



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

July 31, 2003

Irwin B. Rothschild
Alternate Designated
Agency Ethics Official
Nuclear Regulatory Commission
11555 Rockville Pike
Mail Stop 015D21
Rockville, MD 20852-2738

Dear Mr. Rothschild:

As part of our agency monitoring activities, the Office of Government Ethics has scheduled a review of the Nuclear Regulatory Commission's (NRC) ethics program. As discussed with Mr. Szabo, we are confirming our visit on September 22, at 9:00 a.m. As also discussed with Mr. Szabo, upon completion of our pre-review and by no later than two weeks before September 22, we will advise Mr. Szabo of the type of review to be conducted.

Depending on the type of review conducted and as applicable to NRC, we would be examining one or more of the following ethics program elements:

- Enforcement (including disciplinary actions)
- Ethics agreements
- Written advice/counseling
- Education and training
- Public financial disclosure
- Confidential financial disclosure
- Agency-specific ethics prohibitions, restrictions, and requirements
- Special Government employees

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Mr. Rothschild
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In conducting a review, we require that NRC make available to us by the scheduled date of the review the specific information described in the enclosed "Checklist of Materials Required for Review." Moreover, we may need NRC's assistance in notifying other officials, such as those assigned to your agency's Inspector General's and Human Resources offices, to facilitate our access to ethics-related files and information. Please contact Jean Hoff at 202-482-9246, if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Pratt".

Ed Pratt
Associate Director
Program Review Division

Enclosure

CHECKLIST OF MATERIALS REQUIRED FOR REVIEW

The time period(s) covered and number(s) of documents examined will be provided when we advise the agency of the type of ethics program review we plan to conduct.

Background

1. Agency mission statement and organization chart.

Enforcement

2. Information on referrals of alleged violations of the conflict of interest statutes to the Department of Justice.
3. Information on any matters related to the referrals (i.e., declination to prosecute, indictment, filing of an information, and final disposition, including disciplinary or corrective action initiated, taken, or to be taken by the agency).
4. Information on other disciplinary actions taken based on:
 - a. violations or appearances thereof, of the Standards of Ethical Conduct for Employees of the Executive Branch, any supplemental standards, and 18 U.S.C. § 207, as implemented by 5 C.F.R. §§ 2637 and 2641;
 - b. the failure to file a financial disclosure report or portions thereof;
 - c. actual conflicts of interest, or appearances thereof, disclosed on a financial disclosure report; and
 - d. actual violations of other laws governing the conduct or financial holdings of officers or employees.

Ethics Agreements

5. Current written ethics agreements.
6. Written evidence of actions taken to carry out ethics agreements (i.e., 18 U.S.C. § 208(b)(1) and (3) waivers, disqualifications, divestitures, resignations from non-Federal positions, and blind trusts).

Written Advice/Counseling

7. Advice/counseling, including all provided to Presidentially-appointed, Senate-confirmed (PAS) employees.
8. Widely attended gathering determinations (5 C.F.R. § 2635.204(g)).
9. Outside employment/activities prior approvals, if applicable.

Education and Training

10. Current written plan for conducting annual ethics training.
11. Description of recent initial ethics orientation and annual ethics training sessions, including date, location, lengths, content, materials, type of audience, and number of attendees.
12. Initial ethics orientation and annual ethics training materials.
13. Ethics-related information provided to employees (e.g., announcements, newsletters, bulletins, electronic mailings, etc.).

Public Financial Disclosure

14. Procedures governing the collection, review, and public availability of public reports (SF 278).
15. All reports and a list of employees required to file public reports, identified by PAS, career Senior Executive Service (SES) or equivalent, non-career SES, and Schedule C employees and by new entrants, incumbents, and terminees.
16. Current (or most recently used) list(s) of contractors, grantees, regulated companies, prohibited financial interests, etc., or other documents/sources, used in reviewing reports for potential conflicts of interest or other ethics violations.

Confidential Financial Disclosure

17. Procedures governing the collection and review of confidential reports (OGE Form 450) and, if applicable, OGE Optional Form 450-A and any alternate or supplemental disclosure form.
18. All reports and a list of employees required to file confidential reports, identified by regular and special Government employees (SGE) and by new entrants and incumbents.
19. Current (or most recently used) list(s) of contractors, grantees, regulated companies, prohibited financial interests, etc., or other documents/sources, used in reviewing reports for potential conflicts of interest or other ethics violations.

Agency-Specific Ethics Prohibitions, Restrictions, and Requirements

20. Prohibitions or restrictions on financial interests, if applicable.
21. Requirements for prior approval of outside employment/activities.

Travel Payments under 31 U.S.C. § 1353

22. Procedures governing the acceptance of travel payments.
23. Approved travel payments.

Special Government Employees

24. List of all advisory committees, copies of their charters, and lists of their members.
25. List of any individuals who served for 130 days or less during any 365 days (i.e., temporarily on either a full-time, intermittent, or part-time basis) and are assigned to committees, councils, boards, commissions, etc., that advise or run the agency, identified, if applicable, by SGEs and non-SGEs.
26. List of any other individuals who served for 130 days or less during any period of 365 days (e.g., experts/consultants), identified, if applicable, by SGEs and non-SGEs.

Independent Boards and Commissions

27. Any independent boards, commissions, or other entities, not organizationally a part of the agency, to which the agency provides ethics services.