



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

August 16, 2012

Ms. Joyce M. Dory
Director of Administration/Designated Agency Ethics Official
U.S. Nuclear Waste Technical Review Board
2300 Clarendon Boulevard, Suite 1300
Arlington, VA 22201-3367

Dear Ms. Dory:

The United States Office of Government Ethics (OGE) has conducted a follow-up review of the ethics program at the Nuclear Waste Technical Review Board (NWTRB) to determine how the recommendations and suggestions in our January 2012 report have been addressed. OGE's initial review of NWTRB's ethics program identified five recommendations requiring agency action and provided two suggestions to further improve ethics program operations.

OGE recommended NWTRB establish written procedures governing the review, collection, evaluation, and public availability (when applicable) of financial disclosures. In its 60-day response to OGE's program review, NWTRB provided written procedures as recommended. NWTRB has taken appropriate action responsive to OGE's recommendation. Therefore, the recommendation is closed.

OGE recommended NWTRB's primary ethics official attend a financial disclosure training course provided by OGE in order to advance NWTRB's financial disclosure review and analysis process. Attendance at one of OGE's financial disclosure training events was confirmed in February, 2012. NWTRB has taken appropriate action responsive to OGE's recommendation. Therefore, the recommendation is closed.

OGE recommended NWTRB develop an annual training plan in accordance with 5 CFR § 2638.706. In its 60-day response to OGE's program review, NWTRB provided an annual training plan as recommended. Although the training plan indicated that NWTRB elected to waive the verbal training requirement, subsequent follow-up by OGE revealed that NWTRB intended to provide computer-based training which meets the verbal requirement. NWTRB has taken appropriate action responsive to OGE's recommendation. Therefore, the recommendation is closed.

OGE recommended NWTRB provide annual ethics training to covered employees in accordance with 5 CFR § 2638.704-705. At the time of the follow-up review, 18 of 22 NWTRB employees completed annual training. OGE reviewed NWTRB's training records and a copy of the email directing completion of training. NWTRB employees have until December 31, 2012 to

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complete annual ethics training. Because only four NWTRB employees have not completed annual training with four months still remaining in the calendar year, OGE believes NWTRB has provided reasonable assurance that the actions taken will be fully responsive to OGE's recommendation. OGE will close the recommendation, but reserves the right to contact NWTRB closer to the end of the year to verify all employees have received annual ethics training.

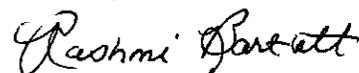
OGE recommended NWTRB develop a system to track completion of annual training. NWTRB developed a spreadsheet to record employees' training completion status and updates the spreadsheet upon receiving a certificate of completion from NWTRB's computer-based training provider. Hard copies of the certificate are also filed in employees' ethics folders. NWTRB has taken appropriate action responsive to OGE's recommendation. Therefore, the recommendation is closed.

OGE suggested NWTRB compile a financial disclosure "tool kit" for ethics officials' use during the review and certification of financial disclosures. NWTRB indicated the use of OGE-produced reference material and also provides an instructional email for NWTRB financial disclosure filers. During the follow-up, OGE also suggested one additional resource for NWTRB ethics officials and provided a link to access the electronic material. OGE considers NWTRB's action responsive to this suggestion and has therefore closed the suggestion.

OGE suggested NWTRB memorialize the final disposition of ethics advice and counsel provided in novel or complex situations. NWTRB provided two samples of advice and counsel issued subsequent to the initial program review. Because final disposition was only clear in one sample, NWTRB is reminded that fully documented ethics counsel will improve the consistency and accuracy of the guidance provided by ethics officials. Agency action on this suggestion is not required to bring NWTRB into compliance with applicable laws and regulations; however, OGE believes it will dramatically improve program operations. OGE considers the initial steps taken by NWTRB to be generally responsive and has therefore closed this suggestion. We encourage NWTRB to continue to contact OGE directly for assistance on ethics-related matters.

Based on OGE's follow-up, we have determined that NWTRB has adequately implemented the recommendations from the January 2012 report. As a result, OGE has closed those recommendations. OGE is satisfied that NWTRB's actions regarding the suggestions in the January 2012 report are generally responsive and considers those issues closed as well. Thank you for your assistance during the follow-up process. Please contact me at 202-482-9317 if you require any additional information.

Sincerely,



Rashmi Bartlett
Associate Director