

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

**MD 7.6 PUBLIC AND CONFIDENTIAL FINANCIAL DT-17-150  
DISCLOSURE REPORTS**

<i>Volume 7:</i>	Legal and Ethical Guidelines
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**EXECUTIVE SUMMARY**

Management Directive and Handbook 7.6 are being revised to reflect editorial changes, update procedures for the identification and notification of public and confidential financial disclosure filers, and update procedures for the distribution, collection, and review of financial disclosure reports. This revision removes Exhibit 1, "NRC Positions That Meet Filing Criteria," from Handbook 7.6. The Office of the General Counsel will publish, as an official agency record in ADAMS and on the NRC Ethics Web site, the list of NRC positions that meet the filing requirement. This revision also updates Handbook 7.6 to include additional notification and reporting requirements for public financial disclosure filers mandated by the Stop Trading on Congressional Knowledge (STOCK) Act of 2012.

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For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

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## **I. POLICY**

It is the policy of the U.S. Nuclear Regulatory Commission to inform employees of the laws and regulations governing financial disclosure requirements, prevent potential conflicts of interest, and resolve actual conflicts of interest.

## **II. OBJECTIVES**

- Assist individuals who are required to file financial disclosure reports in complying with the filing requirements.
- Describe the NRC procedures for identifying filers and for distributing, collecting, reviewing, and maintaining custody of financial disclosure reports.
- Describe the NRC procedures for instances when remedial, administrative, or disciplinary actions are necessary because of conflicts of interest.

## **III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY**

### **A. General Counsel (GC)**

1. Serves as the NRC Designated Agency Ethics Official (DAEO) and counselor with overall administrative responsibility for the agency’s ethics program.
2. Ensures compliance with the financial disclosure requirements contained in the Ethics in Government Act of 1978, as amended, and the Office of Government Ethics (OGE) regulations contained in Title 5 of the *Code of Federal Regulations* (CFR) Part 2634, “Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture.”

3. After consultation with the appropriate office director or regional administrator, and obtaining any required Executive Director for Operations (EDO) approval, updates and republishes, as needed, the list of positions subject to the financial disclosure requirements as an official agency record in the Agencywide Documents Access and Management System (ADAMS) and on the NRC Ethics Web site at <http://drupal.nrc.gov/ogc/nrc-ethics>, and may add or delete positions on that list based on a determination whether the position meets the filing requirements specified in OGE regulations.
4. Designates an Alternate DAEO, Office of the General Counsel (OGC) attorneys, and Ethics staff in the Division of Legal Counsel, Legislation, and Special Projects, and Regional Counsel in each NRC regional office, as deputy ethics counselors authorized to review financial disclosure forms and provide advice on ethics laws and regulations and related matters.
5. Makes referrals to the Inspector General of allegations of violations regarding compliance with the financial disclosure requirements or potential conflicts of interest.

#### **B. Inspector General (IG)**

1. Investigates allegations of failure to comply with laws or regulations on financial disclosure and makes appropriate referrals for action.
2. Ensures that employees of the Office of the Inspector General (OIG) who are required to file a public financial disclosure report are correctly identified in the agency's electronic personnel system. These employees should submit OGE Form 278e, "Executive Branch Personnel Public Financial Disclosure Report."
3. Identifies positions within the OIG requiring new entrants, incumbents, or employees terminating service to file an OGE Form 278e and provides information on all new entrants and terminating employees to OGC.
4. Ensures that OIG employees who are required to file a confidential financial disclosure report are correctly identified in the agency's electronic personnel system. These employees should submit OGE Form 450, "Executive Branch Confidential Financial Disclosure Report."
5. Identifies positions requiring new entrants and incumbents to file an OGE Form 450, and provides information on all new entrants to OGC.
6. Identifies and promptly informs OGC of employees within the OIG who are on temporary assignment for more than 60 days in a calendar year to a position subject to the public or confidential financial reporting requirement. (See Section I.C.2 of Handbook 7.6.)

**C. Executive Director for Operations (EDO)**

Approves recommendations from office directors reporting to the EDO and from regional administrators, after consultation with OGC, for changes to the list of positions subject to the financial disclosure requirements.

**D. Chief Financial Officer (CFO)**

Collects necessary fee for late filing of a public financial disclosure report.

**E. Directors, Offices Reporting to the EDO and Regional Administrators**

1. Provide the EDO with recommendations of positions at the level of GG-15 or below in their respective offices or regions that should be subject to the confidential financial reporting requirement.
2. Identify and promptly inform OGC of employees in their respective offices or regions who are on temporary assignment for more than 60 days in a calendar year to a position subject to the public or confidential financial reporting requirement. (See Section I.C.2 of Handbook 7.6.)

**F. Directors, Offices Reporting Directly to the Commission**

1. Identify and inform OGC of the positions at the level of GG-15 or below in their respective office that should be subject to the confidential financial reporting requirement.
2. Identify and promptly inform OGC of employees in their respective offices who are on temporary assignment to a position subject to the public or confidential financial reporting requirement. (See Section I.C.2 of Handbook 7.6.)

**G. Chief Human Capital Officer (CHCO)**

1. Ensures that NRC employees, except those within the OIG, who are required to file a public financial disclosure report are correctly identified in the agency's electronic personnel system. These employees should submit OGE Form 278e.
2. Identifies positions requiring new entrants, incumbents, or employees terminating service to file an OGE Form 278e and provides new entrants and terminating employees with instructions on how to file the form.
3. Ensures that NRC employees, except those within the OIG, who are required to file a confidential financial disclosure report are correctly identified in the agency's electronic personnel system. These employees should submit OGE Form 450.
4. Identifies positions requiring new entrants and incumbents to file an OGE Form 450, and provides new entrants with instructions on how to file the form.

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

1. Review and certify financial disclosure reports as authorized by the General Counsel.
2. Determine whether the financial interests disclosed in the reports present potential or actual conflicts of interest.
3. Inform employees and their supervisors of any potential concerns regarding ethical matters that appear on their financial disclosure report and assist employees in resolving these concerns.

**I. Deputy Ethics Counselors (Regional Counsels)**

Advise employees in their respective regions on matters relating to financial disclosure, in consultation with and under the direction of headquarters deputy ethics counselors.

**IV. APPLICABILITY**

This directive and handbook apply to all NRC employees and special Government employees who are required to file financial disclosure reports.

**V. CONFLICT OF INTEREST**

All employees, even those who are not required to file a financial disclosure report, are subject to the laws and regulations on employee conduct, such as the Governmentwide standards of conduct regulations (5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch"), the criminal conflict-of-interest laws, and the NRC supplemental ethics regulations. Employees should consult a deputy ethics counselor on any question relating to the ethics laws or regulations. In the event that an employee's participation in an NRC matter could create a conflict of interest, or an appearance of a conflict of interest, the employees should refrain from participation and consult their supervisor or a deputy ethics counselor.

**A. Prohibited Financial Conflict of Interest**

All employees, including those who do not file financial disclosure reports, are prohibited by statute, "Acts Affecting a Personal Financial Interest," (18 U.S.C. 208) from participating personally and substantially in an official capacity in any NRC particular matter that could directly and predictably affect their financial interests, unless they receive a written waiver or the financial interest is exempt under 5 CFR Part 2640 as too remote or inconsequential. This prohibition extends to the financial interests of any of the following:

1. Their spouse or minor child;
2. Their general partner;

3. An organization in which the employee serves as an officer, a director, a trustee, a general partner, or an employee; or
4. An organization with which the employee is negotiating or has an arrangement for prospective employment.

#### **B. Appearance of Conflict of Interest**

All employees, including those who do not file financial disclosure reports, are required to consider whether their impartiality would be questioned whenever their involvement in a “particular matter involving specific parties” (including, but not limited to, a specific licensing or enforcement action, adjudication, evaluation, grant, contract, inspection, or investigation) might affect certain personal or business relationships. If a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interests of a member of the employee’s household, or if a person with whom the employee has a “covered relationship” is or represents a party to such matter, the employee must consider whether a reasonable person would question the employee’s impartiality in the matter. An employee is considered to have a covered relationship with the following:

1. Any person with whom the employee has or seeks a business, contractual, or other financial relationship;
2. Any person who is a member of the employee’s household or is a relative with whom the employee has a close personal relationship;
3. Any person for whom the employee’s spouse, parent, or dependent child serves or seeks to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee;
4. Any person for whom the employee has within the last year served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee; or
5. Any organization (other than a political party) in which the employee is an active participant.

#### **C. Waivers**

1. An employee who has a conflict of interest (or an appearance of a conflict of interest) arising from a financial interest must disqualify him or herself from participation in the NRC particular matter, unless—
  - (a) The employee’s financial interest is divested, or
  - (b) The employee obtains a written waiver authorizing his or her participation.

2. Waivers must be authorized by a designated official according to the policies and procedures in Management Directive 7.9, "Ethics Approvals and Waivers."

## VI. DEFINITIONS

### Employee

An NRC employee, a special Government employee, or an employee of another Government agency assigned or detailed to NRC for more than 30 days.

### 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.

### OGE Form 278e, "Executive Branch Personnel Public Financial Disclosure Report"

A form published by the Office of Government Ethics used by an employee required to file a public financial disclosure report. As used in this directive and handbook, the term includes any successor forms to the OGE Form 278e that may be mandated by OGE. All NRC employees who are required to file an OGE Form 278e must use the Integrity electronic filing system developed by OGE, which is accessible at <https://www.integrity.gov>.

### OGE Form 450, "Executive Branch Confidential Financial Disclosure Report"

A form published by the Office of Government Ethics used by an employee required to file a confidential financial disclosure report. As used in this directive and handbook, the term includes any successor forms to the OGE Form 450 that may be mandated by OGE. All NRC employees who are required to file an OGE Form 450 must use the NRC's electronic filing system, which is accessible on the NRC Ethics Web site at <http://drupal.nrc.gov/ogc/nrc-ethics>.

## VII. HANDBOOK

Handbook 7.6 provides guidance for determining which employees must file financial disclosure reports; procedures for filing, tracking, reviewing, amending, and maintaining custody of financial disclosure reports; and procedures for resolving conflicts of interests arising from information disclosed on the reports.

## VIII. REFERENCES

### ***Code of Federal Regulations***

5 CFR Part 2634, "Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture."

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

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

### ***NRC Documents***

NRC Management Directive 7.9, "Ethics Approvals and Waivers."

NRC Ethics Web Site:

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

### ***U.S. Office of Government Ethics***

U.S. Office of Government Ethics Web Site:

<http://www.oge.gov>.

Integrity Public Financial Disclosure Filing Web Site:

<https://www.integrity.gov>.

### ***United States Code***

Acts Affecting a Personal Financial Interest (18 U.S.C. 208).

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

Stop Trading on Congressional Knowledge (STOCK) Act of 2012, Pub. Law 112-105.



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

### **DH 7.6 PUBLIC AND CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS DT-17-150**

<i>Volume 7:</i>	Legal and Ethical Guidelines
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<i>Date Approved:</i>	January 15, 2016
<i>Cert. Date:</i>	N/A, for the latest version of any NRC directive or handbook, see the <a href="#">online MD Catalog</a> .
<i>Issuing Office:</i>	Office of the General Counsel
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## I. FILERS OF FINANCIAL DISCLOSURE REPORTS

### A. Identifying Employees Required to File Public Financial Disclosure Reports

1. The following NRC employees are in “covered positions” and must file an Office of Government Ethics (OGE) Form 278e, “Executive Branch Personnel Public Financial Disclosure Report,” provided they serve in these covered positions (or in combination with another covered position) for more than 60 days during a calendar year: NRC Commissioners, the Inspector General, Commissioner assistants (excluding those in administrative or support positions), members of the Senior Executive Service or Senior Level positions, full-time Administrative Judges, and special Government employees paid at a rate above GG-15.
2. The three categories of public report filers are new entrants, incumbents, and termination filers. The procedures for identifying filers follow.
  - (a) New Entrants

Except for special Government employees employed by the Advisory Committee on Reactor Safety (ACRS), the Atomic Safety and Licensing Board Panel (ASLBP), or

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the Office of the Inspector General (OIG), the Office of the Chief Human Capital Officer (OCHCO) identifies those employees who will assume a position that requires the filing of a public financial disclosure report and will inform the employee and the Office of the General Counsel (OGC) ethics team. All NRC offices, excluding OIG, will inform OCHCO and the OGC ethics team of their intent to employ a special Government employee paid at a rate above GG-15 for more than 60 days during a calendar year. The OIG will notify only the OGC ethics team of this action.

(b) Incumbents

OCHCO is responsible for identifying and tracking all OGE Form 278e filers, including special Government employees, except for those within OIG. All OGE Form 278e filers are designated in OCHCO's personnel system. OCHCO will maintain this information and provide updates to the OGC ethics team on a regular basis.

(c) Termination Filers

OCHCO will identify appropriate employees, except for those within OIG, who must file an OGE Form 278e within 30 days after terminating service, and notify those employees of the filing requirement. OCHCO will also inform the OGC ethics team of this action.

**B. Identifying Employees Required to File Confidential Financial Disclosure Reports**

1. Regular Employees

(a) All employees at the GG-15 level or below must file a confidential financial disclosure report (OGE Form 450, "Executive Branch Confidential Financial Disclosure Report," or 450-A, "Confidential Certificate of No New Interests (Executive Branch)"), if they participate personally and substantially, through decision or the exercise of significant judgment in—

- (i) Contracting or procurement;
- (ii) Administering or monitoring grants, subsidies, licenses, or other federally conferred financial or operational benefits;
- (iii) Regulating or auditing any non-Federal entity; or
- (iv) Other activities in which the final decision or action will have a direct and substantial economic effect on the interests of any non-Federal entity.

- (b) Employees who meet any of the criteria for filing a confidential financial disclosure report may be excluded from filing the report if there is a substantial degree of supervision or only a remote possibility of a real or apparent conflict of interest.
- (c) Office directors and regional administrators or their designees will determine which positions in their office or region meet the criteria for filing a confidential financial disclosure report and which of those positions should be excluded from the reporting requirement. The Executive Director for Operations (EDO) will review and approve these determinations for offices reporting to the EDO and the regions, after consultation with OGC. OGC annually will publish a list of employee positions that meet the criteria for filing a confidential financial disclosure as an official agency record and on the NRC Ethics Web site.

## 2. Special Government Employees

All special Government employees must file an OGE Form 450 if they are paid at the rate of GG-15 or below or are paid above the GG-15 rate but work 60 days or less during a calendar year. Special Government employees cannot file the alternative OGE Form 450-A.

## C. Financial Disclosure Requirements While on Temporary Assignments

### 1. Identification of Filers on Temporary Assignments

Office directors and regional administrators or their designees will identify employees in their respective offices or regions who are, or will be, on temporary assignment (e.g., rotations, details, or acting assignments) to positions subject to the public or confidential financial reporting requirements for more than 60 days total in a calendar year. Once identified, the office directors and regional administrators or their designees will notify the OGC ethics team of any employees in a position subject to the public or confidential financial reporting requirements.

### 2. Requirements

- (a) If, at the outset of a temporary assignment, it is reasonably anticipated that an employee will be performing the duties of a position subject to the public or confidential financial reporting requirements for more than 60 days in a calendar year, then that employee must file a new entrant confidential or public financial disclosure report within 30 days of starting those duties.
- (b) In the event that it is not originally anticipated, but an employee actually performs the duties of a position subject to the public or confidential financial reporting requirements for more than 60 days in a calendar year, then that employee must file a new entrant report within 15 days of the sixtieth day in that position.

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## II. ADMINISTRATION OF FINANCIAL DISCLOSURE REPORTS

### A. Accessing and Completing Reports

#### 1. New Entrants

##### (a) Public Financial Disclosure Reports

OCHCO will notify an employee, except for those within OIG, of the requirement to file a public financial disclosure report when they are hired, promoted, or converted to a position paid at a rate greater than GG-15, except for a special Government employee. OCHCO will provide the employee with instructions on where to file the public financial disclosure form. OCHCO also will notify the OGC ethics team of this action.

##### (b) Confidential Reports

OCHCO will notify an employee, except for those within OIG, of the requirement to file a confidential financial disclosure report when they are hired, promoted, or converted to a position included on the list of covered positions (published annually as an official agency record), except for a special Government employee. OCHCO will also provide the employee with instructions on where to file the confidential financial disclosure. OCHCO also will notify the OGC ethics team of this action.

##### (c) Special Government Employees

An office intending to employ a special Government employee will provide that individual with instructions on where to file OGE Form 278e or OGE Form 450, as appropriate (but not the alternative OGE Form 450-A), and will notify OCHCO and the OGC ethics team of this action.

#### 2. Annual Filers

##### (a) Public Reports

In the first quarter of each calendar year, the OGC ethics team will notify all employees and special Government employees required to file an annual public financial disclosure report of this filing requirement. The notification will include instructions for filing the form and obtaining assistance in completing the form, as well as the due date and information on applicable penalties for failure to complete the form on time.

(b) Confidential Reports (Regular Employees)

- (i) By September 15 of each year, the OGC ethics team will send office directors and regional administrators the following:
  - The names of employees in their respective offices who filed a confidential disclosure report during the previous year, and
  - The list of positions subject to the filing requirement.
- (ii) Office directors and regional administrators or their designees will update the list of positions subject to the reporting requirement and the corresponding list of employees in their respective office or region who are required to file this report, and will send the updated lists to the OGC ethics team by October 15 of each year.
- (iii) In early January, the OGC ethics team will inform each employee required to file an annual confidential disclosure report of the filing requirement. OGC will provide instructions on how to access and complete the report.

(c) Confidential Reports (Special Government Employees)

OCHCO or the office employing a special Government employee required to file a confidential financial disclosure report will direct that employee to file an OGE Form 450 annually or upon renewal for an additional year. The office will also notify OCHCO and the OGC ethics team of this action.

3. Termination Filers

- (a) OCHCO will notify employees, except for those within OIG, of the requirement to file a public financial disclosure report when they terminate a position paid at a rate greater than GG-15. OCHCO will provide the employee with instructions on where to file the public financial disclosure form. OCHCO also will notify the OGC ethics team of this action.
- (b) Note: An employee required to file a confidential financial disclosure report is not required to file a report when he or she terminates service.

**B. Filing Instructions**

1. Electronic Filing

All NRC employees who are required to file an OGE Form 278e must use the Integrity electronic filing system developed by OGE. All NRC employees who are required to file an OGE Form 450 must use the NRC internal Web-based filing system, with the limited exception of certain special Government employees who

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perform temporary duties and lack access to the NRC network during the filing period. These employees will be notified by OGC that they may file an OGE Form 450 in paper format.

2. New Entrants

- (a) An employee assuming a position that requires the filing of a public or a confidential financial disclosure report must file the appropriate form within 30 days after commencement of employment or the effective date of their promotion or conversion, or start of their temporary assignment, unless they have been granted an extension by an OGC deputy ethics counselor. Either OCHCO or OGC will provide instructions on how to access and complete the report.
- (b) A new employee required to file a confidential financial disclosure report must file the OGE Form 450 and may not file the alternative OGE Form 450-A.
- (c) All special Government employees are required to file a public or confidential financial disclosure report (and may not file the OGE Form 450-A) no later than 30 days after the date of their appointment, unless they have been granted an extension by an OGC deputy ethics counselor. However, it is NRC policy that special Government employees file their completed report before the date they actually commence service.

3. Annual Filers

(a) Public Filers

A public filer must file an OGE Form 278e with OGC by May 15 of each year, unless they have been granted an extension by an OGC deputy ethics counselor. The OGC ethics team will provide instructions on how to access and complete the report.

(b) Confidential Filers

(i) Regular Employees

- A regular employee must file either an OGE Form 450 or an OGE Form 450-A by February 15 of each year, unless they have been granted an extension by an OGC deputy ethics counselor. The OGC ethics team will provide instructions on how to access and complete the report.
- The OGE Form 450-A is a certification that the employee has not acquired any new reportable interests or changed positions or duties since the filing of the employee's most recent OGE Form 450. A regular employee must file the OGE Form 450 if they have new interests to report or if they have changed jobs or had a significant change in their duties

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since their last filing. A regular employee may file an OGE Form 450-A for a maximum of 3 consecutive years before they are required to complete a new OGE Form 450 every fourth year. Regardless of when an employee has last filed an OGE Form 450, all incumbent filers must file a full OGE Form 450 in each year divisible by four, beginning with 2000.

(ii) Special Government Employees

Special Government employees who do not file a public financial disclosure report must file an OGE Form 450 annually. A special Government employee who is appointed to a multiple-year appointment must file within 30 days of their appointment/renewal, and must file by February 15 of each year during the tenure of their appointment. A special Government employee who is appointed to a single year (or less) appointment, except for a part-time ASLBP judge, must file within 30 days of the date of their appointment/renewal. Part-time ASLBP judges must file by February 15 of each year. Special Government employees are prohibited from filing the alternative OGE Form 450-A.

4. Termination Filers

- (a) An employee terminating a position that requires the filing of a public financial disclosure report must file an OGE Form 278e within 30 days after leaving that position unless they transfer to another position that requires the filing of a public report or have been granted an extension by an OGC deputy ethics counselor. The information provided on a termination report must be accurate as of the employee's last day in their position. The earliest the employee can file the termination form is on the employee's last day in the position.
- (b) An employee required to file a confidential financial disclosure report is not required to file a report upon termination of their position.

5. Late Filing Fee

- (a) An employee required to file a public financial disclosure report is subject to a late filing fee of \$200 if they file their report more than 30 days after the last day the report is required to be filed. If the employee has received an extension of time to file their report, they are subject to this late filing fee if the report is filed more than 30 days after the last day of the extension period.
- (b) An employee may request a waiver of the late filing fee from an OGC deputy ethics counselor in writing with supporting documentation. An OGC deputy ethics counselor may waive the late filing fee only upon a determination, in writing, that the delay in filing was caused by extraordinary circumstances that made the



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delay reasonably necessary. A copy of the OGC deputy ethics counselor's determination must be placed in the employee's public financial disclosure report file. The OGC deputy ethics counselor may consult with the Office of Government Ethics before approving any waiver of the late filing fee.

### **C. Periodic Transaction Reports (OGE Form 278-T)**

1. Under the Stop Trading on Congressional Knowledge (STOCK) Act, employees required to file a public financial disclosure report (OGE Form 278e), also are required to report throughout the year any purchase, sale, or exchange by themselves, their spouse, or their dependent child of stocks, bonds, commodity futures, and other securities if the amount of the transaction exceeded \$1,000. Any covered transactions must be reported within 30 days of receiving notification of the transaction, but no later than 45 days after the date of the transaction.
2. Transactions involving the following do not need to be reported on the OGE Form 278-T, "Periodic Transaction Report": (1) mutual funds and other excepted investment funds; (2) certificates of deposit, savings or checking accounts, and money market accounts; (3) U.S. Treasury bills, notes, and bonds; (4) Thrift Savings Plan accounts; (5) real property; and (6) transactions that are solely by and between the filer, their spouse, or their dependent child. The annual transaction reporting requirements do apply to these transactions, and these transactions must appear on the annual OGE Form 278e filed for the relevant calendar year.
3. To report the covered transactions, the public financial disclosure filer must file a periodic transaction report (OGE Form 278-T) through the Integrity electronic filing system. Upon request, the OGC ethics team will provide the instructions on how to access and complete the OGE Form 278-T.

### **D. Assistance With Forms**

Any questions concerning filling out or submitting any financial disclosure form should be directed to an OGC deputy ethics counselor, a regional counsel, or other designated OGC employees. A list of deputy ethics counselors is available on the NRC Ethics Web site at <http://drupal.nrc.gov/ogc/nrc-ethics>.

### **E. Extensions**

1. Public Filers
  - (a) On request, an OGC deputy ethics counselor can grant an extension, for good cause, to any filer or class of filers of the public OGE Form 278e of up to 45 days to file the form. An OGC deputy ethics counselor can grant an additional extension of up to 45 days for good cause.

(b) All extension requests must be made in writing before the due date, and the filer must specify the reasons why an extension is necessary. The OGC deputy ethics counselor will approve or deny the request in writing on a case-by-case basis. Documents relating to these requests will be placed in the requestor's public financial disclosure file.

## 2. Confidential Filers

On request, an OGC deputy ethics counselor can grant an extension, for good cause, to any filer or class of filers of the confidential OGE Form 450 or 450-A not to exceed 90 days. A filer must submit an extension request by the due date and specify the reasons why an extension is necessary.

## F. Exemptions From Filing

1. Commissioners' support staff who do not contribute substantively to the policymaking process are not required to file public financial disclosure reports.
2. An OGC deputy ethics counselor may request an exemption from OGE that would permit the agency to withhold from the public copies of the OGE Form 278e filed by a special Government employee who works for the NRC for less than 130 days per calendar year.

## G. Authorized Reviewers

All public and confidential reports may be reviewed and certified only by the General Counsel, who is the Designated Agency Ethics Official (DAEO), the Alternate DAEO, or deputy ethics counselors designated by the DAEO. The DAEO makes the final certification of the forms submitted by all Presidential appointees. The Chairman makes the final certification of the form submitted by the DAEO.

## H. Review of Forms

1. Each form is reviewed by a deputy ethics counselor who ensures that the form is complete with no apparent conflicts of interest, and that the filer is in compliance with applicable laws and regulations. The reviewer will contact the filer if there is any additional information required.
2. After certification, the form and any appropriate related materials will be retained for the appropriate amount of time, as specified in the general records schedule and applicable Federal regulation.

**I. Timetable and Procedures for Obtaining Clarifications, Addenda, and Errata**

An OGC deputy ethics counselor will review each report within 60 days after filing. In the event that additional or clarifying information is required, the OGC deputy ethics counselor will contact the filer.

**J. Amending Reports**

The filer, or the OGC reviewer with the filer's consent, may amend information on the form after submission. The OGC reviewer will not certify the form until the reviewer has verified that all information on the form, including amendments or additions, is accurate and complete, and that there are no apparent conflicts of interest. If significant changes are made, the filer may be asked to recertify that the submitted form is accurate and complete.

**K. Custody of Reports**

The OGC ethics team maintains custody of all reports. OGC will maintain a report for a period of six years after receipt. After the six-year period, OGC will destroy the report unless it is needed in connection with an ongoing investigation. These records will be retained until OGC is informed they are no longer needed in the investigation.

**L. Public Access to Executive Branch Personnel Public Financial Disclosure Reports (OGE Form 278e)**

1. An OGE Form 278e filed by an NRC employee is available to the public upon request. Anyone wishing to view an OGE Form 278e must submit an OGE Form 201, "Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records," that states the legal restrictions on the use of the report.
2. Any OGE Form 278e filed by a Presidential appointee is available on the OGE Web site. Anyone wishing to obtain a Presidential appointee's OGE Form 278e must complete an automated OGE Form 201 on OGE's Web site.

**M. Security for Confidential Financial Disclosure Reports (OGE Forms 450 and 450-A)**

As required by the Ethics in Government Act, the information contained in a confidential financial disclosure report filed by an NRC employee will not be disclosed to the public and is exempt from release under the Freedom of Information Act.

**N. Pursuing Administrative or Disciplinary Action**

If an employee fails to file a financial disclosure report, refuses to provide necessary information, or provides false or incomplete information, the General Counsel or designee will refer the matter to the Inspector General (IG). The IG will examine the matter, make any necessary referrals to the Department of Justice, and, when appropriate, report its findings to agency management for appropriate disciplinary action.

**O. Remedial Actions To Resolve Conflicts of Interest or Violations of Law, Regulations, or Executive Orders**

The General Counsel or designee will refer violations of law, regulations, or Executive orders to the IG. As appropriate, an OGC deputy ethics counselor will advise the filer, the office director, the regional administrator, or the supervisor of an appropriate action to resolve a conflict of interest disclosed on a financial disclosure report, such as divestiture, recusal from particular matters, or obtaining a waiver pursuant to Management Directive 7.9, "Ethics Approvals and Waivers."

**P. Following Up On Delinquent Reports**

An OGC deputy ethics counselor will contact delinquent filers of public or confidential financial disclosure reports. If necessary, an OGC deputy ethics counselor also will contact office directors and regional administrators, or their deputies, concerning delinquent employees in their office or region.

**Q. Procedures for Collecting the Late Filing Fee for Public Financial Disclosure Reports**

The General Counsel or designee will notify the Office of the Chief Financial Officer to take the necessary steps to collect the \$200 late filing fee, which is imposed by the Ethics in Government Act for late filing of a public financial disclosure report.

**R. Notification of Negotiations for Future Employment**

1. Under the STOCK Act, employees required to file OGE Form 278e are also required to file a signed notification statement with an OGC deputy ethics counselor within 3 business days after commencing negotiations or entering into an agreement with a non-Federal entity to accept post-Government employment or compensation.
2. Public financial disclosure filers who commence negotiations for post-government employment should consult an OGC deputy ethics counselor concerning these requirements as soon as possible. The notification and recusal form is available on the NRC Ethics Web site, as well as on the OGE public Web site at <http://www.oge.gov>.