September 19, 1991

MEMORANDUM FOR: James J. Taylor
Executive Director for Operations

FROM: John C. Hoyle, Acting Secretary /s/

SUBJECT: SECY-91-282 - DELEGATION OF AUTHORITY - 10 CFR PART 171

The Commission (with all Commissioners agreeing) has approved the proposal to permit the EDO to redelegate the authority to act on fee exemption requests to the Deputy EDOs, but the staff should continue to provide written notice to the Commission of its proposed action on all Part 171 exemption requests. Such notice may be provided to the Commission through the distribution of copies of the request for exemption along with the EDO's signed response prior to dispatch of the response. Five working days advance notice would provide for a brief review. Absent affirmative objections from the Commission, the EDO's response would become effective and could be sent at the end of the fifth working day. The revised memorandum providing for the delegation of authority is attached.

The Commission has no objection to the three exemption requests which have already been denied, as provided in Enclosure 3 to this paper.

The EDO's response to Bio-Nuclear Measurements, Inc. should be modified to reflect the fact that this licensee is already aware of, and has made the certification for, small entity fee treatment since the licensee's certification is attached to its request for exemption.

Attachment:
As stated

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SECY NOTE: THIS SRM, SECY-91-282, AND THE VOTE SHEETS OF THE CHAIRMAN, AND COMMISSIONERS ROGERS AND CURTISS WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
GPA
OIG

September 20, 1991

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: The Chairman

SUBJECT: DELEGATION OF AUTHORITY FOR
10 CFR PART 171

Pursuant to a decision of the Commission, the Executive Director for Operations is hereby delegated all authority vested in the Commission under 10 CFR Part 171, subject to the following limitations:

a. The decision to grant or deny an exemption from payment of the annual license fee, pursuant to 10 CFR Section 171.11, may be redelegated to the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, and the Deputy Executive Director for Nuclear Materials Safety Safeguards and Operations Support, without authority for further redelegation. Other authority vested in the Commission under Part 171 may be redelegated by the Executive Director for Operations without restriction.

b. The decision on whether to grant or deny an exemption pursuant to 10 CFR Section 171.11 will not be effective until the fifth working day after the EDO or his delegatee provides written notice of his decision to the Commission. Such written notice may be provided by the distribution of copies of the request for exemption and the Executive Director for Operations's response.

This delegation supersedes the Commission delegation of December 10, 1986.

/s/

Kenneth C. Rogers
Acting Chairman

cc: S. Chilk, SECY
W. Parler, OGC

R. Scroggins, OC