

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

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| MD 7.5 | ETHICS COUNSELING AND TRAINING | DT-10-10 |
| <i>Volume 7</i> | Legal and Ethical Guidelines | |
| <i>Approved By:</i> | Gregory B. Jaczko Chairman | |
| <i>Date Approved:</i> | July 1, 2010 | |
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| <i>Issuing Office:</i> | Office of the General Counsel | |
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EXECUTIVE SUMMARY

So that NRC staff may adhere to the highest standards of ethical conduct, Directive and Directive Handbook 7.5 provide staff with the following—

- Information about the availability of ethics counseling.
- A description of the ethics training program.
- Procedures used to identify employees who require ethics training and track their compliance.

This revision does not change current NRC policy or procedures on employee ethics training and counseling. It mainly updates terms and procedures.

TABLE OF CONTENTS

| | |
|--|----------|
| I. POLICY..... | 2 |
| II. OBJECTIVES | 2 |
| III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY..... | 2 |
| A. General Counsel | 2 |
| B. Assistant General Counsel for Legal Counsel, Legislation, and Special Projects..... | 2 |
| C. Deputy Counselors | 2 |
| D. Regional Counsel | 3 |
| E. Director, Office of Human Resources (HR)..... | 3 |
| F. Office Directors and Regional Administrators | 3 |
| G. Inspector General (IG)..... | 3 |
| IV. APPLICABILITY | 3 |
| V. DEFINITIONS | 3 |

| | |
|--------------------------------------|----------|
| A. Employee | 3 |
| B. Former Employee | 3 |
| C. Special Government Employee | 3 |
| VI. HANDBOOK..... | 3 |
| VII. REFERENCES..... | 4 |

I. Policy

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).

II. Objectives

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

III. Organizational Responsibilities and Delegations of Authority

A. General Counsel

1. Serves as the NRC's Designated Agency Ethics Official (DAEO) and counselor with overall administrative responsibility for the agency's ethics program.
2. 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

Serves as the alternate DAEO.

C. Deputy Counselors

1. 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.
2. Develop ethics training and provide ethics training to headquarters employees.

D. Regional Counsel

1. Provide ethics advice to regional employees under the direction of deputy counselors.
2. Provide ethics training to regional employees.

E. Director, Office of Human Resources (HR)

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

F. Office Directors and Regional Administrators

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

G. Inspector General (IG)

Designates positions in the Office of the Inspector General (OIG) in grades GG-15 or below who have responsibilities that make it desirable for the incumbent to receive annual verbal ethics training.

IV. Applicability

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

V. Definitions**A. 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.

B. 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.

C. Special Government Employee

1. 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.
2. The term includes NRC consultants, experts, and members of advisory boards, but does not include a member of the uniformed services.

VI. Handbook

Handbook 7.5 contains procedures for providing ethics counseling and training.

VII. References***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)."

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

United States Code

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

"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.

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

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TABLE OF CONTENTS

| | |
|---|----------|
| I. ETHICS COUNSELING AND TRAINING..... | 2 |
| A. Introduction | 2 |
| B. Ethics Counseling..... | 2 |
| C. Annual Training | 2 |
| D. Ethics Training for New Employees | 4 |
| E. Post-Employment Materials..... | 4 |
| F. Other Training | 4 |

I. Ethics Counseling and Training

A. Introduction

1. Ethics Counseling

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.

2. Ethics Training

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

B. Ethics Counseling

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.

C. Annual Training

1. Verbal Training

- (a) Verbal ethics training shall last at least 1 hour and may be provided through the following means:
 - (i) Oral in person briefings;
 - (ii) Telecommunications; or
 - (iii) Computer-based or recorded materials.

- (b) Except for special Government employees, employees required to file an "Executive Branch Personnel Public Financial Disclosure Report" (Standard Form 278) are required to receive verbal training annually.
 - (c) Except for special Government employees, employees required to file a "Confidential Financial Disclosure Report" (OGE Form 450 or 450-A) are required to receive verbal training at least once every 3 years.
 - (d) An office director or regional administrator may require other professional employees to receive verbal ethics training when it is determined that this training is desirable because of the employee's involvement in any of the following:
 - (i) Contracting or procurement
 - (ii) Administering or monitoring grants, subsidies, licenses, or other NRC-conferred financial or operations benefits
 - (iii) Regulating, auditing, or investigating any non-Federal entity
 - (iv) Enforcing any NRC action
 - (v) Providing legal services
 - (vi) Other activities affecting the financial interests of any non-Federal entity
 - (e) An office director or regional administrator may require that other employees receive verbal training when it is determined that this training is desirable in view of the employee's official duties.
2. Written Ethics Training
- Employees, including special Government employees, who are not required to file a "Public Financial Disclosure Report" (Standard Form 278) will receive ethics training annually through written materials prepared by OGC in the years they are not required to receive verbal training. These employees will be given sufficient official duty time to review these materials.
3. Training Plan
- OGC shall annually develop, after consultation with the Inspector General and other appropriate offices, 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.
4. Tracking Attendance
- OGC will determine the dates for verbal ethics training and will request office directors and regional administrators to identify the employees required to receive this training. HR will track completion of the training and provide this information to OGC, which will work with office directors and regional administrators to ensure compliance by all employees required to attend the training.
5. Development and Provision of Verbal Training
- (a) OGC deputy counselors will develop the annual ethics training. They will provide the training to employees in Headquarters.

- (b) Regional Counsels will provide the annual verbal ethics training to employees in their respective regions. OGC will assist the Regional Counsels with their training upon request.

D. Ethics Training for New Employees

1. 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 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.
2. HR will remind new employees that they are subject to OGE and NRC conduct regulations and are allowed official time to read the booklet.
3. New employees who are subject to the verbal ethics training requirement, as well as employees promoted to positions covered by the requirement, will receive an overview of the major ethics rules within a reasonable time after becoming subject to the regulation. Other new employees are encouraged to attend this overview or take an online ethics training program.

E. Post-Employment Materials

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

F. Other Training

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