U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

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To:	NRC Management Directives Custodians
Subject:	Transmittal of Directive 7.5, "Ethics Counseling and Training"
Purpose:	Directive and Handbook 7.5 are being revised to conform with the recent amendment to the Governmentwide ethics training regulations, Office of Government Ethics, effective June 10, 1997.
Office and Division of Origin:	Office of the General Counsel for Administration
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Directive:	7.5 Ethics Counseling and Training
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Ethics Counseling and Training

Directive 7.5

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Ethics Counseling and Training
Directive 7.5

Policy
(7.5-01)

It is the policy of the U.S. Nuclear Regulatory Commission that its employees maintain the highest standards of ethical conduct. To achieve this objective, employees will be informed of legal requirements and counseled on their application and receive appropriate training in compliance with the regulations promulgated by the Office of Government Ethics (OGE).

Objectives
(7.5-02)

- Inform employees of the availability of ethics counseling. (021)
- Describe the elements of the NRC ethics training program. (022)
- Describe procedures for annually developing a written plan for NRC ethics training for the next calendar year. (023)
- Describe procedures for identifying those employees who require ethics training and for tracking attendance of the trainees. (024)

Organizational Responsibilities and Delegations of Authority
(7.5-03)

General Counsel
(031)

- Serves as the NRC's Designated Agency Ethics Official (DAEO) and counselor with overall administrative responsibility for the agency's ethics program. (a)

- As the DAEO, designates attorneys in the Office of the General Counsel (OGC) as deputy counselors. (b)

Assistant General Counsel for Legal Counsel, Legislation, and Special Projects
(032)

Serves as the alternate DAEO.

Deputy Counselors
(033)

- Respond to requests from agency employees and former employees for interpretations of conflict of interest statutes and regulations. The deputy counselors are employed by the Division of Legal Counsel, Legislation, and Special Projects, Office of the General Counsel. (a)

- Provide ethics training to headquarters employees. (b)

Regional Counsel
(034)

- Provide ethics advice to regional employees under the direction of deputy counselors. (a)

- Provide ethics training to regional employees. (b)

Organizational Responsibilities and Delegations of Authority
(7.5-03) (continued)

Director, Office of Human Resources (HR)
(035)

In consultation with the General Counsel, coordinates ethics training for employees and maintains records of employees receiving annual oral briefings.

Office Directors and Regional Administrators
(036)

Designate positions of employees in grades GG-15 or below who have responsibilities that make it desirable for the incumbent to receive annual oral ethics briefings.

Applicability
(7.5-04)

The guidance in this directive and handbook applies to all NRC employees.

Definitions
(7.5-05)

Employee. An NRC employee, a special Government employee (unless otherwise indicated), or an employee of another Government agency assigned or detailed to the NRC for more than 30 days.

Former Employee. A former NRC employee as defined in "Employee" of this section or a former special Government employee as defined in "Special Government Employee" of this section.

Definitions
(7.5-05) (continued)

Special Government Employee. An NRC employee who is retained, designated, appointed, or employed to perform, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. The term includes NRC consultants, experts, and members of advisory boards, but does not include a member of the uniformed services.

Handbook
(7.5-06)

Handbook 7.5 contains procedures for providing ethics counseling and training.

References
(7.5-07)

Bribery, Graft, and Conflicts of Interest (18 U.S.C. Chapter 11).

Code of Federal Regulations—

5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch."

5 CFR Part 2637, "Regulations Concerning Post Employment Conflict of Interest."

5 CFR Part 2638, "Office of Government Ethics and Executive Agency Ethics Program Responsibilities."

5 CFR Part 2640, "Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest.)"

References

(7.5-07) (continued)

5 CFR Part 5801, "Supplemental Standards of Ethical Conduct for Employees of the Nuclear Regulatory Commission."

Ethics in Government Act of 1978, as amended (5 U.S.C. App., Section 101 et seq.).

Executive Order 12674, "Principles of Ethical Conduct for Government Officials and Employees," April 12, 1989, as modified by Executive Order 12731, "Principles of Ethical Conduct for Government Officers and Employees," October 17, 1990.

Ethics Counseling and Training

Handbook 7.5

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Ethics Counseling and Training

Introduction (A)

Ethics Counseling (1)

Regulations issued by the Office of Government Ethics (OGE) require that the Designated Agency Ethics Official provide counseling to employees on ethics and standards of conduct matters.

Ethics Training (2)

Other OGE regulations require NRC to conduct a program of ethics training designed to ensure that all employees are aware of the Federal conflict of interest statutes, the principles of ethical conduct, the standards of conduct regulations for Executive Branch employees, NRC supplemental employee standards of conduct regulations, and how employees can contact agency officials when they need advice on ethical issues. (a)

The OGE training regulations require that the NRC provide an initial ethics orientation for all new employees and a periodic verbal ethics briefing of at least 1 hour for all employees who are required to submit financial disclosure reports (according to Management Directive [MD] 7.6, "Public and Confidential Financial Disclosure Reports") and other employees for whom this training is desirable in view of their particular official duties. (b)

The NRC also will provide all employees terminating service with a copy of post-employment regulations. The agency will conduct comprehensive briefings on the ethics laws and regulations for new employees and will periodically provide employees with pertinent written materials on ethics requirements and developments. (c)

Ethics Counseling (B)

Employees are encouraged to seek counseling from a deputy counselor or regional counsel, as appropriate, whenever a question arises concerning the applicability or interpretation of an ethics statute or regulation. With the exception of routine inquiries, deputy counselors and regional counsel will prepare written documentation summarizing ethics advice provided to an employee. If requested by the deputy counselor or regional counsel, employees seeking ethics counseling will set forth in writing the pertinent facts regarding their inquiry.

Annual Briefings (C)

Verbal Briefings (1)

Verbal ethics briefings shall last at least 1 hour and shall be provided either in person or by telecommunications, computer-based methods, or recorded means. (a)

Employees, except for special Government employees, required to file an “Executive Branch Personnel Public Financial Disclosure Report” (Standard Form 278) are required to receive verbal ethical briefings annually. (b)

Employees, except for special Government employees, required to file a “Confidential Financial Disclosure Report” (OGE Form 450) are required to receive verbal ethics briefings at least once every 3 years. (c)

An office director or regional administrator may require other professional employees to receive a verbal ethics briefing when it is determined that this briefing is desirable because of the employee's involvement in any of the following: (d)

- Contracting or procurement (i)

Annual Briefings (C) (continued)

Verbal Briefings (1) (continued)

- Administering or monitoring grants, subsidies, licenses, or other NRC-conferred financial or operations benefits (ii)
- Regulating, auditing, or investigating any non-Federal entity (iii)
- Enforcing any NRC action (iv)
- Providing legal services (v)
- Other activities affecting the financial interests of any non-Federal entity (vi)

An office director or regional administrator may require that other employees receive a verbal briefing when it is determined that this training is desirable in view of the employee's official duties. (e)

Written Ethics Briefings (2)

Employees who are required to file a “Confidential Financial Disclosure Report” (OGE Form 450) and other employees designated by their office director or regional administrator will receive ethics training during each year when they are not required to receive a verbal ethics briefing through written ethics briefing materials prepared by OGC. These employees will be given sufficient official duty time to review these materials.

Training Plan (3)

OGC shall annually develop, after consultation with the Inspector General and the Director of Human Resources (HR), a written plan for the agency's ethics training. This plan will be completed by the beginning of the calendar year covered by the plan and will conform to the requirements set forth in OGE regulations.

Annual Briefings (C) (continued)

Tracking Attendance (4)

In consultation with HR, OGC will determine the dates for and schedule verbal ethics briefings. OGC will request office directors to identify the employees required to attend this briefing. HR will track attendance at each session and provide attendance information to OGC, which will work with office directors to ensure compliance by all employees required to attend the ethics briefing. (a)

In consultation with regional HR personnel, each regional counsel will determine the dates for and schedule verbal ethics briefings for the respective region. HR will track attendance at each session and provide attendance information to OGC and the regional counsel, who will work with the regional administrator to ensure compliance by all employees in that region required to attend the ethics briefing. (b)

Ethics Briefings (D)

OGC deputy counselors will conduct all headquarters ethics briefings and will prepare written ethics briefing materials. Regional counsel will conduct ethics briefings in their respective regions. OGC will provide regional counsel with the briefing materials and will assist regional counsel, as necessary. OGC will consult with the Office of the Inspector General and the Office of the Executive Director for Operations for input into the briefings.

Orientation for New Entrants (E)

At orientation, HR will give each new employee a copy of the OGE booklet, “Standards of Ethical Conduct for Employees of the Executive Branch” (which includes Part I of Executive Order 12674 and 5 CFR 2635); the NRC supplemental standards of conduct regulations; the OGE regulations exempting certain financial

Orientation for New Entrants (E) (continued)

interests from 18 U.S.C. 208(a) (5 CFR Part 2640); and the name, titles, addresses, and telephone numbers of NRC deputy ethics counselors. New employees will certify that they received the booklet. HR will remind new employees that they are subject to OGE and NRC conduct regulations and are allowed official time to read the booklet. (1)

New employees who are subject to the verbal ethics briefing requirement, as well as employees promoted to positions covered by the requirement, will attend a briefing on major ethics rules within a reasonable time after becoming subject to the regulation. (2)

Exit Interview (F)

HR will give a copy of the OGE post-employment regulations to employees covered by these regulations when they leave the agency. HR will have terminating employees certify that they received these regulations.

Other Training (G)

OGC will provide all NRC employees with written materials on new ethics developments, as warranted, and will provide other verbal training on request.