkbox"/> AF	<input type="checkbox"/> AF-V5
		<input type="checkbox"/> AF-V3	<input type="checkbox"/> FRC
10. COMMENTS			

## TRANSFERRING OFFICE - COMPLETE BLOCKS 11-21 AND 23-26.

11. ORIGINATING OFFICE (Office / Division / Branch)	12. FILE CUSTODIAN (Name / Telephone)	13. LOCATION OF RECORDS (Building / Room)
14. TITLE OF RECORD SERIES (Refer to NUREG-0910) (Complete a separate form for each series)		15. RECORD SCHEDULE NUMBER (Refer to NUREG-0910)
16. CLASSIFICATION OF RECORDS	17. RECORD MEDIUM	
<input type="checkbox"/> UNCLASSIFIED	<input type="checkbox"/> PAPER	<input type="checkbox"/> AUDIOVISUAL *
<input type="checkbox"/> OTHER (Specify below)	<input type="checkbox"/> MICROFORM *	<input type="checkbox"/> MACHINE READABLE *
HIGHEST CLASSIFICATION	* PROVIDE SPECIFIC MEDIUM	
18. TOTAL NUMBER OF CONTAINERS	19. TYPE OF CONTAINER(S) (NOTE: Paper records must be retired in 1-cubic-foot record center boxes)	
	<input type="checkbox"/> RECORD CENTER BOX	
	<input type="checkbox"/> OTHER (Specify)	

20. GENERAL DESCRIPTION OF RECORDS  
(Provide a general description of the records using terms commonly used by the staff familiar with the records.)



**DETAILED INVENTORY OF RECORDS BEING TRANSFERRED**

For each individual folder, binder, report, tape, etc., sufficient description to permit retrieval. Provide all identifying numbers that apply to the material (e.g. docket number, case number, contract number, form number, etc.). Provide the date span of each item as well as any date needed to apply the disposition instructions (e.g. license terminated 01/31/90, case closed 01/31/90, etc.). Double space between items in the same container. Triple space when beginning a new container. If more space is required, use NRC form 35A, "Records Transfer Continuation."

21. CONTAINER NUMBER	22. LOCATION NUMBER	23. RECORDS DESCRIPTION	24. DATE SPAN (Month / Years)
25. RECORDS LIAISON OFFICER -- Typed Name and Signature			26. DATE
27. REVIEWING ANALYST -- Signature			28. DATE

**DISPOSITION OF RECORDS**

29. DATE TRANSFERRED TO FRC	30. DATE DESTROYED	31. DATE TRANSFERRED TO NARA

**Exhibit 14**  
**Manpower Sheets**



**Exhibit 15**  
**NRC 368 - Training Request and Authorization**

1. ALL NUMBERED BLOCKS MUST BE COMPLETED BY ORIGINATOR. (Read "K. Instructions" on the reverse. Additional instructions are provided to fill handicapped or disabled requester's requirements.)  
 2. CONTINUED SERVICE AGREEMENT REQUIRED FOR ALL NON-GOVERNMENT TRAINING EXCEEDING 80 HOURS. See Section "H" on the reverse.  
 3. SPECIAL INSTRUCTIONS FOR TRAINING REQUIRING AUTHORIZATION FOR OFFICIAL TRAVEL, NRC FORM 279: THIS TRAINING MUST BE AUTHORIZED AND FUNDED BEFORE SUBMITTING THE REQUEST FOR TRAVEL. IT IS REQUIRED THAT A COPY OF THE COMPLETED NRC FORM 368 ACCOMPANY THE NRC FORM 279.

**A. EMPLOYMENT INFORMATION**

1 NAME - EMPLOYEE (Last, First, Middle Initial)			2 SOCIAL SECURITY NUMBER		3 MAIL STOP	
4 OFFICE/DIVISION/BRANCH		5 POSITION TITLE		6 SERIES	7 GRADE/STEP	8 OFFICE TELEPHONE NUMBER
9 EDUCATION						10 CONTINUOUS CIVILIAN GOVERNMENT SERVICE
a HIGH SCHOOL HIGHEST GRADE COMPLETED		b COLLEGE <input type="checkbox"/> YES <input type="checkbox"/> NO		c DEGREE AND DEGREE FIELD		YRS MOS
		NUMBER OF YEARS				NOTE: If service is less than one year, waivers are required for training through non-government facilities. (See "H" on reverse.)
11 HOME MAILING ADDRESS					12 HOME TELEPHONE NUMBER (Optional)	

**B. PROPOSED TRAINING DATA**

1 TRAINING PROVIDER - NAME AND ADDRESS (Include Zip Code)		2 LOCATION OF TRAINING - If same as provider mark box <input type="checkbox"/> if not the same, supply address here (Include Zip Code)		3 PROVIDER TELEPHONE NUMBER	
				4 EDUCATION CODE	
		<input type="checkbox"/> 4a GOVERNMENT <input type="checkbox"/> 4b NON-GOVERNMENT		PURPOSE	TYPE
				SOURCE	SPECIAL INTEREST
5 TRAINING DATES (8 digits each)	a START		b COMPLETE		6 ACTUAL TRAINING HOURS (4 digits each)
MONTH DAY YEAR	MONTH DAY YEAR	MONTH DAY YEAR	MONTH DAY YEAR	a DUTY	b NON-DUTY
					c TOTAL
					0
7 COURSE TITLE					
8 BRIEF DESCRIPTION AND SOURCE OF INFORMATION AND STATE RELATIONSHIP TO CURRENT/FUTURE OFFICIAL DUTIES. (Do not provide additional information elsewhere.)					

<b>C. COST AND FUNDS OBLIGATION</b>			<b>F. SIGNATURES/RECOMMENDATION/APPROVAL/AUTHORIZATION/OBLIGATION</b>		
1 COST ESTIMATES	NRC	EMPLOYEE	1. EMPLOYEE -- ARE YOU RECEIVING VA/GI BILL EDUCATION BENEFITS <input type="checkbox"/> YES <input type="checkbox"/> NO		
a DIRECT TRAINING COSTS			FOR COURSES AT COLLEGES AND UNIVERSITIES, YOUR SIGNATURE PROVIDES NRC THE AUTHORIZATION TO OBTAIN GRADE INFORMATION DIRECTLY FROM THE EDUCATION/TRAINING FACILITY.		
(1) TUITION			SIGNATURE -- EMPLOYEE		
(2) REGISTRATION			DATE		
(3) OTHER (Specify)			2. PROPOSED TRAINING IS RECOMMENDED SIGNATURE -- IMMEDIATE SUPERVISOR		
DIRECT COST SUBTOTAL			DATE		
OC/DAF -- OBLIGATE NRC SUBTOTAL			3. DIVISION/OFFICE APPROVAL SIGNATURE -- APPROVING OFFICIAL		
b INDIRECT COSTS			DATE		
(1) TRAVEL COST			PROPOSED TRAINING IS AUTHORIZED SIGNATURE -- APPROPRIATE OFFICIAL OP/RPO		
(A) PER DIEM RATE DAYS			DATE		
x			THERE ARE SUFFICIENT FUNDS TO COVER TRAINING COSTS STATED IN C 1 A SIGNATURE -- FUNDING OFFICIAL OP/RPO		
(B) TRANSPORTATION			DATE		
(2) OTHER (Specify)					
INDIRECT COST SUBTOTAL					
TOTAL DIRECT AND INDIRECT COSTS					

**D. DATES RECEIVED/TRANSMITTED**

DATE RECEIVED BY OP/RPO	DATE TRANSMITTED TO PROVIDER

**E. FUNDING SYMBOLS**

B & F NUMBER	ACC/DESC CODE	JOB CODE	AGENCY STATION NO
		T84-	

**G. BILLING INSTRUCTIONS FOR PROVIDER OF TRAINING**

To ensure prompt payment, billings MUST be sent to the address below. Cite the Request Authorization Number at the top right of this form. Any deviation from these instructions will result in delay of payment.

**BILLING ADDRESS:** DIVISION OF ACCOUNTING AND FINANCE  
 MAIL STOP: T-9 H4  
 OFFICE OF THE CONTROLLER  
 U.S. NUCLEAR REGULATORY COMMISSION  
 WASHINGTON, DC 20555-0001



### H. CONTINUED SERVICE AGREEMENT

NOTE: This agreement must be signed by the nominee for all non-government training that exceeds 80 hours and for which the Government approves payment of training costs before such training begins. Nothing contained in this section shall be construed as limiting the authority of an agency to waive, in whole or in part, an obligation of an employee to pay expenses incurred by the Government in connection with the training.

- I AGREE that, upon completion of the Government-sponsored training described in this request, if I receive salary covering the training period, I will serve in the agency three times the length of the training period. If I receive no salary during the training period, I agree to serve the agency for a period equal to the length of training, but in no case less than one month. (The length of part-time training is the number of hours spent in class or with the instructor. The length of full-time training is 8 hours of each day of training, up to a maximum of 40 hours a week.) NOTE: For the purpose of this agreement, the term "agency" refers to the employing organization (such as an Executive Department or independent establishment), not to a segment of such an organization.
- If I voluntarily leave the agency before completing the period of service agreed to in item 1 above, I AGREE to reimburse the agency for the tuition and related fees, travel and other special expenses (EXCLUDING SALARY) paid in connection with my training. These amounts are reflected in item C1.
- I FURTHER AGREE THAT, if I voluntarily leave the agency to enter the service of another Federal agency or other organization in any branch of the Government before completing the period of service agreed to in item 1 above, I will give my organization written notice of at least 10 working days, during which time a determination concerning reimbursement will be made. If I fail to give this advance notice, I AGREE to pay the amount of additional expense (5 U.S.C. 4109(a)(2)) incurred by the Government in this training.
- I understand that any amounts which may be due to the agency as a result of any failure on my part to meet the terms of this agreement may be withheld from any monies owed me by the Government, or may be recovered by such other methods as are approved by law.
- I FURTHER AGREE to obtain approval from my Office/Region Approval Official for any proposed change in my approved training program involving course and schedule changes, withdrawals or incompletions, and increased costs.
- I acknowledge that this agreement does not in any way commit the Government to continue my employment. I understand that, if there is a transfer of my service obligations to another Federal agency or other organization in any branch of the Government, the agreements in items 1, 2, and 3 of this section will remain in effect until I have completed my obligated service with that other agency or organization.

SIGNATURE -- EMPLOYEE

DATE

### I. SPECIAL REQUIREMENT

- GENERAL OR SPECIAL WAIVER OF STATUTORY LIMITATIONS FOR EMPLOYEES WITH LESS THAN ONE YEAR OF CURRENT, CONTINUOUS CIVILIAN SERVICE. (Only for training through non-government facilities. Refer to NRC Management Directive 10.77.) Postponement of training is contrary to the public interest for the following reason(s).

- Training is essential to protection of life, safety, or property
- Training is essential to law enforcement activities
- Training that employee can take at little or no cost to NRC, other than salary expenses
- Training that is relatively short, highly specialized, very closely job-related, and of immediate application
- Training that is an integral part of a formal, entry-level, development program (e.g., intern program, fellowship program, etc.)

Supervisor Check appropriate box and sign for waiver

SIGNATURE -- SUPERVISOR

DATE

### J. FRAUDULENT CLAIMS

Double payment of Educational Allowances: Normally 38 U.S.C. 1781 prohibits educational assistance by the Veterans Administration (VA) to a veteran who is attending a course of education or training paid for under the Government Employees Training Act (GETA).

FRAUD: The following applicable Federal Statutes provide criminal sanctions for willful fraud: 38 U.S.C. 3502 (Fraudulent receipt of funds from VA), 18 U.S.C. 1001 (False statement or representation to U.S.), and 18 U.S.C. 287 (Making false, fictitious, or fraudulent claims to the U.S.).

### K. INSTRUCTIONS

- Prepare this form for all training requests. If the requester is handicapped or disabled and in need of special arrangements (braille, taping, interpreters, facility accessibility, etc.), describe the special arrangements on a separate sheet and attach it to this form. NOTE: The requester not required to furnish this information. His/her signature on the descriptive sheet indicates agreement to release it to training facilities.
- Retain the EMPLOYEE PENDING copy, and forward the set, complete with required office approvals, through the office training coordinator to the Office of Personnel, for Headquarters employees; and to the Regional Personnel Officer for regional employees.
- After the request is reviewed and approved by the Office of Personnel/Regional Personnel Officer, an Authorization for Training letter is sent to the Training Provider. A copy of the NRC Form 368 and evaluation form (NRC Form 368A) is sent to the employee.

### PRIVACY ACT STATEMENT

Pursuant to U.S.C. 552a(e), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93-579), the following statement is furnished to individuals who supply information to the U.S. Nuclear Regulatory Commission on NRC Form 368. This information is maintained in a system of records designated as NRC-11, described at 58 Federal Register 36462 (July 7, 1993), and NRC-19, described at 58 Federal Register 36467 (July 7, 1993), or the most recent Federal Register publication of the Nuclear Regulatory Commission's "Republication of Systems of Records Notices" that is available at the NRC Public Document Room, Geiman Building, Lower Level, 2120 L Street NW, Washington, DC.

- AUTHORITY:** 5 U.S.C. 3396; 5 U.S.C. 4102 (1988); and Executive Order 11348 dated April 20, 1967, as amended by Executive Order 12107, December 8, 1976. The authority for soliciting the social security number is Executive Order 9397, dated November 22, 1943.
- PRINCIPAL PURPOSE(S):** The information entered on this form relates to registration/acceptance for training courses. Social security numbers are used to facilitate the recording of the student's training in the computer system.
- ROUTINE USE(S):** Information may be used to provide data to other Federal, State, and local agencies involved in monitoring and/or evaluating the impact of commuting activities by NRC employees and visitors on local traffic patterns. The information may also be disclosed to an appropriate Federal, State, or local agency in the event the information indicates a violation or potential violation of law and in the course of an administrative or judicial proceeding.
- WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT OF INDIVIDUAL OF NOT PROVIDING INFORMATION:** It is voluntary that you furnish the requested information. Failure to provide the Social Security number will not affect an individual's right to attend this scheduled course.
- SYSTEM MANAGER(S) AND ADDRESS:** Director, Office of Personnel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**Exhibit 16**  
**NRC 368A - Evaluation of Training**

EVALUATION OF TRAINING

NOTE: YOU **MUST** notify your Office/Region Training Contact **IN WRITING** of any changes in the status of this training activity such as cancellation, rescheduling or dropping the course. If the change is due to management action, your supervisor **MUST** concur on your written notification.  
 RECOGNITION OF THE COMPLETION OF THIS TRAINING WILL NOT BE ENTERED IN YOUR PERSONNEL FOLDER, UNTIL THIS EVALUATION HAS BEEN COMPLETED AND RETURNED TO OFM.  
**SUBMIT THIS EVALUATION AS SOON AS POSSIBLE, BUT NOT LATER THAN FIVE DAYS AFTER COMPLETION OF TRAINING SO THAT PAYMENT OF TRAINING EXPENSES MAY BE APPROVED. RETURN TO MAIL STOP T-3 D45.**

**A. EMPLOYMENT INFORMATION**

1. NAME - EMPLOYEE (Last, First, Middle Initial)		2. SOCIAL SECURITY NUMBER		3. MAIL STOP	
4. OFFICE/DIVISION/BRANCH		5. POSITION TITLE		6. OFFICE TELEPHONE NUMBER	
7. SERIES		8. GRADE/STEP		9. EDUCATION	
a. HIGH SCHOOL HIGHEST GRADE COMPLETED		b. COLLEGE <input type="checkbox"/> YES <input type="checkbox"/> NO NUMBER OF YEARS		c. DEGREE AND DEGREE FIELD	
10. CONTINUOUS CIVILIAN GOVERNMENT SERVICE		YRS		MOS	
11. HOME MAILING ADDRESS		12. HOME TELEPHONE NUMBER (Optional)			

**B. PROPOSED TRAINING DATA**

1. TRAINING PROVIDER - NAME AND ADDRESS (Include Zip Code)		2. LOCATION OF TRAINING - If same as provider, mark box <input type="checkbox"/> If not the same, supply address here (Include Zip Code.)		3. PROVIDER TELEPHONE NUMBER	
4a. GOVERNMENT		PURPOSE		TYPE	
4b. NON-GOVERNMENT		SOURCE		SPECIAL INTEREST	
5. TRAINING DATES (8 digits each)		6. ACTUAL TRAINING HOURS (4 digits each)		7. COURSE TITLE	
a. START		b. COMPLETE		a. DUTY	
MONTH DAY YEAR		MONTH DAY YEAR		b. NON-DUTY	
				c. TOTAL	
				0	

8. BRIEF DESCRIPTION AND SOURCE OF INFORMATION AND STATE RELATIONSHIP TO CURRENT/FUTURE OFFICIAL DUTIES (Do not provide additional information elsewhere.)

**C. EVALUATION OF TRAINING**

PROVIDE YOUR EVALUATION ON THE NEXT PAGE

### C. EVALUATION OF TRAINING

1. DID YOU COMPLETE THE COURSE? <input type="checkbox"/> YES <input type="checkbox"/> NO	2. IF TRAINING WAS AT A COLLEGE OR UNIVERSITY AND GRADES WERE ASSIGNED, WHAT GRADE DID YOU RECEIVE?	3. IF THE COURSE WAS ONLY AUDITED, CHECK HERE (Explain in Block 12) <span style="float: right;">→ <input type="checkbox"/></span>
--	---	--

EVALUATION FACTORS	Read each item and check the appropriate rating column			
	A	B	C	D
4. STATED OBJECTIVE ACCOMPLISHED	<input type="checkbox"/> YES	<input type="checkbox"/> PARTIALLY	<input type="checkbox"/> NO	<input type="checkbox"/> NOT APPLICABLE
5. COVERAGE OF SUBJECT MATTER	<input type="checkbox"/> EXCELLENT	<input type="checkbox"/> SUFFICIENTLY	<input type="checkbox"/> POOR	<input type="checkbox"/> NOT APPLICABLE
6. ORGANIZATION OF SUBJECT MATTER	<input type="checkbox"/> WELL ORGANIZED	<input type="checkbox"/> ADEQUATE	<input type="checkbox"/> POORLY ORGANIZED	<input type="checkbox"/> NOT APPLICABLE
7. APPLICABILITY OF SUBJECT MATTER TO THE JOB	<input type="checkbox"/> SIGNIFICANT	<input type="checkbox"/> ADEQUATE	<input type="checkbox"/> INSIGNIFICANT	<input type="checkbox"/> NOT APPLICABLE
8. RECOMMENDATION TO COLLEAGUES	<input type="checkbox"/> HIGHLY RECOMMENDED	<input type="checkbox"/> RECOMMENDED	<input type="checkbox"/> NOT RECOMMENDED	<input type="checkbox"/> NOT APPLICABLE
9. MEETS CAREER DEVELOPMENT PLAN	<input type="checkbox"/> YES	<input type="checkbox"/> NO		<input type="checkbox"/> NOT APPLICABLE

10. SPECIFY THE AREAS YOU FEEL REQUIRE MORE EMPHASIS

11. SPECIFY THE AREAS YOU FEEL REQUIRE LESS EMPHASIS

12. REMARKS (Please make any comments you wish about this course.)

13. I SUCCESSFULLY COMPLETED THE TRAINING IDENTIFIED ON THE REVERSE	14. NOTED
SIGNATURE - EMPLOYEE	DATE
SIGNATURE - SUPERVISOR	DATE

**PRIVACY ACT STATEMENT**

Pursuant TO 5 U.S.C. 552a(e)(3), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93-579), the following statement is furnished to individuals who supply information to the U.S. Nuclear Regulatory Commission or NRC Form 368. This information is maintained in a system of records designated as NRC-11 and NRC 19, and as described at 55 Federal Register 33983 (August 20, 1990), or the most recent Federal Register publication of the Nuclear Regulatory Commission's "Republication of Systems of Records Notices" that is available at the NRC Public Document Room, Geiman Building, Lower Level, 2120 L Street NW, Washington, D.C.

- |   |  |
|---|--|
| 1. <b>AUTHORITY:</b> 5 U.S.C. 3396, 5 U.S.C. 4103 (1986), and Executive Order 11348 dated April 20, 1967, as amended by Executive Order 12107, December 28, 1978. The authority for soliciting the social security number is Executive Order 9397, dated November 22, 1943.   | 4. <b>WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT OF INDIVIDUAL OF NOT PROVIDING INFORMATION:</b> It is voluntary that you furnish the requested information. Failure to provide the Social Security number will not affect an individual's right to attend this scheduled course. |
| 2. <b>PRINCIPAL PURPOSE(S):</b> The information entered on this form relates to registration/acceptance for training courses. Social security numbers are used to facilitate the recording of the student's training in the computer system.  | 5. <b>SYSTEM MANAGER(S) AND ADDRESS:</b><br><br>Director<br>Office of Personnel<br>U.S. Nuclear Regulatory Commission<br>Washington, DC 20555-0001   |
| 3. <b>ROUTINE USE(S):</b> Information may be used to provide data to other Federal, State, and local agencies involved in monitoring and/or evaluating the impact of commuting activities by NRC employees and visitors on local traffic patterns. The information may also be disclosed to an appropriate Federal, State, or local agency in the event the information indicates a violation or potential violations of law and in the course of an administrative or judicial proceeding. |  |

**Exhibit 17**  
**Consultant Request**



USE OF ACRS/ACNW CONSULTANTS

Consultant's Name: \_\_\_\_\_ Affiliation: \_\_\_\_\_

Requested by: (member) \_\_\_\_\_

Services required to start by: (date) \_\_\_\_\_ Services required to end by: (date) \_\_\_\_\_

Estimated number of days: \_\_\_\_\_ Consultant's report due by: \_\_\_\_\_

Consultant's Skills, Background and ACRS Need (be specific) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Meeting Date: \_\_\_\_\_ HLW \_\_\_\_\_ LLW \_\_\_\_\_ AP600 \_\_\_\_\_ SBWR \_\_\_\_\_ Other \_\_\_\_\_

Conflict-of-interest check completed on: \_\_\_\_\_ Approved by Vice Chairman on: \_\_\_\_\_

Actual Location (if other than Rockville): \_\_\_\_\_ Rental Car: Y/N \_\_\_\_\_

Source:

Personal Services Consultant: Y/N \_\_\_\_\_ National Lab.: Y/N \_\_\_\_\_

Sole Source (Form 30): Y/N \_\_\_\_\_ Interagency Agreement: Y/N \_\_\_\_\_

Invitational Travel: Y/N \_\_\_\_\_ Y Only: Social Security Number: \_\_\_/\_\_\_/\_\_\_

Address: \_\_\_\_\_

Staff Engineer \_\_\_\_\_ Date \_\_\_\_\_ Branch Chief Concurrence \_\_\_\_\_ Date \_\_\_\_\_

CONSULTANT USAGE REPORT (Fill out after work is completed)

Meeting(s) attended: \_\_\_\_\_

Estimated Number of days - Preparation: \_\_\_\_\_

Travel: \_\_\_\_\_

Meeting attendance: \_\_\_\_\_

Dates work performed: \_\_\_\_\_ Appropriately Claimed: Y/N \_\_\_\_\_

Final Product: \_\_\_\_\_

Date Received: \_\_\_\_\_ Overall performance is appropriate: Y/N \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Staff Engineer \_\_\_\_\_ Date \_\_\_\_\_ Branch Chief Concurrence \_\_\_\_\_ Date \_\_\_\_\_

Return to Barbara White within 5 working days after the consultant completes task.

REQUEST CANCELLED \_\_\_\_\_  
Engineer \_\_\_\_\_ Date \_\_\_\_\_

**Exhibit 18**  
**OF 306 - Declaration for Federal Employment**

**PRIVACY ACT AND PUBLIC BURDEN STATEMENT**

The Office of Personnel Management is authorized to request this information under sections 1302, 1301, 1304, and 8716 of title 5 of the U.S. Code. Section 1104 of title 5 allows the Office of Personnel Management to delegate personnel management functions to other Federal agencies. If necessary, and usually in conjunction with another form or forms, this form may be used in conducting an investigation to determine your suitability or your ability to hold a security clearance, and it may be disclosed to authorized officials making similar, subsequent determinations.

Public burden reporting for this collection of information is estimated to vary from 5 to 30 minutes with an average of 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Reports and Forms Management Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415.

**ROUTINE USES:** Any disclosure of this record or information in this record is in accordance with routine uses found in System Notice OPM/GOVT-1, General Personnel Records. This system allows disclosure of information to training facilities; organizations deciding claims for retirement, insurance, unemployment, or health benefits; officials in litigation or administrative proceeding where the Government is a party; law enforcement agencies concerning a violation of law or regulation; Federal agencies for statistical reports and studies; officials of labor organizations recognized by law in connection with representing employees; Federal agencies or other sources requesting information for Federal agencies in connection with hiring or retaining, security clearance, security or suitability investigations, classifying jobs, contracting, or issuing licenses, grants, or other benefits; public and private organizations, including news media, which grant or publicize employee recognition and awards; the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, the

National Archives, the Federal Acquisitions Institute, and Congressional offices in connection with their official functions; prospective non-Federal employers concerning tenure of employment, civil service status, length of service, and the date and nature of action for separation as shown on the SF 50 (or authorized exception) of a specifically identified individual; requesting organizations or individuals concerning the home address and other relevant information on those who might have contracted an illness or been exposed to a health hazard; authorized Federal and non-Federal agencies for use in computer matching; spouses or dependent children asking whether the employee has changed from a self-and-family to a self-only health benefit enrollment; individuals working on a contract, service, grant, cooperative agreement, or job for the Federal government; non-agency members of an agency's performance or other panel; and agency-appointed representatives of employees concerning information issued to the employee about fitness-for-duty or agency-filed disability retirement procedures.

Optional Form 306  
September 1994  
U.S. Office of Personnel  
Management

**Declaration for Federal Employment**

Form Approved:  
O.M.B. No. 3206-0182  
NSN 7540-01-368-7775  
50306-101

**GENERAL INFORMATION**

<p><b>1 FULL NAME</b></p> <p>▶</p>	<p><b>2 SOCIAL SECURITY NUMBER</b></p> <p>▶</p>
<p><b>3 PLACE OF BIRTH</b> (Include City and State or Country)</p> <p>▶</p>	<p><b>4 DATE OF BIRTH</b> (MM/DD/YY)</p> <p>▶</p>
<p><b>5 OTHER NAMES EVER USED</b> (For example, maiden name, nickname, etc.)</p> <p>▶</p> <p>▶</p>	<p><b>6 PHONE NUMBERS</b> (Include Area Codes)</p> <p>DAY ▶</p> <p>NIGHT ▶</p>

**MILITARY SERVICE**

**7** Have you served in the United States Military Service? If your only active duty was training in the Reserves or National Guard, answer "NO".

Yes	No

BRANCH	FROM	TO	TYPE OF DISCHARGE
If you answered "YES", list the branch, dates (MM/DD/YY), and type of discharge for all active duty military service.			

**BACKGROUND INFORMATION**

**For all questions**, provide all additional requested information under item 15 or on attached sheets. The circumstances of each event you list will be considered. However, in most cases you can still be considered for Federal jobs.

**For questions 8, 9, and 10**, your answers should include convictions resulting from a plea of nolo contendere (no contest), but omit (1) traffic fines of \$300 or less, (2) any violation of law committed before your 16th birthday, (3) any violation of law committed before your 18th birthday if finally decided in juvenile court or under a Youth Offender law, (4) any conviction set aside under the Federal Youth Corrections Act or similar State law, and (5) any conviction whose record was expunged under Federal or State law.

<p><b>8</b> During the last 10 years, have you been convicted, been imprisoned, been on probation, or been on parole? (Includes felonies, firearms or explosives violations, misdemeanors, and all other offenses.) If "Yes", use item 15 to provide the date, explanation of the violation, place of occurrence, and the name and address of the police department or court involved.</p>	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>	Yes	No		
Yes	No				
<p><b>9</b> Have you been convicted by a military court-martial in the past 10 years? (If no military service, answer "NO".) If "Yes", use item 15 to provide the date, explanation of the violation, place of occurrence, and the name and address of the military authority or court involved.</p>	<table border="1"> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>				
<p><b>10</b> Are you now under charges for any violation of law? If "Yes", use item 15 to provide the date, explanation of the violation, place of occurrence, and the name and address of the police department or court involved.</p>	<table border="1"> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>				
<p><b>11</b> During the last 5 years, were you fired from any job for any reason, did you quit after being told that you would be fired, did you leave any job by mutual agreement because of specific problems, or were you debarred from Federal employment by the Office of Personnel Management? If "Yes", use item 15 to provide the date, an explanation of the problem and reason for leaving, and the employer's name and address.</p>	<table border="1"> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>				
<p><b>12</b> Are you delinquent on any Federal debt? (Includes delinquencies arising from Federal taxes, loans, overpayment of benefits, and other debts to the U.S. Government, plus defaults of Federally guaranteed or insured loans such as student and home mortgage loans.) If "Yes", use item 15 to provide the type, length, and amount of the delinquency or default, and steps that you are taking to correct the error or repay the debt.</p>	<table border="1"> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>				

**ADDITIONAL QUESTIONS**

<p><b>13</b> Do any of your relatives work for the agency or organization to which you are submitting this form? (Includes father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister.) If "Yes", use item 15 to provide the name, relationship, and the Department, Agency, or Branch of the Armed Forces for which your relative works.</p>	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>	Yes	No		
Yes	No				
<p><b>14</b> Do you receive, or have you ever applied for, retirement pay, pension, or other pay based on military, Federal civilian, or District of Columbia Government service?</p>	<table border="1"> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>				

**CONTINUATION SPACE / AGENCY OPTIONAL QUESTIONS**

- 15** Provide details requested in items 8 through 13 and 17c in the continuation space below or on attached sheets. Be sure to identify attached sheets with your name, Social Security Number, and item number, and to include ZIP Codes in all addresses. If any questions are printed below, please answer as instructed (these questions are specific to your position, and your agency is authorized to ask them).

**CERTIFICATIONS / ADDITIONAL QUESTION**

**APPLICANT: If you are applying for a position and have not yet been selected.** Carefully review your answers on this form and any attached sheets. When this form and all attached materials are accurate, complete item 16/16a.

**APPOINTEE: If you are being appointed.** Carefully review your answers on this form and any attached sheets, including any other application materials that your agency has attached to this form. If any information requires correction to be accurate as of the date you are signing, make changes on this form or the attachments and/or provide updated information on additional sheets, initialing and dating all changes and additions. When this form and all attached materials are accurate, complete item 16/16b and answer item 17.

**16** I certify that, to the best of my knowledge and belief, all of the information on and attached to this Declaration for Federal Employment, including any attached application materials, is true, correct, complete, and made in good faith. I understand that a false or fraudulent answer to any question on any part of this declaration or its attachments may be grounds for not hiring me, or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated for purposes of determining eligibility for Federal employment as allowed by law or Presidential order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies, and other individuals and organizations to investigators, personnel specialists, and other authorized employees of the Federal Government. I understand that for financial or lending institutions, medical institutions, hospitals, health care professionals, and some other sources of information, a separate specific release may be needed, and I may be contacted for such a release at a later date.

**16a Applicant's Signature** ▶  
(Sign in ink)

Date ▶

**16b Appointee's Signature** ▶  
(Sign in ink)

Date ▶

APPOINTING OFFICER: Enter Date of Appointment or Conversion

- 17 Appointee Only (Respond only if you have been employed by the Federal Government before):** Your elections of life insurance during previous Federal employment may affect your eligibility for life insurance during your new appointment. These questions are asked to help your personnel office make a correct determination.

**17a** When did you leave your last Federal job? .....

**17b** When you worked for the Federal Government the last time, did you waive Basic Life Insurance or any type of optional life insurance? .....

**17c** If you answered "Yes" to item 17b, did you later cancel the waiver(s)? If your answer to item 17c is "No," use item 15 to identify the type(s) of insurance for which waivers were not cancelled. ....

Date (MM/DD/YY)		
Yes	No	Don't Know

Optional Form 306 (Back)

U.S. Government Printing Office: 1995 — 393-571/20009

September 1994

Optional Form 306  
U.S. Office of Personnel  
Management

**Declaration for Federal Employment**

Form Approved:  
O.M.B. No. 3206-0182  
NSN 7540-01-369-7775  
50306-101

**INSTRUCTIONS**

The information collected on this form is used to determine your acceptability for Federal employment and your enrollment status in the Government's Life Insurance program. You may be asked to complete this form at any time during the hiring process. Follow instructions that the agency provides. If you are corrected, you will be asked to update your responses on this form and on other materials submitted during the application process and then to recertify that your answers are true before you are appointed.

Your Social Security Number is needed to keep our records accurate, because people may have the same name and birthdate. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records. Giving us your SSN or any other information is voluntary. However,

if you do not give us your SSN or any other information requested, we cannot process your application. Incomplete addresses and ZIP Codes may also slow processing.

You must answer all questions truthfully and completely. A false statement on any part of this declaration or attached forms or sheets may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

Either type your responses to this form or print clearly in dark ink. If you need additional space, attach letter-size sheets (8.5" X 11"), including your name, Social Security Number, and item number on each sheet. It is recommended that you keep a photocopy of your completed form for your records.

**Exhibit 19**  
**OF 612 - Optional Application for**  
**Federal Employment**



# OPTIONAL APPLICATION FOR FEDERAL EMPLOYMENT - OF 612

You may apply for most jobs with a resume, this form, or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job.

1 Job title in announcement	2 Grade(s) applying for	3 Announcement number
4 Last name	First and middle names	5 Social Security Number
6 Mailing address		7 Phone numbers (include area code)
City	State	ZIP Code
		Daytime
		Evening

## WORK EXPERIENCE

8 Describe your paid and nonpaid work experience related to the job for which you are applying. Do **not** attach job descriptions.

1) Job title (if Federal, include series and grade)

From (MM/YY)	To (MM/YY)	Salary	per	Hours per week
\$				
Employer's name and address			Supervisor's name and phone number	

Describe your duties and accomplishments

2) Job title (if Federal, include series and grade)

From (MM/YY)	To (MM/YY)	Salary	per	Hours per week
\$				
Employer's name and address			Supervisor's name and phone number	

Describe your duties and accomplishments

## GENERAL INFORMATION

You may apply for most Federal jobs with a resume, the attached *Optional Application for Federal Employment* or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job. Type or print clearly in dark ink. Help speed the selection process by keeping your application brief and sending only the requested information. If essential to attach additional pages, include your name and Social Security Number on each page.

- For information on Federal employment, including job lists, alternative formats for persons with disabilities, and veterans' preference, call the U.S. Office of Personnel Management at 912-757-3000, TDD 912-744-2296, by computer modem 912-757-3100, or via the Internet (Teinet only) at FUJOB.MAIL.OPM.GOV.
- If you served on active duty in the United States Military and were separated under honorable conditions, you may be eligible for veterans' preference. To receive preference if your service began after October 15, 1976, you must have a Campaign Badge, Expeditionary Medal, or a service-connected disability. Veterans' preference is not a factor for Senior Executive Service jobs or when competition is limited to status candidates (current or former career or career-conditional Federal employees).
- Most Federal jobs require United States citizenship and also that males over age 18 born after December 31, 1959, have registered with the Selective Service System or have an exemption.
- The law prohibits public officials from appointing, promoting, or recommending their relatives.
- Federal annuitants (military and civilian) may have their salaries or annuities reduced. All employees must pay any valid delinquent debts or the agency may garnish their salary.
- Send your application to the office announcing the vacancy. If you have questions, contact that office.

**PRIVACY ACT AND PUBLIC BURDEN STATEMENTS**

The Office of Personnel Management and other Federal agencies rate applicants for Federal jobs under the authority of sections 1104, 1302, 3301, 3304, 3320, 3361, 3393, and 3394 of title 5 of the United States Code. We need the information requested in this form and in the associated vacancy announcements to evaluate your qualifications. Other laws require us to ask about citizenship, military service, etc.

- We request your Social Security Number (SSN) under the authority of Executive Order 9397 in order to keep your records straight; other people may have the same name. As allowed by law or Presidential directive, we use your SSN to seek information about you from employers, schools, banks, and others who know you. Your SSN may also be used in studies and computer matching with other Government files, for example, files on unpaid student loans.
- If you do not give us your SSN or any other information requested, we cannot process your application, which is the first step in getting a job. Also, incomplete addresses and ZIP Codes will slow processing.
- We may give information from your records to: training facilities; organizations; deciding claims for retirement, insurance, unemployment or health benefits; officials in litigation or administrative proceedings where the Government is a party; law enforcement agencies concerning violations of law or regulation; Federal agencies for statistical reports and studies; officials of labor organizations recognized by law; in connection with representing employees; Federal agencies or other sources requesting information for Federal agencies in connection with hiring or retaining, security clearances, security or suitability investigations, classifying jobs, contracting, or issuing licenses, grants, or other benefits; public and private organizations including news media that grant or publicize employee recognition and awards; and the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission,

the Federal Labor Relations Authority, the National Archives, the Federal Acquisition Institute, and congressional offices in connection with their official functions.

- We may also give information from your records to prospective nonfederal employers concerning terms of employment, civil service status, length of service, and date and nature of action for separation as shown on personnel action forms of specifically identified individuals; requesting organizations or individuals concerning the home address and other relevant information on those who might have contracted an illness or been exposed to a health hazard; authorized Federal and nonfederal agencies for use in computer matching; spouses or dependent children asking whether the employee has changed from self-and-family to self-only health benefits enrollment; individuals working on a contract, service, grant, cooperative agreement or job for the Federal Government, non-agency members of an agency's performance or other panel, and agency-appointed representatives of employees concerning information issued to the employee about fitness-for-duty or agency-filed disability retirement procedures.
- We estimate the public reporting burden for this collection will vary from 20 to 240 minutes with an average of 40 minutes per response, including time for reviewing instructions, searching existing data sources, gathering data, and completing and reviewing the information. You may send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to U.S. Office of Personnel Management, Reports and Forms Management Officer, Washington, DC 20415-0001.
- Send your application to the agency announcing the vacancy.

9 May we contact your current supervisor?

YES [ ] NO [ ] If we need to contact your current supervisor before making an offer, we will contact you first.

**EDUCATION**

10 Mark highest level completed. Some HS [ ] HS/GED [ ] Associate [ ] Bachelor [ ] Master [ ] Doctoral [ ]

11 Last high school (HS) or GED school. Give the school's name, city, State, ZIP Code (if known), and year diploma or GED received.

12 Colleges and universities attended. Do not attach a copy of your transcript unless requested.

1) Name	Total Credits Earned		Major(s)	Degree - Year	
	Semester	Quarter		(if any)	Received
City State ZIP Code					
2)					
3)					

**OTHER QUALIFICATIONS**

13 Job-related training courses (give title and year). Job-related skills (other languages, computer software/hardware, tools, machinery, typing speed, etc.). Job-related certificates and licenses (current only). Job-related honors, awards, and special accomplishments (publications, memberships in professional/honor societies, leadership activities, public speaking, and performance awards). Give dates, but do not send documents unless requested.

**GENERAL**

- 14 Are you a U.S. citizen? YES [ ] NO [ ] Give the country of your citizenship.
- 15 Do you claim veterans' preference? NO [ ] YES [ ] Mark your claim of 5 or 10 points below.  
5 points [ ] Attach your DD 214 or other proof. 10 points [ ] Attach an Application for 10-Point Veterans' Preference (SF 15) and proof required.
- 16 Were you ever a Federal civilian employee? NO [ ] YES [ ] For highest civilian grade give: Series Grade From (MM/YY) To (MM/YY)
- 17 Are you eligible for reinstatement based on career or career-conditional Federal status? NO [ ] YES [ ] If requested, attach SF 50 proof.

**APPLICANT CERTIFICATION**

18 I certify that, to the best of my knowledge and belief, all of the information on and attached to this application is true, correct, complete and made in good faith. I understand that false or fraudulent information on or attached to this application may be grounds for not hiring me or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated.

SIGNATURE

DATE SIGNED

**Exhibit 20**  
**SF 450 - Security Forms Package**

## Executive Branch CONFIDENTIAL FINANCIAL DISCLOSURE REPORT

PARTS I - II

Employee's Name <i>(Last, first, middle initial)</i>	Position/Title	Grade	Date of Appointment	Page No.
Agency	Branch/Unit and Address	Work Phone	Check box if special Government employee (SGE) <input type="checkbox"/>	
I certify that the statements I have made on this form and all attached statements are true, complete, and correct to the best of my knowledge.		Signature of Employee	Date	Reporting Status: <input type="checkbox"/> New entrant <input type="checkbox"/> Annual

Date Received by Agency	On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (except as noted in "comments" box below).	Signature of Supervisor/Other Intermediate Reviewer	Printed Name/Title	Date
Signature of Agency's Final Reviewing Official and Title		Date	Comments of Reviewing Officials	(Check box if continued on reverse) <input type="checkbox"/>

*(Use additional copies of this form as continuation pages, if necessary, to complete any part.)*

### Part I: Assets and Income

None

Identify for you, your spouse, and dependent children: 1) each asset held for investment or the production of income which had a fair market value exceeding \$1,000 (\$5,000 for personal saving accounts) at the close of the reporting period; and 2) each asset or source of income (other than U.S. Government salary or retirement, including the Thrift Savings Plan) which generated over \$200 in income during the reporting period (\$1,000 for your spouse's earned income, other than honoraria). This includes but is not limited to employers, stocks, bonds, tax shelters, personal savings accounts, realty, mutual funds, pensions, annuities, IR assets, trust assets, trust assets, commodity futures, trades and businesses, partnership interests, and honoraria. Exclude your personal residence, unless you rent it out, and any earned income of you dependent children. If the holding is an excepted trust (ET) or an excepted investment fund (EIF) (see instructions), indicate that in the designated column, and you need not disclose underlying holdings.

Assets and Income Sources <i>(Identify specific employer, business, stock, bond, mutual fund, financial institution, type/location of real estate, etc.)</i>	(X) if no longer held	Nature of Income <i>(Rent, interest, dividends, capital gains, salary, etc.)</i>	If EIF or ET, so indicate	Date <i>(Only for honoraria)</i>
1				
2				
3				
4				
5				
6				
7				
8				

### Part II: Liabilities

None

Report liabilities over \$10,000 owed to any one creditor at any time during the reporting period (over \$10,000 at the end of the period if revolving charge accounts) by you, your spouse, and dependent children. Exclude a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to a spouse, dependent child, or parent, brother, sister or child of you or your spouse.

Creditors <i>(Name and address)</i>	Type of Liability <i>(Mortgage, promissory note, etc.)</i>
1	
2	
3	
4	

**Executive Branch CONFIDENTIAL FINANCIAL DISCLOSURE REPORT**

PARTS III - END

Employee's Name (Last, first, middle initial)	Agency	Branch/Unit	Work Phone	Page No.
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**Part III: Outside Positions**

None

Report any positions, whether or not compensated, which you held outside the U.S. Government during the reporting period. Positions include but are not limited to those of an employee, officer, director, trustee, general partner, proprietor, representative, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature. You need not report any positions of your spouse or dependent children.

Organization (Name and address)	Type of Organization	Position	(X) if no longer held
1			
2			
3			
4			
5			

**Part IV: Agreements and Arrangements**

None

Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. You need not report agreements or arrangements of your spouse or dependent children.

Terms of Any Agreement or Arrangement	Parties	Date
1		
2		
3		
4		

**Part V: Gifts and Travel Reimbursements**

None

Do not complete this part if you are a new entrant or special Government employee (SGE).

Report the source and brief description of gifts from one source totaling \$250 or more during the reporting period, and travel reimbursements from one source totaling \$250 or more during the reporting period, which are received by you, your spouse, and dependent children. Exclude anything value at \$100 or less; anything from relatives or from the U.S. Government; anything given to your agency in connection with your official travel; and food, lodging, or entertainment received as personal hospitality at the donor's residence or premises.

Source	Description (if or travel-related items, include itinerary and date)
1	
2	
3	
4	
5	
6	



indicate "excepted investment fund" in the appropriate block; no further disclosure is required.

7. In the case of a trust, you must disclose information about its underlying assets and sources of income, unless it is an "excepted trust." See definition below. In that case, identify it by name and date of creation, and indicate "excepted trust" in the appropriate block; no further disclosure is required. (Additionally, you may, in rare cases, have an interest in a trust specifically certified by the Office of Government Ethics to be a qualified blind or diversified trust, pursuant to statute; for such qualified trusts, you will also be exempt from disclosures about underlying holdings.)

8. If you need assistance in completing this form, contact the ethics officials of the agency in which you serve or will serve.

## F. Definition of Terms

### o Dependent Child

The term "dependent child" means your son, daughter, stepson, or stepdaughter if such person is either:

- (1) unmarried, under age 21, and living in your household; or
- (2) a "dependent" of yours within the meaning of section 152 of the Internal Revenue Code of 1986, 26 U.S.C. 152.

### o Excepted Investment Fund (EIF)

An "excepted investment fund" is a mutual fund, common trust fund of a bank, pension or deferred compensation plan, or any other investment fund, which is:

- (1) widely held;
- (2) either publicly traded (or available) or widely diversified\*; and
- (3) you either exercise control over nor have the ability to exercise control over the financial interests held by the fund.

\*A fund is widely diversified when it holds no more than 5% of the value of its portfolio in the securities of any one issuer (other than the U.S. Government) and no more than 20% in any particular economic or geographic sector.

### o Excepted Trust (ET)

An "excepted trust" is one which:

- (1) was not created by you, your spouse, or dependent children; and
- (2) the holdings or sources of income of which you, your spouse, and dependent children have no past or present knowledge.

### o Honoraria

The term "honoraria" means payments (direct or indirect) of money or anything of value to you or your spouse for an appearance, speech or article, excluding necessary travel expenses. Also included are payments to charities in lieu of honoraria.

### o Personal Savings Account

The term "personal savings account" includes a certificate of deposit, a money market account, a savings account, an interest-bearing checking account, or any other form of deposit in a bank, savings and loan association, credit union or similar financial institution. Additionally, any money market mutual fund holding is treated as the equivalent of a personal savings account.

## Privacy Act Statement

Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), Executive Order 12674, and 5 CFR Part 2634 Subpart I, of the Office of Government Ethics regulations require the reporting of this information. The primary use of the information on this form is for review by Government officials of your agency, to determine compliance with applicable Federal conflict of interest laws and regulations. Additional disclosures of the

information on this report may be made: (1) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation; (2) to a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a subpoena; (3) to source when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; and (6) in response to a request for discovery or for the appearance of a witness in a judicial or administrative proceeding, if the information is relevant to the subject matter. This confidential report will not be disclosed to any requesting person unless authorized by law.

Falsification of information or failure to file or report information required to be reported may subject you to disciplinary action by your employing agency or other appropriate authority. Knowing and willful falsification of information required to be reported may also subject you to criminal prosecution.

## Public Burden Information

This collection of information is estimated to take an average of one and a half hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comment regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Associate Director for Administration, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, D. 20005-3917; and to the Office of Management and Budget, Paperwork Reduction Project (3209-0006) Washington, DC 20503. Do not send your completed financial disclosure report to these addresses; it should be filed as indicated above in section D.

**Exhibit 21**  
**NRC 448 - Request for Appointment of**  
**Consultant, Expert, or Member**

## REQUEST FOR APPOINTMENT OF A CONSULTANT, EXPERT, OR MEMBER

### INSTRUCTIONS

**A. INITIAL EMPLOYMENT.** COMPLETE NRC FORM 448, ALL THE FORMS SPECIFIED IN NRC FORM 254, "PRIVACY ACT STATEMENT AND INSTRUCTIONS FOR COMPLETION OF THE SECURITY FORMS PACKET," STANDARD FORM (SF) 52, "REQUEST FOR PERSONNEL ACTION," AND APPLICATION MATERIALS. IN ADDITION, IF THE APPOINTMENT IS EXPECTED TO EXCEED 90 DAYS IN A CALENDAR YEAR AND THE RATE OF PAY IS EQUAL TO OR HIGHER THAN 120% OF A GG-15/1 SALARY, COMPLETE ONE COPY OF SF 278, "PUBLIC FINANCIAL DISCLOSURE REPORT." FOR ALL OTHER APPOINTMENTS, COMPLETE ONE COPY OF SF 450, "CONFIDENTIAL FINANCIAL DISCLOSURE REPORT."

**DISTRIBUTION OF FORMS.** FORWARD THE "PERSONNEL OFFICE PENDING" COPY OF NRC FORM 448, ALONG WITH THE SF, AND THOSE FORMS SPECIFIED IN NRC FORM 254, TO THE OFFICE OF PERSONNEL. FORWARD THE REMAINDER OF THE SET, ALONG WITH FORM SF 450 OR SF 278 TO THE OFFICE OF THE GENERAL COUNSEL. RETAIN THE "EMPLOYING OFFICE" COPY FOR YOUR RECORDS.

**B. EXTENSIONS, RENEWALS, OR MODIFICATIONS.** COMPLETE NRC FORM 448 AND SF 52, "REQUEST FOR PERSONNEL ACTION." IN ADDITION, IF THE EMPLOYEE WORKED MORE THAN 90 DAYS IN THE PREVIOUS CALENDAR YEAR, AND WAS PAID AT A RATE OF PAY EQUAL TO OR HIGHER THAN 120% OF A GG-15/1 SALARY, COMPLETE SF 278, "PUBLIC FINANCIAL DISCLOSURE REPORT." FOR ALL OTHER REAPPOINTMENTS, COMPLETE SF 450, "CONFIDENTIAL FINANCIAL DISCLOSURE REPORT."

**DISTRIBUTION OF FORMS.** FORWARD THE "PERSONNEL OFFICE PENDING" COPY OF NRC FORM 448, ALONG WITH SF 52, TO THE OFFICE OF PERSONNEL. FORWARD THE REMAINDER OF THE SET, ALONG WITH SF 450 OR SF 278, TO THE OFFICE OF THE GENERAL COUNSEL. RETAIN THE "EMPLOYING OFFICE" COPY FOR YOUR RECORDS.

### A. REQUESTING OFFICE/DIVISION

1. NAME OF PROPOSED APPOINTEE (Last, first, middle initial)		2. DATE OF BIRTH			3. SOCIAL SECURITY NUMBER	
		MONTH	DAY	YEAR		
4. TYPE OF APPOINTMENT		5. PERIOD OF SERVICE			6. PROPOSED PAY	
NEW	EXPERT	FROM	TO	ESTIMATED NUMBER OF DAYS	\$	PER DIEM
RENEWAL	CONSULTANT					PER HOUR
MODIFICATION	MEMBER					WOC
7. CLEARANCE DATA						
FORMER Q OR L						
INITIAL Q OR L						

8. DESCRIPTION OF SERVICES OR PROJECT TO BE COMPLETED (Be specific)

8a. AGENCY OFFICIAL DESIGNATED FOR SCHEDULING AND RECEIVING SERVICES OF CONSULTANT, EXPERT, OR MEMBER (Typed or printed name and title)

9. JUSTIFICATION FOR PROPOSED PAY (Be specific)	10. <input type="checkbox"/> EXPENSES TO BE REIMBURSED (Check the box if none; otherwise specify)
---	--

11. CERTIFICATION: These services do not unnecessarily duplicate any previously performed work or services.

REQUESTER (Typed or printed name and title)	SIGNATURE	DATE	ORGANIZATION (Office, Division, Branch)
APPROVING OFFICIAL -- Office Director or Deputy Director -- Cannot be redelegated (Typed or printed name and title)	SIGNATURE	DATE	OFFICE

### B. FOR USE BY THE OFFICE OF THE GENERAL COUNSEL

**INSTRUCTIONS** COMPLETE THIS PORTION OF THIS FORM, RETAIN THE "OFFICE OF THE GENERAL COUNSEL" COPY, AND FORWARD THE REMAINDER OF THE SET TO THE OFFICE OF PERSONNEL.

I have reviewed the SF 450, "Confidential Financial Disclosure Report," or the SF 278, "Public Financial Disclosure Report," for the individual cited in A.1. above, and on the basis thereof, find there is no legal objection to his/her employment from a conflict-of-interest standpoint.

COUNSELOR OR DEPUTY COUNSELOR (Typed or printed name)	SIGNATURE	DATE
---	-----------	------

### C. FOR USE BY THE OFFICE OF PERSONNEL

**INSTRUCTIONS** FOR ALL REQUESTS, COMPLETE THIS PORTION OF THIS FORM, SECURE FUNDS APPROVAL IN ITEM B, BELOW, FORWARD THE "ADM/MSS" COPY TO ADM/MSS, THE "PAYROLL" COPY, ALONG WITH SF 50, TO THE PAYROLL OFFICE, AND RETAIN THE "OFFICIAL PERSONNEL FOLDER" COPY.

1. POSITION NUMBER	2. SPECIAL GOVERNMENT EMPLOYEE <input type="checkbox"/> YES <input type="checkbox"/> NO	3. SERIES	4. INITIALS OF CLASSIFICATION SPECIALIST	5. EMPLOYMENT NUMBER	6. EFFECTIVE DATE
7. PERSONNEL SPECIALIST (Typed or printed name)		SIGNATURE		DATE	
8. FUNDS ARE AVAILABLE TO COVER COSTS. (Typed or printed name and title)		SIGNATURE		DATE	

**Exhibit 22**  
**NRC 236 - Personnel Security Clearance**  
**Request and Notification**

**PERSONNEL SECURITY CLEARANCE REQUEST AND NOTIFICATION**

(ALL COPIES TO SECURITY - REPRODUCE IF ADDITIONAL COPIES ARE NEEDED)

SEE REVERSE FOR INSTRUCTIONS

**PART I - SECURITY CLEARANCE REQUEST (COMPLETED BY EMPLOYING OFFICE)**

NAME: LAST, FIRST, MIDDLE (Suffix, i.e., JR, II, III, etc.) SOCIAL SECURITY NUMBER

POSITION TITLE OFFICE/DIVISION OR REGION/DIVISION

TYPE OF ACTION		CLEARANCE REQUESTED
INITIAL CLEARANCE AND 145b EMPLOYMENT REQUEST (MEMORANDUM REQUIRED)		"L" (NON-CRITICAL SENSITIVE) (OPM CODE 2- )
INITIAL CLEARANCE		
REINSTATEMENT OF CLEARANCE		"Q" (CRITICAL SENSITIVE) (OPM CODE 3- )
CHANGE OF CLEARANCE LEVEL		

SPECIFY APPLICABLE POSITION SENSITIVITY CRITERION (SEE REVERSE). FOR "Q" REQUEST, BRIEFLY DESCRIBE DUTIES, RELATIVE TO CRITERION SELECTED.

SIGNATURE - DIVISION DIRECTOR OR DESIGNEE DATE

**PART II - ENCLOSURES, ADP COMPUTER DETERMINATION, DRUG TESTING (COMPLETED BY OP/RPO)**

A.	QUESTIONNAIRE FOR SENSITIVE POSITIONS, 1 & 2 (SF 86)	PREEMPLOYMENT REFERENCE CHECKS AS REQUIRED BY NRC ARE SATISFACTORY AND ARE ENCLOSED.		
	APPLICATION FOR FEDERAL EMPLOYMENT (SF 171)			
	FINGERPRINT CARDS (2 COPIES SF 87)		OTHER (SPECIFY, i.e., 145b MEMO; UNESCORTED ACCESS REQUEST)	
	SECURITY ACKNOWLEDGMENT (NRC 176)			
B.	IS THIS AN ADP/COMPUTER POSITION?	NO YES (ADD "C" AFTER OPM CODE 2 OR 3, PART I)		
C.	NON-DRUG TESTING DESIGNATED POSITION	TESTED ON (DATE)	RESULTS	PENDING
	DRUG TESTING DESIGNATED POSITION			NEGATIVE

SIGNATURE - OFFICE OF PERSONNEL/REGIONAL PERSONNEL OFFICER DATE

**PART III - 145b NOTIFICATION (COMPLETED BY SECURITY)**

THE ABOVE NAMED INDIVIDUAL HAS BEEN APPROVED FOR EMPLOYMENT UNDER SECTION 145b OF THE ATOMIC ENERGY ACT - NO ACCESS TO CLASSIFIED MATTER. This individual has no NRC security clearance; continued employment is contingent upon the individual subsequently being found eligible for an NRC security clearance; ineligibility for a clearance may necessitate removal from NRC employment. 145b approval will be effective the first day of employment. (Individual will be contacted for rebadging when security clearance is granted.)

SIGNATURE - DIVISION OF SECURITY 145b APPROVAL DATE PSF NUMBER

**PART IV - CLEARANCE NOTIFICATION (COMPLETED BY SECURITY)**

Security approval has been given for the above named individual in a position as indicated above. The appropriate security clearance has been granted as follows:

- "Q" clearance is granted effective this date. 145b restrictions lifted this date.
- "L" clearance is granted effective this date. 145b restrictions lifted this date.
- "Q" clearance is granted effective this date and "L" clearance is terminated.
- "L" clearance is granted effective this date and "Q" clearance is terminated.
- "Q" clearance will be granted effective the first day of employment.
- "L" clearance will be granted effective the first day of employment.

REMARKS

SIGNATURE - DIVISION OF SECURITY DATE PSF NUMBER INVESTIGATIVE AGENCY TYPE OF INVESTIGATION

**NOTIFICATION TO THE INDIVIDUAL MUST BE MADE ORALLY; IN NO CASE SHALL THIS NOTIFICATION BE MADE IN WRITING!**



**Exhibit 23**  
**145 B - Security Waiver Memo**

# SAMPLE 145B

Date

MEMORANDUM TO: Paul E. Bird, Director  
Office of Personnel

FROM: John T. Larkins  
Executive Director, ACRS/ACNW

SUBJECT: AUTHORITY TO APPROVE THE EMPLOYMENT OF AN  
INDIVIDUAL PRIOR TO COMPLETION OF THE RE-  
QUIRED INVESTIGATION AND REPORT WHEN ACCESS  
TO CLASSIFIED MATER IS NOT INVOLVED

Reference is made to the authority granted to the Executive Director for Operations by the Commission on December 22, 1978 for approving employment of an NRC applicant prior to the completion of the required investigation when access to classified matter will not initially be required.

Approval is requested to employ the following individual prior to the completion of the security investigation and the report required by Section 145b. of the Atomic Energy Act of 1954, as amended. This individual has been selected to fill the position indicated. Favorable preemployment checks have been conducted.

Name

Position

Delay in employing this individual as an \_\_\_\_\_ until completion of the regular security investigation report may cause serious interference with the ACRS's evaluation of the Ap-600 and SBWR reviews and reviews related to operating reactor experience.

Administrative controls will be established to assure that the individual will not have access to National Security Information or Restricted Data until granted an access authorization by the Division of Security.

cc: R. J. Brady, ADM/SEC

**Exhibit 24**  
**NRC 173 - Standard Work Order for DOE Work**

**STANDARD ORDER FOR DOE WORK**

DATE

ISSUED TO: (DOE Office)

ISSUED BY: (NRC Office)

ACCOUNTING CITATION

APPROPRIATION SYMBOL

B&R NUMBER

FIN NUMBER

PERFORMING ORGANIZATION AND LOCATION

FIN TITLE

WORK PERIOD - THIS ORDER

FIXED

ESTIMATED

FROM:

TO:

**OBLIGATION AVAILABILITY PROVIDED BY:**

A. THIS ORDER

\$

B. TOTAL OF ORDERS PLACED PRIOR TO THIS DATE WITH THE PERFORMING ORGANIZATION UNDER THE SAME "APPROPRIATION SYMBOL" AND THE FIRST FOUR DIGITS OF THE "B&R NUMBER" CITED ABOVE.

\$

C. TOTAL ORDERS TO DATE

(TOTAL A & B)

\$

D. AMOUNT INCLUDED IN "C" APPLICABLE TO THE "FIN NUMBER" CITED IN THIS ORDER.

\$

**FINANCIAL FLEXIBILITY:**

- FUNDS WILL NOT BE REPROGRAMMED BETWEEN FINs. LINE D CONSTITUTES A LIMITATION ON OBLIGATIONS AUTHORIZED.
- FUNDS MAY BE REPROGRAMMED NOT TO EXCEED  $\pm 10\%$  OF FIN LEVEL UP TO \$50K. LINE C CONSTITUTES A LIMITATION ON OBLIGATIONS AUTHORIZED.

STANDARD TERMS AND CONDITIONS (see NRC Manual Chapter 1102, Appendix Part 4) ARE PART OF THIS ORDER UNLESS OTHERWISE NOTED

ATTACHMENTS:  
THE FOLLOWING ATTACHMENTS ARE HEREBY MADE A PART OF THIS ORDER:

- STATEMENT OF WORK
- ADDITIONAL TERMS AND CONDITIONS
- OTHER

- FEE RECOVERABLE WORK
- NON-FEE RECOVERABLE WORK

**SECURITY:**

- WORK ON THIS ORDER INVOLVES CLASSIFIED INFORMATION. NRC FORM 187 IS ATTACHED.
- WORK ON THIS ORDER INVOLVES UNCLASSIFIED SAFEGUARDS, PROPRIETARY, OR OTHER SENSITIVE INFORMATION
- WORK ON THIS ORDER IS UNCLASSIFIED AND NOT SENSITIVE

REMARKS (Reference the proposal by number and date, and indicate if the attached statement of work modifies the DOE proposal):

ISSUING AUTHORITY

ACCEPTING ORGANIZATION

SIGNATURE

SIGNATURE

TITLE

TITLE

**Exhibit 25**  
**Form 30 - Request for Administrative Service**  
**(Purchase Orders)**



### REQUEST FOR ADMINISTRATIVE SERVICES

FOR HEADQUARTERS:  
MAIL TO THE APPROPRIATE MAIL STOP ON BACK

3. REQUEST NUMBER (LEAVE BLANK)

#### 4. TYPE OF SERVICE

- |  |   |
|--|---|
| <input type="checkbox"/> BUILDING ALTERATIONS AND SERVICES | <input type="checkbox"/> PUBLISHING NUREGs                            |
| <input type="checkbox"/> COMPOSITION                       | <input type="checkbox"/> SMALL PURCHASES, PROPERTY AND LABOR SERVICES |
| <input type="checkbox"/> COPYING                           | <input type="checkbox"/> SUPPLIES                                     |
| <input type="checkbox"/> EDITING                           | <input type="checkbox"/> WORD PROCESSING                              |
| <input type="checkbox"/> PHOTOGRAPHY/AUDIOVISUAL           | <input type="checkbox"/> OTHER (Specify)                              |
| <input type="checkbox"/> PRINTING AND DISTRIBUTION         |   |

#### 5. PERSONAL PROPERTY APPROVAL

I certify that personal property assets within the Office/Division have been carefully screened for excess, are currently fully utilized, and the additional requested items are absolutely essential to work performance and will be used only for official purposes.

5a. PROPERTY CUSTODIAN - SIGNATURE

5b. DIVISION DIRECTOR/DESIGNEE - SIGNATURE

#### 6. SENSITIVITY

- |   |  |
|---|--|
| <input type="checkbox"/> CLASSIFIED             | For copyrighted material, sign below to indicate that you have received permission from the copyright owner to use the material. |
| <input type="checkbox"/> SENSITIVE UNCLASSIFIED |  |
| <input type="checkbox"/> COPYRIGHT MATERIAL     |  |
- SIGNATURE - ADMINISTRATIVE OFFICER

7. REQUESTER

8. OFFICE

9. TELEPHONE NUMBER

10. FAX NUMBER

11. MAIL STOP

12. E-MAIL I.D.

13. SPECIAL INSTRUCTIONS (INCLUDE TITLE, DISTRIBUTION, PRINTING SPECIFICATIONS, INSTRUCTIONS, STOCK NUMBERS, JUSTIFICATION, QUANTITIES, AND UNITS WHEN APPLICABLE.)

#### 14. FUNDING INFORMATION

JOB CODE	B & R NUMBER	BOC	FUND SOURCE	AMOUNT

14a. FUNDS CERTIFIED AVAILABLE BY: SIGNATURE - CERTIFYING OFFICIAL

14b. DATE

#### FOR PROCESSING USE ONLY (LEAVE THIS SECTION BLANK)

15a. REQUIREMENT APPROVED - SIGNATURE	15b. DATE	16a. REQUISITIONING OFFICER - SIGNATURE	16b. DATE
---------------------------------------	-----------	---	-----------

#### 17. OFFICE OF ADMINISTRATION PROCESSING

ACTION	SIGNATURE	DATE	ACTION	SIGNATURE	DATE
A. POSTED			C. DELIVERED		
B. FILLED			D. COMPLETED		

The material and/or services itemized above have been received in the quantity and quality specified, except as otherwise noted.

18a. SIGNATURE - RECIPIENT

18b. DATE

<u>TYPE OF SERVICE</u>	<u>MAIL STOP</u>
BUILDING ALTERATIONS AND SERVICES	T-7 D24
COMPOSITION	T-6 E7
COPYING	O-P1 22
EDITING	T-6 E7
PHOTOGRAPHY/ AUDIOVISUAL	T-6 E7
PRINTING/DISTRIBUTION	O-P1 22

<u>TYPE OF SERVICE</u>	<u>MAIL STOP</u>
SMALL PURCHASES, PROPERTY, AND LABOR SERVICES	T-7 D27
PUBLISHING NUREGs	T-6 E7
SUPPLIES	WHSE
WORD PROCESSING	T-6 E7
OTHER	O-2 B7

**REQUEST FOR ADMINISTRATIVE SERVICES**  
*(Continuation)*

1. REQUESTER

2. REQUISITION NUMBER

13. SPECIAL INSTRUCTIONS (INCLUDE TITLE, DISTRIBUTION, PRINTING SPECIFICATIONS, INSTRUCTIONS, STOCK NUMBERS, JUSTIFICATION, QUANTITIES, AND UNITS WHEN APPLICABLE.)

**Exhibit 26**  
**SF 278 - Public Financial Disclosure Reports**

Standard Form (SF) 278, "Executive Branch Personnel  
Public Financial Disclosure Report"  
Exhibit 1\*

• Schedule C, Part I (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is less than 91 days before the date of filing.

• Schedule C, Part II (Agreements or Arrangements)—Show any agreements or arrangements as of the date of filing.

• Schedule D—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

#### Scope of Disclosure

The extent of the reporting requirement is noted in each schedule. In addition to your individual financial information, you are required to report information concerning your spouse and dependent children in several schedules of the form. However, no report is required with respect to your spouse if he or she is living separate and apart from you with the intention of terminating the marriage or providing for permanent separation. In addition, no report is required with respect to any income or obligations of an individual arising from the dissolution of marriage or permanent separation from a spouse. There are other exceptions to the reporting of assets and income, transactions, and liabilities of a spouse or dependent child which are discussed in the instructions applicable to those subjects.

A basic premise of the statutory financial disclosure requirements is that those having responsibility for review of reports filed pursuant to the Act must be given sufficient public access to reports to the extent possible. Adequate public access to reports must be given sufficient information by reporting individuals concerning the nature of their outside interests and activities so that an informed judgment can be made with respect to compliance with applicable conflict of interest laws and standards of conduct regulations. Therefore, it is important that you carefully complete the attached form. This report is a safeguard for you as well as the Government, in that it provides a mechanism for determining actual or potential conflicts between

Management and Budget, Paperwork Reduction Project (8209-0001), Washington, D.C. 20503. Do not file financial disclosure reports at these addresses; submit them as indicated in "Where to File" on page 3.

#### Fee for Late Filing

Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period shall be subject to a \$200 late filing fee. Such fee will be collected by the filer's agency, for deposit with the U.S. Treasury.

#### I. Introduction

##### Reporting Periods

**Incumbents:** Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year, except Part II of Schedule C and Part I of Schedule D where you must also include any positions held and agreements or arrangements made from the beginning of the filing year until the date you file. Schedule B need not include transactions made, or gifts or reimbursements received, during a period when the filer was not a Federal employee.

**Termination Filers:** Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination of Government employment.

**Nominees, New Entrants and Candidates for President and Vice President:** Complete Schedules A, C, and D (candidates do not file Part II of Schedule D), as follows:

• Schedule A—The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is less than 31 days before the date of filing.

## Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

### Instructions for Completing SF 278

#### Privacy Act Statement

Title I of the Ethics in Government Act of 1976, as amended (the "Act"), 5 U.S.C. App. § 101 et seq., requires the reporting of this information. This information will be reviewed by Government officials to determine compliance with applicable Federal laws and regulations, and the report may be disclosed upon request to any requesting person pursuant to section 105 of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. See also the OGE/GOVT-1 Privacy Act system of records. Knowing and willful falsification of information, or failure to file or report information required to be reported by section 102 of the Act may subject you to a civil penalty of not more than \$10,000 and to disciplinary action by your employing agency or other appropriate authority under section 104 of the Act. Knowing and willful falsification of information required to be filed by section 102 of the Act may also subject you to criminal prosecution and sentencing under 18 U.S.C. §§ 1001 and 3571.

#### Public Burden Information

This collection of information is estimated to take an average of three hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Administrative Services, U.S. Office of Government Ethics, Suite 800, 1201 New York Avenue, N.W., Washington, D.C. 20005-3917; and to the Office of

\*This form is not available in NRC Supply Rooms. It may be obtained from OGC.



Exhibit 1 (continued)

your public responsibilities and your private interests and activities and allows you and your agency to fashion appropriate protections against such conflicts when they first appear.

A Presidential nominee to a position requiring the advice and consent of the Senate shall file with the Senate committee considering the nomination an amendment to the initial report, which shall update all items of earned income and honoraria through the period ending no earlier than 5 days before the scheduled date of the Senate committee hearing on the nomination. This update shall be provided in the manner requested by the Senate committee considering the nomination. Copies shall be provided to OGE and your agency ethics official.

### Definition of Terms

#### o Category of Amount

Reportable financial interests are disclosed either by actual amount or by category of amount, depending on the interest, as specified by the form. You may, but you are not required to, indicate an actual amount where the form provides for a category of amount or value.

#### o Dependent Child

The term "dependent child" means your son, daughter, stepson, or stepdaughter if such person is either: (1) unmarried, under age 21, and living in your household, or (2) a "dependent" of yours within the meaning of section 152 of the Internal Revenue Code of 1986.

#### o Excepted Investment Fund

An excepted investment fund is a mutual fund, common trust fund of a bank, pension or deferred compensation plan, or any other investment fund, which is widely held; publicly traded (or available) or widely diversified; and under circumstances where you neither exercise control over nor have the ability

to exercise control over the financial interests held by the fund. A fund is widely diversified when it holds no more than 8% of the value of its portfolio in the securities of any one issuer (other than the U.S. Government) and no more than 20% in any particular economic or geographic sector.

#### o Gifts

See instructions for Schedule B, Part II.B.

#### o Honoraria

The term "honoraria" means payments of money or anything of value to you or your spouse for an appearance, speech, or article, excluding necessary travel expenses. See 5 CFR Part 2636.

#### o Personal Savings Account

The term "personal savings account" includes a certificate of deposit, a money market account, or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

#### o Relative

The term "relative" means an individual who is your father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half-sister, your spouse's grandfather or grandmother, or your fiancé or fiancée.

#### o Trusts ("Qualified" and "Excepted")

See instructions for Schedule A, Part II.D., and 5 CFR Part 2634, Subpart D.

#### o Value

You may use any one of the methods described below, in determining fair market value:

Option 1- any good faith estimate of the value of the property if the exact value is unknown or not easily obtainable;

Option 2- value based upon a recent appraisal of the property interest;

Option 3- the purchase price of your property interest, or estimated retail price of a gift;

Option 4- the assessed value of the property for tax purposes, adjusted to reflect current market value if the tax assessment is computed at less than 100% of current value;

Option 5- the year-end book value of non-publicly traded stock, or the year-end exchange value of corporate stocks, or the face value of corporate bonds or comparable securities;

Option 6- the net worth of your interest (as in a business partnership or other jointly held business interest);

Option 7- the equity value of your interest (as in a solely owned business or commercial enterprise); or

Option 8- exact value (e.g., personal savings accounts) or any other recognized indication of value (such as last sale on a stock exchange).

### II. Who Must File

a. Candidates for nomination or election to the office of President or Vice President.

b. Presidential nominees to positions requiring the advice and consent of the Senate, other than those nominated for judicial office or as a Foreign Service Officer or for appointment to a rank in the uniformed services at a pay grade of O 6 or below.

c. The following newly elected or appointed officials:

- o The President;
- o The Vice President;
- o Officers and employees (including special Government employees, as defined in 18 U.S.C. § 202) whose positions are classified at GS-16<sup>1</sup> or above of the General Schedule, or the rate of basic pay for which is fixed under other pay schedules at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16<sup>1</sup>;
- o Members of the uniformed services in pay grade O-7 or above;
- o Officers or employees in any other positions determined by the Director of the Office of Government Ethics to be of equal classification to GS-16<sup>1</sup> or higher;
- o Administrative law judges;
- o Employees in the excepted service in positions which are of a confidential or policy-making character, unless by regulation their positions have been excluded by the Director of the Office of Government Ethics;
- o The Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the U.S. Postal Service and officers or employees of the U.S. Postal Service or Postal Rate Commission in positions for which the rate of basic pay is equal to or greater than the minimum rate of basic pay fixed for GS-16<sup>1</sup>;
- o The Director of the Office of Government Ethics and each designated agency ethics official; and

o Civilian employees in the Executive Office of the President (other than special Government employees) who hold commissions of appointment from the President.

d. Incumbent officials holding positions referred to in section II.c. of these instructions if they have served 61 days or more in the position during the preceding calendar year.

e. Officials who have terminated employment after having served 61 days or more in a calendar year in a position referred to in section II.c. and have not accepted another such position within 30 days thereafter.

III. When to File

a. Within 30 days after becoming a candidate for nomination or election to the office of President or Vice President, or by May 15 of that calendar year, whichever is later, but at least 30 days before the election, and on or before May 15 of each succeeding year an individual continues to be a candidate.

b. At any time after the President or President-elect has publicly announced an intention to nominate an individual referred to in section II.b. of these instructions, but no later than 5 days after the President transmits the nomination to the Senate.

c. Within 90 days after assuming a position described in section II.c. unless such an individual has left another such position within 30 days prior to assuming the new position, or has already filed a report with respect to nomination for the new position (section II.b.) or as a candidate for the position (section II.a.).

d. No later than May 16th annually, in the case of those in a position described in section II.d.

e. In the event an individual terminates employment and does not accept another position described in section II.c. within 30 days, the report must be filed no later than the 30th day after termination.

IV. Where to File

a. Candidates for President and Vice President, with the Federal Election Commission.

b. The President and Vice President, with the Office of Government Ethics.

c. Members of a uniformed service, with the Service Secretary concerned.

d. All others, with the designated agency ethics official, or that official's delegate, at the agency in which the individual serves, will serve or has served.

e. In the case of individuals nominated by or to be nominated by the President to positions requiring confirmation of the Senate, see 5 CFR Part 2634 for expedited procedures and filing location.

V. General Instructions

a. This form consists of the front page and four Schedules. You must complete each Part of all Schedules as required. If you have no information to report in any Part of a Schedule, you should indicate "None." If you are not required to complete Schedule B or Part II of Schedule D, you should mark it "Not Applicable." A report is considered incomplete if any Part of any Schedule is left blank. Schedule A combines a report of income items with the disclosure of certain property interests. Schedule B deals with transactions in

<sup>1</sup> Under the Federal Employees Pay Comparability Act of 1990, Public Law 101-508, General Schedule positions at GS-16, 17 and 18 will be replaced by a new range of rates for positions classified "above GS-15." The rate of basic pay for these positions will not be less than 120% of the minimum rate of basic pay payable for GS-15. When this provision of the Comparability Act takes effect at some point in 1991, this minimum rate for positions classified "above GS-15" will replace GS-16.

Exhibit 1 (continued)

real property or certain other assets, as well as gifts and reimbursements. Schedules C and D relate to liabilities and employment relationships. After completing the first page and each Part of the Schedules (including extra sheets of any Schedule where continuation pages are required for any Part), consecutively number all pages.

b. The information to be disclosed is only that which the Ethics in Government Act of 1978, as amended, and 5 CFR Part 2634 specifically require. You may, however, include any additional information, beyond these requirements, that you wish to disclose for purposes of clarification. Disclosure of information does not authorize any holdings, income, honoraria, liabilities, transactions, gifts, reimbursements, affiliations or positions otherwise prohibited by law, Executive order, rule or regulation.

c. Combine on one form the information applicable to yourself, your spouse and dependent children; or if more convenient, use separate schedules to report the required information applicable to family members. You may, if you desire, distinguish any entry for a family member by preceding the entry with an (S) if it is for a spouse or a (DC) if it pertains to a dependent child. Joint assets may be indicated by a (J). See 5 CFR Part 2634, Subpart C, for exclusions in the case of separation or divorce.

d. Definitions of the various terms used in these instructions and detailed information as to what is required to be disclosed are contained in 5 CFR Part 2634.

e. In the case of references to entities which are operating trades or businesses which do not have listed securities, you must provide sufficient information about these private entities to give the reviewers of your disclosure report an adequate basis for the conflicts analysis required by the Act. Thus, you must disclose the location and primary trade or business of private entities, as well as attributed interests and activities not solely incidental to such a primary trade or business. For instance, if your

family swimming pool services corporation incurs a liability to purchase an apartment house for investment in addition to its pool services business, you will have to report the apartment house investment as part of the nature of the business of the family corporation.

f. In the case of references to entities which are investment funds such as mutual or pension funds (whether public or private), you must disclose the portfolio holdings and all other items such as transactions and liabilities to the extent otherwise required for reportable interests, unless the entity is an "excepted investment fund." See Definition of Terms above.

g. If you need assistance in completing this form, contact the designated agency ethics official of the agency in which you serve, will serve, or have served.

Schedule A

I. General Instructions

Two of the general disclosure requirements of the Act concern certain interests in property (generally referred to here as assets) and items of income. Schedule A is designed to enable you to meet both of these reporting requirements. Generally a description of your, your spouse's, or your dependent child's assets and sources of income is required to be listed in BLOCK A of the Schedule. Reading from left to right across the page from each description of the asset or income source, you will be able to report in BLOCK B the value of each asset, and in BLOCK C the type and amount of income generated by that asset or received from the non-asset source.

On Schedule A are four examples which are representative of the reporting scheme of this Schedule. The first example represents the proper method of reporting stock of Central Airlines Company held at the end of the reporting period which then had a

value of \$75,000. The individual had also received dividends of \$1,000, reported in BLOCK C. If the Central Airlines stock had been sold, there would be a check in the "None (or less than \$1,001)" column in BLOCK B if the individual no longer owned any of the stock at the end of the reporting period, and there would be an entry for capital gains as well as dividends in BLOCK C if they were realized during the period. The second example represents the proper method of reporting the source of \$100,000 of earned income from private law practice, as well as \$18,500 the reporting individual maintained in the capital account in the law firm at the end of the reporting period.

The third example represents acceptable reporting of an investment fund which is widely held, widely diversified (i.e. publicly traded) and independently managed. Because it meets these requirements, no individual assets of the fund need to be reported, and the type of income does not need to be broken into dividends, interest, or capital gains as long as the column for "excepted investment fund" is marked. The fourth example reports a pension interest from which the filer has not yet received any payment.

Normally you will have to list an item only once in BLOCK A with all other value and income information associated with that item shown on the same line to the right. However, when you have a number of different kinds of financial arrangements and income involving one entity, a full disclosure of all the required information for that entity may require more than one line. You may always use more than one line for clarification if you choose.

II. Property Interests and Assets

(BLOCKS A and B)

A. Items to Report

Report the identity and category of valuation of any interest in property (real or personal) held by you, your spouse or a dependent child in a trade or

Exhibit 1 (continued)

security. For example, the entry for a holding of farm land might show, under BLOCK A... "sole ownership of 100 acres of unimproved dairy farm land on Rural Route #1 at Pine Bluff, Madison County, Wisconsin."

You must disclose the primary trade or business of non-public entities, as well as interests and activities not solely incidental to such a trade or business. For example, if your family is involved in a private real estate investment business but as a side interest buys stock through the business in a bank, you must disclose that in addition to real estate (by type and general location), the family business holds an interest in a bank.

For an IRA (Individual Retirement Account), indicate the value of each underlying asset, as well as the income derived therefrom (even though deferred for Federal tax purposes) in accordance with section IV below, to enable the reviewer to evaluate compliance with applicable laws and regulations. If the IRA were invested solely in a mutual fund such as "Templeton World Fund, Inc." and the investment properly disclosed in Schedule A, that would be sufficient identification of the asset, since for most reporting individuals that fund would be an "excepted investment fund." If, however, the IRA had an individual or privately managed portfolio, detailed disclosure of the portfolio would be required on Schedule A in the same amount of detail as if each investment were directly held.

With respect to trusts in which a vested beneficial interest in principal or income is held, report trust interests and trust assets which had a value in excess of \$1,000. See 5 CFR Part 2034 for more information about vested interests.

You need not report the identity of assets of a trust of which you, your spouse or dependent children are the beneficiaries if the interest is:

1. a "qualified blind trust" or "qualified diversified trust," which has been certified by the Office of

A personal residence held for investment or production of income, such as a summer home rented during parts of the year, must be reported.

Intermittent sales from personal property such as collections of antiques or art holdings demonstrate that the items are held for investment or the production of income and should therefore be reported.

B. What to Show on the Form

Enter the identity of the asset in BLOCK A and then show the value in BLOCK B. Only the category of value, rather than the actual value of the property interest or asset, must be shown. You need not disclose which valuation methods you used.

For assets such as stocks, bonds, and securities, report any holdings directly held or attributable to you, your spouse or dependent child from one source totaling more than \$1,000 in value. Identify the holding and show the category of value. If you hold different types of securities of the same corporation (e.g., bonds and stocks of "X" Corporation), these holdings should be considered as being from the same source for purposes of determining whether the aggregate value of the interest is below or above the \$1,000 threshold value. Report personal savings accounts only if they aggregate more than \$5,000 in a single financial institution.

If you have an interest in an investment fund or pool which is an "excepted investment fund" (see Definition of Terms above), you need only identify the interest by giving the complete name of the fund, rather than identifying the underlying assets as well.

To report interests of you, your spouse, or dependent child in a business, a partnership, or joint venture, or the ownership of property held for investment or the production of income, identify the character of the ownership interest, and the nature and location of the business or interest, unless it is a publicly traded

business, or for investment or the production of income which has a fair market value which exceeds \$1,000 as of the close of the reporting period. These interests include, but are not limited to, stocks, bonds, pension interests and annuities, futures contracts, mutual funds, IRA assets, tax shelters, beneficial interests in trusts, personal savings or other bank accounts, real estate, commercial crops, livestock, accounts or other funds receivable, and collectible items held for resale or investment. **Exceptions:** Exclude your personal residence (unless rented out) and any personal liability owed to you, your spouse or dependent child by a spouse or dependent child, or by a parent, brother, sister or child of you, your spouse, or dependent child. Exclude any retirement benefits (including the Thrift Savings Plan) from Federal Government employment and any social security benefits. Exclude also any deposits aggregating \$5,000 or less in personal savings accounts in a single financial institution.

With respect to assets of a spouse or a dependent child, do not report items:

- (1) which represent your spouse's or dependent child's sole financial interest or responsibility and of which you have no knowledge;
- (2) which are not in any way, past or present, derived from your income, assets, or activities; and
- (3) from which you neither derive, nor expect to derive, any financial or economic benefit.

**Note:** It is very difficult for most individuals to meet all three parts of this test, especially (3). For instance, if you file a joint tax return with your spouse, you derive a financial or economic benefit from the items involved and you are charged with knowledge of those items. A trust for the education of your minor child would also convey a financial benefit to you. Therefore, those asset and income items do not fit the test.



Exhibit 1 (continued)

BLOCK A... "Chicago Civic Club, 18 Lakeshore Dr., Chicago, IL"; in BLOCK C under OTHER (specify type) ... "Honorarium"; under ACTUAL AMOUNT... "\$1,100," and under DATE... "3/19/91." Honoraria received and donated to charity must be reported, but a notation explaining that fact may be included in reporting such items. The source, date and amount of payments made or to be made directly to a charitable organization in lieu of honoraria must also be disclosed. In addition, for certain payments in lieu of honoraria you must complete a confidential report for your agency, disclosing the source, the names of charitable organization recipients, the amount, and the dates of payments, if made on or after January 1, 1991. See 5 CFR Part 2636.

**2. EARNED AND OTHER NON-INVESTMENT INCOME**—Includes all income, exclusive of honoraria, from non-investment sources including fees, commissions, salaries, and income from personal services or retirement. Report the identity of the source and give the actual amount of such income exceeding \$200 from any one source. For example, if you earned \$450 teaching at a law school, enter in BLOCK A... "John Jones Law School, Rockville, MD"; in BLOCK C under OTHER... "Salary"; and under ACTUAL AMOUNT... "\$450." If you earned \$75 for teaching in one law school and \$250 from teaching at another school, report only the \$250 amount. Report employee benefits and severance payments which meet the reporting requirements separately from salary.

If your spouse has earned income in excess of \$1,000 (other than honoraria) from any one source, identify the source but show nothing under amount. If your spouse is self-employed in a business or profession, for example as a practicing psychologist who earned \$10,500 during the year, you need only show under BLOCK A... "practicing psychologist."

entered in BLOCK C as well as income from assets of the trust sold during the reporting period.)

**III. Earned and Other Non-Investment Income**

(BLOCKS A and C)

**A. Items to Report**

For yourself, report the identity of the source in BLOCK A and the type and actual amount in BLOCK C of non-investment income exceeding \$200 from any one source. Such income includes fees, salaries, commissions, compensation for personal services, retirement benefits, and honoraria. Report these items on the same line as related interests in property, if any.

For your spouse, report the source, but not the amount, of non-investment income exceeding \$1,000 and the source, amount and date of honoraria exceeding \$200 from any one source. No report of the earned or other non-investment income of your dependent children is required.

Exclude income from employment by the United States Government and from any retirement system of the United States (including the Thrift Savings Plan) or from social security.

**B. What to Show on the Form**

**1. HONORARIA**—For you or your spouse, show honoraria aggregating more than \$200 from any one source. Report the identity of the source in BLOCK A, and the date of the services performed and actual amount in BLOCK C. List each honorarium separately. For example, if, prior to your Government service, you received \$1,500 for a speech before the Chicago Civic Club on March 19, 1991 of which \$200 was actually spent for round-trip travel, and \$200 went to the agent who made the speaking arrangement, on your new entrant report you would enter in

Government Ethics, in accordance with 5 CFR Part 2634, Subpart D, or

**2. an "excepted trust," that is, one which:**

A. was not created by you or your spouse or dependent children, and

B. has holdings or sources of income of which you, your spouse and dependent children have no knowledge.

In the case of these special types of trusts, you should show in BLOCK A the identity of the trust, including the date of creation, and in BLOCK C, the classification of the trust as a "qualified trust" or an "excepted trust." (The category of amount of the trust income, if it exceeded \$200, must also be reported in BLOCK C, in accordance with section IV below.)

Note: You are not permitted by the statute to "create" an excepted trust by instructing a trustee not to divulge information or otherwise avoiding previous sources of knowledge upon entering Government service.

Do not report a trust of which your spouse or dependent child is a beneficiary that meets the three part test set forth in the second paragraph under II.A. A trust that does not fit that exception may still be an excepted trust under this section; in such case, it must be reported, but the assets need not be identified.

Except for the special trusts or funds referred to above, you must identify each individual investment held by a trust or fund, which had a value in excess of \$1,000. For example, in BLOCK A an entry such as "trust held by First National Bank (Boston, MA) consisting of ITT stock, U.S Treasury certificates, and Dallas Municipal Bonds" might be made. In BLOCK B the applicable value of each trust asset would be entered. (As described under IV.B.6. Trust Income, below, the income from each asset would be



Exhibit 1 (continued)

IV. Investment Income

(BLOCKS A and C)

Report items of investment income on the same line of Schedule A as the related property interest or other asset from which such income is derived. Note that some property interests or other assets will not have a related item of income. In such a case, check "None (or less than \$201)" in BLOCK C under category of amount.

A. Items to Report

Report the identity in BLOCK A and the type and value in BLOCK C of any investment income over \$200 from any one source received by or accrued to the benefit of you, your spouse or dependent child during the reporting period. For purposes of determining whether you meet the over \$200 threshold from any one source, you must aggregate all types of investment income from that same source. For your spouse or dependent child such income is only required to be reported if the asset source meets the reporting threshold in section II above.

Investment income includes, but is not limited to: income derived from dealings in property, interest, rents, royalties, dividends, capital gains; income from annuities, the investment portion of life insurance contracts, or endowment contracts; your distributive share of partnership or joint venture income, gross business income, and income from an interest in an estate or trust. You need not show the actual dollar amount of dividends, rents and royalties, interest, capital gains, or income from qualified trusts, excepted trusts, or excepted investment funds. For these specific types of income, you need only check the category of amount of the item reported. For all "other investment income" as described in item 7 below, you will have to report the actual dollar amount of income from each source, and indicate the type in the space marked "Other (specify type)" in BLOCK C.

B. What to Show on the Form

Check all applicable classifications of income and corresponding categories of amounts. If more than one type of income is derived from the same asset, check all relevant types and categories of amount (unless an excepted investment fund). Categories of amount may be distinguished by using the abbreviations D,R,I and CG in the boxes, in lieu of checks, to represent dividends, rents/royalties, interest or capital gains.

1. **DIVIDENDS**—Show in BLOCK C the amount you, your spouse or dependent child accrued or received as dividends from investment sources including common and preferred securities and underlying assets of pension and mutual funds (unless an excepted investment fund). Identify the source of such income and check the category of amount. For example, if cash dividends of \$950 were received for shares of common stock of IBM, enter in BLOCK A... "IBM common" and in BLOCK C check that dividend income was received and check the appropriate category of amount.

2. **RENTS AND ROYALTIES**—Show income accrued or received by you, your spouse or dependent child as rental or lease payments for occupancy or use of personal or real property in which any one of you has an interest. In addition, show payments accrued or received from such interests as copyrights, royalties, inventions, patents, and mineral leases or other interests. Identify the source of such income and check the category of amount. For example, if you received \$2,000 as rental income from an apartment building in Miami, Florida, enter in BLOCK A... "apartment building at 5802 Biscayne Blvd., Miami, FL," and in BLOCK C check that rental income was received and check the appropriate category of amount.

3. **INTEREST**—Identify the source and the category of amount of any interest accrued or received by you, your spouse or dependent child as income from investment holdings including: bills

and notes, loans, personal savings accounts, annuity funds, bonds, and other securities. For example, if you earned \$300 in interest during the calendar year on a Savings Certificate with Federal Savings and Loan, enter in BLOCK A... "Federal Savings and Loan (Baltimore, MD) Savings Certificate," and in BLOCK C check that interest income was received and check the appropriate category of amount.

4. **CAPITAL GAINS**—Report income from capital gains realized by you, your spouse or dependent child from sales or exchanges of property, business interests, partnership interests or securities. Identify the source and check the category of amount of the gain. An example of an entry in BLOCK A might be "sale of one-third interest in 100-acre farm in Hamilton County, Iowa" and in BLOCK C check that capital gains were received and check the appropriate category of amount.

5. **INVESTMENT FUND INCOME**—Identify the fund and the category of amount and the type(s) of income from investment funds such as mutual or pension funds for you, your spouse or dependent child. This may include dividends, capital gains and interest for a single fund (unless an excepted investment fund). Income from each individual asset of the fund must also be listed, unless it is an excepted investment fund. See Definition of Terms above for discussion of excepted investment funds.

6. **TRUST INCOME**—Report the category of amount and the type of income accrued or received from any trust. Whenever you are required to identify the source of trust income, either for yourself or for a spouse or dependent child, it is not enough simply to say "John Jones Trust." Generally, the investment holdings of the trust, discussed above under "Property Interests and Assets," and the income derived from each holding must be identified to the same extent as if held directly. However, if the trust is a qualified trust or an excepted trust, in BLOCK A show only the identity of the trust including the date of creation, in BLOCK C check the classification of the trust interest as a "qualified

Exhibit 1 (continued)

**B. What to Show on the Form**

Under Identification of assets, identify the property or securities involved in the purchase, sale or exchange, and give the date of the transaction. For example, under IDENTIFICATION OF ASSETS... "GMC common stock"; under TYPE OF TRANSACTION... check type; under DATE... enter date transaction occurred; under AMOUNT OF TRANSACTION... check the category of value of the sale price, purchase price, or exchange value of the property involved in the transaction. You must also indicate whether an item was sold pursuant to a certificate of divestiture issued by the Office of Government Ethics under 5 CFR Part 2634, Subpart J, to permit delayed recognition of capital gain.

Where multiple transactions have occurred which involve the same asset, you may list the item once, check purchase and/or sale, and indicate... "biweekly," "throughout year," or other appropriate frequency, and the aggregate amount of the sales and purchases. Reporting an exchange generally requires reporting two items since one item is exchanged for another.

**ii. Part II— Gifts, Reimbursements, and Travel Expenses**

**A. General Instructions**

This Part is to be completed by incumbents and termination filers only. The Act requires you to disclose the receipt of certain gifts, in-kind travel expenses, and cash reimbursements by you, your spouse, or dependent child from any one source other than the U.S. Government. This reporting requirement applies to gifts and reimbursements received by your spouse or dependent child to the extent the gift was not given to him or her totally independent of the relationship to you.

trust" or "excepted trust," and also in BLOCK C show the category of amount of income attributable to you, your spouse, or dependent child.

**7. OTHER INVESTMENT INCOME**—Report any other items of investment income exceeding \$200 and not described above, along with the specific type and actual amount, such as gross income from business interests, endowment or annuity contract payments, estate income, a distributive share of a partnership or joint business venture income. To identify the sources of other investment income, either for you, your spouse, or a dependent child, briefly characterize in BLOCK A the nature of the business or investment interest and, when applicable, the location; for example... "one-third ownership in a retail furniture store at 1010 Grand Ave., Chicago, IL." In BLOCK C under OTHER, specify the applicable type of income, for example... "distributive share" from a partnership or "gross income" from a proprietorship, and under ACTUAL AMOUNT the actual amount of such income which was received during the reporting period. Where the asset is listed because of a value of greater than \$1,000 in BLOCK B, but it does not produce more than \$200 in income for the reporting period, check "None (or less than \$201)" instead of listing the actual amount.

**Schedule B**

**I. Part I—Transactions**

**A. General Instructions and Items to Report**

This part is to be completed by incumbents and termination filers only. Give a description, the date, and the category of amount of any purchase, sale, or exchange of any real property, stocks, bonds, commodity futures, excepted investment fund shares, and other securities by you, your spouse or dependent child when the amount involved in the transaction exceeded \$1,000. Also, indicate whether sales were made pursuant to a certificate of divesti-

ture previously issued by OGE to permit delayed recognition of capital gain. (For more information on certificates of divestiture, see 5 CFR Part 2634, Subpart J.) This includes reporting any sale or exchange of an asset involving an amount exceeding \$1,000 when the sold or exchanged asset did not yield income of more than \$200 (and therefore was not reported on Schedule A), or reporting the purchase of an asset involving an amount exceeding \$1,000 but at the end of the reporting period having a value of \$1,000 or less and earning income of \$200 or less during the reporting period (and therefore not appearing on Schedule A). The example on the form shows the proper way to disclose Central Airline common stock the reporting individual purchased for \$76,000 on 2/1/91. Note that on Schedule A there is an entry for the stock as well since it was still held at the end of the reporting period.

You need not report a transaction involving (1) your personal residence (unless rented out); (2) a money market account or personal savings account; (3) an asset of your spouse or dependent child if the asset meets the three-part test set forth under the instructions for Schedule A, at II.A.; (4) a holding of a "qualified blind trust," a "qualified diversified trust," or an "excepted trust"; (5) U.S. Treasury bills, notes, and bonds; (6) transactions which occurred prior to your Federal Government employment; or (7) transactions solely by and between the reporting individual, spouse, or dependent child.

You will need to report any transactions of a non-public business or commercial enterprise, investment pool, or other entity in which you, your spouse or dependent child have a direct proprietary, general partnership or other interest unless (1) the entity is an "excepted investment fund," or (2) the transaction is incidental to the primary trade or business of the entity as indicated by you on Schedule A. (See also sections V.e. and f. of the General Instructions preceding those for Schedule A.)

**B. Items to Report**

Report gifts and reimbursements received by you, your spouse or dependent child from any one source during the reporting period aggregating \$250 or more in the case of gifts of food, lodging, transportation, entertainment and reimbursements; or aggregating \$100 or more from any one source in the case of any other gift. A "gift" means any payment, forbearance, advance, rendering or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor. In determining which gifts and reimbursements must be reported or aggregated, exclude these items:

1. Anything having a value of \$75 or less;
2. Anything received from "relatives" (see Definition of Terms, above);
3. Bequests and other forms of inheritance;
4. Suitable mementos of a function honoring the reporting individual;
5. Food, lodging, transportation, and entertainment or reimbursements provided by a foreign government within a foreign country or by the United States Government, or D.C., state or local governments;
6. Food and beverages not consumed in connection with a gift of overnight lodging;
7. Anything given to a spouse or dependent child totally independent of the relationship to you;
8. Gift items in the nature of communications to your office, such as subscriptions to newspapers and periodicals;
9. Gifts of hospitality (food, lodging, entertainment) on the donor's personal or family premises, as defined in 5 CFR Part 2634;

10. Gifts and reimbursements received during non-Federal employment periods; and

11. Reimbursements you received for political trips which were required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. § 434).

**C. What to Show on the Form**

**1. GIFTS OF FOOD, LODGING, TRANSPORTATION, ENTERTAINMENT**—Report the identity of the source, a brief description (including a travel itinerary, dates, and the nature of expenses provided), and the value of gifts of food, transportation, lodging, or entertainment aggregating \$250 or more from any one source which were received by you or your spouse or dependent child and which do not fall within any of the categories of exclusions enumerated above. To reach a \$250 aggregation, you determine whether any one or combination of the components within this gift category received from one source (food, transportation, lodging, and entertainment) amounts to \$250 or more in value. For example, if you spent a weekend at a hunting lodge owned by AmCoal Corporation, and you received lodging fairly valued at \$150, food valued at \$100, and entertainment valued at \$125, the aggregate value of the gift is \$375. A gift of this nature — hospitality at a lodge owned by a corporation rather than an individual — would not qualify as a "personal hospitality" exclusion. To report this gift you would show, under SOURCE... "AmCoal Corp., 1210 North St., Chicago, IL"; under BRIEF DESCRIPTION... "lodging, food, and entertainment as a guest at hunting lodge owned by AmCoal, 1/25-27/91"; and under VALUE... "\$375."

**2. OTHER GIFTS**—Report the identity of the source, a brief description, and the value of gifts other than food, transportation, lodging, or entertainment aggregating \$100 or more in value from any one source, other than excluded gifts, which you or your spouse or dependent child received during

the calendar year. Thus, if you and your spouse each receive an \$80 figurine from the same donor (source), the gifts have a value of more than \$100 and must be reported. To report a gift, identify the source, briefly describe the item(s), and show the value. In the case of the figurines, report on the form under SOURCE... "Artifact Co., 153 Utah St., Omaha, NE"; and under BRIEF DESCRIPTION... "two porcelain figurines". Under VALUE... "\$160" would be shown.

**3. REIMBURSEMENTS**—Report the source, a brief description (including a travel itinerary, dates, and the nature of expenses provided), and the value of any cash reimbursements (except those from the United States Government or otherwise excluded) aggregating \$250 or more which you or your spouse or dependent child received from any one source. For example, if you were reimbursed \$400 for travel and lodging expenses in connection with a speech you made for the Denver Realtors Association, you would report this item on the form by showing under SOURCE... "Denver Realtors Assoc., 45 Bridge St., Denver, CO"; under BRIEF DESCRIPTION... "travel expenses for speech made in Denver: United Airlines round trip from Washington, D.C. 1/22-23/91, \$275; Denver Airport Marriott, \$125"; and under VALUE... "\$400" would be shown. If your spouse made this speech and received the reimbursement totally independent of his or her relationship to you, no information for this item need be reported.

**Note:** If you receive food, transportation, lodging, and entertainment or a reimbursement of official travel expenses from a non-profit tax-exempt institution categorized by the IRS as one falling within the terms of 26 U.S.C. § 501(c)(3), you must report the name of the organization, a brief description of the kind services or the reimbursement and the value. If known, you may also wish to note the date you received the required written approval from your agency to accept such items. See 5 U.S.C. § 4111 and 5 CFR Part 410, Subpart G.

Exhibit 1 (continued)



Exhibit 1 (continued)

Schedule C

I. Part I—Liabilities

A. General Instructions

The Act requires you to disclose certain of your financial liabilities. The examples on the form show how to report a mortgage on real estate the reporting individual held for the production of income and a promissory note. Note that you will need to disclose the date, interest rate and term (if applicable) of each liability. Also note you must disclose the highest amount owed on any liability held during the reporting period, not just at the end of the period. If the liability was completely paid during the period, you may also note that on the form if you wish.

B. Items to Report

Identify and give the category of amount of the liabilities which you, your spouse or dependent child owed to any creditor which exceeded \$10,000 at any time during the reporting period, except:

1. a personal liability owed to a spouse or dependent child, or to a parent, brother, sister, or child of you, your spouse or dependent child;
2. a mortgage or home equity loan secured by real property which is the personal residence (or a second residence not used for producing income) of you or your spouse;
3. a loan secured by a personal motor vehicle, household furniture, or appliances, where the loan does not exceed the purchase price of the item;
4. a revolving charge account where the outstanding liability did not exceed \$10,000 as of the close of the preceding calendar year; and

5. any liability of your spouse or dependent child which represents the sole financial interest or responsibility of the spouse or child, and about which you have no knowledge, and which is not derived from your income, assets, or activities, and concerning which you neither derive nor expect to derive any financial or economic benefit.

You are required to report any liability of any non-public company, investment pool, or other entity, in which you, your spouse or dependent child have an interest, unless (1) the liability is incidental to the primary trade or business of the entity as indicated by you on Schedule A, or (2) the entity is an excepted investment fund. (See also sections V.e. and f. of the General Instructions preceding those for Schedule A.)

C. What to Show on the Form

Under CREDITORS (NAME AND ADDRESS), show the name and address of the actual creditor unless the reporting individual is only able to identify a fiduciary and certifies in the report that he has made a good faith effort to determine who the actual creditor is and was unable to do so, or upon his certification that such determination is otherwise impracticable. Under TYPE OF LIABILITY, briefly indicate the nature of the liability. Under DATE, enter date loan incurred; under INTEREST RATE, note the set rate or, if a variable one, the formula used to vary the rate, i.e. prime +2%; and under TERM, show the duration of the loan. Check the category of value for the highest amount owed during the reporting period.

II. Part II—Agreements or Arrangements

A. General Instructions and Items to Report

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of

Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits. This includes any agreements or arrangements with a future employer entered into by a termination filer. The example on the form shows the severance agreement under which the reporting individual expects to receive a lump sum payment from the law firm he has left in order to enter the Government. It also shows a continuing pension interest and describes the nexus between the organization and the pension interest, so that a complete conflicts assessment can be made.

For purposes of public disclosure, you must disclose any negotiations for future employment from the point you and a potential non-Federal employer have agreed to your future employment by that employer whether or not you have settled all of the terms, such as salary, title, benefits, and date employment is to begin. Your agency may require internal disclosure of negotiations much earlier and you should seek guidance before conducting any negotiations with persons with whom you do business. A criminal statute, 18 U.S.C. § 203, applies to official actions you may take while negotiating future employment.

B. What to Show on the Form

Under STATUS AND TERMS, describe the agreement or arrangement with appropriate specificity. Under PARTIES, show the name of the organization, or entity, and (if applicable) the name and title of the official, corporate officer, or principal person responsible for carrying out the terms of the agreement or arrangement. Under DATE, show the date of any such arrangement. No report is required regarding any agreement or arrangement entered into by a spouse or dependent child.

Exhibit 1 (continued)

Schedule D

I. Part I—Outside Positions

A. Items to Report

Report all outside positions held at any time during the reporting period, as well as those positions you currently hold as an officer, director, trustee, general partner, proprietor, representative, employee or consultant of (1) any corporation, company, firm, partnership, trust, or other business enterprise; (2) any non-profit organization; (3) any labor organization; (4) any educational institution; or (5) any organization other than the United States Government. Exclude positions held in any religious, social, fraternal, or political entity, and any positions solely of an honorary nature. Be sure to report on Schedule A any income over \$200 that you received from acting in any of these positions. No report is required regarding any positions held by your spouse or dependent child.

B. What to Show on the Form

Give the name, address and brief description (type) of the organization, the title or other brief functional description of the position, and the dates you held the position. If you currently hold the position, in the entry block under "TO," note "Present."

II. Part II—Compensation in Excess of \$5,000 Paid by One Source

A. General Instructions

This Part is to be completed by nominees and new entrants only. You must disclose your source of compensation in excess of \$5,000 and the nature of the duties you provided. This includes not only the source of your salary or other fees, but the disclosure of clients for whom you personally provided \$5,000 or more in services even though the clients' payments

were made to your employer, firm or other business affiliation. The examples on the form show the proper way to disclose the business affiliation which paid the reporting individual's compensation, in this case a law firm, and a client of the firm for which the reporting individual personally provided over \$5,000 worth of services. This Part does not require you to disclose the value of the compensation for these services; it does require a brief description of the services you provided. When a source has paid you directly, you should have a corresponding entry on Schedule A if the payment was within the reporting period for Schedule A. A client who paid your business affiliation more than \$5,000 for your services will appear only in this Part.

B. Items to Report

Report the nature of the duties performed or services rendered for any person (other than the United States Government) from which compensation in excess of \$5,000 in any of the two preceding calendar years or the present calendar year was received by you or an entity which billed for your services (business affiliation). Exclude: (1) information to the extent that it is considered confidential as a result of a privileged relationship established by law, or (2) information about persons for whom services were provided by a business affiliation of which you were a member, partner or employee unless you were directly involved in the provision of the services. The name of a client of a law firm is not generally considered confidential. No report is required regarding compensation paid to your spouse or a dependent child.

C. What to Show on the Form

Under SOURCE, give the name and address of the person to whom services were provided, for example, "Newark Real Estate Co. (Newark, NJ)"; and under BRIEF DESCRIPTION, the title or other brief functional description of the services rendered, for example: "tax matters researched for above firm while an associate with Quinn and Cuspensky."



Volume 7, Legal and Ethical Guidelines  
 Public and Confidential Financial Disclosure Reports  
 Handbook 7.6 Exhibits

Exhibit 1 (continued)

**Executive Branch PUBLIC FINANCIAL DISCLOSURE REPORT**

Form Approved  
 OMB No. 3200-0007

SF 275 (Rev. 1971) U.S. Office of Government Ethics	Reporting Status (Check appropriate box) <input type="checkbox"/> Incumbent	Calendar Year Covered by Report Year <input type="checkbox"/>	Date of Appointment, Qualification, Election, or Reappointment (Month, Day, Year) Year <input type="checkbox"/>	Submission Date (If Applicable) (Month, Day, Year)	Agency Use Only
Reporting Individual's Name		First Name and Middle Initial			
Position for Which Filing		Department or Agency (If Applicable)			
Location of Present Office (if forwarding address)		Telephone No. (Include Area Code)			
Position Held with the Federal Government During the Preceding 18 Months (If Not the same as Above)		Title of Position (and District) Held			
Precedential Relationship Subject to Senate Confirmation		Do You Intend to Create a Qualified Replacement?			
Qualification		Yes (Month, Day, Year)			
Other Rules (If derived by agency)		Date (Month, Day, Year)			
Agency Ethics Officer's Opinion The information contained in this report discloses no matter of interest under applicable laws and regulations		Date (Month, Day, Year)			
Office of Government Ethics Use Only		Date (Month, Day, Year)			
Comments of Disclosing Official (If additional space is required, use the reverse side of this form)					

**Fee for Late Filing**  
 Any individual who is required to file this report and does so more than 30 days after the date this report is required to be filed, or, if an extension is granted, more than 30 days after the first day of the filing extension period shall be subject to a \$200 fee.

**Reporting Periods**  
 Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to... date you file. Part II of Schedule D is not applicable.

**Termination Filers:** The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

**Nonincumbents, New Entrants and Vice Presidents**  
 Schedule A--The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

**Schedule B--Not applicable**

**Schedule C, Part I (Liabilities)--** The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

**Schedule C, Part II (Agreements or Arrangements)--** Show any agreements or arrangements as of the date of filing.

**Schedule D--** The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

U.S. Office of Government Ethics Form No. 275

Print Name and Middle Initial

Telephone No. (Include Area Code)

Do You Intend to Create a Qualified Replacement?  Yes  No

Date (Month, Day, Year)

Date (Month, Day, Year)

Date (Month, Day, Year)

Date (Month, Day, Year)

If filed by electronic means, no fee is assessed for late payment.

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U.S. Office of Government Ethics Form No. 275









Exhibit 1 (continued)

19 (Rev. 10/1/81)  
 2025 Form 278e  
 U.S. Office of Government Ethics

Reporting Individual's Name

**SCHEDULE D**

Page Number

**Part I: Positions Held Outside U.S. Government**  
 Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature. None

Line No.	Organization (Full legal address)	Type of Organization		Position Held	From 7/16, Yr. 1	To 7/16, Yr. 2
		Non profit education	For profit			
1	Next Arms, of Bush Oklahoma, NY, NY 600 Avenue B, East, Houston, USA	For profit	Law firm	President	1988	1990
2						
3						
4						
5						
6						

**Part II: Compensation In Excess Of \$5,000 Paid by One Source**  
 Report sources of more than \$5,000 compensation received by you or your business affiliation for services provided directly by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any non-profit organization when you directly provided the services generating a fee or payment of more than \$5,000. You need not report the U.S. Government as a source. None

Line No.	Source (Firm and Address)	Type of Source	Amount	Date Received	Description of Duties
1	Example: State University (State of New York, New York, USA)	Legal services			Legal services in connection with university construction
2					
3					
4					
5					
6					

None

U.S. Office of Government Ethics



**Exhibit 27**  
**NRC 445 - Foreign Travel**

## REQUEST FOR APPROVAL OF OFFICIAL FOREIGN TRAVEL

TO: OFFICE DIRECTOR OR REGIONAL ADMINISTRATOR (NAME)		FROM: BRANCH CHIEF (NAME)		
PROGRAM OFFICE		BRANCH		
ROOM NUMBER	BUILDING	ROOM NUMBER	BUILDING	TELEPHONE

### A. TRAVEL DATES (To be completed by traveler)

1. NAME OF TRAVELER (Print or Type -- Last, first and middle initial)		2. DATE OF BIRTH	3. PLACE OF BIRTH
SIGNATURE - TRAVELER		MM/DD/YY	CITY, STATE, COUNTRY
DATE			
4. HOME ADDRESS (include Zip Code)		5. CITIZENSHIP	6. PASSPORT NUMBER (if available)
		7. G CLEARANCE NUMBER <small>(If visit involves classified information, obtain clearance number from the Personnel Security Branch)</small>	DATE (MM/YY)
8. EMPLOYER		9. CONTRACT NUMBER (if applicable)	
10. BUSINESS ADDRESS (include Zip Code)		11. ORGANIZATIONAL UNIT	
		12. POSITION TITLE (include profession)	

13. PROPOSED ITINERARY If this information is CLASSIFIED, be sure to CLASSIFY THIS FORM appropriately.  
(Account for all time from beginning through ending dates of travel)

DATES	LOCATION (Installation, City, Country)	INDIVIDUALS TO BE CONTACTED	SUBJECT OF DISCUSSION	"X" ONE	
				CLASSIFIED	UNCLASSIFIED

14. PURPOSE OF TRAVEL. If this information is CLASSIFIED, be sure to CLASSIFY THIS FORM appropriately.  
(If more space is required, attach a separate sheet.)

In addition, specify nature and classification of information to be disclosed including titles of papers to be presented; nature of information to be obtained at each of the places to be visited and conferences to be attended and its relation to traveler's work. (TRAVELERS are RESPONSIBLE for OBTAINING CLEARANCES for papers or speeches when necessary.)

15. LIST PERSONS WITH WHOM PURPOSE OF TRAVEL HAS BEEN COORDINATED (Include intraoffice as well as other divisions and offices) AND THOSE TO BE BRIEFED OR RECEIVE TRIP REPORTS UPON RETURN. LIST ALL NRC TRAVELERS AND CONTRACTORS WHO PLAN TO ATTEND SAME FOREIGN MEETING OR PLAN TO GO TO SAME FOREIGN DESTINATION.

(a) PERSONS WITH WHOM TRAVEL HAS BEEN COORDINATED (within NRC and in other U.S. Government agencies)

(b) PERSONS TO BE BRIEFED OR RECEIVE TRIP REPORTS UPON RETURN.

(c) LIST OF OTHER NRC TRAVELERS AND CONTRACTORS GOING TO SAME FOREIGN MEETING OR DESTINATION.

B. ENDORSEMENTS AND RECOMMENDATIONS <i>(To be completed by traveler's program officials)</i>			
17. TRAVELER'S SUPERVISOR			
ENDORSEMENT AND REMARKS		SIGNATURE	
		TITLE	
		DATE	
18. CONTRACT EMPLOYEES <i>(To be completed by official responsible for supervising activities involved in proposed foreign travel or other official responsible for approving foreign travel under the terms of the contract)</i>			
ENDORSEMENT AND REMARKS		SIGNATURE	
		TITLE	
		DATE	
19. OFFICE DIRECTOR OR REGIONAL ADMINISTRATOR			
RECOMMENDATION AND/OR REMARKS		SIGNATURE	
		TITLE	
		DATE	
C. ESTIMATED COST OF TRAVEL <i>(To be completed by NRC travel office representative)</i>			
20. COST TO NRC		21. COST TO OTHER SOURCE <i>(To be completed if part of cost is to be or has been requested from source other than NRC)</i>	
TRANSPORTATION	\$	SOURCE	SIGNATURE
PER DIEM AND MISCELLANEOUS	\$		TITLE
TOTAL	\$	AMOUNT \$	DATE
D. CONCURRENCES AND/OR REMARKS <i>(To be completed at NRC Headquarters)</i>			
22. OFFICE OF INTERNATIONAL PROGRAMS			
CONCURRENCES AND/OR REMARKS		SIGNATURE	
		TITLE	
		DATE	
23. DIVISION OF SECURITY <i>(Communist controlled countries or classified meetings)</i> NOTE: Compliance with NRCMD 12.2			
CONCURRENCE AND/OR REMARKS		SIGNATURE	
		TITLE	
		DATE	
24. OTHER CLEARANCE			
		SIGNATURE	
		TITLE	
		DATE	
E. FINAL ACTION - OFFICE OF THE EXECUTIVE DIRECTOR FOR OPERATIONS OR CHAIRMAN			
FOREIGN TRAVEL AT NRC EXPENSE, AS OUTLINED IN PART A, IS: ("X" one)		SIGNATURE	
<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED, SUBJECT TO REMARKS AND LIMITATIONS <input type="checkbox"/> DISAPPROVED		TITLE	
REMARKS AND/OR LIMITATIONS		DATE	

REMARKS

**PRIVACY ACT STATEMENT**

Pursuant to 5 U.S.C. 552a(e)(3), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93-570), the following statement is furnished to individuals who supply information to the U.S. Nuclear Regulatory Commission on NRC Form 445. This information is maintained in a system of records designated as NRC-20 and described at 55 *Federal Register* 33981 (August 20, 1990), or the most recent *Federal Register* publication of the U.S. Nuclear Regulatory Commission's "Republication of Systems of Records Notices" that is available at the NRC Public Document Room, Gelman Building, 2120 L Street NW, Washington, D.C.

1. **AUTHORITY:** 31 U.S.C. 1104, 1108, 3511, 716, 3512, 3701, 3711, 3717, 3718 (1988); 5 U.S.C. 5701 (1988); Federal Travel Regulations, 41 CFR Parts 301-304; and Federal Property Management Regulations, 41 CFR Part 101-71.
2. **PRINCIPAL PURPOSE:** Information entered on this form is used to secure the required NRC approval for official foreign travel.
3. **ROUTINE USES:** Information on this form may be used for transmittal to the U.S. Treasury for payment and for transmittal to the Department of State or an embassy for passports or visas. The information may also be disclosed to an appropriate Federal, State, local or Foreign agency in the event the information indicates a violation or potential violation of law and in the course of an administrative or judicial proceeding. In addition, this information may be transferred to an appropriate Federal, State, local and Foreign agency to the extent relevant and necessary for the agency's decision about you.

Information from this form may also be disclosed in the course of discovery and in presenting evidence, to an NRC contractor, or to a congressional office to respond to their inquiry made at your request.

4. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** Disclosure is voluntary. If the requested information is not provided, however, approval may be denied.
5. **SYSTEM MANAGER AND ADDRESS:**

Chief, Travel Management Branch  
Office of the Controller  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001



**Exhibit 28**  
**NRC 279 - Official Travel Authorization**

NRC FORM 279 (9-95) NRCMD 14.1	<b>U. S. NUCLEAR REGULATORY COMMISSION</b>	<b>1. AUTHORIZATION CODE</b>  <input checked="" type="checkbox"/> New <input type="checkbox"/> Blanket <input type="checkbox"/> Amend <input type="checkbox"/> Cancel <input type="checkbox"/> Regular	<b>2. SOCIAL SECURITY NUMBER</b>	<b>3. AUTHORIZATION NUMBER</b>
<b>OFFICIAL TRAVEL AUTHORIZATION</b> <small>See NRC Management Directive 14.1 for detailed instructions for completing this form. All shaded areas must be completed. Form may be typed or handwritten.</small>				

TRAVELER INFORMATION				
4. NAME OF TRAVELER (First two initials and last name)	5. PHONE NO.	6. TRAVEL PURPOSE CODE	7. EMPLOYEE CODE	
8. MAIL ADDRESS (P.O. Box, Street, or Office) (For travel advance)		9. FUND CODE	<input checked="" type="checkbox"/> NRC EMPLOYEE/CONSULTANT <input type="checkbox"/> OTHER NON NRC FEDERAL EMPLOYEE <input type="checkbox"/> CONSULTANT/CONTRACTOR <input type="checkbox"/> COMMISSIONER <input type="checkbox"/> OTHER	
CITY	STATE	ZIP CODE		
		<input checked="" type="checkbox"/> X0200 <input type="checkbox"/> X0300 <input type="checkbox"/> X1093 AID		

ACCOUNTING INFORMATION											
10. ESTIMATED COST	11. B/PY	12A. BUDGET ORGANIZATION CODE	12B. COST ORGANIZATION CODE	12C. JOB CODE	13A. (2110-S) SUBSISTENCE AND OTHER	13B. (2120-C) COMMON CARRIER	13C. (2511-U) REGISTRATION FEE	13D. TOTAL	14. TRAVEL DATES		
								MONTH DAY YEAR			
								START			
								END			
								15. NUMBER OF OFFICIAL TRAVEL DAYS ONLY			
16. INTERAGENCY AGREEMENT NUMBER				17. CONSULTANT CONTRACT NUMBER				13E. GRAND TOTAL			

ITINERARY	TRAVEL ADVANCE
18. ACTUAL DUTY POINTS	20. ADVANCE REQUESTED
A. FROM	A. AMOUNT
B. TO	B. TYPE
TO	C. DATE REQUIRED
TO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO    \$
TO	SIGNATURE OF TRAVELER
TO	DATE
C. RETURN TO:	21. ADVANCE ISSUED
	A. CASH
	B. TRAVELER'S CHECK
	C. TREASURY CHECK
	D. THIRD-PARTY CHECK
	SIGNATURE OF RECIPIENT
	BADGE NO. DATE

TRAVEL AUTHORITY	
Reimbursement for the items authorized below shall be limited to the allowances in NRCMD 14.1, the Federal Travel Regulations, and applicable Comptroller General Decisions.	
22. TRANSPORTATION	23. SUBSISTENCE (Specify rate in itinerary block above)
DATE TICKET REQUIRED	<input type="checkbox"/> A. Per diem-Lodgings plus M & IE rate <input type="checkbox"/> B. Actual subsistence rate/adjacent area rate (justify in remarks) <input type="checkbox"/> C. Special per diem rate (justify in remarks) <input type="checkbox"/> D. OTHER
<input type="checkbox"/> A. Common Carrier Contact Carrier Non-use code ( ) <input type="checkbox"/> B. Taxi/Limo <input type="checkbox"/> C. Rental car (justify in remarks) <input type="checkbox"/> D. Government-owned vehicle <input type="checkbox"/> E. Excess baggage - No. of bags <input type="checkbox"/> F. Other Special Conveyances (justify in remarks)	<input type="checkbox"/> A. Registration fee Meals included - No. (Specify if breakfast, lunch or dinner) Lodging included - No. <input type="checkbox"/> B. Miscellaneous expenses (Specify in remarks)
USE OF PRIVATELY OWNED VEHICLE <input type="checkbox"/> G. Advantageous to Government (justify in remarks) cents per mile <input type="checkbox"/> H. Not to exceed Cost of Common Carrier cents per mile <input type="checkbox"/> I. Government vehicle available cents per mile <input type="checkbox"/> J. Government vehicle assigned cents per mile	<input type="checkbox"/> B. Miscellaneous expenses (Specify in remarks) Annual leave to be used Supervisor's Initials: Total hours or days: Dates: From To <input type="checkbox"/> D. Government Charge Card: <input type="checkbox"/> YES <input type="checkbox"/> NO (If no, explain in Block 25)
25. PURPOSE OF TRAVEL/REMARKS (Indicate item number to which answer applies.)	

26. FOREIGN TRAVEL - CERTIFICATION OF FUNDS AVAILABLE Funds are sufficient to cover the total estimated cost.	27. FOREIGN TRAVEL - CERTIFICATION OF AUTHORIZATION - The official travel described above has been reviewed and the expenses necessary to the performance thereof are authorized in accordance with the Federal Travel Regulations, as amended, NRC Management Directive 14.1, and under the conditions on the authorization.
SIGNATURE AND TITLE	SIGNATURE AND TITLE
DATE	DATE
28. ADMINISTRATIVE APPROVAL - The official travel directed herein was reviewed and is necessary to accomplishing the agency's programs and missions.	29. CERTIFICATION OF FUNDS / AUTHORIZATION - Funds are sufficient to cover the total estimated cost. The official travel described above has been reviewed and the expense necessary to the performance thereof are authorized in accordance with the Federal Travel, as amended, NRC Management Directive 14, and under the conditions on the authorization, Regulations.
SIGNATURE AND TITLE	SIGNATURE AND TITLE
DATE	DATE

## PRIVACY ACT STATEMENT

Pursuant TO 5 U.S.C. 552a(e)(3), enacted into law by Section of the Privacy Act of 1974 (Public Law 93- 579), the following statement is furnished to individual who supply information to the U.S. Nuclear Regulatory Commission on NRC Forms 279 and 279A. This information is maintained in a system of records designated as NRC-20 and described at 58 *Federal Register* 36468 (July 7, 1993); or the most recent *Federal Register* publication of the Nuclear Regulatory Commission's "Republication of Systems of Records Notices" that is available at the NRC Public Document Room, Gelman Building, Lower Level, 2120 L Street NW, Washington, DC.

1. **AUTHORITY:** 5 U.S.C. 5701; 31 U.S.C. 716, 1104, 1108, 3511, 3512, 3701, 3711, 3718 (1988), Federal Travel Regulations, 41 CFR Parts 301-304; and Federal Property Management Regulations, 41 CFR Part 101-71; and Executive Order 9397, November 22, 1943.
2. **PRINCIPAL PURPOSE(S):** The information is used to secure the required authorization identification of traveler, and, if required, travel advance funds.
3. **ROUTINE USE(S):** The information is used for transmittal to the U.S. Treasury to secure advance payments and to the Department of State or an embassy for passports or visas, if necessary, when travel is authorized. The information may also be disclosed to an appropriate Federal, State, local, or Foreign agency in the event the information indicates a violation or potential violation of law and in the course of an administrative or judicial proceeding. In addition, this information may be transferred to an appropriate Federal, State, local, and Foreign agency to the extent relevant and necessary for an NRC decision or to the extent relevant and necessary for that agency's decision about you. Information from this form may also be disclosed, in the course of discovery under a protective order issued by a court of competent jurisdiction, and in presenting evidence, to a Congressional office to respond to their inquiry made at your request, or to NRC - paid experts, consultants, and others under contract with the NRC, on a need-to-know basis.
4. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** Disclosure is voluntary. If the requested information is not provided, however, authorization for official travel and reimbursement for expenses associated with such travel may be denied. Failure to provide the social security number may result in delayed processing. The use of the social security number is made necessary because of the large number of present and former Federal employees and applicants who have identical names and birth dates, and whose identities can only be distinguished by the social security number. Failure to provide the social security number may result in delayed processing.
5. **SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Travel Management Branch  
Division of Accounting and Finance  
Office of the Controller  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

### OFFICIAL TRAVEL AUTHORIZATION CHANGE OF STATION

See NRC Management Directive 14.1 for detailed instructions for completing this form.  
ALL SHADED AREAS MUST BE COMPLETED. Form may be typed or handwritten.

1. AUTHORIZATION CODE <input checked="" type="checkbox"/> A. NEW <input type="checkbox"/> B. AMEND <input type="checkbox"/> C. CANCEL	2. AUTHORIZATION NUMBER (Leave Blank)
3. SOCIAL SECURITY NUMBER	

4. EMPLOYEE INFORMATION A. NAME OF EMPLOYEE (First Two Initials and Last Name)		5. FUND CODE <input checked="" type="checkbox"/> A. X0200 <input type="checkbox"/> B. X0300 <input type="checkbox"/> C. X	6. EMPLOYEE CATEGORY <input checked="" type="checkbox"/> A. NRC EMPLOYEE TRANSFER <input type="checkbox"/> B. OTHER NON-NRC FEDERAL EMPLOYEE <input type="checkbox"/> C. NEW APPOINTEE
---	--	--	---

B. MAILING ADDRESS (P.O. Box, Street, or Office) (for travel advance)			7. BUDGET ORGANIZATION CODE	8. COST ORGANIZATION CODE	9. PURPOSE CODE W
C. CITY	D. STATE	E. ZIP CODE			

12. OLD DUTY STATION	13. START DATE MONTH DAY YEAR			10. EFFECTIVE DATE OF TRANSFER OR APPOINTMENT MONTH DAY YEAR			11. DATE 1-YEAR AGREEMENT SIGNED MONTH DAY YEAR		
14. NEW DUTY STATION									

15. ESTIMATED COST	16. BOC/ DESCRIPTION CODE	17. JOB CODE	18. RELOCATION ALLOWANCE AUTHORIZED * = NOT APPLICABLE FOR NEW APPOINTEE			19. TRAVEL AUTHORITY			
\$	2115-E	L1168	A. HOUSE HUNTING TRIP*			<input type="checkbox"/> A. COMMON CARRIER CONTRACT CARRIER NON-USE CODE			
\$	2125-E		<input type="checkbox"/> EMPLOYEE _____ DAYS	<input type="checkbox"/> EMPLOYEE AND SPOUSE	<input type="checkbox"/> B. TAXI/LIMO/SINE				
\$	2125-V		<input type="checkbox"/> SPOUSE _____ DAYS	<input type="checkbox"/> _____ DAYS	<input type="checkbox"/> C. RENTAL CAR (Justify in Remarks)				
\$	2116-E		B. EMPLOYEE TRAVEL TO NEW DUTY STATION			<input type="checkbox"/> D. USE OF PRIVATELY OWNED VEHICLE			
\$	2126-E	L1168	<input type="checkbox"/> WITH ACCOMPANYING DEPENDENTS	UNDER 12	12 AND OVER	<input type="checkbox"/> E. PER DIEM			
\$	2126-V		<input type="checkbox"/> WITH DEPENDENTS TRAVELING SEPARATELY	UNDER 12	12 AND OVER	20. ADVANCE OF FUNDS			
\$	2230-E	B1440	C. MOVEMENT OF HOUSEHOLD GOODS			A. AMOUNT REQUESTED	B. TYPE	C. DATE REQUIRED MONTH DAY YEAR	
\$	2230-V								
\$	252G-E	B1442	D. STORAGE OF HOUSEHOLD GOODS NOT TO EXCEED _____ DAYS			\$	COS		
\$	252G-V		<input type="checkbox"/> TEMPORARY DAYS	<input type="checkbox"/> NON-TEMPORARY DAYS	\$	COS			
\$	2231-E	B1440	E. MOVEMENT OF PROFESSIONAL BOOKS AND EQUIPMENT			\$	COS		
\$	2231-V					\$	COS		
\$	1255-E	B1364	F. TEMPORARY QUARTERS *			\$	COS		
\$			EMPLOYEE	DEPENDENT(S)	\$	COS			
\$			ESTIMATED DAYS		\$	COS			
\$			EXTENSION			21. ADVANCE ISSUED BY CASHIER			
\$	1256-E	B1366	G. REAL ESTATE (Estimated Value)*			A. CASH	B. TRAVELER'S CHECK	C. TREASURY CHECK	D. THIRD-PARTY CHECK
\$			<input type="checkbox"/> 1. SALE	\$	\$	\$	\$	\$	
\$			<input type="checkbox"/> 2. BREAKING OF LEASE	\$	\$	\$	\$	\$	
\$	1257-E		<input type="checkbox"/> 3. PURCHASE	\$	\$	\$	\$	\$	
\$	1258-E	B1368	H. MISCELLANEOUS EXPENSES *			C. SIGNATURE - RECIPIENT			
\$			1. EMPLOYEE WITH DEPENDENT(S)	2. EMPLOYEE WITHOUT DEPENDENT(S)	\$	D. BADGE NUMBER			
\$			\$	\$	\$	E. DATE			
\$	1259-E	B1370	I. RELOCATION INCOME TAX ALLOWANCE (RIT)			REIMBURSEMENT IN ACCORDANCE WITH NRC MANAGEMENT DIRECTIVE 14.1 AND FEDERAL TRAVEL REGULATIONS			
\$	1259-X								
\$	TOTAL								

22. REMARKS (Indicate item number to which answer applies. Use additional sheets as necessary.)

23. CERTIFICATION OF FUNDS AVAILABILITY FUNDS ARE SUFFICIENT TO COVER THE TOTAL ESTIMATED COST		24. ADMINISTRATIVE APPROVAL THE OFFICIAL TRAVEL DESCRIBED HEREIN WAS RECEIVED AND IS ESSENTIAL TO ACCOMPLISH THE AGENCY'S PROGRAMS AND MISSIONS.	
TYPED/PRINTED NAME AND TITLE		TYPED/PRINTED NAME AND TITLE	
SIGNATURE		SIGNATURE	
DATE		DATE	

25. CERTIFICATION OF AUTHORIZATION  
THE OFFICIAL TRAVEL DESCRIBED ABOVE, AND THE EXPENSES NECESSARY TO THE PERFORMANCE THEREOF, HAVE BEEN REVIEWED IN ACCORDANCE WITH THE FEDERAL TRAVEL REGULATIONS, AS AMENDED, THE NRC OFFICIAL TRAVEL MANAGEMENT DIRECTIVE, AND UNDER THE CONDITIONS ON THIS AUTHORIZATION.

AUTHORIZING OFFICIAL - TYPED/PRINTED NAME AND TITLE	SIGNATURE	DATE
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## PRIVACY ACT STATEMENT

Pursuant TO 5 U.S.C. 552a(e)(3), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93-579), the following statement is furnished to individuals who supply information to the U.S. Nuclear Regulatory Commission on NRC Forms 279 and 279A. This information is maintained in a system of records designated as NRC-20 and described at 55 Federal Register 33981 (August 20, 1990); or the most recent Federal Register publication of the Nuclear Regulatory Commission's "Republication of Systems of Records Notices" that is available at the NRC Public Document Room, Gelman Building, Lower Level, 2120 L Street NW, Washington, DC.

1. **AUTHORITY:** 31 U.S.C. 1104, 1108, 3511, 716, 3512, 3701, 3711, 3717, 3718 (1988), 5 U.S.C. 5701; Federal Travel Regulations, 41 CFR Parts 301-304; and Federal Property Management Regulations, 41 CFR Part 101-71. The authority for soliciting the social security number is Executive Order 9397, dated November 22, 1943.
2. **PRINCIPAL PURPOSE(S):** The information is used to secure the required authorization, identification of traveler, and, if required, travel advance funds.
3. **ROUTINE USE(S):** The information is used for transmittal to the U.S. Treasury to secure advance payments and to the Department of State for passports, if necessary, when travel is authorized. The information may also be disclosed to an appropriate Federal, State, or local agency in the event the information indicates a violation or potential violation of law and in the course of an administrative or judicial proceeding. In addition, this information may be transferred to an appropriate Federal, State, or local agency to the extent relevant and necessary for an NRC decision or to an appropriate Federal agency to the extent relevant and necessary for that agency's decision about you. The use of the social security number is made necessary because of the large number of present and former Federal employees and applicants who have identical and birthdates, and whose identities can only be distinguished by the social security number. Failure to provide the social security number may result in delayed processing.
4. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** Disclosure is voluntary. If the requested information is not provided, however, authorization for official travel and reimbursement for expenses associated with such travel may be denied. Failure to provide the social security number may result in delayed processing.
5. **SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Travel Management Branch  
Division of Accounting and Finance  
Office of the Controller  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001



**Exhibit 29**  
**NRC 64 - Travel Vouchers**

(3-95)  
NRCMD 14.1  
Exception to SF 1012  
Approved by NARS 10-81

### TRAVEL VOUCHER (PART 1)

FOLLOW INSTRUCTIONS ON REVERSE OF FORM SET

1. AUTHORIZATION NUMBER

2. SOCIAL SECURITY NUMBER

3. NAME (Last, First, Middle Initial)

4. OFFICE TELEPHONE

5. RECLAIM VOUCHER  
YES  NO

6. VOUCHER STATUS  
PARTIAL  FINAL

7. MAILING ADDRESS (Include ZIP Code)

8. TRAVEL PERIOD(S)  
A. FROM (MM/DD/YY) B. TO (MM/DD/YY)

9. OFFICIAL DUTY STATION (City and State)  
Rockville, MD

10. RESIDENCE (City and State)

11. TYPE OF TRAVEL  
 CONUS/DOMESTIC  
 NONFOREIGN OUTSIDE CONUS  
 FOREIGN  
 COS

12. METHOD OF PAYMENT  
 CHECK  
 CASH (NTE \$100)  
 ELECTRONIC FUNDS TRANSFER

13. AIRLINE ACCOMMODATIONS  
 FIRST CLASS  
 OTHER PREMIUM CLASS  
 FREE UPGRADE  
 NON-CONTRACT

14. LEAVE TAKEN  
 ANNUAL  
 SICK  
 OTHER

15. COMPARATIVE TRAVEL

16. TRANSPORTATION METHOD OF PAYMENT  
GTR/GTS ACCT/GOVT ISSUED CARD/CASH  
(Identify below)

17. CARRIER

18. TRANSPORTATION GTR OR TICKET NUMBER

19. AMOUNT

20. EXPENSES CLAIMED  
(FROM NRC FORM 64A OR NRC FORM 64B)  
EXPENSES AMOUNT CLAIMED

A. SUBSISTENCE AND OTHER EXPENSES  
B. PLANE, TRAIN, BUS (PAID BY TRAVELER)  
C. REGISTRATION FEE

21. TRAVELER'S CERTIFICATION: I HEREBY ASSIGN TO THE UNITED STATES ANY RIGHT I MAY HAVE AGAINST ANY PARTIES IN CONNECTION WITH REIMBURSABLE TRANSPORTATION CHARGES DESCRIBED ABOVE, PURCHASED UNDER CASH PAYMENT PROCEDURES.

D. TOTAL CLAIM

22. LODGING (List provided in Federal Travel Directory)  
HOTEL AND MOTEL FIRE SAFETY ACT OF 1990, P.L. 101-391

23. READ CAREFULLY  
(If voucher includes any of the following, mark the appropriate boxes.)

A. NUMBER OF NIGHTS LODGING  
B. NUMBER OF NIGHTS LODGING WHICH MEET THE FIRE SAFETY ACT

REFUND DUE ON UNUSED TICKET, PARTIAL TICKET, AND/OR REFUND SLIP (Explain in Part 2 and attach to front of voucher)  
 REMITTANCE ATTACHED IN THE CHECK NO. AMOUNT OF \$

24. TRAVEL ADVANCE  
TOTAL ADVANCE RECEIVED (Traveler Must Complete) \$0.00

25. I CERTIFY THAT THIS VOUCHER IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT PAYMENT OR CREDIT HAS NOT BEEN RECEIVED BY ME.

FOR EXAMINER USE

SIGNATURE - TRAVELER\* DATE

AMOUNT TO BE APPLIED

26. THIS VOUCHER IS APPROVED. LONG DISTANCE TELEPHONE CALLS, IF ANY, ARE CERTIFIED AS NECESSARY IN THE INTEREST OF THE GOVERNMENT.

BALANCE DUE

SIGNATURE - APPROVING OFFICIAL\*\* DATE

NET TO TRAVELER 0.00

28. TRAVELER DESIGNATION  
I DESIGNATE \_\_\_\_\_ TO RECEIVE CASH PAYMENT OF THIS TRAVEL VOUCHER. I ACCEPT RESPONSIBILITY FOR THE PAYMENT ONCE THE IMPREST FUND CASHIER PROPERLY DISBURSES THE CASH TO MY DESIGNEE.  
SIGNATURE - TRAVELER DATE

27. EXAMINER'S ADJUSTMENTS  
EXAMINED BY DATE

29. CASH PAYMENT OF TRAVEL VOUCHER (For Cashier Use)  
RECEIVED CASH IN THE AMOUNT OF \$ \_\_\_\_\_ FOR \_\_\_\_\_  
SIGNATURE DATE NRC BADGE NUMBER

30. THIS VOUCHER IS CERTIFIED CORRECT AND PROPER FOR PAYMENT  
SIGNATURE - AUTHORIZED CERTIFYING OFFICER DATE

31. ACCOUNTING CLASSIFICATION (For Division of Accounting and Finance Use)									
A COST	B PURPOSE CODE	C BFY	D COST ORGANIZATION CODE	E JOB CODE	F (2110-S) SUBSISTENCE AND OTHER	G (2120-D) COMMON CARRIER	H (235C-U) REGISTRATION FEE	I TOTAL	
DOMESTIC									
FOREIGN									

\* Fraudulent Claim - Falsification of an item in an expense account works a forfeiture of the Claim (28 U.S.C. 2514) and may result in a fine of not more than \$10,000 or imprisonment of not more than 5 years or both (18 U.S.C. 287, id. 1001)

\*\* If long distance telephone calls are included, the Approving Official must have been authorized in writing by the head of the Department or Agency to so certify (31 U.S.C. 680a).



OPTIONAL TRAVEL VOUCHER (PART 2)  
EXPENSE REPORT

(NRC Form 64B can be used in lieu of NRC Form 64A.)

FOLLOW INSTRUCTIONS ON REVERSE OF FORM SET

CENTS/MILE

NAME OF EMPLOYEE (Last, First, MI)

DEPARTURE FROM  
OFFICE

DATE

TIME

A.M.  
 P.M.

A. LOCAL TRANSPORTATION TO COMMON CARRIER TERMINAL

DATE	MODE	POV MILEAGE	WHERE USED	COST OF TRIP	
				\$	
				\$	A TOTAL \$

B. ITINERARY

DEPARTURE DATE (MM/DD/YY)											IF ADDITIONAL SPACE IS REQUIRED, USE CONTINUATION PAGES
CITY/STATE											
TIME (SPECIFY A.M. OR P.M.)	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.					
ARRIVAL DATE (MM/DD/YY)											
CITY/STATE											
TIME (SPECIFY A.M. OR P.M.)	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.					

C. MILEAGE - P.O.V.

NUMBER OF MILES											
											C TOTAL \$

D. PER DIEM OR ACTUAL SUBSISTENCE

ACTUAL LODGING	\$	\$	\$	\$	\$	\$					
MEALS & INCIDENTAL EXPENSES	\$	\$	\$	\$	\$	\$					
LESS PREPAID MEALS/LODGING	\$(	\$(	\$(	\$(	\$(	\$(					
STATE SPECIFIC PREPAID MEALS (B/L/D) OR LODGING											
TOTAL DAILY PER DIEM NTE \$	\$	\$	\$	\$	\$	\$					
TOTAL DAILY ACTUAL SUBSISTENCE NTE \$	\$	\$	\$	\$	\$	\$					D TOTAL \$

E. OTHER EXPENSES (List)

	\$	\$	\$	\$	\$	\$					
	\$	\$	\$	\$	\$	\$					E TOTAL \$

F. LOCAL TRANSPORTATION AT TEMPORARY DUTY STATION

CAR RENTAL (PAID BY TRAVELER)	\$	\$	\$	\$	\$	\$					
DATE	MODE	POV MILEAGE	WHERE USED	COST OF TRIP							
				\$							F TOTAL \$

G. LOCAL RETURN TRANSPORTATION TO OFFICE OR OFFICIAL DUTY STATION FROM COMMON CARRIER TERMINAL

DATE	MODE	POV MILEAGE	WHERE USED	COST OF TRIP							
				\$							G TOTAL \$

TOTAL CLAIM (A-G) -- TO BE CARRIED FORWARD TO ITEM 20A ON NRC FORM 64. \$

REGISTRATION FEE (PAID BY TRAVELER) -- TO BE CARRIED FORWARD TO ITEM 20B ON NRC FORM 64. \$

PLANE, TRAIN, BUS (PAID BY TRAVELER) -- TO BE CARRIED FORWARD TO ITEM 20C ON NRC FORM 64. \$

GRAND TOTAL -- TO BE CARRIED FORWARD TO ITEM 20D ON NRC FORM 64. \$

## PRIVACY ACT STATEMENT

Pursuant TO 5 U.S.C. 552a(e)(3), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93-579), the following statement is furnished to individuals who supply information to the U.S. Nuclear Regulatory Commission on NRC Forms 64, 64A, and 64B. This information is maintained in a system of records designated as NRC-20 and described at 58 *Federal Register* 36468 (July 7, 1993), or the most recent *Federal Register* publication of the Nuclear Regulatory Commission's "Republication of Systems of Records Notices" that is available at the NRC Public Document Room, Gelman Building, Lower Level, 2120 L Street NW, Washington, DC.

1. **AUTHORITY:** 5 U.S.C. 5701; 31 U.S.C. 716, 1104, 1108, 3511, 3512, 3701, 3711, 3717, 3718 (1988); Federal Travel Regulations, 41 CFR Parts 301-304; and Federal Property Management Regulations, 41 CFR Part 101-71. The authority for soliciting the social security number is Executive Order 9397, dated November 22, 1943.
2. **PRINCIPAL PURPOSE(S):** The information is used to make reimbursement claims for approved and authorized travel expenses, per diem, and other change of station expenses.
3. **ROUTINE USE(S):** The information is used for transmittal to the U.S. Treasury to secure payment. The information may also be disclosed to an appropriate Federal, State, local, or Foreign agency in the event the information indicates a violation or potential violation of law and in the course of an administrative or judicial proceeding. In addition, this information may be transferred to a appropriate Federal, State, local, or Foreign agency to the extent relevant and necessary for an NRC decision about you or to the extent relevant and necessary for that agency's decision about you. Information from this form may also be disclosed, in the course of discovery under a protective order issued by a court of competent jurisdiction, and in presenting evidence, to a Congressional office to respond to their inquiry made at your request, or to NRC-paid experts, consultants, and others under contract with the NRC, on a need-to-know basis.
4. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** Disclosure is mandatory. If the requested information is not provided, reimbursement may be denied. Failure to provide the social security number may result in delayed processing. The use of the security number is made necessary because of the large number of present and former Federal employees and applicants who have identical names and birth dates, and whose identities can only be distinguished by use of a social security number.
5. **SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Travel Management Branch  
Division of Accounting and Finance  
Office of the Controller  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001



**Exhibit 30**  
**SF 1164 - Claim for Reimbursement**  
**for Expenditures on Official Business**





**Exhibit 31**  
**NRC 119 - Custodial Receipt**  
**for Sensitive Personnel Property**

TAG NUMBER	SERIAL NUMBER	MODEL NUMBER	PROPERTY ISSUED TO: NAME <i>(Last, First, Middle Initial)</i>	
DESCRIPTION			PROPERTY ACCOUNT	LOCATION <i>(Building and Room Number)</i>
MANUFACTURER			<p>The NRC Property identified requires unit accountability. The signer below has a positive duty to protect and conserve Government property issued to him/her (10 CFR 0.735-43, "Use of Government Property" and NRC Management Directive 13.1, "Personal Property Management"). The signer will be relieved of accountability by surrendering the item to the NRC Property Custodian in return for this receipt.</p>	
PURCHASE ORDER NUMBER	ACQUISITION COST			
SIGNATURE -- PROPERTY CUSTODIAN		DATE	SIGNATURE -- PERSON RECEIVING PROPERTY <i>(MUST BE SAME AS PROPERTY ISSUED TO (ABOVE))</i>	DATE
REMARKS				
NRC FORM 119 <i>(4-84)</i> NRCMD 13.1		U.S. NUCLEAR REGULATORY COMMISSION		
<b>CUSTODIAL RECEIPT FOR SENSITIVE PERSONAL PROPERTY</b>				



**Exhibit 32**  
**NRC 400 - Request for Procurement Action**

**REQUEST FOR PROCUREMENT ACTION (RFPA)**

**INSTRUCTIONS:** This form is to be used for various types of procurement requests, including sole-source actions, competitive solicitations and modifications.

Inapplicable items or those for which information has not been developed, should be left blank. In such cases, the project officer should contact the Division of Contracts for specific guidance.

Submit the completed form to: **Director  
 Division of Contracts  
 Office of Administration**

4. TYPE OF ACTION REQUESTED (Check and complete as appropriate)

- ADMINISTRATIVE ACTION INITIATED BY DIVISION OF CONTRACTS
- ISSUE A COMPETITIVE SOLICITATION
- AWARD A CONTRACT ON THE BASIS OF AN UNSOLICITED PROPOSAL (Give contractor's name)

EXECUTE A MODIFICATION TO A CONTRACT  
 CONTRACT NUMBER \_\_\_\_\_ CONTRACTOR \_\_\_\_\_

AWARD A NONCOMPETITIVE CONTRACT (Give contractor's name)

EMPLOY A BASIC ORDERING AGREEMENT (BOA)  
 BOA NUMBER \_\_\_\_\_ TITLE OF BOA \_\_\_\_\_

ISSUE AN INTERAGENCY AGREEMENT (Give agency's name)

5a. PERIOD OF PERFORMANCE

FROM \_\_\_\_\_ TO \_\_\_\_\_

b. DELIVERY SCHEDULE

6. SECURITY/CLASSIFIED INFORMATION ANTICIPATED

- YES (Attach NRC Form 187)
- NO

7. PREPROPOSAL CONFERENCE CONTEMPLATED

- YES
- NO

8. DECISION UNIT TITLE

9. TITLE OF PROJECT AND BRIEF DESCRIPTION OF WORK (50-word summary)

10. PROGRAM OFFICE RECOMMENDATION REGARDING SOCIO-ECONOMIC SET-ASIDES (Complete where action requested in 4. above is for a competitive solicitation, a basic ordering agreement, or a noncompetitive contract.)

- 100% SET-ASIDE FOR SMALL BUSINESS
- PARTIAL SET-ASIDE FOR SMALL BUSINESS
- JOINT SMALL BUSINESS - LABOR SURPLUS AREA SET-ASIDE
- 100% LABOR SURPLUS AREA SET-ASIDE
- NONCOMPETITIVE CONTRACT PROCESSED UNDER THE PROCEDURES OF SECTION 8(a) OF THE SMALL BUSINESS ACT FOR AWARD TO A SMALL, DISADVANTAGED BUSINESS
- RESTRICTED ACTION

11. MANAGEMENT DIRECTIVES APPLICABILITY

DESCRIPTION	APPLICABLE	INAPPLICABLE	EXEMPTION NUMBER
OMB CIRCULAR A-76 (See NRC Bulletin 5105-1)			
AUTOMATIC DATA PROCESSING COORDINATION (See NRCM 0904 and NRC Bulletin 2101-15)			
APPROVAL FOR ACQUISITION OF CONSULTANT SERVICES (See NRCM 4139)			

### REQUEST FOR PROCUREMENT ACTION (RFPA)

12. DUPLICATION OF EFFORT (Check as appropriate)

- I certify, based on inquiries made with other NRC offices, that no unnecessary duplication of effort will result from the conduct of the subject work. (For actions less than \$100,000)
- Attached are certifications executed by each member of the Contract Review Board (Actions in excess of \$100,000)
- Contract Review Board Certification requests have been forwarded to Board Members for concurrence/comment. Completed certifications will be forwarded. (For urgent actions only, with prior approval of the Division of Contracts)

13. LIST OF ATTACHMENTS

NUMBER	DESCRIPTION
	STATEMENT OF WORK
	EVALUATION CRITERIA WITH NUMERICAL WEIGHTS ASSIGNED
	LIST OF FIRMS TO BE SOLICITED, IN ADDITION TO THE GENERAL PUBLIC
	UNSOLICITED PROPOSAL JUSTIFICATION
	JUSTIFICATION FOR NONCOMPETITIVE PROCUREMENT
	DESIGNATION OF MEMBERS TO SOURCE EVALUATION PANEL
	JUSTIFICATION FOR ACQUISITION OF CONSULTANT SERVICES, NRC FORM 400A
	SPECIAL REQUIREMENTS (See NRC Appendix 5101, Exhibit 1, Page 5)
	CONTROLLER'S APPROVAL OF A-76 DETERMINATION

14. ESTIMATED COST (Attach cost-estimate breakdown)

FISCAL YEAR			TOTAL
CURRENT	SECOND	THIRD	

15. FUNDING This certifies that funds in the amount cited below are available in FY \_\_\_\_\_ allotment for the work described above.

AMOUNT	NAME OF CERTIFYING OFFICIAL (Typed and Signed)	DATE

B & R		FIN		APPN NUMBER(S)
NUMBER(S)	AMOUNT(S)	NUMBER(S)	AMOUNT(S)	

16. PROJECT OFFICER'S NAME \_\_\_\_\_ MAIL STOP \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

17. APPROVAL OF DIRECTOR OR DESIGNEE (Type name on line, and have signature placed above typewriting) \_\_\_\_\_ DATE \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

18. REMARKS \_\_\_\_\_

FOR DIVISION OF CONTRACTS USE ONLY (Do not write below this line)

INITIAL ENTRY MADE INTO THE CIS/FPDS SYSTEM

INPUTER'S NAME \_\_\_\_\_

DATE ENTERED \_\_\_\_\_

**Exhibit 33**  
**Request Form for Use of**  
**Video Teleconference Equipment**

# REQUEST FORM FOR USE OF VIDEO TELECONFERENCE EQUIPMENT

**INSTRUCTIONS:** Completed request form must be submitted at least 10 working days prior to the proposed date of the video teleconference to Ms. Carol Harris, Chief, Operations Support Branch, ACRS/ACNW, MS-T2E26, 415-7368.

Date of Request: \_\_\_\_\_

Date of Video Teleconference: \_\_\_\_\_

Meeting Time: Beginning: \_\_\_\_\_ (EST) End: \_\_\_\_\_ (EST)

NRC Requestor's Name & Office: \_\_\_\_\_

NRC Requestor's Phone Number: \_\_\_\_\_

Video Conference Connection Site Location: \_\_\_\_\_  
(eg., NRC Licensee, Contractor, federal agency)

Telephone Number to Establish Video Link-up: \_\_\_\_\_

Video Conference Site Telephone Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Subject of Meeting: \_\_\_\_\_

Number of On-site Participants at NRC: \_\_\_\_\_

ACRS VTC Technician Required?: Yes \_\_\_ No \_\_\_

If no, Name of Technician to be used: \_\_\_\_\_



**Exhibit 34**  
**NRC 527 - Request for Purchase Using**  
**ACRS/ACNW Government-Issued Visa**  
**BankCard**

REQUEST FOR PURCHASE USING ACRS/ACNW  
GOVERNMENT-ISSUED VISA BANKCARD

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Item Requested: \_\_\_\_\_

Quantity:	Unit of Issue	Unit Price	Total Cost
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Cost for shipping and handling if required: \_\_\_\_\_

Total Cost of all Items: \_\_\_\_\_

Source: (Please include name of contact and telephone number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please make sure that Source accepts Government Credit Card and NRC Tax Exempt Status)

=====  
=====

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Approved (FIP Purchases):

\_\_\_\_\_ Date: \_\_\_\_\_  
Office SIRMO

Completed form should be returned to Barbara Wade.

Form Prepared by: Barbara Wade  
P:\Card

**Exhibit 35**  
**NRC 527 - NRC BankCard Log**



**Exhibit 36**  
**Request for the Following Item(s)/Service(s)**



DC REQUEST NO: ACRS- - - - -

REQUEST FOR THE FOLLOWING ITEM(S)/SERVICE(S)

Please provide the following information:

<u>DESCRIPTION</u> (Please be specific)	<u>QUANTITY</u>	<u>UNIT OF ISSUE</u>	<u>UNIT PRICE</u>	<u>TOTAL COST</u>
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

Cost for shipping and handling if required - - - - - \$ \_\_\_\_\_

TOTAL COST OF ALL ITEMS = \$ \_\_\_\_\_

NOTE: If the total cost will exceed \$2,500, please provide specifications for the item(s) requested or a Sole-source Justification for a specific item.

\_\_\_\_\_  
Member's name (Please print) Date

Sufficient funds are available and the request is reasonable:

REQ#: ALLOTMENT: B&R NO: JOB CODE: BOC:

\_\_\_\_\_  
Carol A. Harris, Chief Date  
Operations Support Branch, ACRS/ACNW

\_\_\_\_\_  
John Larkins, Executive Director Date  
ACRS/ACNW (For FIP items)

\_\_\_\_\_ Authorized to purchase the item and obtain reimbursement with SF 1034:

\_\_\_\_\_  
Edward L. Halman, Director Date  
Division of Contracts

DC REQUEST NO: ACRS- \_ \_ \_ . \_ \_ \_ \_ \_

REQUEST FOR LEASE OR RENTAL OF COMMERCIAL OFFICE SPACE

Please provide the following information:

The minimum space size needed is \_\_\_\_\_ Square Feet (SF)

The acceptable delineated geographic area (i.e., street boundaries, radius from central location) is: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(IF A SPECIFIC LOCATION IS REQUESTED, ATTACH A THOROUGH JUSTIFICATION)

Special space requirements, i.e., lobby level is unacceptable, security needs, electrical power for special equipment, number of rooms, and appropriate size, etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Member's name (Please print)

\_\_\_\_\_  
Date

The request is reasonable:

\_\_\_\_\_  
Carol A. Harris, Chief  
Operations Support Branch, ACRS/ACNW

\_\_\_\_\_  
Date

Approval of the requirement and request:

\_\_\_\_\_  
Edward L. Halman, Director  
Division of Contracts

\_\_\_\_\_  
Date

REQUEST FOR CLERICAL ASSISTANCE

Please provide the following information:

Description of clerical assistance requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please be specific)

Estimated period needed: \_\_\_\_\_ weeks or \_\_\_\_\_ months or \_\_\_\_\_ ongoing

Estimated number of hours: \_\_\_\_\_ per week or \_\_\_\_\_ per month

Hourly rate: \$ \_\_\_\_\_ X \_\_\_\_\_ Estimated hours = TOTAL ESTIMATED COST \$ \_\_\_\_\_  
(period/week/month)

Suggested Source:

Person to Provide Assistance \_\_\_\_\_ Telephone Number \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ I request that NRC contract directly for these services;

or

\_\_\_\_\_ I request authority to purchase these services and obtain reimbursement for the expense using SF 1034.

Member's name (Please print) \_\_\_\_\_

Date \_\_\_\_\_

Sufficient funds are available and the request is reasonable:

REQ#: \_\_\_\_\_ ALLOTMENT: \_\_\_\_\_ B&R NO: \_\_\_\_\_ JOB CODE: \_\_\_\_\_ BOC: \_\_\_\_\_

Carol A. Harris, Chief  
Operations Support Branch, ACRS/ACNW

Date \_\_\_\_\_

Authorized to purchase the services listed above and approval to use SF 1034 for reimbursement:

Edward L. Halman, Director  
Division of Contracts

Date \_\_\_\_\_

**Exhibit 37**  
**SF 1034 - Public Voucher for Purchases and  
Services Other Than Personal**

**PUBLIC VOUCHER FOR PURCHASES AND  
 SERVICES OTHER THAN PERSONAL**

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

DATE VOUCHER PREPARED

SCHEDULE NO.

CONTRACT NUMBER AND DATE

**PAID BY**

REQUISITION NUMBER AND DATE

**PAYEE'S  
 NAME  
 AND  
 ADDRESS**

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

TO

WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <i>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</i>	QUAN- TITY	UNIT PRICE		AMOUNT
				COST	PER	

(Use continuation sheets) if necessary

**(Payee must NOT use the space below)**

**TOTAL**

PAYMENT:

- PROVISIONAL
- COMPLETE
- PARTIAL
- FINAL
- PROGRESS
- ADVANCE

DIFFERENCES

Amount verified; correct for

*(Signature or initials)*

**MEMORANDUM**

ACCOUNTING CLASSIFICATION

**PAID BY**

CHECK NUMBER

ON ACCOUNT OF U.S. TREASURY

CHECK NUMBER

ON *(Name of bank)*

CASH

DATE

\$

**PRIVACY ACT STATEMENT**

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.



**Exhibit 38**  
**SF 86 - Questionnaire for Sensitive Positions**  
**(Part I and II)**

# Questionnaire for National Security Positions

Follow instructions fully or we cannot process your form. Be sure to sign and date the certification statement on page 9 and the release on page 10. *If you have any questions*, call the office that gave you the form.

## Purpose of this Form

The U.S. Government conducts background investigations and reinvestigations to establish that military personnel, applicants for or incumbents in national security positions, either employed by the Government or working for Government contractors, licensees, certificate holders, and grantees, are eligible for a required security clearance. Information from this form is used primarily as the basis for investigation for access to classified information or special nuclear information or material. Complete this form only after a conditional offer of employment has been made for a position requiring a security clearance.

Giving us the information we ask for is voluntary. However, we may not be able to complete your investigation, or complete it in a timely manner, if you don't give us each item of information we request. This may affect your placement or security clearance prospects.

## Authority to Request this Information

Depending upon the purpose of your investigation, the U.S. Government is authorized to ask for this information under Executive Orders 10450, 10865, 12333, and 12356; sections 3301 and 9101 of title 5, U.S. Code; sections 2165 and 2201 of title 42, U.S. Code; sections 781 to 887 of title 50, U.S. Code; and parts 5, 732, and 736 of Title 5, Code of Federal Regulations.

Your Social Security number is needed to keep records accurate, because other people may have the same name and birth date. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

## The Investigative Process

Background investigations for national security positions are conducted to develop information to show whether you are reliable, trustworthy, of good conduct and character, and loyal to the United States. The information that you provide on this form is confirmed during the investigation. Investigation may extend beyond the time covered by this form when necessary to resolve issues. Your current employer must be contacted as part of the investigation, even if you have previously indicated on applications or other forms that you do not want this.

In addition to the questions on this form, inquiry also is made about a person's adherence to security requirements, honesty and integrity, vulnerability to exploitation or coercion, falsification, misrepresentation, and any other behavior, activities, or associations that tend to show the person is not reliable, trustworthy, or loyal.

## Your Personal Interview

Some investigations will include an interview with you as a normal part of the investigative process. This provides you the opportunity to update, clarify, and explain information on your form more completely, which often helps to complete your investigation faster. It is important that the interview be conducted as soon as possible after you are contacted. Postponements will delay the processing of your investigation, and declining to be interviewed may result in your investigation being delayed or canceled.

You will be asked to bring identification with your picture on it, such as a valid State driver's license, to the interview. There are other documents you may be asked to bring to verify your identity as well. These include documentation of any legal name change, Social Security card, and/or birth certificate.

You may also be asked to bring documents about information you provided on the form or other matters requiring specific attention. These matters include alien registration, delinquent loans or taxes, bankruptcy, judgments, liens, or other financial obligations, agreements involving child custody or support, alimony or property settlements, arrests, convictions, probation, and/or parole.

## Organization of this Form

This form has two parts. Part 1 asks for background information, including where you have lived, gone to school, and worked. Part 2 asks about your activities and such matters as firings from a job, criminal history record, use of illegal drugs, and abuse of alcohol.

In answering all questions on this form, keep in mind that your answers are considered together with the information obtained in the investigation to reach an appropriate adjudication.

## Instructions for Completing this Form

1. Follow the instructions given to you by the person who gave you the form and any other clarifying instructions furnished by that person to assist you in completion of the form. Find out how many copies of the form you are to turn in. You must sign and date, in black ink, the original and each copy you submit. You should retain a copy of the completed form for your records.
2. Type or legibly print your answers in black ink (if your form is not legible, it will not be accepted). You may also be asked to submit your form in an approved electronic format.
3. All questions on this form must be answered. If no response is necessary or applicable, indicate this on the form (for example, enter "None" or "N/A"). If you find that you cannot report an exact date, approximate or estimate the date to the best of your ability and indicate this by marking "APPROX." or "EST."
4. Any changes that you make to this form after you sign it must be initialed and dated by you. Under certain limited circumstances, agencies may modify the form consistent with your intent.
5. You must use the State codes (abbreviations) listed on the back of this page when you fill out this form. Do not abbreviate the names of cities or foreign countries.
6. The 5-digit postal ZIP codes are needed to speed the processing of your investigation. The office that provided the form will assist you in completing the ZIP codes.
7. All telephone numbers must include area codes.
8. All dates provided on this form must be in Month/Day/Year or Month/Year format. Use numbers (1-12) to indicate months. For example, June 8, 1978, should be shown as 6/8/78.
9. Whenever "City (Country)" is shown in an address block, also provide in that block the name of the country when the address is outside the United States.
10. If you need additional space to list your residences or employments/self-employments/unemployments or education, you should use a continuation sheet, SF 86A. If additional space is needed to answer other items, use a blank piece of paper. Each blank piece of paper you use must contain **your name and Social Security Number at the top of the page.**

## Final Determination on Your Eligibility

Final determination on your eligibility for access to classified information is the responsibility of the Federal agency that requested your investigation. You may be provided the opportunity personally to explain, refute, or clarify any information before a final decision is made.

## Penalties for Inaccurate or False Statements

The U.S. Criminal Code (title 18, section 1001) provides that knowingly falsifying or concealing a material fact is a felony which may result in fines of up to \$10,000, and/or 5 years imprisonment, or both. In addition, Federal agencies generally fire, do not grant a security clearance, or disqualify individuals who have materially and deliberately falsified these forms, and this remains a part of the permanent record for future placements. Because the position for which you are being considered is a sensitive one, your trustworthiness is a very important consideration in deciding your eligibility for a security clearance. Your prospects of placement or security clearance

are better if you answer all questions truthfully and completely. You will have adequate opportunity to explain any information you give us on the form and to make your comments part of the record.

## Disclosure of Information

The information you give us is for the purpose of investigating you for a national security position; we will protect it from unauthorized disclosure. The collection, maintenance, and disclosure of background investigative information is governed by the Privacy Act. The agency which requested the investigation and the agency which conducted the investigation have published notices in the Federal Register describing the systems of records in which your records will be maintained. You may obtain copies of the relevant notices from the person who gave you this form. The information on this form, and information we collect during an investigation may be disclosed without your consent as permitted by the Privacy Act (5 USC 552a (b) ) and as follows:

## PRIVACY ACT ROUTINE USES

1. To the Department of Justice when: (a) the agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

2. To a court or adjudicative body in a proceeding when: (a) the agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

3. Except as noted in Question 24, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, particular program statute, regulation, rule, or order issued pursuant thereto, the relevant records may be disclosed to the appropriate Federal, foreign, State, local, tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.

4. To any source or potential source from which information is requested in the course of an investigation concerning the hiring or retention of an employee or other personnel action, or the issuing or retention of a security clearance, contract, grant, license, or other benefit, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

5. To a Federal, State, local, foreign, tribal, or other public authority the fact that this system of records contains information relevant to the retention of an employee, or the retention of a security clearance, contract, license, grant, or other benefit. The other agency or licensing organization may then make a request supported by written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

6. To contractors, grantees, experts, consultants, or volunteers when necessary to perform a function or service related to this record for which they have been engaged. Such recipients shall be required to comply with the Privacy Act of 1974, as amended.

7. To the news media or the general public, factual information the disclosure of which would be in the public interest and which would not constitute an unwarranted invasion of personal privacy.

8. To a Federal, State, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947 as amended, the CIA Act of 1949 as amended, Executive Order 12333 or any successor order, applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.

9. To a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

10. To the National Archives and Records Administration for records management inspections conducted under 44 USC 2904 and 2906.

11. To the Office of Management and Budget when necessary to the review of private relief legislation.

## STATE CODES (ABBREVIATIONS)

Alabama	AL	Hawaii	HI	Massachusetts	MA	New Mexico	NM	South Dakota	SD
Alaska	AK	Idaho	ID	Michigan	MI	New York	NY	Tennessee	TN
Arizona	AZ	Illinois	IL	Minnesota	MN	North Carolina	NC	Texas	TX
Arkansas	AR	Indiana	IN	Mississippi	MS	North Dakota	ND	Utah	UT
California	CA	Iowa	IA	Missouri	MO	Ohio	OH	Vermont	VT
Colorado	CO	Kansas	KS	Montana	MT	Oklahoma	OK	Virginia	VA
Connecticut	CT	Kentucky	KY	Nebraska	NE	Oregon	OR	Washington	WA
Delaware	DE	Louisiana	LA	Nevada	NV	Pennsylvania	PA	West Virginia	WV
Florida	FL	Maine	ME	New Hampshire	NH	Rhode Island	RI	Wisconsin	WI
Georgia	GA	Maryland	MD	New Jersey	NJ	South Carolina	SC	Wyoming	WY
American Samoa	AS	Dist. of Columbia	DC	Guam	GU	Northern Marianas	CM	Puerto Rico	PR
Trust Territory	TT	Virgin Islands	VI						

## PUBLIC BURDEN INFORMATION

Public burden reporting for this collection of information is estimated to average 90 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Reports and Forms Management Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room CHP-500, Washington, D.C. 20415. Do not send your completed form to this address.

## QUESTIONNAIRE FOR NATIONAL SECURITY POSITIONS

### Part 1

Investigating Agency Use Only

Codes

Case Number

**Agency Use Only (Complete items A through P using instructions provided by the investigating agency).**

A Type of Investigation	B Extra Coverage	C Sensitivity Level	D Access	E Nature of Action Code	F Date of Action	Month	Day	Year
G Geographic Location	H Position Code		I Position Title					
J SON	K Location of Official Personnel Folder		None <input type="checkbox"/> NPRC At SON		Other Address		ZIP Code	
L SOI	M Location of Security Folder		None <input type="checkbox"/> At SOI <input type="checkbox"/> NPI		Other Address		ZIP Code	
N OPAC-ALC Number	O Accounting Data and/or Agency Case Number							
P Requesting Official	Name and Title		Signature		Telephone Number		Date	

**Persons completing this form should begin with the questions below.**

<p><b>1 FULL NAME</b> • If you have only initials in your name, use them and state (IO). • If you are a "Jr.," "Sr.," "II," etc., enter this in the box after your middle name.</p> <p>• If you have no middle name, enter "NMN."</p>	<p><b>2 DATE OF BIRTH</b></p>
<p>Last Name _____ First Name _____ Middle Name _____ Jr., II, etc. _____</p> <p>Month _____ Day _____ Year _____</p>	

<p><b>3 PLACE OF BIRTH</b> • Use the two letter code for the State.</p>	<p><b>4 SOCIAL SECURITY NUMBER</b></p>
<p>City _____ County _____ State _____ Country (if not in the United States) _____</p>	

**5 OTHER NAMES USED**  
 Give other names you used and the period of time you used them (for example: your maiden name, name[s] by a former marriage, former name[s], alias[es], or nickname[s]). If the other name is your maiden name, put "nee" in front of it.

#1 Name	Month/Year _____ To _____	#3 Name	Month/Year _____ To _____
#2 Name	Month/Year _____ To _____	#4 Name	Month/Year _____ To _____

**6 OTHER IDENTIFYING INFORMATION**

Height (feet and inches) \_\_\_\_\_ Weight (pounds) \_\_\_\_\_ Hair Color \_\_\_\_\_ Eye Color \_\_\_\_\_ Sex (mark one box)  Female  Male

**7 TELEPHONE NUMBERS**

Work (include Area Code and extension) \_\_\_\_\_ Home (include Area Code) \_\_\_\_\_

( ) Day ( ) Night ( ) ( ) Day ( ) Night ( )

**8 CITIZENSHIP**

Mark the box at the right that reflects your current citizenship status, and follow its instructions.

<input type="checkbox"/> I am a U.S. citizen or national by birth in the U.S. or U.S. territory/possession. → Answer items b and d	<b>b</b> Your Mother's Maiden Name _____
<input type="checkbox"/> I am a U.S. citizen, but I was NOT born in the U.S. → Answer items b, c, and d	
<input type="checkbox"/> I am not a U.S. citizen. → Answer items b and e	

**c UNITED STATES CITIZENSHIP** If you are a U.S. Citizen, but were not born in the U.S., provide information about one or more of the following proofs of your citizenship.

**Naturalization Certificate (Where were you naturalized?)**

Court	City	State	Certificate Number	Month/Day/Year Issued
-------	------	-------	--------------------	-----------------------

**Citizenship Certificate (Where was the certificate issued?)**

City	State	Certificate Number	Month/Day/Year Issued
------	-------	--------------------	-----------------------

**State Department Form 240 - Report of Birth Abroad of a Citizen of the United States**

Give the date the form was prepared and give an explanation if needed.	Month/Day/Year	Explanation
--	----------------	-------------

**U.S. Passport**

This may be either a current or previous U.S. Passport.

Passport Number	Month/Day/Year Issued
-----------------	-----------------------

**d DUAL CITIZENSHIP** If you are (or were) a dual citizen of the United States and another country, provide the name of that country in the space to the right.

Country \_\_\_\_\_

**e ALIEN** If you are an alien, provide the following information:

Place You Entered the United States	City	State	Date You Entered U.S.	Alien Registration Number	Country(ies) of Citizenship
			Month _____ Day _____ Year _____		



**9 WHERE YOU HAVE LIVED**

List the places where you have lived, beginning with the most recent (#1) and working back 7 years. All periods must be accounted for in your list. Be sure to indicate the actual physical location of your residence: do not use a post office box as an address, do not list a permanent address when you were actually living at a school address, etc. Be sure to specify your location as closely as possible: for example, do not list only your base or ship, list your barracks number or home port. You may omit temporary military duty locations under 90 days (list your permanent address instead), and you should use your APO/FPO address if you lived overseas.

For any address in the last 5 years, list a person who knew you at that address, and who preferably still lives in that area (do not list people for residences completely outside this 5-year period, and do not list your spouse, former spouses, or other relatives). Also for addresses in the last five years, if the address is "General Delivery," a Rural or Star Route, or may be difficult to locate, provide directions for locating the residence on an attached continuation sheet.

Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#1	To Present					
Name of Person Who Knows You		Street Address	Apt.#	City (Country)	State	ZIP Code
		Telephone Number: ( )				
Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#2	To					
Name of Person Who Knows You		Street Address	Apt.#	City (Country)	State	ZIP Code
		Telephone Number ( )				
Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#3	To					
Name of Person Who Knows You		Street Address	Apt.#	City (Country)	State	ZIP Code
		Telephone Number ( )				
Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#4	To					
Name of Person Who Knows You		Street Address	Apt.#	City (Country)	State	ZIP Code
		Telephone Number ( )				
Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#5	To					
Name of Person Who Knows You		Street Address	Apt.#	City (Country)	State	ZIP Code
		Telephone Number ( )				

**10 WHERE YOU WENT TO SCHOOL**

List the schools you have attended, beyond Junior High School, beginning with the most recent (#1) and working back 7 years. List College or University degrees and the dates they were received. If all of your education occurred more than 7 years ago, list your most recent education beyond high school, no matter when that education occurred.

- Use one of the following codes in the "Code" block:
  - 1 - High School
  - 2 - College/University/Military College
  - 3 - Vocational/Technical/Trade School
- For schools you attended in the past 3 years, list a person who knew you at school (an instructor, student, etc.). Do not list people for education completely outside this 3-year period.
- For correspondence schools and extension classes, provide the address where the records are maintained.

Month/Year	Month/Year	Code	Name of School	Degree/Diploma/Other	Month/Year Awarded
#1	To				
Street Address and City (Country) of School				State	ZIP Code
Name of Person Who Knew You		Street Address	Apt.#	City (Country)	State
		ZIP Code	Telephone Number ( )		
Month/Year	Month/Year	Code	Name of School	Degree/Diploma/Other	Month/Year Awarded
#2	To				
Street Address and City (Country) of School				State	ZIP Code
Name of Person Who Knew You		Street Address	Apt.#	City (Country)	State
		ZIP Code	Telephone Number ( )		
Month/Year	Month/Year	Code	Name of School	Degree/Diploma/Other	Month/Year Awarded
#3	To				
Street Address and City (Country) of School				State	ZIP Code
Name of Person Who Knew You		Street Address	Apt.#	City (Country)	State
		ZIP Code	Telephone Number ( )		

Enter your Social Security Number before going to the next page



**11 YOUR EMPLOYMENT ACTIVITIES**

List your employment activities, beginning with the present (#1) and working back 7 years. You should list all full-time work, part-time work, military service, temporary military duty locations over 90 days, self-employment, other paid work, and all periods of unemployment. The entire 7-year period must be accounted for without breaks, but you need not list employments before your 16th birthday. **EXCEPTION:** Show all Federal civilian service, whether it occurred within the last 7 years or not.

- **Code.** Use one of the codes listed below to identify the type of employment:
 

1 - Active military duty stations	5 - State Government (Non-Federal employment)	7 - Unemployment (Include name of person who can verify)	9 - Other
2 - National Guard/Reserve	6 - Self-employment (include business name and/or name of person who can verify)	8 - Federal Contractor (List Contractor, not Federal agency)	
3 - U.S.P.H.S. Commissioned Corps			
4 - Other Federal employment			

- **Employer/Verifier Name.** List the business name of your employer or the name of the person who can verify your self-employment or unemployment in this block. If military service is being listed, include your duty location or home port here as well as your branch of service. You should provide separate listings to reflect changes in your military duty locations or home ports.

- **Previous Periods of Activity.** Complete these lines if you worked for an employer on more than one occasion at the same location. After entering the most recent period of employment in the initial numbered block, provide previous periods of employment at the same location on the additional lines provided. For example, if you worked at XY Plumbing in Denver, CO, during 3 separate periods of time, you would enter dates and information concerning the most recent period of employment first, and provide dates, position titles, and supervisors for the two previous periods of employment on the lines below that information.

#1	Month/Year To Present	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )

PREVIOUS PERIODS OF ACTIVITY (Block #1)

Month/Year	Month/Year	Position Title	Supervisor
To			
Month/Year	Month/Year	Position Title	Supervisor
To			
Month/Year	Month/Year	Position Title	Supervisor
To			

#2	Month/Year To	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )

PREVIOUS PERIODS OF ACTIVITY (Block #2)

Month/Year	Month/Year	Position Title	Supervisor
To			
Month/Year	Month/Year	Position Title	Supervisor
To			
Month/Year	Month/Year	Position Title	Supervisor
To			

#3	Month/Year To	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )

PREVIOUS PERIODS OF ACTIVITY (Block #3)

Month/Year	Month/Year	Position Title	Supervisor
To			
Month/Year	Month/Year	Position Title	Supervisor
To			
Month/Year	Month/Year	Position Title	Supervisor
To			

Enter your Social Security Number before going to the next page →

**YOUR EMPLOYMENT ACTIVITIES (CONTINUED)**

Month/Year	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
#4	To					
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )
PREVIOUS PERIODS OF ACTIVITY (Repeat As Needed)	Month/Year	Month/Year	Position Title	Supervisor		
	To					
	Month/Year	Month/Year	Position Title	Supervisor		
	To					
Month/Year	Month/Year	Position Title	Supervisor			
To						

Month/Year	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
#5	To					
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )
PREVIOUS PERIODS OF ACTIVITY (Repeat As Needed)	Month/Year	Month/Year	Position Title	Supervisor		
	To					
	Month/Year	Month/Year	Position Title	Supervisor		
	To					
Month/Year	Month/Year	Position Title	Supervisor			
To						

Month/Year	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
#6	To					
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )
PREVIOUS PERIODS OF ACTIVITY (Repeat As Needed)	Month/Year	Month/Year	Position Title	Supervisor		
	To					
	Month/Year	Month/Year	Position Title	Supervisor		
	To					
Month/Year	Month/Year	Position Title	Supervisor			
To						

**12 PEOPLE WHO KNOW YOU WELL**

List three people who know you well and live in the United States. They should be good friends, peers, colleagues, college roommates, etc., whose combined association with you covers as well as possible the last 7 years. Do not list your spouse, former spouses, or other relatives, and try not to list anyone who is listed elsewhere on this form.

Name	Dates Known		Telephone Number	
#1	Month/Year	Month/Year	( ) Day	( )
	To		( ) Night	( )
Home or Work Address			City (Country)	State ZIP Code
Name	Dates Known		Telephone Number	
#2	Month/Year	Month/Year	( ) Day	( )
	To		( ) Night	( )
Home or Work Address			City (Country)	State ZIP Code
Name	Dates Known		Telephone Number	
#3	Month/Year	Month/Year	( ) Day	( )
	To		( ) Night	( )
Home or Work Address			City (Country)	State ZIP Code

Enter your Social Security Number before going to the next page

**13 YOUR SPOUSE**

Mark one box to show your current marital status and provide information about your spouse(s) in items a, and/or b.

- 1 - Never married     
  3 - Separated     
  5 - Divorced  
 2 - Married     
  4 - Legally Separated     
  6 - Widowed

**a Current Spouse** Complete the following about your current spouse only.

Full Name	Date of Birth	Place of Birth (Include country if outside the U.S.)	Social Security Number
Other Names Used (Specify maiden name, names by other marriages, etc., and show dates used for each name)			Country(ies) of Citizenship
Date Married	Place Married (Include country if outside the U.S.)		State
If Separated, Date of Separation	If Legally Separated, Where is the Record Located? City (Country)		State
Address of Current Spouse, if different than your current address (Street, city, and country if outside the U.S.)			State    ZIP Code

**b Former Spouse(s)** Complete the following about your former spouse(s), use blank sheets if needed.

Full Name	Date of Birth	Place of Birth (Include country if outside the U.S.)	State
Country(ies) of Citizenship	Date Married	Place Married (Include country if outside the U.S.)	State
Check One, Then Give Date <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	Month/Day/Year	If Divorced, Where is the Record Located? City (Country)	State
Address of Former Spouse (Street, city, and country if outside the U.S.)		State    ZIP Code	Telephone Number

**14 YOUR RELATIVES AND ASSOCIATES**

Give the full name, correct code, and other requested information for each of your relatives and associates, living or dead, specified below.

- |                     |                          |                   |                    |                                      |
|---------------------|--------------------------|-------------------|--------------------|--------------------------------------|
| 1 - Mother (first)  | 5 - Foster parent        | 9 - Sister        | 13 - Half-sister   | 17 - Other Relative*                 |
| 2 - Father (second) | 6 - Child (adopted also) | 10 - Stepbrother  | 14 - Father-in-law | 18 - Associate*                      |
| 3 - Stepmother      | 7 - Stepchild            | 11 - Stepsister   | 15 - Mother-in-law | 19 - Adult Currently Living With You |
| 4 - Stepfather      | 8 - Brother              | 12 - Half-brother | 16 - Guardian      |                                      |

\* Code 17 (Other Relative)-include only foreign national relatives not listed in 1-16 with whom you or your spouse are bound by affection, obligation, or close and continuing contact. Code 18 (Associates) - include only foreign national associates with whom you or your spouse are bound by affection, obligation, or close and continuing contact.

Full Name (If deceased, check box on the left before entering name)	Code	Date of Birth Month/Day/Year	Country of Birth	Country(ies) of Citizenship	Current Street Address and City (country) of Living Relatives	State
<input type="checkbox"/>	1					
<input type="checkbox"/>	2					
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						

**15 CITIZENSHIP OF YOUR RELATIVES AND ASSOCIATES**

If your mother, father, sister, brother, child, or current spouse or person with whom you have a spouse-like relationship is a U.S. citizen by other than birth, or an alien residing in the U.S., provide the nature of the individual's relationship to you (Spouse, Spouse-like, Mother, etc.), and the individual's name and date of birth on the first line (this information is needed to pair accurately with information in Items 13 and 14).

On the second line, provide the individual's naturalization certificate or alien registration number and use one of the document codes below to identify proof of citizenship status. Provide additional information on that line as requested.

- 1. **Naturalization Certificate:** Provide the date issued and the location where the person was naturalized (Court, City and State).
- 2. **Citizenship Certificate:** Provide the date and location issued (City and State).
- 3. **Alien Registration:** Provide the date and place where the person entered the U.S. (City and State).
- 4. **Other:** Provide an explanation in the "Additional Information" block.

<b>#1</b>	Association	Name	Date of Birth (Month/Day/Year)
	Certificate/Registration #	Document Code	Additional Information
<b>#2</b>	Association	Name	Date of Birth (Month/Day/Year)
	Certificate/Registration #	Document Code	Additional Information

**16 YOUR MILITARY HISTORY**

- a. Have you served in the United States military?
- b. Have you served in the United States Merchant Marine?

	Yes	No
a.		
b.		

List all of your military service below, including service in Reserve, National Guard, and U.S. Merchant Marine. Start with the most recent period of service (#1) and work backward. If you had a break in service, each separate period should be listed.

- \* **Code.** Use one of the codes listed below to identify your branch of service:  
 1 - Air Force    2 - Army    3 - Navy    4 - Marine Corps    5 - Coast Guard    6 - Merchant Marine    7 - National Guard

- \* **O/E.** Mark "O" block for Officer or "E" block for Enlisted.
- \* **Status.** "X" the appropriate block for the status of your service during the time that you served. If your service was in the National Guard, do **not** use an "X"; use the two-letter code for the state to mark the block.
- \* **Country.** If your service was with other than the U.S. Armed Forces, identify the country for which you served.

Month/Year	Month/Year	Code	Service/Certificate #	Status				Country
				O	E	Active	Active Reserve	
To								
To								

**17 YOUR FOREIGN ACTIVITIES**

- a. Do you have any foreign property, business connections, or financial interests?
- b. Are you now or have you ever been employed by or acted as a consultant for a foreign government, firm, or agency?
- c. Have you ever had any contact with a foreign government, its establishments (embassies or consulates), or its representatives, whether inside or outside the U.S., other than on official U.S. Government business? (Does not include routine visa applications and border crossing contacts.)
- d. In the last 7 years, have you had an active passport that was issued by a foreign government?

	Yes	No
a.		
b.		
c.		
d.		

If you answered "Yes" to a, b, c, or d above, explain in the space below: provide inclusive dates, names of firms and/or governments involved, and an explanation of your involvement.

Month/Year	Month/Year	Firm and/or Government	Explanation
To			
To			

**18 FOREIGN COUNTRIES YOU HAVE VISITED**

List foreign countries you have visited, except on travel under official Government orders, beginning with the most current (#1) and working back 7 years. (Travel as a dependent or contractor must be listed.)

- \* Use one of these codes to indicate the purpose of your visit:    1 - Business    2 - Pleasure    3 - Education    4 - Other
- \* Include short trips to Canada or Mexico. If you have lived near a border and have made short (one day or less) trips to the neighboring country, you do not need to list each trip. Instead, provide the time period, the code, the country, and a note ("Many Short Trips").
- \* Do not repeat travel covered in Items 9, 10, or 11.

Month/Year	Month/Year	Code	Country	Month/Year	Month/Year	Code	Country
#1	To			#3	To		
#2	To			#4	To		

This concludes Part 1 of this form. If you have used Page 9, continuation sheets, or blank sheets to complete any of the questions in Part 1, give the number for those questions in the space to the right.

Enter your Social Security Number before going to the next page



## QUESTIONNAIRE FOR NATIONAL SECURITY POSITIONS

### Part 2 OFFICIAL USE ONLY

**19 YOUR MILITARY RECORD** Yes No

Have you ever received other than an honorable discharge from the military? If "Yes," provide the date of discharge and type of discharge below.

Month/Year	Type of Discharge		

**20 YOUR SELECTIVE SERVICE RECORD** Yes No

**a** Are you a male born after December 31, 1959? If "No," go to 21. If "Yes," go to b.

**b** Have you registered with the Selective Service System? If "Yes," provide your registration number. If "No," show the reason for your legal exemption below.

Registration Number	Legal Exemption Explanation		

**21 YOUR MEDICAL RECORD** Yes No

In the last 7 years, have you consulted with a mental health professional (psychiatrist, psychologist, counselor, etc.) or have you consulted with another health care provider about a mental health related condition?

If you answered "Yes", provide the dates of treatment and the name and address of the therapist or doctor below, unless the consultation(s) involved only marital, family, or grief counseling, not related to violence by you.

Month/Year	Month/Year	Name/Address of Therapist or Doctor	State	ZIP Code
To				
To				

**22 YOUR EMPLOYMENT RECORD** Yes No

Has any of the following happened to you in the last 7 years? If "Yes," begin with the most recent occurrence and go backward, providing date fired, quit, or left, and other information requested.

Use the following codes and explain the reason your employment was ended:

1 - Fired from a job	3 - Left a job by mutual agreement following allegations of misconduct	5 - Left a job for other reasons under unfavorable circumstances
2 - Quit a job after being told you'd be fired	4 - Left a job by mutual agreement following allegations of unsatisfactory performance	

Month/Year	Code	Specify Reason	Employer's Name and Address (Include city/Country if outside U.S.)	State	ZIP Code

**23 YOUR POLICE RECORD** Yes No

For this item, report information regardless of whether the record in your case has been "sealed" or otherwise stricken from the court record. The single exception to this requirement is for certain convictions under the Federal Controlled Substances Act for which the court issued an expungement order under the authority of 21 U.S.C. 844 or 18 U.S.C. 3607.

**a** Have you ever been charged with or convicted of any felony offense? (Include those under Uniform Code of Military Justice)

**b** Have you ever been charged with or convicted of a firearms or explosives offense?

**c** Are there currently any charges pending against you for any criminal offense?

**d** Have you ever been charged with or convicted of any offense(s) related to alcohol or drugs?

**e** In the last 7 years, have you been subject to court martial or other disciplinary proceedings under the Uniform Code of Military Justice? (Include non-judicial, Captain's mast, etc.)

**f** In the last 7 years, have you been arrested for, charged with, or convicted of any offense(s) not listed in response to a, b, c, d, or e above? (Leave out traffic fines of less than \$150 unless the violation was alcohol or drug related.)

If you answered "Yes" to a, b, c, d, e, or f above, explain below. Under "Offense," do not list specific penalty codes, list the actual offense or violation (for example, arson, theft, etc.).

Month/Year	Offense	Action Taken	Law Enforcement Authority/Court (Include City and county/country if outside U.S.)	State	ZIP Code

Enter your Social Security Number before going to the next page →



**24 YOUR USE OF ILLEGAL DRUGS AND DRUG ACTIVITY**

The following questions pertain to the illegal use of drugs or drug activity. You are required to answer the questions fully and truthfully, and your failure to do so could be grounds for an adverse employment decision or action against you, but neither your truthful responses nor information derived from your responses will be used as evidence against you in any subsequent criminal proceeding.

- a Since the age of 16 or in the last 7 years, whichever is shorter, have you illegally used any controlled substance, for example, marijuana, cocaine, crack cocaine, hashish, narcotics (opium, morphine, codeine, heroin, etc.), amphetamines, depressants (barbiturates, methaqualone, tranquilizers, etc.), hallucinogenics (LSD, PCP, etc.), or prescription drugs?
- b Have you ever illegally used a controlled substance while employed as a law enforcement officer, prosecutor, or courtroom official; while possessing a security clearance; or while in a position directly and immediately affecting the public safety?
- c In the last 7 years, have you been involved in the illegal purchase, manufacture, trafficking, production, transfer, shipping, receiving, or sale of any narcotic, depressant, stimulant, hallucinogen, or cannabis for your own intended profit or that of another?

Yes	No

If you answered "Yes" to a or b above, provide the date(s), identify the controlled substance(s) and/or prescription drugs used, and the number of times each was used.

Month/Year	Month/Year	Controlled Substance/Prescription Drug Used	Number of Times Used
To			
To			

**25 YOUR USE OF ALCOHOL**

In the last 7 years, has your use of alcoholic beverages (such as liquor, beer, wine) resulted in any alcohol-related treatment or counseling (such as for alcohol abuse or alcoholism)?

Yes	No

If you answered "Yes", provide the dates of treatment and the name and address of the counselor or doctor below. Do not repeat information reported in response to item 21 above.

Month/Year	Month/Year	Name/Address of Counselor or Doctor	State	ZIP Code
To				
To				

**26 YOUR INVESTIGATIONS RECORD**

a Has the United States Government ever investigated your background and/or granted you a security clearance? If "Yes," use the codes that follow to provide the requested information below. If "Yes," but you can't recall the investigating agency and/or the security clearance received, enter "Other" agency code or clearance code, as appropriate, and "Don't know" or "Don't recall" under the "Other Agency" heading, below. If your response is "No," or you don't know or can't recall if you were investigated and cleared, check the "No" box.

Yes	No

Codes for Investigating Agency  
 1 - Defense Department  
 2 - State Department  
 3 - Office of Personnel Management  
 4 - FBI  
 5 - Treasury Department  
 6 - Other (Specify)

Codes for Security Clearance Received  
 0 - Not Required  
 1 - Confidential  
 2 - Secret  
 3 - Top Secret  
 4 - Sensitive Compartmented Information  
 5 - Q  
 6 - L  
 7 - Other

Month/Year	Agency Code	Other Agency	Clearance Code	Month/Year	Agency Code	Other Agency	Clearance Code

b To your knowledge, have you ever had a clearance or access authorization denied, suspended, or revoked, or have you ever been debarred from government employment? If "Yes," give date of action and agency. Note: An administrative downgrade or termination of a security clearance is not a revocation.

Yes	No

Month/Year	Department or Agency Taking Action	Month/Year	Department or Agency Taking Action

**27 YOUR FINANCIAL RECORD**

- a In the last 7 years, have you filed a petition under any chapter of the bankruptcy code (to include Chapter 13)?
- b In the last 7 years, have you had your wages garnished or had any property repossessed for any reason?
- c In the last 7 years, have you had a lien placed against your property for failing to pay taxes or other debts?
- d In the last 7 years, have you had any judgments against you that have not been paid?

Yes	No

If you answered "Yes" to a, b, c, or d, provide the information requested below:

Month/Year	Type of Action	Amount	Name Action Occurred Under	Name/Address of Court or Agency Handling Case	State	ZIP Code

Enter your Social Security Number before going to the next page

28 YOUR FINANCIAL DELINQUENCIES		Yes	No
a	In the last 7 years, have you been over 180 days delinquent on any debt(s)?		
b	Are you currently over 90 days delinquent on any debt(s)?		

If you answered "Yes" to a or b, provide the information requested below:

Incurred Month/Year	Satisfied Month/Year	Amount	Type of Loan or Obligation and Account Number	Name/Address of Creditor or Obligor	State	ZIP Code

29 PUBLIC RECORD CIVIL COURT ACTIONS		Yes	No
In the last 7 years, have you been a party to any public record civil court actions not listed elsewhere on this form?			

If you answered "Yes," provide the information about the public record civil court action requested below.

Month/Year	Nature of Action	Result of Action	Name of Parties Involved	Court (include City and county/country if outside U.S.)	State	ZIP Code

30 YOUR ASSOCIATION RECORD		Yes	No
a	Have you ever been an officer or a member or made a contribution to an organization dedicated to the violent overthrow of the United States Government and which engages in illegal activities to that end, knowing that the organization engages in such activities with the specific intent to further such activities?		
b	Have you ever knowingly engaged in any acts or activities designed to overthrow the United States Government by force?		

If you answered "Yes" to a or b, explain in the space below.

### Continuation Space

Use the continuation sheet(s) (SF 86A) for additional answers to items 9, 10, and 11. Use the space below to continue answers to all other items and any information you would like to add. If more space is needed than is provided below, use a blank sheet(s) of paper. Start each sheet with your name and Social Security Number. Before each answer, identify the number of the item.

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After completing Parts 1 and 2 of this form and any attachments, you should review your answers to all questions to make sure the form is complete and accurate, and then sign and date the following certification and sign and date the release on page 10.

### Certification That My Answers Are True

My statements on this form, and any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both. (See section 1001 of title 18, United States Code).

Signature (Sign in ink)	Date
Enter your Social Security Number before going to the next page →	

## UNITED STATES OF AMERICA

### AUTHORIZATION FOR RELEASE OF INFORMATION

Carefully read this authorization to release information about you, then sign and date it in ink.

**I Authorize** any investigator, special agent, or other duly accredited representative of the authorized Federal agency conducting my background investigation, to obtain any information relating to my activities from individuals, schools, residential management agents, employers, criminal justice agencies, credit bureaus, consumer reporting agencies, collection agencies, retail business establishments, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, criminal history record information, and financial and credit information. I authorize the Federal agency conducting my investigation to disclose the record of my background investigation to the requesting agency for the purpose of making a determination of suitability or eligibility for a security clearance.

**I Understand** that, for financial or lending institutions, medical institutions, hospitals, health care professionals, and other sources of information, a separate specific release will be needed, and I may be contacted for such a release at a later date. Where a separate release is requested for information relating to mental health treatment or counseling, the release will contain a list of the specific questions, relevant to the job description, which the doctor or therapist will be asked.

**I Further Authorize** any investigator, special agent, or other duly accredited representative of the U.S. Office of Personnel Management, the Federal Bureau of Investigation, the Department of Defense, the Defense Investigative Service, and any other authorized Federal agency, to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for access to classified information and/or for assignment to, or retention in, a sensitive National Security position, in accordance with 5 U.S.C. 9101. I understand that I may request a copy of such records as may be available to me under the law.

**I Authorize** custodians of records and other sources of information pertaining to me to release such information upon request of the investigator, special agent, or other duly accredited representative of any Federal agency authorized above regardless of any previous agreement to the contrary.

**I Understand** that the information released by records custodians and sources of information is for official use by the Federal Government only for the purposes provided in this Standard Form 86, and that it may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for five (5) years from the date signed or upon the termination of my affiliation with the Federal Government, whichever is sooner. Read, sign and date the release on the next page if you answered "Yes" to question 21.

Signature (Sign in ink)		Full Name (Type or Print Legibly)		Date Signed
Other Names Used			Social Security Number	
Current Address (Street, City)		State	ZIP Code	Home Telephone Number (Include Area Code) ( )

## UNITED STATES OF AMERICA AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

Carefully read this authorization to release information about you, then sign and date it in ink.

### Instructions for Completing this Release

This is a release for the investigator to ask your health practitioner(s) the three questions below concerning your mental health consultations. Your signature will allow the practitioner(s) to answer only these questions.

I am seeking assignment to or retention in a position with the Federal government which requires access to classified national security information or special nuclear information or material. As part of the clearance process, I hereby authorize the investigator, special agent, or duly accredited representative of the authorized Federal agency conducting my background investigation, to obtain the following information relating to my mental health consultations:

Does the person under investigation have a condition or treatment that could impair his/her judgement or reliability, particularly in the context of safeguarding classified national security information or special nuclear information or material?

If so, please describe the nature of the condition and the extent and duration of the impairment or treatment.

What is the prognosis?

I understand the information released pursuant to this release is for use by the Federal Government only for purposes provided in the Standard Form 86 and that it may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for 1 year from the date signed or upon termination of my affiliation with the Federal Government, whichever is sooner.

Signature (Sign in ink)		Full Name (Type or Print Legibly)		Date Signed
Other Names Used			Social Security Number	
Current Address (Street, City)		State	ZIP Code	Home Telephone Number (Include Area Code) ( )



**CONTINUATION SHEET FOR QUESTIONNAIRES  
 SF 86, SF 85P, AND SF 85**

For use with the SF 86, Questionnaire for National Security Positions;  
 SF 85P, Questionnaire for Public Trust Positions;  
 and SF 85, Questionnaire for Non-Sensitive Positions

INSTRUCTIONS: Use this form to continue your answers to "Where You Have Lived", "Where You Went To School", and/or "Your Employment Activities." Follow the instructions on the form for the particular questions you are answering and give information in the same sequence. Use as many continuation sheets as needed.

Your Name	Your Social Security Number
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**WHERE YOU HAVE LIVED (Continued)**

#1	Month/Year To	Month/Year To	Street Address	Apt. #	City (Country)	State	ZIP Code
			Name of Person Who Knew You	Street Address	Apt. #	City (Country)	State ZIP Code Telephone Number ( )
#2	Month/Year To	Month/Year To	Street Address	Apt. #	City (Country)	State	ZIP Code
			Name of Person Who Knew You	Street Address	Apt. #	City (Country)	State ZIP Code Telephone Number ( )
#3	Month/Year To	Month/Year To	Street Address	Apt. #	City (Country)	State	ZIP Code
			Name of Person Who Knew You	Street Address	Apt. #	City (Country)	State ZIP Code Telephone Number ( )
#4	Month/Year To	Month/Year To	Street Address	Apt. #	City (Country)	State	ZIP Code
			Name of Person Who Knew You	Street Address	Apt. #	City (Country)	State ZIP Code Telephone Number ( )
#5	Month/Year To	Month/Year To	Street Address	Apt. #	City (Country)	State	ZIP Code
			Name of Person Who Knew You	Street Address	Apt. #	City (Country)	State ZIP Code Telephone Number ( )

**WHERE YOU WENT TO SCHOOL (Continued)**

#1	Month/Year To	Month/Year To	Code	Name of School	Degree/Diploma/Other	Month/Year Awarded
			Street Address and City (Country) of School			
			Name of Person Who Knew You	Street Address	Apt. #	City (Country) State ZIP Code Telephone Number ( )
#2	Month/Year To	Month/Year To	Code	Name of School	Degree/Diploma/Other	Month/Year Awarded
			Street Address and City (Country) of School			
			Name of Person Who Knew You	Street Address	Apt. #	City (Country) State ZIP Code Telephone Number ( )
#3	Month/Year To	Month/Year To	Code	Name of School	Degree/Diploma/Other	Month/Year Awarded
			Street Address and City (Country) of School			
			Name of Person Who Knew You	Street Address	Apt. #	City (Country) State ZIP Code Telephone Number ( )



**YOUR EMPLOYMENT ACTIVITIES (Continued)**

Month/Year To	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )

PREVIOUS PERIODS OF ACTIVITY

Month/Year To	Month/Year	Position Title	Supervisor
Month/Year To	Month/Year	Position Title	Supervisor
Month/Year To	Month/Year	Position Title	Supervisor

Month/Year To	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )

PREVIOUS PERIODS OF ACTIVITY

Month/Year To	Month/Year	Position Title	Supervisor
Month/Year To	Month/Year	Position Title	Supervisor
Month/Year To	Month/Year	Position Title	Supervisor

Month/Year To	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )

PREVIOUS PERIODS OF ACTIVITY

Month/Year To	Month/Year	Position Title	Supervisor
Month/Year To	Month/Year	Position Title	Supervisor
Month/Year To	Month/Year	Position Title	Supervisor

Month/Year To	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number ( )
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ( )
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ( )

PREVIOUS PERIODS OF ACTIVITY

Month/Year To	Month/Year	Position Title	Supervisor
Month/Year To	Month/Year	Position Title	Supervisor
Month/Year To	Month/Year	Position Title	Supervisor

Enter your Social Security Number before going to the next page



**Exhibit 39**  
**SF 87 - Federal Employees Fingerprint Cards**

SF 87 (REV. 4-84) U.S. OFFICE OF PERSONNEL MANAGEMENT FPM CHAPTER 736		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK LAST NAME <u>NAM</u> FIRST NAME MIDDLE NAME				FBI LEAVE BLANK				
SIGNATURE OF PERSON FINGERPRINTED				O R I <b>OPM WASH., D.C. - USOPW000Z</b>								
RESIDENCE OF PERSON FINGERPRINTED				SERIAL NO. (OPM USE ONLY) <u>OCA</u>				DATE OF BIRTH <u>DOB</u> MONTH DAY YEAR				
DATE		SIGNATURE OF OFFICIAL TAKING FINGERPRINTS		ALIASES <u>AKA</u>		SEX	RACE	HGT.	WGT.	EYES	HAIR	PLACE OF BIRTH <u>POB</u>
TITLE AND ADDRESS				SCARS, MARKS, AND TATTOOS		LEAVE BLANK						
POSITION TO WHICH APPOINTED				FBI NO. <u>FBI</u>		CLASS						
DEPARTMENT, BUREAU, AND DUTY STATION (CITY AND STATE)				SOCIAL SECURITY NO. <u>SOC</u>		REF						
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE				
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE				
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY				

**Exhibit 40**  
**NRC 176 - Security Acknowledgement**

### A. SECURITY ACKNOWLEDGMENT

**INSTRUCTIONS:** APPLICANTS FOR U.S. NUCLEAR REGULATORY COMMISSION (NRC) ACCESS AUTHORIZATION (SECURITY CLEARANCE), COMPLETE THIS SECTION BELOW. APPLICANTS FOR SPECIAL NUCLEAR MATERIAL ACCESS AUTHORIZATION (employees of licensed organizations or other individuals affected by 10 CFR Part 11). COMPLETE ONLY THE SECTION ON THE REVERSE SIDE.

I, \_\_\_\_\_, in anticipation of my access authorization by the United States Nuclear Regulatory Commission (NRC), make the following statement with the understanding and intent that my statement will be used by the NRC in carrying out its obligation to protect the security of Restricted Data, National Security Information and other classified information, and unclassified Safeguards Information.

1. I understand that it is the policy of the NRC to control the dissemination of Restricted Data, National Security Information and other classified information, and unclassified Safeguards information in such a manner as to assure the common defense and security.
2. I understand that, in carrying out the aforesaid policy, the NRC has issued and will issue and revise, as circumstances require, certain instructions and regulations pertaining to the control and dissemination of Restricted Data, National Security Information and other classified information, and sensitive unclassified information (e.g., privacy information, Safeguards Information, and proprietary information).
3. I shall not unlawfully reveal to any person any Restricted Data, National Security Information or other classified information, or unclassified Safeguards Information of which I may gain knowledge as a result of my employment, assignment, or duties, except as authorized by law, regulations of the NRC, or in writing by officials of the NRC empowered to grant permission for such disclosure.
4. I am aware that the Atomic Energy Act of 1954, as amended, and U.S. Code, Title 18, "Crimes and Criminal Procedures," prescribe penalties for unauthorized disclosure of Restricted Data, Formerly Restricted Data, unclassified Safeguards Information, and other information relating to the national defense, and for loss, destruction or compromise of such information through gross negligence.
5. I understand that revealing or disclosing Restricted Data, National Security Information or other classified information, or unclassified Safeguards Information to any unauthorized person may constitute sufficient cause for termination of my association with the nuclear regulatory program.
6. I understand that the NRC desires to be informed when persons granted NRC security clearance propose to travel to designated countries. NRC wishes to be advised of such travel in order to inform the individual of the possible risks to personal safety in view of the classified information known to the individual. The NRC's interest in such travel normally diminishes as the period of access to Restricted Data, National Security Information or other classified information becomes more remote. Informing the NRC of travel to designated countries does not apply to individuals who obtain an NRC security clearance and receive access to NRC classified information solely as employees of other Government agencies or their contractors.
7. I am aware that I may be subject to criminal penalties if I make any statement of material facts on my personnel security forms or related information in application for my NRC security clearance knowing that such statement is false or if I willfully conceal any material fact (Title 18, U.S. Code, Section 1001).
8. I understand that I am to notify the NRC, Division of Security, as soon as it is practicable of all arrests, charges (INCLUDING CHARGES THAT ARE DISMISSED) or detentions by Federal, State or other law enforcement authorities, for any violation of any Federal, military, State, county or municipal law, regulation or ordinance other than minor traffic violations for which a fine of \$250 or less was imposed, occurring during any period in which I may hold NRC security clearance or which occurred subsequent to the completion of Standard Form 86, "Questionnaire for Sensitive Positions," which I executed on \_\_\_\_\_

(insert date)

DATE	SIGNATURE
CITY AND STATE WHERE SIGNED	NAME OF EMPLOYER

THE PRIVACY ACT STATEMENT COVERING THIS FORM IS LOCATED ON NRC FORM 254, "PRIVACY ACT STATEMENT AND INSTRUCTIONS FOR COMPLETION OF SECURITY FORMS PACKET."



**B. SPECIAL NUCLEAR MATERIAL ACCESS AUTHORIZATION ACKNOWLEDGMENT**

I, \_\_\_\_\_, in anticipation of my special nuclear material access authorization ("U" or "R") by the United States Nuclear Regulatory Commission (NRC), make the following statement with the understanding and intent that my statement will be used by the NRC in carrying out its obligation to assure the control and safeguarding of special nuclear material in accordance with the terms of the Atomic Energy Act of 1954, as amended. I understand that:

1. It is the policy of the NRC to regulate access to, and provide for control over, special nuclear material in such a manner as to provide high assurance that activities involving such materials are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.
2. In carrying out the aforesaid policy, the NRC has issued, and will issue and revise as circumstances require, certain instructions and regulations pertaining to access to and control of special nuclear material.
3. Any theft or other unlawful diversion of special nuclear material, or any attempt or conspiracy to steal, or unlawfully divert such material, is a criminal violation of the Atomic Energy Act of 1954, as amended, and subject to criminal penalties.
4. I understand that I am to notify the NRC, Division of Security, as soon as it is practicable of all arrests, charges ~~INCLUDING CHARGES THAT ARE DISMISSED~~ or detentions by Federal, State or other law enforcement authorities, for any violation of any Federal, military, State, county or municipal law, regulation or ordinance other than minor traffic violations for which a fine of \$250 or less was imposed, occurring during any period in which I may hold an NRC special nuclear material access authorization or which occurred subsequent to the completion of Standard Form 86, "Questionnaire for Sensitive Positions," which I executed on

(insert date)

DATE	SIGNATURE
CITY AND STATE WHERE SIGNED	NAME OF EMPLOYER

THE PRIVACY ACT STATEMENT COVERING THIS FORM IS LOCATED ON NRC FORM 254, "PRIVACY ACT STATEMENT AND INSTRUCTIONS FOR COMPLETION OF SECURITY FORMS PACKET."

**Exhibit 41**  
**OF 510 - Applying for a Federal Job**

## VETERANS' PREFERENCE IN HIRING

- If you served on active duty in the United States Military and were separated under honorable conditions, you may be eligible for veterans' preference. To receive preference if your service began after October 15, 1976, you must have a Campaign Badge, Expeditionary Medal, or a service-connected disability. For further details, call OPM at **912-757-3000**. Select "Federal Employment Topics" and then "Veterans." Or, dial our electronic bulletin board at **912-757-3100**.
- Veterans' preference is not a factor for Senior Executive Service jobs or when competition is limited to status candidates (current or former Federal career or career-conditional employees).
- To claim 5-point veterans' preference, attach a copy of your DD-214, *Certificate of Release or Discharge from Active Duty*, or other proof of eligibility.
- To claim 10-point veterans' preference, attach an SF 15, *Application for 10-Point Veterans' Preference*, plus the proof required by that form.

## OTHER IMPORTANT INFORMATION

- Before hiring, an agency will ask you to complete a *Declaration for Federal Employment* to determine your suitability for Federal employment and to authorize a background investigation. The agency will also ask you to sign and certify the accuracy of all the information in your application. **If you make a false statement in any part of your application, you may not be hired; you may be fired after you begin work; or you may be fined or jailed.**
- If you are a male over age 18 who was born after December 31, 1959, you must have registered with the Selective Service System (or have an exemption) to be eligible for a Federal job.
- The law prohibits public officials from appointing, promoting, or recommending their relatives.
- Federal annuitants (military and civilian) may have their salaries or annuities reduced. All employees must pay any valid delinquent debts or the agency may garnish their salary.

## PRIVACY AND PUBLIC BURDEN STATEMENTS

The Office of Personnel Management and other Federal agencies rate applicants for Federal jobs under the authority of sections 1104, 1302, 3301, 3304, 3320, 3361, 3393, and 3394 of title 5 of the United States Code. We need the information requested in this brochure and in the associated vacancy announcements to evaluate your qualifications. Other laws require us to ask about citizenship, military service, etc.

We request your Social Security Number (SSN) under the authority of Executive Order 9397 in order to keep your records straight; other people may have the same name. As allowed by law or Presidential directive, we use your SSN to seek information about you from employers, schools, banks, and others who know you. Your SSN may also be used in studies and computer matching with other Government files, for example, files on unpaid student loans.

If you do not give us your SSN or any other information requested, we cannot process your application, which is the first step in getting a job. Also, incomplete addresses and ZIP Codes will slow processing.

We may give information from your records to: training facilities; organizations deciding claims for retirement, insurance, unemployment or health benefits; officials in litigation or administrative proceedings where the Government is a party; law enforcement agencies concerning violations of law or regulation; Federal agencies for statistical reports and studies; officials of labor organizations recognized by law in connection with representing employees; Federal agencies or other sources requesting information for Federal agencies in connection with hiring or retaining, security clearances, security or suitability investigations, classifying jobs, contracting, or issuing licenses, grants, or other benefits; public or private organizations including news media that grant or publicize employee recognition and awards; and the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, the National Archives, the Federal Acquisition Institute, and congressional offices in connection with their official functions.

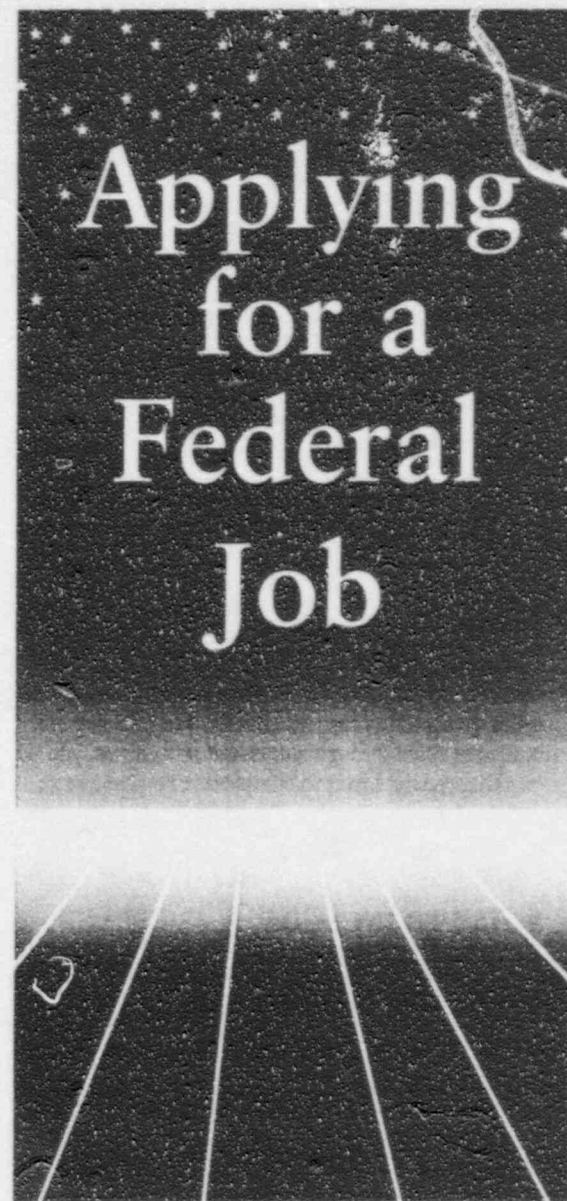
We may also give information from your records to: prospective nonfederal employers concerning tenure of employment, civil service status, length of service, and date and nature of action for separation as shown on personnel action forms of specifically identified individuals; requesting organizations or individuals concerning the home address and other relevant information on those who might have contracted an illness or been exposed to a health hazard; authorized Federal and nonfederal agencies for use in computer matching; spouses or dependent children asking whether an employee has changed from self-and-family to self-only health benefits enrollment; individuals working on a contract, service, grant, cooperative agreement or job for the Federal Government; non-agency members of an agency's performance or other panel; and agency-appointed representatives of employees concerning information issued to an employee about fitness-for-duty or agency-filed disability retirement procedures.

We estimate the public burden for reporting the employment information will vary from 20 to 240 minutes with an average of 40 minutes per response, including time for reviewing instructions, searching existing data sources, gathering data, and completing and reviewing the information. You may send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to the U.S. Office of Personnel Management, Reports and Forms Management Officer, Washington, DC 20415-0001.

Send your application to the agency announcing the vacancy.

Form Approved: OMB 3206-0219 50510-101 NSN 7540-01-351-9177

U.S. GOVERNMENT PRINTING OFFICE: 1995 - 392-274 - 415/09178



United States  
Office of  
Personnel  
Management

OF 510  
(September 1994)

## JOB OPENINGS

For job information 24 hours a day, 7 days a week, call **912-757-3000**, the U.S. Office of Personnel Management (OPM) automated telephone system. Or, with a computer modem dial **912-757-3100** for job information from an OPM electronic bulletin board. You can also reach the board through the Internet (Telnet only) at **FJOB.MAIL.OPM.GOV**.

## APPLICANTS WITH DISABILITIES

You can find out about alternative formats by calling OPM or dialing the electronic bulletin board at the numbers above. Select "Federal Employment Topics" and then "People with Disabilities." If you have a hearing disability, call **TDD 912-744-2299**.

## HOW TO APPLY

Review the list of openings, decide which jobs you are interested in, and follow the instructions given. **You may apply for most jobs with a resume, the *Optional Application for Federal Employment*, or any other written format you choose.** For jobs that are unique or filled through automated procedures, you will be given special forms to complete. (You can get an *Optional Application* by calling OPM or dialing our electronic bulletin board at the numbers above.)

## WHAT TO INCLUDE

Although the Federal Government does not require a standard application form for most jobs, we do need certain information to evaluate your qualifications and determine if you meet legal requirements for Federal employment. If your resume or application does not provide all the information requested in the job vacancy announcement and in this brochure, you may lose consideration for a job. Help speed the selection process by keeping your resume or application brief and by sending only the requested material. Type or print clearly in dark ink.

## Here's what your resume or application must contain (in addition to specific information requested in the job vacancy announcement)

### JOB INFORMATION

- Announcement number, and title and grade(s) of the job you are applying for

### PERSONAL INFORMATION

- Full name, mailing address (with ZIP Code) and day and evening phone numbers (with area code)
- Social Security Number
- Country of citizenship (Most Federal jobs require United States citizenship.)
- Veterans' preference (See reverse.)
- Reinstatement eligibility (If requested, attach SF 50 proof of your career or Career-conditional status.)
- Highest Federal civilian grade held (Also give job series and dates held.)

### EDUCATION

- High school
  - Name, city, and State (ZIP Code if known)
  - Date of diploma or GED
- Colleges or universities
  - Name, city, and State (ZIP Code if known)
  - Majors
  - Type and year of any degrees received  
(If no degree, show total credits earned and indicate whether semester or quarter hours.)
- Send a copy of your college transcript only if the job vacancy announcement requests it.

### WORK EXPERIENCE

- Give the following information for your paid and nonpaid work experience related to the job you are applying for.  
(Do not send job descriptions.)

Job title (include series and grade if Federal job)

Duties and accomplishments

Employer's name and address

Supervisor's name and phone number

Starting and ending dates (month and year)

Hours per week

Salary

- Indicate if we may contact your current supervisor.

### OTHER QUALIFICATIONS

- Job-related** training courses (title and year)
- Job-related** skills, for example, other languages, computer software/hardware, tools, machinery, typing speed
- Job-related** certificates and licenses (current only)
- Job-related** honors, awards, and special accomplishments, for example, publications, memberships in professional or honor societies, leadership activities, public speaking, and performance awards (Give dates but do not send documents unless requested.)

THE FEDERAL GOVERNMENT IS  
AN EQUAL OPPORTUNITY EMPLOYER

**Exhibit 42**  
**NRC 89 - Photo-Identification Badge Request**



NRC FORM 89 (8-93) NRCMD 12.1		U. S. NUCLEAR REGULATORY COMMISSION		DATE OF REQUEST	
<b>PHOTO-IDENTIFICATION BADGE REQUEST</b>					
<i>See Reverse for Privacy Act Statement</i>					
<b>SECTION A - TO BE COMPLETED BY REQUESTER</b>					
FULL NAME (Last, First, Middle Initial)		CLEARANCE REQUESTED		REQUEST FOR BUILDING ACCESS	
PLACE OF BIRTH (City, State, Country)		<input type="checkbox"/> L <input type="checkbox"/> Q <input type="checkbox"/> NONE		BUILDING HOURS SPECIAL SPACE (Specify, i.e., computer rooms)	
SOCIAL SECURITY NUMBER	DATE OF BIRTH	SPONSORING OFF/DIV/BR			
CITIZENSHIP (Check appropriate box)		SPONSORING OFFICE/DIVISION DIRECTOR - PRINTED OR TYPED NAME			
<input type="checkbox"/> U.S. CITIZEN	<input type="checkbox"/> ALIEN - COUNTRY _____				
CONTRACTOR	CONTRACT NUMBER	SIGNATURE	DATE		
OTHER GOVT. AGENCY (Specify)	DATE OF EXPIRATION	SPONSORING OFFICE - POINT OF CONTACT	CONTACT'S TELEPHONE		
<b>SECTION B - TO BE COMPLETED BY THE DIVISION OF SECURITY</b>					
CLEARANCE GRANTED		FILE NUMBER	BADGE CATEGORY/NUMBER	CERTIFYING OFFICIAL (DIVISION OF SECURITY) - PRINTED OR TYPED NAME	
<input type="checkbox"/> L	DATE	KEY CARD NUMBER	KEY CARD STATUS	SIGNATURE	
<input type="checkbox"/> Q					DATE
<input type="checkbox"/> NONE					
ADDITIONAL INFORMATION					

**Exhibit 43**  
**NRC 217 - Lost Badge Report**

NRC FORM 217  
(7-94)  
NRCMD 12.3

U.S. NUCLEAR REGULATORY COMMISSION

### LOST BADGE REPORT

TO:  FACILITIES SECURITY BRANCH DIVISION OF SECURITY OFFICE OF ADMINISTRATION	NAME (Last, first, middle initial)		
	ORGANIZATION	TELEPHONE NUMBER	BADGE NUMBER
	APPROXIMATE DATE OF LOSS		DATE OF REPORT

EXPLANATION OF LOSS:

I certify the badge issued me for use was lost and the above information is true and correct to the best of my knowledge and belief. I understand the badge, which I have reported as lost, is the property of the United States Government and also understand its counterfeiting, alterations, or misuse is a violation of Sections 499 and 701, Title 18 U.S. Code.

If I recover the badge, I agree to return it immediately, without fail, to the office of issue. I am aware that retention may constitute illegal possession of government property.

\_\_\_\_\_  
SIGNATURE

## PRIVACY ACT STATEMENT

Pursuant TO 5 U.S.C. 552a(e)(3), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93- 579), the following statement is furnished to individuals who supply information to the U.S. Nuclear Regulator Commission on NRC Forms. This information is maintained in a system of records designated as NRC- and described at 55 Federal Register 339 (August 20, 1990); or the most recent Federal Register publication of the Nuclear Regulatory Commission's "Republication of Systems of Records Notices" that is available at the NRC Public Document Room, Gelman Building, Lower Level, 2120 L Street NW, Washington, DC.

1. **AUTHORITY:** 42 U.S.C. 2165 and 2201(i) and (p) (1985); Executive Order 12356, April 2, 1982.
2. **PRINCIPAL PURPOSE(S):** The principal purposes are to control the flow and maintain the accountability of identification badges issued by the NRC and to maintain records of lost or forgotten NRC identifications badges.
3. **ROUTINE USE(S):** The information may be disclosed to an appropriate Federal, State, and local agency in the event the information indicates a violation or potential violation of law and in the course of an administrative or judicial processing. In addition, the information may be transferred to an appropriate Federal, State, and local agency to the extent relevant and necessary for an NRC decision or to an appropriate Federal agency to the extent relevant and necessary for that agency's decision about you.
4. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** It is voluntary that you furnish the requested information. If the information is not furnished, you may be denied an identification badge or access to NRC controlled areas.
5. **SYSTEM MANAGER AND ADDRESS:**  
Director, Division of Security  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Exhibit 44**  
**NRC 466 - Property Pass**



### PROPERTY PASS

1. PERSON REMOVING PROPERTY <i>(Printed or typed name)</i>	2. SIGNATURE		3. DATE PASS APPROVAL EXPIRES
4. ORGANIZATION	5. LOCATION FROM WHICH PROPERTY IS TO BE REMOVED <i>(Building and Room Number)</i>		6. DATE PROPERTY IS REMOVED
7. DESCRIPTION OF PROPERTY		8. NRC TAG NUMBER	9. DATE PROPERTY RETURN REQUIRED
10. REASON FOR REMOVAL OF PROPERTY FROM NRC PREMISES			
THE PERSON NAMED ABOVE HAS PERMISSION TO REMOVE THE PROPERTY DESCRIBED FROM NRC PREMISES			
11. PROPERTY CUSTODIAN <i>(Printed or typed name)</i>	12. SIGNATURE		13. PROPERTY ACCOUNT

**Exhibit 45**  
**NRC 420 - Request for Premium Cost Mail**  
**Service**

### REQUEST FOR PREMIUM COST MAIL SERVICE

REQUESTER: SEND COMPLETED FORM WITH MATERIAL TO: DISTRIBUTION AND MAIL SERVICES SECTION, PMSB/ADM. AFTER PROCESSING, A COPY WILL BE RETURNED TO YOU.

FROM: NAME	ORGANIZATION (Office/Div/Branch)	TELEPHONE NUMBER	MAIL STOP
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TYPE OF MAIL SERVICE REQUESTED	<input type="checkbox"/> EXPRESS	<input type="checkbox"/> PRIORITY	<input type="checkbox"/> PRIVATE DELIVERY	<input type="checkbox"/> OTHER
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BRIEF DESCRIPTION OF MATERIAL

DESTINATION OF MATERIAL	JUSTIFICATION FOR SERVICES REQUESTED
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SERVICE CERTIFICATION - I certify that the use of premium cost mail services are essential to the conduct of official business and that lesser cost services are not suitable or available.

SIGNATURE - REQUESTER	TITLE	DATE
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SIGNATURE - BRANCH CHIEF	ORGANIZATION (Office/Division/Branch)	DATE
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#### FOR MAIL ROOM USE ONLY

VENDOR	CALL NUMBER	CONTRACT IDENTIFICATION NUMBER
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DATE SHIPPED	SIGNATURE
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PRINT WITH ROUTING

PRINT WITHOUT ROUTING