

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

MD 9.8	ORGANIZATION AND FUNCTIONS, OFFICE OF INVESTIGATIONS	DT- 23-16
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<i>Volume 9:</i>	NRC Organization and Functions
<i>Approved By:</i>	Thomas Ashley, Director Office of Investigations
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<i>Issuing Office:</i>	Office of Investigations
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EXECUTIVE SUMMARY

Management Directive (MD) 9.8, “Organization and Functions, Office of Investigations,” is revised to—

- Update an existing re-delegation of Office of Investigations authority to issue subpoenas; and
- Correctly reference minor administrative changes (e.g., updating an inclusive term) as the content of the MD remains stable since the last publication in 2016.

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For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

I. SUPERVISION

The Office of Investigations (OI) is under the supervision of a Director who reports to the Deputy Executive Director for Materials, Waste, Research, State, Tribal, Compliance, Administration, and Human Capital Programs (DEDM), in the Office of the Executive Director for Operations (OEDO).

II. FUNCTIONS

OI conducts and supervises NRC investigations of alleged or suspected wrongdoing by licensees, certificate holders, applicants, and their contractors and vendors and assures the quality of investigations. OI does not conduct investigations of NRC employees or NRC contractors. Specifically, the office—

- A.** Develops and implements policy, procedures, and quality control standards for the conduct of all OI investigations, including those standards set forth by the Council of Inspectors General on Integrity and Efficiency (CIGIE).
- B.** Plans, coordinates, directs, and executes administrative affairs of the office.
- C.** Maintains current awareness of inquiries and inspections by other agency offices to identify the need for investigations.
- D.** Keeps the Commission, the EDO/DEDM, and involved NRC offices currently apprised of matters under investigation as they affect public health and safety, the common defense and security, or environmental quality. Keeps the Commission currently apprised of information developed relative to functions performed by OI field offices. Provides final reports to OEDO and the appropriate regional administrator for appropriate action.
- E.** Makes appropriate referrals to the Department of Justice.
- F.** Maintains liaison with Federal, State, and local law enforcement agencies and organizations to ensure the timely exchange of information of mutual interest.
- G.** Issues subpoenas under Section 161c of the Atomic Energy Act of 1954, as amended, where necessary or appropriate for the conduct of investigations, after obtaining review from the Office of the General Counsel.
- H.** Carries out any other functions assigned by the Commission.

III. DELEGATION OF AUTHORITY TO THE DIRECTOR

The Director is authorized and directed to act in accordance with Commission-approved policy on investigations and to—

- A. Develop, administer, maintain, and monitor a program to perform thorough, timely, and objective investigations.
- B. Conduct and supervise investigations within the scope of NRC authority, except those concerning NRC employees and NRC contractors, at the request of the Commission, OEDO, regional administrators, or on the Director's initiative.
- C. Develop, administer, and maintain a quality control system and standards for the initiation, conduct, and supervision of all investigations undertaken by OI.
- D. Develop, administer, and maintain a program to ensure the proper level of training for the investigative staff of OI.
- E. Keep abreast of the NRC inspection program for licensees and applicants, and their contractors or vendors, in order to advise the Commission, OEDO, and regional administrators of the need for investigations.
- F. Establish and maintain systems and procedures to ensure that appropriate organizational components of the NRC are promptly notified and fully informed of those matters under investigation that may affect public health and safety, the common defense and security, or environmental quality.
- G. Make referrals, as appropriate, to the Department of Justice stemming from investigations by OI.
- H. Administer oaths and affirmations where needed.
- I. Issue subpoenas under Section 161c. of the Atomic Energy Act of 1954, as amended, where necessary or appropriate for the conduct of investigations. Before the issuance of administrative subpoenas, the Director will obtain legal review from the Office of the General Counsel. This authority may be redelegated as authorized by the Commission.
- J. Develop policy options for the Commission's consideration on matters within the above-mentioned authority.

- K. Supervise, direct, coordinate, and approve the activities, including administrative functions, of the various organizational units within OI.

IV. REDELEGATION OF AUTHORITY BY THE DIRECTOR

- A. The Commission has authorized the Director of OI to redelegate authority to issue subpoenas in OI investigations to the OI regional Special Agents in Charge (SAICs), with prior legal coordination with the Office of the General Counsel and notification to OI headquarters.
- B. The Director may, except where expressly prohibited, redelegate to others authority delegated by this or other official directives or communications subject to the limitations stated below and such other stipulations as are deemed necessary:
 1. Such re delegation must be in writing, and copies must be filed with the Secretary of the Commission, the General Counsel, and the EDO.
 2. The Director must stipulate any limitations on further re delegation of authority.

V. REDELEGATION OF AUTHORITY TO THE DEPUTY DIRECTOR

The Deputy Director is authorized and directed to act in the stead of the Director during their absence.

VI. ORGANIZATIONAL STRUCTURE AND INTERNAL ASSIGNMENTS

The organization chart and functional descriptions are posted on the NRC website, available at <https://www.nrc.gov/about-nrc/organization.html>.

VII. REFERENCES

Code of Federal Regulations

10 CFR 1.36, "Office of Investigations."

Nuclear Regulatory Commission Documents and websites

Delegations and Redelegations of Authority—

NRC Memorandum from Chairman Nunzio J. Palladino to Ben B. Hayes, Director, Office of Investigations, "Delegation of Authority," January 11, 1985 ([ML17319A410](#)).

NRC Memorandum from Daniel H. Dorman, Executive Director for Operations, to Chair Hanson, Commissioner Baran, Commissioner Wright, Commissioner

Caputo, and Commissioner Crowell, "Update to Existing Re-Delegation of Office of Investigations Authority to Issue Subpoenas," May 9, 2023 ([ML23053A357](#)).

NRC website on Organization and Functions of the Agency:
<http://www.nrc.gov/about-nrc/organization.html>.

NRC Office of Investigations website: <https://usnrc.sharepoint.com/sites/oi-hub>.

"SECY-94-070 – Streamlining Office of Investigations (OI) Activities in Support of The National Performance Review," April 6, 1994 ([ML17319A409](#)).

United States Code

Section 161c., Atomic Energy Act of 1954, as amended (42 U.S.C. 2201(c)).

Energy Reorganization Act of 1974 (42 U.S.C. 5846).