

OUTSIDE EMPLOYMENT

NRC employees are generally free to engage in part-time outside employment. Any outside employment must be on the employee's own time, with no use of the employee's NRC title or position, agency resources, or nonpublic information. The outside employment must also not conflict with the employee's duties nor impair the employee's capacity to perform NRC duties.

Because of NRC's licensing and regulatory responsibilities, the Commission decided that it would be inappropriate for an NRC employee to accept any employment, fee, or compensation from licensees, applicants, or others in the nuclear field, unless the employee receives prior written authorization. More specifically, the NRC supplemental conduct regulation (5 C.F.R. § 5801.103) requires written approval before employment with an NRC licensee, license applicant, an organization directly engaged in commercial nuclear activities, an NRC contractor or anyone seeking NRC contracts, an NRC supplier, an Agreement State licensee, a nuclear trade association, a law firm or another organization participating in an NRC proceeding or regularly representing a client before the NRC, or a case in which there is a question on the propriety of the activity.

To obtain prior approval, employees who work for Offices reporting to the Commission through the Executive Director for Operations (EDO) must receive written approval from the EDO. Employees in Offices reporting directly to the Commission must receive written approval from their Office Director. Employees in a Commissioner's Office must receive written approval from their respective Commissioner. These officials are required to consult with the Office of the General Counsel before deciding on a request. While it is generally unlikely that an employee will obtain permission to work for the commercial nuclear industry, an employee will generally be granted permission to teach at a university which has an NRC license. The policies on outside employment and procedures for obtaining approval can be found in NRC Management Directive 7.8.

Employees are prohibited by criminal law from participating in their NRC duties in any particular Government matter that could affect the financial interests of their non-government employer or from representing a private party before any Federal agency. Employees are also prohibited from accepting any compensation for their Government services. This means, for example, that an employee who speaks at a conference on official time cannot accept a fee for this activity because the employee is already being compensated by the Government while attending the event.

The following hypothetical situations illustrate how requests on outside employment are handled, with suggested likely results:

- Georgetown University, which has a materials license from the NRC, asks an NRC health physicist to teach a course entitled, "Health Care Issues Facing the Nation." The health physicist is not involved in any way with Georgetown's license. This request would likely be approved because the health physicist will teach and prepare for the curriculum of an

accredited university and the employee cannot affect in his or her NRC position Georgetown's interests. Georgetown can mention in its brochure that the health physicist is employed by the NRC, as long as it is part of a general biography.

- George Washington University asks an NRC employee to conduct a series of lectures for the fall semester. The University has a contract with the NRC Division that this employee heads. The employee states that he would not involve himself in any matters involving the contract during the period he is teaching. His request to teach would not likely be approved because it could create at least the appearance of loss of impartiality, particularly because this employee participated in the original contract and will participate in its renewal in the future.
- Westinghouse asks an NRC employee, who had previously worked for Westinghouse, to testify for Westinghouse as a witness in a court proceeding involving a project the NRC worked on at Westinghouse. While requests to testify for the nuclear industry would generally be denied, permission would likely be granted to this employee because the testimony relates specifically to unfinished business for a previous employer.
- An NRR project engineer wishes to contact various companies about his invention that could prevent industrial fires. His invention is totally unrelated to his NRC duties. All his work on the invention was on his own time. He would be advised that he did not need approval to approach anyone who is not an NRC licensee, applicant, vendor, supplier, contractor, or other organization directly engaged in commercial nuclear activities about his invention. If he wishes to contact any of these entities, he must obtain approval from the EDO. Whether approval is granted would depend on the particular circumstances of this case.
- An NMSS employee in the low-level waste area previously worked for an architectural/engineering firm which was a consultant to the State of Arizona on low-level waste issues. An Arizona State employee approaches the NMSS employee about serving as a consultant to the State on these issues. Because of the nature of the work as a consultant and the NMSS employee's official duties, approval would not likely be given.

It should be noted that an NRC employee who files a financial disclosure report must report any outside compensated employment on his or her financial disclosure form.

If you have any questions about an outside employment or other activity, please contact an ethics official in the Office of the General Counsel.