



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

MAY 13 1988

MEMORANDUM FOR: Robert F. Burnett, Director  
Division of Safeguards and Transportation

Richard E. Cunningham, Director  
Division of Industrial and Medical Nuclear Safety

Richard L. Bangart, Acting Director  
Division of Low Level Waste Management and Decommissioning

Robert E. Browning, Director  
Division of High Level Waste Management

FROM: Jesse L. Funches, Director  
Program Management, Policy Development and  
Analysis Staff

SUBJECT: CONSULTANT APPOINTMENTS AND RENEWALS - 1988

The expiration date for all current consultant appointments is June 30, 1988. If you wish to make an initial appointment of a consultant, or to renew any current consultants, please submit the following completed forms to the Program Management, Policy Development and Analysis Staff no later than May 25, 1988:

1. Initial Appointments

- A. Form NRC-254 - Privacy Act Statement and Instructions for Completion of Security Forms Packet.
- B. Standard Form 171 - Personal Qualifications Statement.
- C. Form NRC-443 - Confidential Statement of Employment and Financial Interests.
- D. Form NRC-448 - Request for Appointment of a Consultant, Expert or Member.

2. Renewal Appointments

- A. Standard Form 171A - submitted if any significant change in employment has occurred since July 1, 1987.
- B. Form NRC-443 - Confidential Statement of Employment and Financial Interest. (Consultants who worked more than 60 days during calendar year 1987 and were paid at the rate of GG-16 or above will be required to complete NRC-278 which will be forwarded to them by OGC.)

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PDR WASTE  
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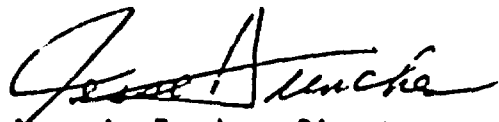
C. Form NRC-448 - Request for Appointment of a Consultant, Expert or Member.

Two items of special interest relating to vouchers and reimbursement of consultants are the following. First, a new consultant maximum per diem pay rate has been established at \$277.90. The pay rate is established for each consultant based on considerations set forth in NRC Appendix 4139, Part I.A.11 (Attachment 2). Second, you will note that block 10 on NRC-448 (Attachment 1) has been completed to emphasize the travel requirements defined in NRC Appendix 4139 (Attachment 3) and to set a limit for miscellaneous expenses as defined by this Appendix. NRC Office Directors and Chairman of Committees, Boards, etc., which may employ consultants are responsible for establishing controls on the expenditure and commitment of funds to cover both compensation and miscellaneous expenses of consultants.

As you know, consultant and expert time charged on vouchers for payment is reflected on NMSS FTE usage reports for the pay period in which the experts and consultants are paid. If the interval between the time the work is actually performed and the reimbursement is made is substantial, NMSS' FTE projections can be impacted. Therefore, please encourage your consultants to submit vouchers for payment promptly, and to provide PMDA (Dawn Moss) with a copy of each voucher.

In addition to new consultant appointments and consultants you wish to renew, please also advise Dawn Moss (X20676) not later than May 29, 1988, of those consultants and experts you do not wish to renew, so that we can prepare the necessary termination documents. // ←

Questions you may have related to consultant processing should be directed to Dawn Moss (X20676). Your cooperation and prompt response are appreciated.

  
Jesse L. Funches, Director  
Program Management, Policy Development  
and Analysis Staff

Attachments: As stated

REQUEST FOR APPOINTMENT OF A CONSULTANT, EXPERT OR MEMBER

INSTRUCTIONS

PREPARE FIVE COPIES OF PART A OF THIS FORM FOR REQUESTING INITIAL EMPLOYMENT OR FOR EXTENSION, RENEWAL OR MODIFICATION TO EXISTING EMPLOYMENT ARRANGEMENTS OF A CONSULTANT, EXPERT OR MEMBER

COMPLETE THE FORMS SPECIFIED BELOW, AND FORWARD THEM WITH THE "PERSONNEL OFFICE — PENDING" COPY TO THE STAFFING SECTION, STAFFING AND EVALUATION BRANCH, DIVISION OF ORGANIZATION AND PERSONNEL FOR

- A INITIAL EMPLOYMENTS — ALL THE FORMS SPECIFIED IN NRC FORM 254 "PRIVACY ACT STATEMENT AND INSTRUCTIONS FOR COMPLETION OF SECURITY FORMS PACKET," PLUS STANDARD FORM (SF) 82, "REQUEST FOR PERSONNEL ACTION," AND SF 171, "PERSONNEL QUALIFICATIONS STATEMENT"
- B EXTENSIONS, RENEWALS OR MODIFICATIONS — SF 82, "REQUEST FOR PERSONNEL ACTION," AND SF 171, "PERSONNEL QUALIFICATIONS STATEMENT."

FORWARD THE REMAINDER OF THIS SET TO THE OFFICE OF THE GENERAL COUNSEL ALONG WITH TWO COPIES OF A COMPLETED NRC FORM 443 "CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS" (NOTE: Exercise caution in maintaining the confidentiality of information on pages 3 and 4 of the NRC Form 443)

A. REQUESTING OFFICE/DIVISION

1 NAME OF PROPOSED APPOINTMENT (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		7 CLEARANCE DATA
<input type="checkbox"/> NEW	<input type="checkbox"/> EXPERT	FROM	TO	not to exceed	<input type="checkbox"/> PER DIEM	<input type="checkbox"/> ACTIVE O OR L
<input type="checkbox"/> RENEWAL	<input type="checkbox"/> CONSULTANT	07/01/87	06/30/88			
<input type="checkbox"/> MODIFICATION	<input type="checkbox"/> MEMBER	ESTIMATED NUMBER OF DAYS		WOC	<input type="checkbox"/>	<input type="checkbox"/> INITIAL O OR L

8 DESCRIPTION OF SERVICES OR PROJECT TO BE COMPLETED

Provide brief, concise description of what will be done

9 JUSTIFICATION FOR PROPOSED PAY	10 EXPENSES TO BE REIMBURSED (If box is none, otherwise specify)
Refer to NRC Manual Chapter Appendix 4139, Part I.A.11	Travel as directed by NMSS Local travel as defined in NRC MC 4139 Misc expenses not to exceed \$1500.00 e.g., typing services, copying, graphics long distance telephone calls, postage.

11 CERTIFICATION: These services do not unnecessarily duplicate any previously performed work or services

SIGNATURE — REQUESTER	TITLE	DATE	ORGANIZATION (Office & Division Branch)
Enter name/title, etc. for appropriate Division Director			
SIGNATURE — APPROVING OFFICIAL (Office Director/Deputy Director cannot be redelegated)	TITLE	OFFICE	Robert M. Bernero Deputy Director, NMSS Material Sfty & Sfgds

B. FOR USE BY THE OFFICE OF THE GENERAL COUNSEL

INSTRUCTIONS: COMPLETE THIS PORTION OF THIS FORM, RETAIN THE GENERAL COUNSEL'S OFFICE COPY AND FORWARD THE REMAINDER OF THE SET TO THE STAFFING SECTION, STAFFING AND EVALUATION BRANCH, DIVISION OF ORGANIZATION AND PERSONNEL.

I have reviewed the NRC Form 443 "Confidential Statement of Employment and Financial Interests" 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.

SIGNATURE — COUNSELOR OR DEPUTY COUNSELOR	DATE
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C. FOR USE BY THE PERSONNEL OFFICE

INSTRUCTIONS: FOR ALL REQUESTS, COMPLETE THIS PORTION OF THIS FORM, SECURE A VERBAL FUNDS APPROVAL, FORWARD THE "FISCAL SECTION" COPY TO THE FISCAL SECTION ADM AND RETAIN THE "OFFICIAL PERSONNEL FOLDER" COPY.

1 POSITION NUMBER			2 SPECIAL GOVERNMENT EMPLOYEE		3 ACTION			4 EFFECTIVE DATE	
ORG	YEAR	SEQUENCE	YES	NO	<input type="checkbox"/> ADD	<input type="checkbox"/> CHANGE	<input type="checkbox"/> DELETE		
5 SIGNATURE — STAFFING SPECIALIST					TITLE			DATE	
6 FUNDS BY SYSTEM TO COVER COSTS (Sponsor)					TITLE				

- b. Members of the Advisory Committee on Reactor Safeguards are appointed to terms of four years each. Part-time members of the ASLBP and the ASLAP are reappointed annually. NOTE: The employment limitation of 130 days per year, which normally applies to consultants and members, does not apply to members of the ACRS because of the statutory basis for their appointments.
- c. Members of other advisory groups are reappointed annually in accordance with 9.a., above.

10. Qualifications of Consultants and Members.

- a. To qualify for employment as a consultant or member, an individual shall have demonstrated by his or her experience, training, or other evidence of mastery of his or her field, such as writings, inventions, or professional recognition, that the individual has specialized knowledge and skills needed by the Nuclear Regulatory Commission not ordinarily obtained through normal recruitment channels or that the individual is otherwise eminently qualified for the specific assignment.
- b. Generally, a consultant or member shall be a recognized authority in the particular field in which the individual is employed. However, he or she need not be a specialist. The qualifications may consist of possession of broad administrative, professional, or technical experience of a high order which indicates that the individual's ability and knowledge will render his or her services of distinctive value to the NRC.
- c. A consultant used in an "expert" capacity to perform specialized tasks shall be a person of excellent qualifications and a high degree of attainment in a professional, scientific, technical, administrative, or other field. The individual's knowledge and mastery of the principles, practices, problems, methodology, and techniques of the field of activity, or of an area of specialization within the field, must be clearly superior to that possessed by persons of ordinary competence in the activity. The attainment must be such that usually the individual will be regarded as an authority or as a practitioner of unusual competence and skill by other persons engaged in the profession, occupation or activity.

11. Pay Rates.

Rates of pay will be set in recognition of the level of duties to be performed, the individual's qualifications, and the rates paid for such services by other sources. Members of the same committee or group should receive comparable rates. Direct compensation will not exceed the maximum rate payable for GS-18.

Cost-of-living increases for full-time, career employees will not be the basis for increasing consultant pay rates. Generally, increases

UTILIZATION OF CONSULTANTS AND MEMBERS

for consultants should only be made when appointments are considered for renewal. However, under special circumstances, increases in the pay rates may be negotiated at other times up to the maximum specified above. This will be accomplished by Office Directors recommending that appointments be amended as shown in B., below.

Examples of special circumstances are:

- a. Demonstration of competence in present NRC consulting assignments which lead to increased value of the consultant's services to the NRC.
- b. Where the individual can demonstrate that his or her services have been compensated at a higher rate in other consultancies or in full-time employment in private industry.
- c. Members who are appointed for terms in excess of one year.

A consultant or member who so volunteers may serve without compensation, but still be reimbursed for travel and other necessary duty-related expenses.

## 12. Hours of Duty.

Consultants and members usually serve intermittently for short periods. In such cases it is sufficient to notify the appointee when to report and the approximate period of expected service. In those special cases, however, where it is known that full or regular part-time services will be needed during each administrative workweek, for a period in excess of one month, a regularly scheduled tour of duty will be established for the individual, as provided in Chapter 4136.

## B. EMPLOYMENT AND ADMINISTRATIVE PROCEDURES

### 1. Lead Time Requirements.

Advance planning and adequate lead time are highly important since appointees may not report for duty or receive any pay or reimbursements until security clearance, conflict of interest determination, and other appointment processes are completed. These steps are time consuming since coordinated action is required among various organizations, and it normally takes about 65 days to secure the full field investigation needed for security clearance for a sensitive position, and about 60 days for the checks required for a non-sensitive position. Accordingly, operating officials should allow at least ten weeks from the date employment papers are received (2.b., below) until the desired date of entrance on duty.

Lead time requirements are less demanding for renewal of appointments since new security investigations are not required if there has been no significant break in service. To assure continuity of

UTILIZATION OF CONSULTANTS AND MEMBERS

such cases, the individual will be paid a prorated amount of the daily rate. Time of service shall be recorded to the nearest hour.

- d. Time spent in authorized travel will be regarded as time in duty status as if it were work under the same circumstances as in a., b., or c., above, except that if travel begins after 5:00 p.m. on one day and ends before 8:00 a.m. the next day (local time in the travel zone) and the consultant or member does not perform actual work during these hours, no claim for services may be made. However, if the individual actually performs work while in travel during these hours, he or she may be paid a prorated amount.

2. Deductions from Pay.

- a. Income taxes will be withheld as required by Federal or other law.
- b. Deductions will be made for FICA (Social Security) unless the person is a civil service annuitant or is otherwise covered by the Civil Service Retirement Act (see 4.a., below).
- c. An appointee who is a civil service annuitant will have deducted an amount equal to the Federal annuity allocable to the period for which pay is made.
- d. Consultants and members are normally excluded from coverage under the Civil Service Retirement Act, as amended, the Federal Employee Health Benefits Act of 1959, and the Federal Employees Life Insurance Act of 1954. (See 4.a. for exceptions.) However, when eligible by virtue of prior service, consultants may retain continuity of coverage under Federal Health program by direct payments. (See FPM Supplements 831-1, 870-1 and 890-1, and 4., below.)

3. Travel Expenses

Travel expenses are paid in accordance with Chapter NRC 1501, "Official Travel."

- a. Local travel expenses, within the area where the appointee normally resides and works, may be claimed on SF 1164 and paid. However, travel expenses and per diem for personal local commuting travel to report to the work place and to return to the home or regular place of business may not be paid (28 Comp. Gen. 192).
- b. Consultants and members employed on an intermittent basis may be allowed travel or transportation expenses while away from their homes or regular places of business and serving with NRC (5 U.S.C. 5703).

- c. Consultants and members serving under regularly scheduled tours of duty may not be paid travel expenses or per diem for service at the assigned NRC regular duty station (36 Comp. Gen. 351).
- d. All consultants and members (both intermittent and regularly scheduled) are entitled to travel and transportation expenses when traveling away from their regular NRC duty station on official business (see Chapter and Appendix 1501, "Official Travel").

4. Fringe Benefits and Miscellaneous Expenses.

a. Civil Service Retirement.

Normally, consultants and members are excluded from coverage under the Federal Retirement System due to temporary or intermittent employment. However, persons who were covered by the Federal Civil Service Retirement Act and who are employed by NRC as consultants or members without a break in service, continue their coverage and deductions under the Civil Service Retirement System. Civil Service annuitants who are employed as consultants and members are covered by the Retirement Act even though no deductions are made from their pay, since they may be eligible for a supplemental annuity after one year of continuous full-time service.

b. Social Security.

Employees not covered by the Federal Retirement System are subject to the Federal Insurance Contributions Act. All consultants and members are subject to FICA unless they are reemployed annuitants or were hired without a break in service after previous retirement coverage.

c. Annual and Sick Leave.

The only NRC consultants or members who can earn leave are those who receive temporary appointments and have a regular tour of duty. Therefore, individuals who are employed on an intermittent basis are excluded from Federal leave earning categories.

d. Health Benefits and Life Insurance.

Consultants and members are excluded from Federal Health Benefits and Group Life Insurance programs by reason of temporary or intermittent employment; however, persons who previously had such coverage and are employed by NRC without a break in service retain their coverage (see FPM Supplements 870-1 and 890-1).

e. Death or Disability Compensation.

Consultants and members who sustain injuries while in the performance of assigned duties are entitled to compensation under the Employees Compensation Act (see FPM Chapter 810). In case of injury resulting in death, the estate is entitled to compensation.

f. Awards.

Consultants and members (excluding members who conduct adjudicatory hearings) are covered by NRC's recognition and awards program. They may thus receive an award upon satisfaction of the criteria in NRC 4154, "Incentive Awards."

g. Miscellaneous Expenses.

To the extent authorized or approved, consultants and members may be reimbursed for direct out-of-pocket expenses associated with their assignments. This covers such items as postage, long distance calls, telegrams and typing, stenographic, or reproduction services where Government facilities could not feasibly be used. (See Appendix 4139, Part I.E.5.)

D. CONFLICT OF INTEREST

1. General.

The provisions concerning conflict of interest in Chapter and Appendix 4124 apply to consultants and members in their capacity as "Regular Government Employees" or "Special Government Employees." These provisions derive from Executive Order 11222, as amended, and the regulations of the Office of Personnel Management.

2. Status as "Special Government Employee."

Less stringent conflict of interest restrictions are placed on Government employees designated as "Special Government Employees" than those placed on "Regular Government Employees."

3. Determination of Regular or Special Government Employee.

In order to determine whether a consultant or member should be regarded as a "Special" or "Regular" Government Employee, it is necessary to estimate, at the time of each appointment, the number of days during the following 365 on which the NRC will require the services of the appointee. A part of a day shall be counted as a full day for this estimate and a Saturday, Sunday, or holiday on which duty is to be performed shall be counted as a regular work day. If it is estimated that the consultant or member will serve the NRC, or the NRC and one or more Government agencies, no more than 130 days during the following 365 days, the appointee is designated as a "Special Government Employee." If the estimate