

June 23, 1994

MEMORANDUM TO: The Chairman
FROM: John C. Hoyle, Acting Secretary /s/
SUBJECT: COMIS-94-006 - DELEGATION OF AUTHORITY

This memorandum is to inform you that all Commissioners have concurred in your proposed delegation of authority to permit the agency continue functioning with only two members. The approved delegation of authority is shown in the attachment.

This completes action on COMIS-94-006.

Attachment:
As stated

cc: Commissioner Rogers
Commissioner Remick
Commissioner de Planque
EDO
OGC

DELEGATION OF AUTHORITY

Under section 201(a) of the Energy Reorganization Act of 1974, as amended, a quorum for the transaction of business shall consist of at least three Members. While the Commission has a quorum, it is making necessary delegations of authority to ensure that the agency mission can be carried out in the event that, unexpectedly, a quorum is no longer available due to vacancies or the incapacitation of a Member. These delegations shall take effect immediately upon the lack of a quorum for the reasons stated above and shall remain in effect only until a quorum has been restored. This document is to be published in the Federal Register by the Secretary of the Commission should the delegations come into force.

Under section 1 of Reorganization Plan No. 1 of 1980, the Commission's functions are limited to policy formulation, rulemaking and adjudication. It is imperative that the agency be able to carry out these functions at all times. Section 1 further provides that the performance of any of these functions can be delegated to a member of the Commission, including the Chairman.

To ensure that these functions can be successfully carried out, the Commission, pursuant to section 1 of Reorganization Plan No. 1 of 1980, is hereby delegating the authority to carry out all Commission functions, should the absence of a quorum arise, to the Chairman of the Commission. In the event the Chairman is incapacitated or that position is not filled, the authority is delegated to the Commissioner with the longest service on the Commission. The Chairman or Commissioner exercising the authority conferred by this delegation is required to consult with the other Commissioner before taking action on a matter. For the purpose of this delegation the term "Chairman" shall also include "Acting Chairman".

All existing delegations of authority to NRC officials in effect prior to the effective date of this delegation of authority remain in full force and effect.

Approved at Rockville, Maryland, this 23rd day of June, 1994.

Ivan Selin
Chairman

Kenneth C. Rogers
Commissioner

Forrest J. Remick
Commissioner

E. Gail de Planque
Commissioner