

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

<b>MD 7.8</b>	<b>OUTSIDE EMPLOYMENT</b>	<b>DT-10-18</b>
<i>Volume 7</i>	Legal and Ethical Guidelines	
<i>Approved By:</i>	Gregory B. Jaczko, Chairman	
<i>Date Approved:</i>	December 20, 2010	
<i>Expires:</i>	December 20, 2015	
<i>Issuing Office:</i>	Office of the General Counsel	
<i>Contact Name:</i>	John Szabo 301-415-1610	
<b>EXECUTIVE SUMMARY</b>		
<p>Management Directive and Handbook 7.8 provide the policies and procedures for approval of certain outside employment.</p> <p>This revision does not change NRC policy on requesting or approving employee outside employment, pursuant to 5 CFR 5801.103. In addition to minor editorial changes, it explicitly authorizes the Inspector General to authorize outside employment for employees in the OIG and authorizes the Commission, the Inspector General and directors of offices reporting directly to the Commission to authorize outside employment for their employees, after consultation with the Office of the General Counsel.</p>		

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## I. Policy

It is the policy of the U.S. Nuclear Regulatory Commission that NRC employees receive written approval before engaging in certain outside employment, in accordance with ethics regulation 5 CFR 5801.103. Employees may engage in outside employment not covered by this directive without obtaining NRC approval.

## II. Objectives

- To inform employees of outside employment that may be incompatible with their NRC employment.
- To inform employees when prior approval to engage in outside employment is required.
- To inform employees of the NRC officials who are authorized to grant approvals necessary for employees to engage in certain outside employment.

## III. Organizational Responsibilities and Delegations of Authority

### A. The Chairman

After consultation with the Office of the General Counsel (OGC), the Chairman authorizes outside employment for employees on his or her personal staff, the EDO, and directors of offices reporting to the Chairman or the Commission.

### B. The Commission

After consultation with OGC, a Commissioner authorizes outside employment for employees on his or her personal staff.

### C. Inspector General (IG)

Authorizes outside employment for employees of the Office of the Inspector General (OIG).

### D. The Executive Director for Operations (EDO)

1. After consultation with the employee's office director or regional administrator and OGC, authorizes the employee's outside employment for employees in offices reporting to the EDO.
2. May delegate this authority to the Deputy Executive Directors for Operations.

**E. Directors of Offices Reporting to the Chairman or the Commission**

1. After consultation with OGC, authorize outside employment for employees in their respective office.
2. May delegate this authority to a deputy director.

**F. Office Directors and Regional Administrators**

When the employee seeking approval serves in an office reporting to the EDO or a region, transmit the request with the director's or the administrator's recommendations to the EDO.

**G. The General Counsel**

Advises the Chairman, Commission, EDO, and office directors on requests for approval of outside employment. May delegate this authority to deputy counselors in the Division of Legal Counsel, Legislation, and Special Projects, OGC.

**IV. Applicability**

This directive applies to all current NRC employees, except special Government employees.

**V. Handbook**

Detailed descriptions of the outside employment that requires prior approval and the procedures for obtaining this approval are contained in Handbook 7.8.

**VI. Definitions****A. Employee**

An NRC employee or an employee of another Government agency assigned or detailed to the NRC for more than 30 days. This does not include special Government employees, who are appointed to serve not more than 130 days during a 365-day period.

**B. Outside Employment**

Any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker.

**VII. References*****Code of Federal Regulations***

"Prior Approval for Outside Employment," 5 CFR 5801.103.

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

***NRC Documents***

NRC Management Directive 7.9, "Ethics Approvals and Waivers."

***U.S. Constitution***

Article I, Section 9, Clause 8.

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

<b>DH 7.8</b>	<b>OUTSIDE EMPLOYMENT</b>	<b>DT-10-18</b>
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## **I. OUTSIDE EMPLOYMENT**

### **A. Introduction**

Ethics regulations promulgated by the NRC, with the concurrence of the Office of Government Ethics (OGE), require that NRC employees (other than special Government employees) receive written approval before engaging in certain outside employment. Management Directives (MDs) 7.8 and 7.9 identify those with authority to grant these approvals. This handbook describes in greater detail the activities that require approval and the procedures for obtaining this approval.

### **B. Requirements for Outside Employment**

1. NRC regulations require that employees, except special Government employees, obtain prior written approval before engaging in outside employment with entities regulated by or having business with the Commission. These entities are the following:
  - (a) A Commission licensee;
  - (b) An applicant for a Commission license;
  - (c) An organization directly engaged in activities in the commercial nuclear field;
  - (d) A Commission contractor;
  - (e) A Commission supplier;
  - (f) An applicant for or holder of a license issued by a State pursuant to an agreement between the Commission and the State;
  - (g) A trade association that represents clients concerning nuclear matters;
  - (h) A law firm or other organization that is participating in an NRC proceeding or that regularly represents itself or clients before the NRC.
2. Ordinarily, an employee will be authorized to serve as an instructor at an academic institution that holds a Commission license or to engage in other proposed activities of a similar character not prohibited by 5 CFR Part 2635 or other applicable law.

### **C. Approval of Outside Employment**

1. When an employee submits a request to engage in outside employment with an entity listed in Section (B) above, the employee's office director or regional administrator shall transmit the information specified below to the authorizing official (see Exhibit 1, "Sample Employee Request for Outside Employment"). This information includes:
  - (a) The employee's name and job title;
  - (b) The employee's duties;
  - (c) A description of the proposed outside activity and compensation, if any; and

- (d) The opinion of the office director or regional administrator as to the acceptability of the employment in question.
- 2. Employees whose offices report to the Commission through the Executive Director for Operations (EDO) must obtain written authorization from the EDO before engaging in an activity described in Section I.B.1 above. Before rendering a decision, the EDO shall consult with the Office of the General Counsel (OGC).
- 3. Employees of boards, panels, and offices that report directly to the Commission or the Chairman must obtain written authorization from their office director before engaging in activities described in Section I.B.1 above. Before rendering a decision, the office director shall consult with OGC.

In approving the request, the authorizing official shall determine that the activity will not violate a Federal statute, regulation (including 5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch"), or NRC policy.

#### **D. Foreign Governments**

- 1. The Emoluments Clause of the United States Constitution prohibits Federal employees from engaging in any employment with a foreign government or the political subdivision of a foreign government (Article 1, Section 9, Clause 8).
- 2. A foreign government includes agencies of a foreign government, certain foreign public universities, and commercial enterprises owned or operated by a foreign government. This prohibition does not apply to foreign privately-owned corporations or international organizations, such as the International Atomic Energy Agency.

## Exhibits

### Exhibit 1 Sample Employee Request for Outside Employment



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

MEMORANDUM TO: [OFFICE OR DIVISION DIRECTOR OR REGIONAL ADMINISTRATOR]

FROM: [EMPLOYEE]

SUBJECT: INVITATION TO TEACH [SUBJECT] COURSE

The Department of [subject] at the [name and address of institution], has asked me to teach a graduate seminar in [subject] during the [fall/spring/summer, year]. It is a regularly scheduled course.

I am requesting your authorization to engage in this outside activity during after-duty hours. I am providing the following information:

1. NAME AND TITLE OF EMPLOYEE:
2. SUMMARY OF EMPLOYEE'S DUTIES:
3. DESCRIPTION OF OUTSIDE ACTIVITY: E.G., TEACH A GRADUATE SEMINAR IN [SUBJECT]
4. NAME OF COMPENSATING INSTITUTION: [NAME AND ADDRESS]
5. AMOUNT OF COMPENSATION:
6. I will do the preparation for and the teaching of the course on my own time. I will not use Government time or resources or any information that I gained as a Federal employee that is not available to the public. Furthermore, I will not participate in NRC matters that could have a direct and predictable effect upon the financial interests of the [Name of Institution].