

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: Nuclear Waste Technical Review Board

Follow-up to OGE Report Number: 20-28I

Report No.: 22-07IF

Date: December 6, 2021

UNITED STATES OFFICE OF
GOVERNMENT ETHICS
Preventing Conflicts of Interest
in the Executive Branch

As a result of its inspection of the Nuclear Waste Technical Review Board (NWTRB) ethics program, the U.S. Office of Government Ethics (OGE) issued two recommendations in its June 2, 2020 inspection report. OGE conducted a follow-up review in March 2021 to assess whether NWTRB had taken sufficient action to resolve the deficiencies underlying these recommendations. Follow-up fieldwork was conducted in November 2021 to gather additional, updated information regarding the financial disclosure program. The results of the follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
1	Consult with OGE's Ethics Law and Policy Branch to determine whether an agency supplemental regulation is needed to require prior approval of outside employment.	<p>NWTRB consulted with OGE's Ethics Law and Policy Branch in 2020 and will continue to do so as necessary.</p> <p>OGE was advised during the follow-up review that as a micro agency with a full-time staff of 13, NWTRB does not have the resources to pursue a supplemental regulation. According to ethics officials, opportunities to engage in outside activities that might raise conflict of interest concerns have been non-existent during the pandemic. NWTRB will continue to emphasize compliance with 5 C.F.R. Part 2635 in its training for Board members and staff. This will serve to reinforce the prohibitions against engaging in outside activities that could create conflicts of interest and were intended to be addressed by a prior approval requirement. NWTRB is aware of the requirement to coordinate with OGE, should they decide to pursue supplemental regulations in the future.</p>	Closed

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2	Ensure that all SGE members indicate their reporting status on the first page of the confidential report as New Entrant each year.	<p>OGE examined all six new entrant confidential reports filed in CY2021 by NWTRB Board members who are SGEs appointed by the President. OGE confirmed that each report examined indicated a reporting status of New Entrant on the first page of the report, as required by 5 C.F.R. § 2634.903(b).</p> <p>OGE also examined NWTRB's ethics refresher training content and found the training instructions to indicate that Board Members use new entrant as the reporting status. This is important because the reporting status determines the reporting period required to be covered by the filer.</p>	Closed
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Based on the results of OGE's follow-up review, both recommendations are closed.