

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

<b>MD 9.1</b>	<b>ORGANIZATION MANAGEMENT</b>	<b>DT-19-16</b>
<i>Volume 9</i>	NRC Organization and Functions	
<i>Approved By:</i>	Margaret M. Doane Executive Director for Operations	
<i>Date Approved:</i>	October 7, 2019	
<i>Cert. Date:</i>	N/A, for the latest version of any NRC directive or handbook, see the <a href="#">online MD catalog</a>	
<i>Issuing Office:</i>	Office of the Chief Human Capital Officer	
<i>Contact Name:</i>	Susan Salter	

**EXECUTIVE SUMMARY**

Management Directive (MD) 9.1, "Organization Management," replaces NRC Manual Chapter 0101.

MD 9.1 has been revised to—

- Remove references to former U.S. Nuclear Regulatory Commission (NRC) offices and outdated policy documents (e.g., Manual Chapters).
- Remove procedural guidance that can be found in other office procedures or on the NRC Web site (e.g., reorganizations, organization standards).
- Update and consolidate information on organization structure and management standards.
- Clarify that the Deputy Executive Directors for Operation serve as one management level for approving restructuring actions such as establishing, abolishing, or reorganizing organizational components.

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## I. COVERAGE

This management directive (MD)—

- Outlines basic policies and standards governing U.S. Nuclear Regulatory Commission (NRC) organizational structure, functional assignments, and delegations of authority;
- Describes responsibility and provides procedures to establish and abolish organizational components and to revise organizations and delegations of authority;
- Identifies the statutory and other organizational elements of the NRC; and
- Defines and explains organizational nomenclature.

## II. OBJECTIVES

- Ensure that NRC organizational structure, assignments of functions, and delegations of authority are consistent with agency objectives.
- Ensure that NRC organizational relationships properly reflect program needs and effective staff use considering operating experience or changing requirements.
- Provide clearly defined functional responsibilities and delegations of authority.
- Promote the use of uniform organizational nomenclature.
- Ensure that approved organizational structure, functional assignments, and delegations of authority are recorded and issued in a timely manner.

## III. RESPONSIBILITIES AND AUTHORITIES

### A. Authority to Restructure

1. Authority to establish, abolish, or reorganize organizational components is normally vested at two management levels above the affected program, staff, or regional office. The Deputy Executive Directors for Operations (DEDOs) serve as one level below the Executive Director for Operations (EDO) for these purposes. Exceptions occur when—

- (a) This number of management levels does not exist between the component and the approving authority.
  - (b) The Commission decides to consider any organizational proposal relating to an NRC office.
2. Establishment, abolishment, or reorganization of any NRC office that, in the Commission's view, involves policy formulation, must be approved by the Commission or designee (see Section 1(a)(1) of President's Reorganization Plan No. 1 of 1980).
  3. The Commission approves organizational changes subject to applicable provisions of law.

**B. Chairman**

1. Presents to the Commission for its consideration the establishment, abolishment, or reorganization of all statutory offices.
2. Directs or approves establishment, abolishment, or reorganization of offices reporting directly to the Chairman.

**C. Commission**

Subject to applicable provisions of law, approves establishment, abolishment, or reorganization of—

1. Committees, panels, and offices reporting to the Commission.
2. Statutory staff offices that report to the EDO.
3. Other major offices within the NRC, as determined by the Commission.

**D. Executive Director for Operations (EDO)**

1. Approves or recommends to the approving authority, as appropriate, proposals to establish, abolish, or reorganize any organization when SES-level or equivalent positions are involved or when a reduction in force (RIF) will be created.
2. Under the direction and supervision of the Chairman, prepares for Commission consideration proposals for the reorganization of staff offices within the NRC, as determined by the Commission.
3. Approves establishment, abolishment, or reorganizations when he or she is the management official two organizational levels above the component (unless the Commission decides to consider a proposal for the NRC office involved).
4. Ensures that organization proposals, which he or she approves or which he or she forwards to the Chairman for Commission consideration, conform with the general and specific organization standards and that exceptions are fully justified.

**E. Office Directors and Regional Administrators**

1. Direct or approve proposals for organizational changes that affect positions graded no higher than the GG-15 level when serving two organizational levels above the component. (Note: This authority is also exercised by division directors, branch chiefs, and other supervisory officials when they serve two organizational levels above the component.)
2. Ensure that planned reorganizations for their organizations follow prescribed policies, conform with the general and specific organization standards, and provide any requested special justifications for EDO or Commission approval.
3. Conduct reviews to identify and initiate changes in organization, functions, and delegations of authority as needed to ensure effectiveness and efficiency of office operations.
4. Recommend changes requiring approval or other action by higher authority.
5. Within the scope of their authority, approve or direct changes in assignments of functions and delegations of authority for their subcomponents and recommend changes requiring the approval of the EDO or the Commission. Ensure that durable delegations of authority are profiled appropriately in ADAMS so that they appear in the ADAMS "Delegations of Authority" folder, as appropriate.
6. Forward all proposed organizational changes to the Director, Office of the Chief Human Capital Officer (OCHCO), for review, before approval, in accordance with the handbook for this management directive (MD).

**F. Chief Human Capital Officer (CHCO)**

1. Develops policies, standards, and procedures for—
  - (a) Establishing, revising, and abolishing organizational components and functional assignments; and
  - (b) Issuing and maintaining appropriate delegations of authority.
2. Conducts or participates in studies of agency organization and functional assignments and recommends changes, as appropriate.
3. Provides advice and assistance to offices and regions on organizational matters, functional assignments, and delegations of authority. Reviews proposed changes to ensure consistency with applicable policies, standards, and procedures. Advises on position management and evaluation matters, recruitment and staffing, and position ceiling (full-time equivalent) accounting changes.
4. Furnishes, analyzes, and makes recommendations on proposed organizational matters, including establishment, revision, or abolishment of organizational units, to the EDO when such matters require the approval or recommendation of the EDO. Such matters include those dealing with SES or equivalent positions or potential RIFs, to ensure that all personnel, administrative, and other management implications are identified and addressed.

5. Attempts to minimize possible adverse impacts on employees from any reorganizations and reassignments.
6. Ensures that positions vacated through attrition that do not meet the general and specific organization standards (or are not approved exceptions) are not refilled through vacancy announcements or by other means.
7. Monitors the actions taken to implement the organization standards described in this MD and keeps the EDO informed.
8. Requests that the General Counsel (GC) determines which organizational information appearing in an MD is required by law to be published in the *Federal Register* and codified in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 1, "Statement of Organization and General Information." With the assistance and concurrence of OGC, prepares appropriate material for publication and provides it to the NRC's Liaison Officer to the Office of the Federal Register.
9. Ensures that the National Treasury Employee's Union (NTEU) is advised of substantive organizational changes and revised staffing plans.

#### **G. General Counsel (GC)**

1. Provides legal opinions on proposed changes to functions and responsibilities and delegations of authority.
2. Upon request, determines which NRC organizational information appearing in an MD is required by law to be published in the *Federal Register* and codified in 10 CFR Part 1, "Statement of Organization and General Information."
3. Advises agency management on the legality of proposed management decisions and actions regarding consistency with delegated authority.

#### **H. Secretary of the Commission (SECY)**

Concurs on *Federal Register* notices that involve changes to 10 CFR Part 1.

#### **I. Director, Office of Administration (ADM)**

Develops policies, standards, and procedures for issuing MDs that show functional assignments and delegations of authority.

#### **J. Liaison Officer to the Office of the Federal Register, Office of Nuclear Material Safety and Safeguards (NMSS)**

Signs and transmits for publication in the *Federal Register* notices that involve changes to 10 CFR Part 1.

### **IV. APPLICABILITY**

This MD applies to and shall be followed by all NRC organizational components.

## V. DIRECTIVE HANDBOOK

Directive Handbook 9.1 provides information about the NRC's organizational structure, including statutory organizations and offices established by the Commission for major program and staff support.

## VI. REFERENCES

### ***Code of Federal Regulations (CFR)***

Title 10, Chapter I, "NRC Regulations," Part 1, "Statement of Organization and General Information."

### ***Executive Order***

Executive Order 11834, "Activation of the Energy Research and Development Administration and the Nuclear Regulatory Commission," January 19, 1975.

### ***Management Directives***

Management Directive 10.38, "Position Management."

### ***NRC Documents and Web Sites***

NUREG 1100, Volume 35, "Congressional Budget Justification Fiscal Year 2020."

OCHCO Reorganization Guidance and Standard Operating Procedure (ML19231A148).

Office of the Executive Director for Operations, Memorandum to Office Directors, Regional Directors, Executive Director of the Advisory Committee on Reactor Safeguards, and Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, from Robert J. Lewis, Assistant for Operations, "Standardizing the Format and Transmittal of Delegation of Authority Memoranda," February 27, 2017 (ML17030A174).

### ***United States Code (U.S.C.)***

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

Inspector General Act of 1978, Pub. L. 95-452.

Inspector General Act Amendments of 1988 (5 U.S.C. App.).

Reorganization Plan No. 1 of 1980 (5 U.S.C. App.1).

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

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## **I. ESTABLISHMENT, MISSION, AND FUNCTIONS OF STATUTORY AND OTHER ORGANIZATIONS AND POSITIONS**

### **A. Establishment**

The U.S. Nuclear Regulatory Commission (NRC) is an independent regulatory agency established under the provisions of the Energy Reorganization Act of 1974 (Public Law 93-438) and Executive Order 11834, "Activation of the Energy Research and Development Administration and the Nuclear Regulatory Commission," January 19, 1975. Transferred to the NRC were all licensing and related regulatory functions formerly assigned to the U.S. Atomic Energy Commission by the Atomic Energy Act of 1946 (60 Stat 755), as amended by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended.

### **B. Mission**

The NRC licenses and regulates the Nation's civilian use of radioactive materials to protect public health and safety, promote the common defense and security, and protect the environment.

### **C. Major Organization Elements and Positions**

The Energy Reorganization Act of 1974 specified the creation of certain offices, positions, and functions. The Reorganization Plan No. 1 of 1980 specified certain functions and authorities of various components of the Commission. These offices, positions, functions, and authorities are described below.

1. The Commission, composed of five members, including a Chairman, all appointed by the President, by and with advice and consent of the Senate.



- (a) Section 2 of Reorganization Plan No. 1 of 1980 designates the Chairman as the "...official spokesman for the Commission...[and]...the principal executive officer of the Commission..."
  - (b) Section 3 of Reorganization Plan No. 1 of 1980 "...transferred to the Chairman all of the functions vested in the Commission pertaining to an emergency concerning a particular facility or materials licensed or regulated by the Commission..."
2. The Executive Director for Operations (EDO) performs such functions as the Chairman or Commission shall direct and is governed by policies and decisions of the Commission.
  3. An Office of Nuclear Reactor Regulation (NRR), an Office of Nuclear Material Safety and Safeguards (NMSS), and an Office of Nuclear Regulatory Research (RES), each under the direction of a director. The appointment of these directors is initiated by the Chairman, after consultation with the EDO, and is subject to the approval of the Commission.

#### **D. Other Organizational Elements**

1. Other statutory positions and organizations in the NRC organizational structure include the General Counsel (GC) and the Advisory Committee on Reactor Safeguards (ACRS). The functions of the Atomic Safety and Licensing Board Panel (ASLBP) was transferred to the NRC by the Energy Reorganization Act of 1974.
2. Major program components created by the Commission are the Office of Investigations (OI) and the Office of Enforcement (OE), both under the direction of a director. The appointment of each director is initiated by the Chairman, after consultation with the EDO, and is subject to the approval of the Commission.
3. Four regional offices, created by the Commission, are under the direction of regional administrators.
4. All organizational components established by the Commission to carry out its functions, including those offices and regions described above, are described in the NRC Management Directive System, Volume 9, "NRC Organization and Functions."
5. The Office of the Inspector General, established as an independent and objective unit pursuant to the 1988 amendments to the Inspector General Act of 1978, is under the general supervision of the Chairman, but operates with budget, personnel, and contracting authority independent of that of the NRC.

#### **E. Required Delegation**

1. As mandated by Section 1(b)(4) of Reorganization Plan No. 1 of 1980, the Commission delegated the function of appointing, removing, and supervising the staff of the following offices (or successor offices), panels, and committees to the respective heads of such organizational units, as shown below.

<b>Organization Unit</b>	<b>Head of Organizational Unit</b>
Office of General Counsel	General Counsel
Office of the Secretary	Secretary of the Commission
Atomic Safety and Licensing Board Panel	Chairman of the Panel
Advisory Committee on Reactor Safeguards	Chairman, ACRS

2. Appointing and removing authorities shall be exercised in accordance with applicable statutes, regulations, and policies as described in NRC management directives, as well as the applicable negotiated agreement with an employee union.
3. This delegation of authority does not affect the provisions of Sections 1(b)(1) and (3) of the Reorganization Plan No. 1 regarding the Commission's authority to appoint and remove members of the ACRS and members of ASLBP.
4. Under the Inspector General Act Amendments of 1988 (Public Law 100-504), the NRC Inspector General is authorized to "select, appoint, and employ such officers as may be necessary for carrying out the functions of the Office of the Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the laws and regulations that govern such selections, appointments and employment, and the obtaining of such services, within the Nuclear Regulatory Commission."

## II. DEFINITIONS AND ORGANIZATION STANDARDS

### A. Definitions

To ensure consistent use and understanding of certain words and terms commonly used in NRC MDs, Commission Papers, reports, and memoranda dealing with organization policy, standards, and practices, the following definitions are provided:

1. General
  - (a) Authority - the power to approve or take other action that commits the NRC as an agency or an organization component thereof.
  - (b) Contract Administration - the functions performed, or responsibilities assumed, in representing the NRC in matters relating to performance under a contract. This includes enforcement of contract provisions and taking those actions that the contracting officer is required or permitted to take under the terms of the contract of applicable legal requirements.
  - (c) Function - an assigned unit of responsibility. It may encompass either a broad or narrow segment of the NRC's activities.
  - (d) Functional Direction - a function-to-function relationship under which an organization with general responsibility for a functional area or program provides direction over the corresponding function of program assigned to another organization, usually at a lower organization level. Such direction usually includes establishment or approval of objectives and plans, instructions on work

to be performed to accomplish the objectives, and evaluation of the results. Functional direction does not necessarily include line supervision over the staff performing the functions.

- (e) Reorganization - the planned elimination, addition, or redistribution of functions or duties in an organization that results in more effective and efficient accomplishment of work.
- (f) Supervision - having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees.

## 2. Organizational Nomenclature

- (a) The Commission - the body of five Commissioners appointed by the President, by and with the advice and consent of the Senate.
- (b) The U.S. Nuclear Regulatory Commission or the NRC - the agency, including the Commissioners and all other employees of the agency.
- (c) NRC Headquarters or Headquarters:
  - (i) When used as a physical location, refers to the NRC offices located in the Washington, D.C., metropolitan area.
  - (ii) When used as an organization title, refers to the total group of NRC offices, divisions, and other components responsible for NRC-wide functions.
- (d) Staff Offices - refers to those organizations created to perform specialized services and operations required to fulfill the functions of the NRC. The Chairman, the Commission, and the EDO have staff offices reporting to them.
  - (i) Program Offices - Refers to both statutory offices (e.g., NRR, NMSS, RES) and nonstatutory offices, all reporting to the EDO.
  - (ii) Corporate Offices - refers to those staff offices that manage the administrative, acquisitions, financial, human capital, outreach, policy support, training, information technology, and information management functions of the agency (as referenced in the Congressional Budget Justification Fiscal Year 2020). Some corporate offices report to the EDO, while others report to the Chairman or Commission.
  - (iii) Regional Offices - refers to those organizations created to execute NRC policies and assigned programs relating to licensing, inspection, and enforcement within regional boundaries. Regional offices report to the EDO.

## 3. Organizational and Management Structure Standards

The following hierarchy applies to program, regional, and staff offices.

<b>ORGANIZATIONAL COMPONENT</b>	<b>DESCRIPTION</b>
Office/Region	First-level organizational and functional component of the agency. In some cases, the office/region may not have subordinate components if its resources are minimal.
Division	<p>Second-level organizational and functional component under an office. Divisions are established in staff offices when the number and diversity of functions performed by the office are great enough to warrant them.</p> <p>“Deputy” is a title restricted to those positions that are second in supervisory command in the organizational component subject to the management direction of the head of component and that automatically assume all responsibilities and authority of the head of the component in his/her absence. Such positions are required when warranted by the quantity and/or complexity of the work.</p>
Branch	<p>Third-level organizational and functional component, usually under the division level but can report directly to the office level.</p> <p>Branches may be established in staff offices when the number of staff specialists involved is so large and duties so complex or varied that the office director or division director cannot provide adequate direct supervision. Branches may be established in the absence of a division, if appropriate.</p> <p>Branches may also be established at levels higher than the division-level where organizationally justified. For example, a Program Support Branch or an Administrative Branch may be established, reporting to an office director at the office director’s discretion. Generally, such organizational entities have a clearly identified title of the entity and a few staff members who provide a service or resource that benefits a large organizational component.</p>
Team	Fourth-level organizational and functional component, usually under the branch level but can report directly to the office or division level.

	When teams are established under a branch, the team may be established when the number and/or complexity of functions performed within an individual branch are so great as to preclude effective direct supervision or operations by the individual branch chief.
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4. Management titles are usually commensurate with the organizational component (e.g., office director, branch chief). Exceptions to standard titles may be appropriate and may be made by the approving official and approved by OCHCO.

#### **B. General Organizational Standards**

Management Directive 10.38, "Position Management," provides guidance on the grouping of functions, as well as considerations for the number and type of organizational components.

### **III. DEVELOPING AND PROCESSING PROPOSALS FOR CREATING OR REVISING ORGANIZATIONS**

Refer to the OCHCO Standard Operating Procedure for Reorganizations, which provides guidance on developing and preparing proposals for creating or revising organizations (ML19231A148).

### **IV. STANDARDS FOR DELEGATION OF AUTHORITY**

#### **A. General Standards Regarding Delegation of Authority**

When appropriate, authorized individuals may delegate their authority downward to others. The scope of the authority is determined by the delegating official (subject to the limitations on the official's authority). For example, the Chairman, Commission, or EDO, as appropriate, determines or approves delegations of authority to office directors and regional administrators and they, in turn, determine or approve delegations of their authority to officials at the next lower organization level. The following principles apply to delegations of authority:

1. Delegations shall be made in writing according to OEDO guidance (see OEDO memorandum dated February 27, 2017 (ADAMS Accession No. ML17030A174)). Delegations of authority for performing major agency functions shall be incorporated as rapidly as possible into appropriate NRC management directives so that they are readily available to all persons who need to know current authorizations. A copy of all such delegations shall be furnished to—
  - (a) SECY (for offices reporting to the Commission) and the EDO;
  - (b) The General Counsel, for reference in legal determinations; and

- (c) The Chief Human Capital Officer, for reference in organizational analysis and position evaluation matters and in executive and management development analyses and projections.
2. Delegations of authority must contain limitations consistent with those imposed on the source of the authority. For example, all redelegations of authority stemming from the EDO's delegation must contain, as a minimum, the limitations placed on the authority delegated to the EDO by the Chairman or Commission.
  3. Delegations shall specify any limitations on further redelegations, since authority is assumed to be redelegable, unless the delegation itself or an applicable law or regulation specifically prohibits or limits such redelegation.
  4. When appropriate, delegations shall provide expiration dates or state that they apply until explicitly canceled or superseded. If a delegation does not include an expiration date, then the delegation is presumed to remain in effect until it is explicitly superseded.
  5. Delegations should be made to positions, and not to individuals by name, except in unusual circumstances or when required by statute, regulation, or directive. Continuing designations or delegations of authority to officials to "act for" the heads of organizations in their absence should be referenced in the appropriate sections of MDs.
  6. When an employee is serving in an "acting" capacity, he or she is vested with the full authority delegated to the position, unless the designation specifically limits the authority. Designations to "act" shall be in writing where the designee will exercise delegated authority and may be in the form of (a) written instructions providing for a succession of command or (b) individual designations for specific occasions.
  7. Designation of an employee to "act" in a supervisory position during temporary absence of the regular incumbent for a period normally lasting no more than a few days (e.g., on annual or sick leave; official travel, etc.) shall be made by the incumbent with a copy to his immediate supervisor for information.
  8. If a series of delegations is necessary (e.g., for executing and administering several contracts), a control system shall be established to ensure clarity.
  9. In some cases, authority is delegated by one individual to another who is not in a subordinate position to the delegating official. This is referred to as a delegation by "other than a line supervisor." A common example of this occurs when a contracting officer delegates to an individual outside of his or her organization the authority to represent the contracting officer in the administration of a contract. For example, when the director, Acquisition Management Division (AMD), Office of Administration (ADM), as contracting officer, executes a contract for services to be rendered for another division, he or she usually issues a delegation of authority memorandum to authorize the director of the other division to represent the contracting officer in administering the contract.

**B. Standards Pertaining Specifically to Delegation of Contractual Authority**

1. A delegation of authority that involves *contractual* authority must clearly specify any limitations on the delegation. Limitations on the contractual authority that is being delegated generally affects the validity of relevant contract actions. In contrast, non-contractual limitations on the exercise of delegated authority generally affect NRC administrative controls and limitations.
2. Contracting authority in the NRC is delegated to the Director, AMD, for negotiation, execution, administration, and closeout of contracts. In the exercise of this authority, the Director, AMD, may provide for further limited redelegations to other individuals to act (See OEDO Memorandum dated March 31, 2011 (ML110540450)). Such redelegations have been made to individuals in AMD and to the regional offices for the purchase of goods and services necessary to support the mission of the agency.

**C. Documentation of Delegations of Authority in NRC Management Directives**

NRC management directives in Volume 9 contain specific responsibilities and authorities that apply to office directors, and the extent to which those authorities may be delegated.