

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

<b>MD 7.3</b>	<b>PARTICIPATION IN PROFESSIONAL ORGANIZATIONS</b>	<b>DT-XX-XX</b>
<i>Volume 7</i>	Legal and Ethical Guidelines	
<i>Approved By:</i>	[Name and Title of Approving Official]	
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**EXECUTIVE SUMMARY**

NRC encourages its employees to participate in outside professional organizations. However, employees must avoid any association or activity with a professional organization that could create a conflict of interest or an appearance of a conflict of interest. Directive and Directive Handbook (DH) 7.3 inform the staff of NRC's policies regarding these matters. This revision clarifies current NRC policy on employee participation in professional organizations, provides authority to directors of offices reporting directly to the Commission to designate employees in their offices to serve as NRC representatives to professional organizations, and updates legal references and requirements.

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## I. Policy

It is the policy of the U.S. Nuclear Regulatory Commission to encourage employee participation in outside professional organizations because of the benefits to the agency through the enhancement of the skills of employees, the expansion of immediate and long-term knowledge and expertise, the exchange of programmatic information, and the engagement in projects and programs complementing NRC activities. However, employees must avoid any association or activity with a professional organization that could create a conflict of interest or an appearance of a conflict of interest.

## II. Objectives

- To assist in and keep abreast of significant developments in the advancement of science, technology, industry, management, and the law.
- To help create a working atmosphere in the NRC designed to attract and retain competent professional and technical personnel and to improve the work of the NRC.
- To maintain and increase the professional stature and proficiency of NRC professional and technical employees through their participation in the work of professional organizations related to the NRC's mission.
- To encourage and ensure suitably qualified and appropriate official representation of the NRC to professional organizations.
- To ensure that employee participation in a professional organization is in accord with ethics laws and regulations.

### **III. Organizational Responsibilities and Delegations of Authority**

#### **A. Chairman**

Designates the head of an office reporting directly to the Chairman to serve as an authorized NRC representative to a professional organization. This responsibility may be delegated.

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

Designates the Assistants and others reporting to the IG to serve as authorized representatives of the Office of the Inspector General to professional organizations.

#### **C. The Commission**

Designates the head of an office reporting directly to the Commission to serve as an authorized NRC representative to a professional organization. This responsibility may be delegated.

#### **D. Directors, Offices Reporting to the Commission**

Designate employees in their respective offices to serve as an authorized NRC representative to a professional organization. This responsibility may be delegated.

#### **E. Executive Director for Operations (EDO)**

Designates the head of an office reporting to the Commission through the EDO, deputy EDOs, and regional administrators to serve as an authorized NRC representative to a professional organization. This responsibility may be delegated.

#### **F. Office Directors Reporting to the EDO and Regional Administrators**

1. Maintain a work environment that will encourage and permit employee participation in professional organizations.
2. Designate or nominate employees in their respective office or region to serve as authorized NRC representatives to professional organizations.

#### **G. General Counsel**

As the Designated Agency Ethics Official (DAEO) and Counselor for the NRC, designates attorneys in OGC as deputy counselors.

#### **H. Assistant General Counsel for Legal Counsel, Legislation, and Special Projects**

Serves as the alternate DAEO.

#### **I. Deputy Counselors**

1. Provide advice to employees and special Government employees on conflict of interest issues relating to participation in the activities of a professional organization.

2. Are employed by the Division of Legal Counsel, Legislation, and Special Projects, OGC.

#### **J. Regional Counsels**

Provide advice to regional employees on conflict of interest issues relating to participation in the activities of a professional association, under the direction of a deputy counselor.

#### **K. Branch Chief or Equivalent**

1. Approves use of duty time for an employee's attendance at a meeting of a professional organization, other than as an authorized NRC representative (see Handbook 7.3, Sections I.B.2. and I.B.3).
2. Approves, in writing, the use of duty time for administering the internal affairs of a professional organization pursuant to Handbook 7.3, Sections I.B.2 and I.B.3.
3. Ensures that speeches, papers, and journal articles prepared by NRC employees in their official capacity for presentation before, or publication by, a professional organization are reviewed by the appropriate level of NRC management, in accordance with Management Directive 3.9, "NRC Staff and Contractor Speeches, Papers, and Journal Articles on Regulatory and Technical Subjects."
4. Forwards to the appropriate office director or regional administrator any employee requests to serve as an authorized NRC representative to a professional organization.

### **IV. Definitions**

#### **A. Employee**

An NRC employee, a member of the Commission, a special Government employee (unless otherwise indicated), or an employee of another Government agency assigned or detailed to the NRC.

#### **B. Meetings**

Conferences, seminars, workshops, symposiums, speaking engagements, and similar sessions related to the NRC mission or activities or that will contribute to improved conduct, supervision, or management of NRC functions or activities.

#### **C. Authorized NRC Representative**

An NRC employee specifically selected to represent the agency to a professional organization. Participation in professional organizations includes attendance at meetings, official representation of the NRC to professional organizations, publication of journal articles, and participation in a private capacity in the activities of professional organizations.

#### **D. Professional Organization**

A nonprofit, cooperative, voluntary organization of individuals having a common background in a professional, technical, scientific, or managerial field of work, requiring knowledge and skills normally acquired only after extensive training or education. The term includes State and local government-sponsored organizations of that character. It also includes voluntary standards bodies which plan, develop, establish, or coordinate voluntary standards (pursuant to Office of Management and Budget Circular A-119). The term does not include organizations that are social, philanthropic, fraternal, religious, political, or composed of national governments, such as the International Atomic Energy Agency or the Nuclear Energy Agency.

#### **E. Special Government Employee**

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

### **V. Applicability**

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

### **VI. Handbook**

Handbook 7.3 contains detailed procedures and guidance regarding employee participation with a professional organization, including service as an authorized NRC representative, attendance at meetings, use of official time or excused absence, travel expenses, honoraria, membership fees, and so forth.

### **VII. References**

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

5 CFR Part 251, "Agency Relationships With Organizations Representing Federal Employees and Other Organizations."

5 CFR Part 410, Subpart G, "Acceptance of Contributions, Awards, and Payments From Non-Government Organizations."

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

5 CFR Part 2636, "Limitations on Outside Employment and Prohibition of Honoraria, Confidential Reporting of Payments to Charities in Lieu of Honoraria."

#### ***NRC Documents***

Management Directive 2.7, "Personal Use of Information Technology."

Management Directive 3.9, "NRC Staff and Contractor Speeches, Papers, and Journal Articles on Regulatory and Technical Subjects."

Management Directive 3.23, "Mail Management."

Management Directive 7.8, "Outside Employment."

Management Directive 7.9, "Ethics Approvals and Waivers."

Management Directive 10.62, "Leave Administration."

Management Directive 10.77, "Employee Development and Training."

Management Directive 14.1, "Official Temporary Duty Travel."

***OMB Documents***

Office of Management and Budget, Circular A-119, "Federal Participation in the Development and Use of Voluntary Standards In Conformity Assessment Activities," February 10, 1998.

***United States Code***

5 U.S.C. 4109, "Expenses of Training."

5 U.S.C. 4110, "Expenses of Attendance at Meetings."

5 U.S.C. 4111, "Acceptance of Contributions, Awards, and Other Payments."

5 U.S.C. 5946, "Membership Fees; Expenses of Attendance at Meetings; Limitations."

15 U.S.C. 3701 et seq., "National Technology Transfer and Advancement Act of 1995."

18 U.S.C. 203, "Compensation to Members of Congress, officers, and others in matters affecting the Government."

18 U.S.C. 205, "Activities of Officers and Employees in Claims Against and Other Matters Affecting the Government."

18 U.S.C. 208, "Acts Affecting a Personal Financial Interest."

18 U.S.C. 209, "Salary of Government Officials and Employees Payable Only by United States."

18 U.S.C. 1913, "Lobbying With Appropriated Funds."

26 U.S.C. 501(c)(3), "Exemptions From Tax on Corporations, Certain Trusts, Etc."

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

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## I. Guidance for Participation in Professional Organizations

### A. Conflict of Interest

1. NRC employees involved with a professional organization must comply with all ethics statutes and regulations, including the Governmentwide standards of conduct regulations (5 CFR Part 2635) and the criminal code (18 U.S.C. 201-209). Employees should seek advice from their supervisor or an ethics counselor before engaging in any activity with a professional organization that might violate ethics requirements. Employees also must comply with time and attendance policies.
2. The following ethics laws and regulations are of particular relevance with respect to professional organizations.

#### (a) Criminal Laws

##### (i) Conflicting Financial Interests

Employees who are officers, directors, trustees, or employees of a professional organization or any other private entity are prohibited from personally and substantially participating in a particular Government matter that could directly and predictably affect the financial interests of that entity unless the employee receives a written waiver [18 U.S.C. 208; Management Directive (MD) 7.9, "Ethics Approvals and Waivers"].

##### (ii) Representational Ban

Employees are prohibited from representing, in their private capacity, a professional organization or any other private entity before any Federal agency or court in connection with a particular matter in which the United States is a party or has a direct and substantial interest. This prohibition includes Government generic rulemakings and legislation as well as contracts, licenses, grants, applications, and permits. It applies even if the employee receives no compensation (18 U.S.C. 205). In addition, employees cannot receive any compensation for representational services made by someone else to a Federal agency or court (18 U.S.C. 203).

##### (iii) Supplementation of Salary Ban

Employees are prohibited from accepting a fee or any other compensation from a professional organization or any other private party for any services that are part of their official Government duties (18 U.S.C. 209). The agency may permit an employee on official duty to accept travel expenses from certain nonprofit organizations (see Section I.D.2. of this handbook).

##### (iv) Lobbying with Appropriated Funds

Employees are prohibited from using funds appropriated by law for grassroots lobbying activity of Congress on legislation (18 U.S.C. 1913).

#### (b) Standards of Conduct Regulations

##### (i) Gift Restrictions



An NRC employee must not accept a gift from a prohibited source unless allowed under the standards of conduct regulations. An employee also must not accept a gift from a non-Federal source if offered because of the employee's official position. (A **prohibited source** is any person who has or is seeking to obtain contractual or other business or financial relations with the NRC; conducts operations or activities regulated by the NRC; is an applicant for an NRC license; has interests that may be substantially affected by the performance or nonperformance of the employee's official duties; or is an organization with a majority of members who meet any of the above.) (5 CFR Part 2635, Subpart B.)

(ii) Fundraising

Employees are prohibited from raising funds for a professional organization or any other non-Federal entity, from a subordinate employee, or from anyone the employee knows is a prohibited source (5 CFR 2635.808).

(iii) Impartiality in Performing Duties

Employees who are actively involved with a professional organization or any other private entity [other than as an officer, director, trustee, or employee, which is addressed above in section 2(a)(i), or employee] are prohibited from participating in any particular Government matter involving specific parties that the employee knows is likely to directly and predictably affect the financial interest of that entity if a reasonable person with the relevant facts would question the employee's impartiality. A waiver to this prohibition can be granted (5 CFR 2635.502, MD 7.9).

(iv) Misuse of Government Property

Employees are prohibited from using any Government property or other resources, such as telephones, photocopiers, or computers, in connection with any activity of a professional organization or for any other nonofficial purpose unless—

- Such use is authorized in accord with 5 CFR 2635.704-.705; or
- Such use is in accord with MD 2.7, "Personal Use of Information Technology."

(v) Misuse of Position

Employees are prohibited from using their Government office or their title to benefit or favor, or to appear that they are benefiting or favoring, a professional organization or another private entity or to imply that the agency sanctions or endorses their activities. In addition, while on official duty, employees cannot participate in any activity of a professional organization or any other private entity that is principally for that entity's financial or promotional benefit. (5 CFR 2635.702)

(vi) Nondisclosure of Nonpublic Information

Employees are prohibited from using or disclosing any Government information that is not readily available to the public in connection with a

professional organization, or for any other nonofficial purpose, without authorization (5 CFR 2635.703).

(vii) Outside Teaching, Speaking, or Writing

Employees are prohibited from accepting any compensation from a professional organization or any other private entity for any outside teaching, speaking, or writing that relates to their official duties. This prohibition includes an activity that deals in significant part with any matter currently assigned, or previously assigned within the past year, to the employee, or any ongoing or announced policy, program, or operation of the agency (5 CFR 2635.807). (Employees should consult a deputy or regional counselor before accepting any compensation from a non-Federal source for a private appearance, speech, or article.)

**B. Participation in Professional Organizations**

1. Participation as an Authorized NRC Representative

- (a) NRC may designate or nominate an employee as an authorized NRC representative to a professional organization, including a voluntary standards body, when a significant agency interest would be served. Service as the authorized NRC representative does not connote agency agreement with, or endorsement of, decisions or activities of the organization. The designated employee shall attend meetings of the organization in duty status and may be reimbursed by the NRC for travel expenses incurred in connection with this attendance.
- (b) An employee who is an authorized NRC representative shall not take any action as an NRC employee that could directly and predictably affect the financial interests of that organization or members of that organization. The employee shall refrain from participating in decisions affecting the organization's financial affairs.
- (c) To qualify for designation as the authorized NRC representative to an organization, the employee should be familiar with NRC policies in matters most likely to be considered by the organization.
- (d) An NRC employee who receives a request from an organization to serve as an agency representative shall refer the request to his or her branch chief or equivalent who shall forward it with a recommendation for approval or disapproval to the applicable office director or regional administrator for final determination.

2. Participation on Official Duty

- (a) An NRC employee's branch chief, or equivalent level management, may authorize an employee to attend a meeting of a professional organization while on official duty if the agency can derive a benefit from the employee's attendance and the primary purpose of the activity meets at least one of the following objectives:

- (i) Acquire information to enhance the performance of the employee's official duties or contribute to the improved conduct of the employee's assigned functions
  - (ii) Contribute to scientific or professional knowledge or expertise in fields related to NRC's work or functions
  - (iii) Foster resolution of mutual problems of the Federal Government and other governmental, industrial, or professional entities that would benefit NRC's mission
- (b) The NRC can pay travel expenses incurred in connection with this attendance or authorize payment of these expenses from a nonprofit entity, provided the requirements of Section I.D.2 of this handbook are met.
- (c) The branch chief, or equivalent, may authorize, in writing, a subordinate employee to use a limited amount of duty time to administer the internal affairs of a professional organization if there will be a benefit to the agency and it meets any of the objectives listed in item (a) above, after giving due consideration to the workload in the office and the estimated amount of time that would be devoted to this activity. The authorization must be renewed, in writing, at least annually.

### 3. Participation in a Private Capacity

NRC encourages employees to participate in a private capacity in the activities of professional organizations. It is the employee's responsibility to make clear to the organization that the views expressed by the employee in the course of participation are not necessarily those of the NRC.

### 4. Service as an Officer

An NRC employee who plans to assume a position as an officer of a professional organization is encouraged to consult with a deputy counselor or regional counsel regarding any ethics requirements that may apply. The term "officer" includes the president, vice-president, secretary, treasurer, trustee, and member of a board of directors, ex-officio officers or directors, and any other position with fiduciary duties. This term does not include the chair or co-chair of committees of a professional organization if that position does not have fiduciary duties.

## C. Speeches, Papers, or Journal Articles

1. All speeches, papers, or journal articles prepared by an employee for a professional organization that relate to NRC technical, legal, or policy issues should be reviewed in accordance with MD 3.9.
2. A supervisor may authorize an employee to use agency equipment or administrative support to prepare papers for presentation at conferences or other meetings of a professional organization or for publication in journals or other periodicals of a professional organization. However, an employee may not use NRC funds or resources to reproduce copies of papers for distribution to those attending a conference or meeting unless authorized by the employee's supervisor.

## D. Travel Expenses

### 1. Personal Travel

An employee traveling in a private capacity may accept travel or related expenses, such as meals and lodging, from a professional organization or any other private party that is not a prohibited source, as defined in Section I.A.2.(b)(i) of this handbook. Employees are prohibited from soliciting or recommending the solicitation of travel funds from any non-agency party, including professional organizations. An employee can only accept travel or related expenses from a prohibited source if it is approved in advance, in writing, in accordance with MD 7.8, "Outside Employment."

### 2. Travel on Official Duty

- (a) An employee attending a meeting of a professional organization while on official duty may be authorized in writing by the official approving the travel to accept travel or related expenses from the professional organization or another private sponsor (including a prohibited source) if all the following conditions are met:
- (i) The expenses are not excessive and are incurred in connection with the employee's attendance at the meeting.
  - (ii) The party paying for the travel has been determined by the Secretary of the Treasury to be an organization described in Section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under Section 501(a) of the Code. (Information concerning the tax status of an entity can be obtained from a deputy counselor of the Office of the General Counsel.)
  - (iii) The official approving the travel has determined that the payment of travel expenses—
    - Would not be a reward for services to the entity providing the benefits
    - Would not reflect unfavorably on the employee's ability to carry out his or her official duties in a fair and objective manner
    - Would not compromise the honesty and integrity of NRC programs or NRC employees and their official actions or decisions
    - Would be compatible with applicable ethical regulations
    - Would otherwise be proper and ethical for the employee under the circumstances in this case
- (b) The NRC shall make appropriate deductions in the travel, *per diem*, and other allowances otherwise payable to an employee on official duty whose travel expenses are paid under this authority by a professional organization or other private party. General instructions and procedures concerning official travel are contained in MD 14.1, "Official Temporary Duty Travel."
- (c) The agency official authorizing an employee on official duty to accept travel expenses from a nonprofit entity under this authority shall retain a record of the written approval. It shall include the name of the employee and the organization

paying for the travel, the amount and nature of the payment, and the purpose of the travel.

3. Reporting Requirements

Employees who are required to file a financial disclosure report (Standard Form 278 or Office of Government Ethics Form 450) must disclose on their report the receipt of travel expenses of \$335 or more in value they, their spouse, or their minor child received from a single source other than the United States. This includes travel expenses paid while on official duty, except for official travel paid by the International Atomic Energy Agency. The report must provide the name and address of the source of the payment, dates, travel itineraries, and nature of the travel expenses.

**E. Free Attendance**

1. Speaker or Panelist

- (a) Employees serving on official duty as a speaker or panelist at a meeting or conference of a professional organization or another private entity may be authorized by their office director or regional administrator to accept an offer of free attendance from the sponsor of the event for the day of the employee's service as a speaker or panelist. On the other days of the meeting or conference, the NRC is to pay for the employee's meals, lodging, and related expenses, as well as a proportional share of the conference fee, unless the event can be considered a widely attended gathering (as described below in section 2) and the employee receives authorization to accept free attendance.
- (b) Free attendance includes waiver of the conference or other fee or the provision of food, refreshments, entertainment, instruction, and materials furnished to all in attendance at the event. It does not include travel expenses, lodging, entertainment collateral to the event, or meals taken other than in a group setting with others in attendance.

2. Widely Attended Gatherings

- (a) Employees may be authorized by their office director or regional administrator to accept free attendance at a meeting or conference which is a widely attended gathering. This includes the days of a conference when the employee is not a speaker or panelist.
- (b) An event is widely attended if it is expected that a large number of persons will attend and that persons with a diversity of views or interests will be present. An example of a widely attended gathering is an event that is open to members from throughout a given industry or profession, or if those in attendance represent a range of persons interested in a given matter.
- (c) Before granting approval, the office director or regional administrator must determine that the employee's attendance is in the interest of the agency because it will further NRC programs or operations.

- (d) The policy and procedures for approving attendance at widely attended gatherings are contained in MD 7.9.

**F. Agency Support to Professional Organizations**

The NRC may provide space in its buildings to a professional organization for meetings and the use of agency bulletin boards, internal agency mail distribution system, electronic bulletin boards, and other means of informing employees of meetings and other activities, in accordance with appropriate regulations of the General Services Administration and the Office of Personnel Management.

**G. Membership Fees**

The NRC will not reimburse employees for fees and dues required for membership in outside organizations unless the membership fee is part of the cost of an employee's training and is a necessary cost directly related to the training itself or a condition precedent to undergoing the training [see 5 U.S.C. 5946, 4109(b)].

**H. Government–Paid Postage**

An NRC employee may not use Government-paid postage in connection with any activity of a professional organization unless specifically authorized by the employee's supervisor.