

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

MD 7.5	ETHICS COUNSELING AND TRAINING	DT-17-149
<i>Volume 7</i>	Legal and Ethical Guidelines	
<i>Approved By:</i>	Stephen G. Burns, Chairman	
<i>Date Approved:</i>	June 27, 2016	
<i>Cert. Date:</i>	N/A, for the latest version of any NRC directive or handbook, see the online MD Catalog .	
<i>Issuing Office:</i>	Office of the General Counsel	
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EXECUTIVE SUMMARY		
<p>Management Directive 7.5, “Ethics Counseling and Training,” provides employees with information about the availability of ethics counseling, description of the ethics training program, and procedures used to identify employees who must receive ethics training and track their training attendance. This revision clarifies current NRC policy or procedures on employee ethics training and counseling.</p>		

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I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission to ensure 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. Employees also will 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 are required to receive ethics training and for tracking attendance of the trainees.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. General Counsel (GC)

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 employees in the Office of the General Counsel (OGC) and regional counsel as deputy ethics counselors.

B. Assistant General Counsel for Legal Counsel, Legislation, and Special Projects

Serves as the alternate DAEO.

C. Deputy Ethics Counselors (Headquarters) (Division of Legal Counsel, Legislation, and Special Projects, OGC)

1. Respond to requests from agency employees and former employees for interpretations of ethics statutes and regulations, including conflict of interest rules.
2. Develop ethics training and provide ethics training to agency employees.

D. Deputy Ethics Counselors (Regional Counsels)

1. Provide ethics advice to regional employees, in coordination with headquarters deputy ethics counselors.
2. Provide ethics training to regional employees upon request.

E. Chief Human Capital Officer (CHCO)

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

F. Office Directors and Regional Administrators

Designate positions of employees in grades GG-15 or below, not otherwise required to receive annual ethics training, who have responsibilities or official duties that make it desirable to receive annual ethics training.

G. Inspector General (IG)

Designates positions in the Office of the Inspector General (OIG) in grades GG-15 or below, not otherwise required to receive annual ethics training, who have responsibilities or official duties that make it desirable to receive annual ethics training.

IV. APPLICABILITY

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

V. DEFINITIONS**Employee**

Any NRC employee, special Government employee (unless otherwise indicated), or 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.

Special Government Employee

An NRC employee who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, not to exceed 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis. The term includes NRC consultants, experts, and members of advisory committees.

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 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 2641, "Post-Employment Conflict of Interest Restrictions."

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

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

Nuclear Regulatory Commission

Ethics Web Site:

<http://drupal.nrc.gov/ogc/nrc-ethics>.

iLearn Web Site:

<https://ilearnnrc.plateau.com/plateau/user/login.jsp>.

Management Directive 7.6, "Public and Confidential Financial Disclosure Reports."

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.).

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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) OGE regulations require the NRC to establish 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 for Executive Branch employees, NRC supplemental ethics regulations, and how employees can contact agency officials when they need advice on ethics issues.
- (b) OGE regulations require that the NRC provide an initial ethics orientation for all new employees. The NRC will provide ethics materials and training to new employees and periodically will provide all employees with pertinent written materials on new ethics requirements and developments.
- (c) OGE regulations require that the NRC provide annual ethics training for all employees who are required to submit financial disclosure reports (Management Directive 7.6, "Public and Confidential Financial Disclosure Reports," provides criteria for identifying these employees) and any additional employees designated to receive this training based on their official duties.
- (d) The NRC also will provide all employees terminating service with a copy of the post-employment ethics regulations and related materials.

B. Ethics Counseling

The NRC encourages employees to seek counseling from an ethics counselor whenever a question arises concerning the applicability or interpretation of an ethics statute or regulation. A list of ethics counselors is available on the internal NRC Ethics Web site at <http://drupal.nrc.gov/ogc/nrc-ethics>. With the exception of routine inquiries, ethics counselors will prepare written documentation summarizing ethics advice provided to an employee. If requested by the ethics counselor, an employee seeking ethics counseling may need to set forth in writing the pertinent facts regarding his or her inquiry.

C. Ethics Training

1. Ethics Training for New Employees

- (a) At orientation, the Office of the Chief Human Capital Officer (OCHCO) will give all new employees a copy of summaries of the standards in 5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," Part I of Executive Order 12674, and the NRC supplemental standards-of-conduct regulations, and the name, titles, addresses, and telephone numbers of NRC deputy ethics counselors. OCHCO will remind all new employees that they are subject to OGE and NRC ethics regulations and are allowed 1 hour of official time to read these materials.
- (b) New employees, as well as employees promoted to positions covered by the annual verbal ethics training requirement, will be assigned computer-based verbal ethics training (e.g., iLearn), to be completed within 90 days. Newly hired special Government employees who do not have access to the NRC network may receive written ethics training prepared by OGC in lieu of this computer-based verbal training.

2. Annual Training

(a) Public Financial Disclosure Filers

As required by OGE regulations, all NRC employees (including special Government employees) required to file a public financial disclosure report (OGE Form 278e) will receive verbal ethics training annually.

(b) Confidential Financial Disclosure Filers

OGE regulations require that all NRC employees required to file a confidential financial disclosure report (OGE Form 450 or 450-A) must receive ethics training annually, including verbal ethics training at least once every 3 years. As a matter of NRC policy and to track completion of the annual training requirement, the NRC will provide verbal ethics training to these employees annually.

(c) Additional Employees

An office director or regional administrator may require that any other employee in his or her office or region receive verbal ethics training when it is determined that this training is desirable in view of the employee's official duties or 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; or
- (vi) Other activities affecting the financial interests of any non-Federal entity.

(d) Verbal Ethics Training

As used in this section, all “verbal ethics training” will last at least 1 hour and may be provided by means of an oral in-person presentation, telecommunications, computer-based training, or recorded video materials, as appropriate.

(e) Written Ethics Training

Special Government employees who are not required to file a public financial disclosure report (OGE Form 278e) and do not have access to the NRC network will receive written ethics training prepared by OGC at the time of their reappointment or redesignation. These written materials will be provided by OGC directly, or by OCHCO, depending on the circumstances. These employees will be given sufficient official duty time to review these materials.

(f) Training Plan

OGC will annually develop, after consultation with the Inspector General, 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.

(g) Tracking Attendance

OGC will determine the dates for verbal ethics training and will inform the employees required to receive this training. OCHCO 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.

(h) Development and Provision of Annual Verbal Training

OGC deputy ethics counselors will develop and provide the annual verbal ethics training, at headquarters, required of employees who file OGE Form 278e. This training will also be recorded and webcast to regional employees and made available for viewing in iLearn. OGC deputy ethics counselors will also select or prepare the verbal training modules for employees who file OGE Form 450.

D. Post-Employment Materials

OCHCO will give a copy of the OGE post-employment regulations and related materials to all employees when they leave the agency. OCHCO will have terminating employees certify that they received these materials. Former employees may contact deputy ethics counselors regarding questions or interpretations of post-employment ethics statutes and regulations.

E. 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.