



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

February 11, 2020

MEMORANDUM TO: Margaret M. Doane  
Executive Director for Operations

FROM: Scott W. Moore, Executive Director **/RA/**  
Advisory Committee on Reactor Safeguards

SUBJECT: DOCUMENTATION OF RECEIPT OF APPLICABLE OFFICIAL NRC  
NOTICES TO THE ADVISORY COMMITTEE ON REACTOR  
SAFEGUARDS FOR FEBRUARY 2020

During the 670<sup>th</sup> meeting of the Advisory Committee on Reactor Safeguards, February 5-7, 2020, the Committee considered significant NRC communications as items for their awareness and any actions as appropriate. This memorandum documents the receipt of those communications by the ACRS members. No response to this memorandum is required.

Enclosure: As Stated

cc: A. Vietti-Cook, SECY  
C. Haney, OEDO  
M. McCoppin, OEDO



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<b>OFFICE</b>	<b>ACRS/TSB</b>	<b>SUNSI Review</b>	<b>ACRS</b>
<b>NAME</b>	LBurkhart (CAntonescu for)	LBurkhart (CAntonescu for)	SMoore
<b>DATE</b>	2/10/2020	2/10/2020	2/11/2020

**OFFICIAL RECORD COPY**

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

Date	Subject
1/22/18	<p data-bbox="370 411 1430 474"><b>Reporting of Foreign Gifts Received of More Than Minimal Value in Calendar Year 2017</b></p> <p data-bbox="987 516 1484 548"><b>Yellow Announcement:</b> YA-18-0008</p> <p data-bbox="1167 569 1484 600"><b>Date:</b> January 22, 2018</p> <p data-bbox="1016 621 1484 653"><b>Expiration Date:</b> January 30, 2019</p> <p data-bbox="370 699 837 730"><b>TO: All NRC Employees</b></p> <p data-bbox="370 768 1414 831"><b>SUBJECT: REPORTING OF FOREIGN GIFTS RECEIVED OF MORE THAN MINIMAL VALUE IN CALENDAR YEAR 2017</b></p> <p data-bbox="370 884 1471 1010">In accordance with 5 U.S.C. 7342, all Federal Government agencies are required to submit to the Office of the Chief of Protocol of the Department of State a listing of all gifts of more than minimal value received by an employee from a foreign government during calendar year 2017.</p> <p data-bbox="370 1062 1438 1167">These submissions are required so that the Secretary of State may discharge his responsibility under 5 U.S.C. 7342(f) for the annual publication of a comprehensive listing of all such statements in the <i>Federal Register</i>.</p> <p data-bbox="370 1209 516 1241">Definitions:</p> <p data-bbox="370 1293 1008 1325"><b>Minimal value:</b> A retail value of more than \$390.</p> <p data-bbox="370 1346 1300 1377"><b>Employees:</b> Covers Federal employees, their spouses, or dependents.</p> <p data-bbox="370 1398 1187 1430"><b>Calendar Year:</b> January 1, 2017, through December 31, 2017.</p> <p data-bbox="370 1451 1484 1650"><b>Foreign Government:</b> Gifts from an international organization or multinational organization whose membership is composed of any unit of a foreign government. Gifts from sources other than foreign governments or such international organizations, e.g., nongovernmental organizations and foreign corporations (unless owned or controlled by the foreign government), are not reportable for the purposes of this report.</p> <p data-bbox="370 1671 448 1703"><b>Gifts:</b></p> <p data-bbox="370 1724 911 1755">Tangible gifts of more than minimal value.</p> <p data-bbox="370 1776 1430 1881">Gifts of travel or travel expenses from foreign governments taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value. Gifts of travel or travel expenses accepted by an agency under the</p>

Attachment 1

	<p>authority of 31 U.S.C. 1353 or other agency-specific gift acceptance authority need not be reported.</p> <p>Decorations received from foreign governments are excluded from this reporting requirement.</p> <p>Unreported, overvalue gifts from previous years should be reported as follows:</p> <p>January 1, 2008, through December 31, 2010, any gift having a retail value of more than \$335 should be reported.</p> <p>January 1, 2011, through December 31, 2013, any gift having a retail value of more than \$350 should be reported.</p> <p>Paragraph (f)(1) of 5 U.S.C. 7342 requires each employing agency or its delegate to transmit to the Secretary of State a listing of all statements filed during the preceding year by employees of that agency of gifts received from foreign governments valued at more than minimal value.</p> <p>If you have received gifts as described above, please submit your response to the Office of Protocol, Brandon Casey, on or before January 30, 2018.</p> <p style="text-align: center;"><b>/RA/</b></p> <p style="text-align: center;">Eugene Dacus, Director Office of Congressional Affairs</p>
12/21/17	<p><b>Revised List of Prohibited Securities and Positions Subject to the Securities Ownership Prohibition</b></p> <p style="text-align: right;"><b>Yellow Announcement:</b> YA-17-0116</p> <p style="text-align: right;"><b>Date:</b> December 14, 2017</p> <p style="text-align: right;"><b>Expiration Date:</b> December 31, 2018</p> <p><b>TO: All NRC Employees</b></p> <p><b>SUBJECT: REVISED LIST OF PROHIBITED SECURITIES AND POSITIONS SUBJECT TO THE SECURITIES OWNERSHIP PROHIBITION</b></p> <p><b>Revised List of Prohibited Securities and Positions Subject to the Securities Ownership Prohibition</b></p> <p>Consistent with Management Directive 7.7, "Security Ownership," the Office of the General Counsel (OGC) has published an updated list of stocks, bonds, and other security interests that may not be owned by certain U.S. Nuclear Regulatory Commission (NRC) employees, their spouses, or their minor children. This list is commonly referred to as the "Prohibited Securities List." OGC has also published an</p>

updated list of NRC positions that are subject to the securities ownership prohibition. These lists are available in ADAMS ([ML17342A088](#) and [ML17342A089](#)), and can be found on the internal NRC Ethics Web site at <http://drupal.nrc.gov/ogc>.

The securities ownership prohibition applies to (1) Commissioners and the Inspector General; (2) members of the Senior Executive Service and Senior Level Service; (3) members of the Advisory Committee on Reactor Safeguards and the Atomic Safety and Licensing Board Panel; (4) certain Commissioner assistants; and (5) employees at grade GG-15 or below whose positions are designated as subject to this prohibition. These employees may not own any prohibited securities unless they receive a waiver.

Employees should be mindful that the list of positions subject to the securities ownership prohibition is broader than the list of employees required to file financial disclosure reports. Employees who do not file financial disclosure reports may still be subject to the securities ownership prohibition.

Employees subject to the securities ownership prohibition who own securities issued by entities added to the Prohibited Securities List must notify the Office of the General Counsel in writing within 30 days that they hold prohibited securities and provide their plans for divestiture. This notification should be sent to [Ethics.Resource@nrc.gov](mailto:Ethics.Resource@nrc.gov). These employees must then divest themselves of the prohibited securities within 90 days of the date of this announcement.

Newly hired employees who become subject to the securities ownership prohibition, as well as employees who become subject to the prohibition as a result of a promotion or change in position, similarly must notify the Office of the General Counsel in writing within 30 days that they hold prohibited securities and provide their plans for divestiture. These employees likewise have 90 days from their date of appointment to divest any prohibited securities.

The NRC Chairman may extend the 90-day deadline for divesting prohibited securities in cases of undue hardship. The Chairman may also grant a waiver from the securities ownership prohibition if (1) the prohibition is not necessary, given the particular circumstances, 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 only (e.g., members of the ACRS and rehired annuitants), divestiture would result in substantial financial hardship. Employees who wish to seek an extension or waiver should refer to Section I.G of the Handbook to Management Directive 7.7.

An NRC employee may own a security interest in any entity that does not appear on the Prohibited Securities List. An employee's ownership of such an interest may, however, result in certain restrictions under the Government-wide ethics rules in 5 CFR Part 2635. In particular, even if an entity is not on the Prohibited Securities List, an employee cannot participate in any particular NRC matter affecting the entity's financial interests if the employee, his spouse, and his minor children collectively hold more than \$15,000 worth of securities in the entity. For general NRC matters, such as rulemakings, an employee cannot participate in the matter if the aggregate value of the holdings exceeds \$25,000 in any one entity or \$50,000 in all affected entities.

Employees who wish to defer the tax consequences of any divestiture must seek a Certificate of Divestiture before selling their prohibited securities. For details, please see [Handbook 7.7 Section 1.E](#) or email [Ethics.Resource@nrc.gov](mailto:Ethics.Resource@nrc.gov).

The changes below are reflected in the updated Prohibited Securities List.

### **Changes to NRC's list of prohibited securities**

#### **1. Nuclear Power Reactor Licensees**

##### **Name Changes to this category:**

Comanche Peak Nuclear Power Company to **Comanche Peak Nuclear Power Company, LLC**

Constellation Energy Group to **Constellation NewEnergy, Inc.**

Dominion Resources, Incorporated to **Dominion Energy, Incorporated**

##### **Additions to this category:**

EnergySolutions Company

Florida Power & Light Company

LaCrosse Solutions, LLC

NextEra Energy Resources, LLC

Talen Energy Corporation

Vistra Asset Company, LLC

Vistra Energy Corporation

Vistra Intermediate Company, LLC

Vistra Operations Company, LLC

Vistra Preferred, Incorporated

#### **2. Manufacturers/Vendors of Power Test Reactors**

##### **Additions to this category:**

WETEC

#### **3. Architectural Engineering Companies**

##### **Deletion from this category:**

The Shaw Group

#### **4. Fuel Cycle Related Applicants, Certificate of Compliance Holders, and Licensees**

##### **Additions to this category:**

Diversified Scientific Solutions, Incorporated

Uranium Energy Corporation

Valhi, Incorporated

##### **Deletion from this category:**

Rapsican Laboratories

#### **5. Energy or Utility Sector Mutual or Exchange Traded Funds:**

##### **Name changes to this category:**

Guggenheim Defined Utilities Portfolio Series to **Guggenheim Utilities Portfolio Series**

iShares US Utilities to **iShares US Utilities ETF**

	<p>Market Vectors Uranium+Nuclear Energy ETF to <b>VanEckVectors Uranium+Nuclear Energy ETF</b>  Reaves Utilities and Energy Infrastructure Class A to <b>Reaves Utilities ETF</b>  Wells Fargo Advantage Utilities and High Income Fund to <b>Wells Fargo Utilities and High Income Fund</b>  Wells Fargo Advantage Utility &amp; Telecom to <b>Wells Fargo Utility &amp; Telecom</b></p> <p><u><b>Additions</b></u> to this category:  <b>Fidelity MSCI Utilities Index ETF</b>  <b>Gabelli Utilities Fund</b>  <b>John Hancock Multifactor Utilities ETF</b>  <u><b>Deletion</b></u> from this category:  <b>Deutsche X-trackers Regulated Utilities Fund</b></p> <p style="text-align: right;"><i>/RA/</i></p> <p style="text-align: right;">Margaret M. Doane General Counsel</p>
12/6/17	<p><b>Revised Requirements for the NRC Classified Information Security Requirements</b></p> <p style="text-align: right;"><b>Yellow Announcement:</b> YA-17-0114  <b>Date:</b> November 30, 2017  <b>Expiration Date:</b> June 25, 2022</p> <p><b>TO: All NRC Employees</b></p> <p><b>SUBJECT: REVISED REQUIREMENTS FOR THE NRC CLASSIFIED INFORMATION SECURITY PROGRAM</b></p> <p>In March 2017, the Information Security Oversight Office (ISOO) conducted an on-site review of the U.S. Nuclear Regulatory Commission's (NRC's) classified information program. Although the NRC's implementing policies satisfactorily cover the vast majority of the requirements of E.O. 13526 and Title 32 of the <i>Code of Federal Regulations</i> (CFR) Part 2001, "Classified National Security Information; Final Rule," ISOO identified several instances where NRC policy did not adequately address or was contrary to E.O. 13526 and 32 CFR Part 2001 requirements. Based on ISOO's observations, Management Directive (MD) 12.2, "NRC Classified Information Security Program," will be revised to reflect the needed changes as specified by E.O. 13526 and 32 CFR Part 2001. As stated in MD 12.2, the changes are applicable to all NRC employees, contractors, and consultants who handle classified information. Until MD 12.2 is revised, this announcement serves as interim guidance. The immediately effective changes are as follows:</p>

**Classification Guides: Content of Guides**

Classification guides shall, at a minimum:

- a. Identify the subject matter of the classification guide;
- b. Identify the original classification authority by name and position, or personal identifier;
- c. Identify an agency point-of-contact or points-of-contact for questions regarding the classification guide;
- d. Provide the date of issuance or last review;
- e. State precisely the elements of information to be protected;
- f. State which classification level applies to each element of information, and, when useful, specify the elements of information that are unclassified;
- g. State, when applicable, special handling caveats;
- h. State a concise reason for classification which, at a minimum, cites the applicable classification category or categories in section 1.4 of E.O. 13526; and
- i. Prescribe a specific date or event for declassification, the marking "50X1-HUM" or "50X2-WMD" as appropriate, or one or more of the exemption codes listed in 2001.26(a)(2), provided that (1) the exemption has been approved by the Interagency Security Classification Appeals Panel (ISCAP) under section 3.3(j) of E.O. 13526; (2) the ISCAP is notified of the intent to take such actions for specific information in advance of approval and the information remains in active use; and (3) the exemption code is accompanied with a declassification date or event that has been approved by the ISCAP.

**Marking: Identification of the Derivative Classifier**

Derivative classifiers shall be identified by name and position, or by personal identifier, in a manner that is immediately apparent on each derivatively classified document. If not otherwise evident, the NRC and the office of origin shall be identified and follow the name on the "Classified By" line. The terminology "Classifier" shall not be used in lieu of "Classified By" on the classifier's information stamp

**Marking: Reason Line**

The reason for the original classification decision, as reflected in the source document(s) or classification guide is not transferred in a derivative classification action. There shall not be a "Reason" line on the classifier's marking stamp of a derivatively classified document, as this may cause confusion as to whether the classification action is original or derivative.

**Marking: Date of Origin of the Document**



The date of origin of an originally or derivatively classified document (i.e., the date of signature or date of publication of the document) shall be indicated in a manner that is immediately apparent.

**Marking: Marking Prohibitions**

Markings other than “Top Secret,” “Secret,” and “Confidential” shall not be used to identify classified national security information.

**Marking: Dissemination Control and Handling Markings**

Dissemination control and handling markings identify the expansion or limitation on the distribution of the information. These markings are in addition to, and separate from, the level of classification. Only those external dissemination control and handling markings approved by ISOO or, with respect to the Intelligence Community by the Director of National Intelligence for intelligence and intelligence-related information, may be used by agencies to control and handle the dissemination of classified information pursuant to agency regulations and to policy directives and guidelines issued under section 5.4(d)(2) and section 6.2(b) of E.O. 13526. Such approved markings shall be uniform and binding on all agencies. If used, the dissemination control and handling markings will appear at the top and bottom of each page after the level of classification.

**Declassification: Declassification of Information**

Information shall be declassified as soon as it no longer meets the standards for classification under E.O. 13526.

**Declassification: Development and Use of Declassification Guides**

Approved declassification guides are the sole basis for the exemption from automatic declassification of specific information as provided in section 3.3(b) of E.O. 13526 and the sole basis for the continued classification of information under section 3.3(h) of E.O. 13526. These guides must be prepared in accordance with section 3.3(j) of E.O. 13526 and include additional pertinent detail relating to the exemptions described in sections 3.3(b) and 3.3(h) of E.O. 13526, and follow the format required of declassification guides as described in 32 CFR Part 2001.32. During a review under section 3.3 of E.O. 13526, the NRC will use these guides to identify specific information for exemption from automatic declassification. It is the NRC’s intent that the guides or detailed declassification guidance will be made available to the National Declassification Center under section 3.7(b) of E.O. 13526 and to appropriately cleared individuals of other agencies to support equity recognition.

**Reporting: Statistical Reporting**

The NRC shall report annually to the Director of ISOO statistics related to its security classification program. The Director of ISOO will instruct the NRC on what data elements are required, and how and when it is to be reported.

**Reporting: Accounting for Costs (Cost Reporting)**

Information on the costs associated with the implementation of E.O. 13526 will be collected from the NRC. The NRC will provide data to ISOO on the cost estimates for classification-related activities. ISOO will in turn report these cost estimates annually to the President. The NRC's Senior Agency Official should work closely with the NRC's Comptroller to ensure that the best estimates are collected.

**Reporting: Fundamental Classification Guidance Review**

The NRC shall complete, on a periodic basis, a comprehensive review of the agency's classification guidance, particularly classification guides, to ensure the guidance reflects current circumstances and to identify classified information that no longer requires protection and can be declassified. The classification guidance review shall include an evaluation of classified information to determine if it meets the standards for classification under section 1.4 of E.O. 13526, taking into account an up-to-date assessment of likely damage as described under section 1.2 of E.O. 13526. The classification guidance review shall include original classification authorities and the NRC's subject matter experts to ensure a broad range of perspectives. The NRC shall provide a report summarizing the results of the classification guidance review to the Director of ISOO and shall release an unclassified version of this report to the public.

For answers to questions, please contact Krista Ziebell, Office of Nuclear Security and Incident Response, 301-415-7121.

**/RA/**

K. Steven West, Acting Director  
Office of Nuclear Security and Incident  
Response