

May 15, 2001

MEMORANDUM TO: Michael T. Lesar, Chief
 Rules and Directives Branch
 Division of Administrative Services
 Office of Administration

FROM: Janice Dunn Lee, Director
 Office of International Programs

SUBJECT: MANAGEMENT DIRECTIVE 9.14, "ORGANIZATION AND
 FUNCTIONS, OFFICE OF INTERNATIONAL PROGRAMS"

By memorandum dated April 2, 2001, to NRC Office Directors and Commissioners, comments were solicited on draft Management Directive 9.14, "Organization and Functions, Office of International Programs. NRC office comments have been summarized and resolved as shown in the Attachment 1 table. The recommended changes are reflected in the revised Management Directive 9.14 in Attachment 2 in redline/strikeout format. NRC office comments are included in Attachment 3. A signed NRC Form 521, Request for Publication or Elimination of an NRC Management Directive is included as Attachment 4.

If you have any questions regarding this request, please contact Rita Hoskins of my staff at 415-1739 (or E-mail address RYH1).

cc: Valeria Wilson, ADM/DAS

Attachments:

- (1) Comment Resolution Table on Management Directive 9.14
- (2) Revised Management Directive 9.14 in redline/strikeout format
- (3) NRC Office comments
- (4) NRC Form 521, Request for Publication or Elimination of an NRC Management Directive

Distribution:

- Signature File (JDL)
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- A. Szukiewicz, RES
- B. Calure, ADM
- L. Silvious, ADM
- S. Hopkins, ADM
- J. Dambly, ADM
- D. Engel, OGC
- C. Lui, NMSS
- M. Cullingford, NRR
- D. Hassell, OGC
- G. Kim, OGC

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OFFICE	OIP	OIP	OIP					
NAME	Rhoskins	Rhauber	Janice Dunn Lee					
DATE	5/15/01	5/15/01	5/15/01					

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ATTACHMENT 1

Comments on NRC Management Directive 9.14, Organization and Functions, Office of International Programs

5/15/01

Attachment 1

Office	Comment	Resolution
OCM/EXM	Modify the <u>Supervision</u> description to read: "The Office of International Programs is headed by a director who reports to the Commission."	Revised as requested.
	Consider adding bullets under <u>Functions</u> that discuss OIP's coordination role in support of INRA and OIP's leadership role in the NRC's International Council.	Revised as recommended via (0220) and (0221) under Functions for INRA and the International Council incorporating the International Council "Statement of Purpose".
	While I do not object to the second bullet under <u>Delegation of Authority to the Director</u> , I assume that this provision is aimed at exemptions involving routine, non-controversial exemption requests of no interest to the Commission. The staff should notify the Commission if this understanding is incorrect.	Revised to reflect comments. The following sentence was added to the end of (032), "The Commission will be notified of any proposed exemption regarding a controversial or non-routine export matter."
OCM/NJD	There is no mention at all of other offices, e.g., program offices, that execute and/or are involved in the listed activities in the function section. Shouldn't there be? (I think other management directives mention who they coordinate with, plan with, etc.)	Revised (021) to name other office involvement. See (022), (023), and (0211) which include either the phrase in consultation with, or in coordination with other offices. Added a similar phrase in (024), (0212) states interaction with OCA, (0221) and (0222) states interaction with other program offices.
	It may be prudent to wait to finalize the directive until the SRM on the 3/12 meeting is issued, as some items may need updating.	Final SRM has been issued and considered by OIP in the current revision of MD 9.14.
OCM/JSM	1) On the first page under "Subject:": "Office of Congressional Affairs" should be replaced with "Office of International Programs".	Corrected as requested.

OCM/JSM (continued)	2) On page 2 under "Supervision", it states that the OIP Director "reports to and is under the direction of the Chairman". The most recent approved draft of OIP's management directive dated 07/08/93 states that the OIP director "reports to the Commission". In addition, the organizational chart on page 1 of NUREG - 0325. Revision 22 illustrates that the OIP Director reports to the Commission. This office is unaware of any changes made in reporting since 1997 and wants to ensure that the correct reporting designation is in the new management directive.	Revised as requested.
	This office agrees with Commissioner Diaz's office regarding waiting to finale the directive until the 3/12 meeting SRM is completed since the Commission recently agreed to extending the completing of the management directive to the end of May. This should provide sufficient time to complete the meeting SRM and determine whether any corresponding changes to the directive are warranted.	Final SRM has been issued and considered by OIP in the current revision of MD 9.14.
OIG	<p>Our threshold concern is that the directive does not contain a handbook. Management Directive 1.1, which describes requirements for the NRC management Directive systems prescribes both a "Directive" portion which outlines policies and objectives and a "Handbook" section which details responsibilities and procedures. The 9.14 draft document indicates that there is no handbook, but provides no authority for failure to comply with the directions in 1.1.</p> <p>Further, the detailed information contained in the handbook portion of the directive is necessary for agency employees to perform their duties and to inform both government employees and the public of agency organizational procedures. For example, no guidance is provided to inform the Commission, the Office of Human Resources, etc., as to actions expected in response to matters referred to them by the International Programs Office.</p>	Confirmed with OGC (Engel) and ADM (Calure) that a handbook is not required in this case.
	Please respond to these comments within 90 days. If then available, please provide a copy of the revised management directive. If changes responsive to the comments above are not to be made, please provide an explanation along with a copy of subsequent revisions to the directive.	A memorandum from Janice Dunn Lee to Hubert Bell explained the reasons for not preparing a handbook.

NMSS	1. Opening Paragraph under Functions (9.14-02) last sentence. We recommend insert "consistent with the goals and priorities established by the International Council" before "the office". The revised sentence would read: Specifically, consistent with the goals and priorities established by the International Council, the office --	Revised as recommended.
	2. Under Functions (9.14-02), before the last bullet (0220). We recommend inserting an additional bullet that reads: Works with the Program Offices in forecasting the upcoming international activities, and in estimating and allocating the needed resources to support the international activities.	Revised as recommended. See (0222)
	3. Under Delegation of Authority to the Director (9.14-03). We recommend inserting an additional bullet that would clarify the roles of the International Council and OIP director's position in the International Council. The bullet may be: The director serves as the head of the International Council. Other members of the International Council include the Directors of the Program Offices, and the Assistant for Operations, EDO. The roles of the International Council are to (1) establish the goals and priorities of NRC's international activities, (2) (add IC charter language).	Revised as recommended. See (033)
RES	The following comments are provided for your consideration. Section 9.14-02:	
	Bullet 2: Revise bullet to read "In coordination with appropriate NRC and other U. S. Government offices, plans, develops, and implements NRC programs of international nuclear safety cooperation and assistance, as well as export and import licensing and interagency consultation on matters related to nuclear exports and imports."	Revised as recommended.
	Bullet 4: Revise to read: "In coordination with other NRC offices, plans, develops, and manages international nuclear safety information exchange programs with assigned countries and international organizations."	Revised as recommended.

ADM	<p><u>Functions, Paragraph 028</u> The draft Management Directive provides that the Office of International Programs can "Enter into, extend, modify, and terminate interagency agreements with other Federal agencies."</p> <p>Offices which have authority to enter into interagency agreements are listed on page 4 of MD 11.8. The OIP is not listed among these offices. OIP would first have to receive this authority from the Chairman before they could list it in their Management Directive. Currently, OIP submits their requirements for interagency agreements to the Division of Contracts and Property Management for negotiation and award.</p>	<p>Revised as follows: "Enters into, extends, modifies, and terminates reimburseable, allocation, or transfer agreements from the U. S. Agency for International Development (AID) involving provisor of funds to NRC consistent with MD 4.2., Part VIII." (028) A memorandum to Chairman Meserve requesting delegation of authority to sign Memorandum of Agreements (MOAs) is in concurrence.</p>
NRR	<p>Under Functions 9.14-02: Insert "gathering international safety information," after "matters" on line 3 of Bullet (021). Insert ",including defining outcomes," after "Plans," on line 1 Bullet (022). Insert "defines expected outcomes," after "develops," on line 1 Bullet (024). Insert "information" after "regulatory" on line 1 Bullet (025). Insert "with" after "as" on line 2 Bullet (027). Delete "foreign travel" and replace with "visits with nationals of foreign organizations," after "NRC" on line 1 Bullet (0210). Delete "NRC" after "expert" and insert "and from" after "assistance to" on line 2 of Bullet (0211). Insert "regulatory and " after "nuclear" on line 1 Bullet (0215). Delete "foreign regulatory" after "Arranges for" and insert "of foreign regulators" after representatives on line 1 Bullet (0219). Insert "Interacts with such foreign representatives to provide guidance to effect a smooth settling into local conditions. Obtains from relevant Program Office a Program of Work (POW) covering the period of assignment at NRC. Monitors POW and foreign representatives to check that desired outcome of training or regulatory cooperation is being achieved. Informs/coordinates with relevant Program Office if such desired outcome is not being achieved. " after "cooperation." on line 2 of Bullet (0219)</p>	<p>Revised as shown.</p>

The following offices had no comment: OCM/RAM, OCM/GJD, OHR, OGC and OCA

ATTACHMENT 2

Organization and Functions

Supervision (9.14-01)

The Office of International Programs is headed by a director who reports to the Commission ~~and is under the direction of the Chairman.~~

Functions (9.14-02)

The office is responsible for administering the agency's International Programs and for providing policy advice and assistance to the Chairman, the Commission, and the NRC staff on international issues. Specifically, consistent with the goals and priorities established by the International Council, ~~the office --~~

- In consultation with other offices such as the Office of Nuclear Reactor Regulation (NRR), Office of Nuclear Materials Safety and Safeguards (NMSS), Office of Nuclear Regulatory Research (RES), Office of the General Counsel (OGC), Office of Congressional Affairs (OCA), and the Office of Administration (ADM), **provides overall program coordination and policy guidance for NRC's international activities, including nuclear exports and imports, international safeguards, international physical security, nonproliferation matters, gathering international safety information, and international cooperation and assistance in nuclear safety and radiation protection. (021)**
- In coordination with appropriate NRC and other U. S. Government offices, **plans, including defining outcomes, develops, and implements NRC programs of international nuclear safety cooperation and assistance, as well as export and import licensing and interagency consultation on matters related to nuclear exports and imports in consultation with appropriate NRC and other U.S. Government offices. (022)**
- **Formulates and recommends policies concerning nuclear exports and imports, international safeguards, international physical security, and nonproliferation matters, in coordination with other NRC offices having interests or responsibilities in these areas. (023)**
- In coordination with other NRC offices, **plans, develops, defines expected outcomes, and manages international nuclear safety information exchange programs with assigned countries and international organizations. (024)**
- **Coordinates interagency reviews of international regulatory information exchange and research agreements for the NRC. (025)**

- Coordinates NRC's foreign intelligence responsibilities regarding nuclear safety, exports, and nonproliferation. (026)
- Establishes and maintains working relationships with individual countries and international organizations, as well as with other involved U.S. Government agencies. (027)
- Enters into, extends, modifies, and terminates interagency reimburseable, allocation, or transfer agreements ~~with other Federal agencies~~ from the U. S. Agency for International Development (AID) involving provision of funds to NRC consistent with Management Directive 4.2. "Administrative Control of Funds", Part VIII ~~(G)(3)(j)~~. The funds received will be obligated through established NRC contractual procedures. (028)
- Ensures that international activities carried out by the Commission and staff are well coordinated internally and Government wide and are consistent with NRC and U.S. policies. (029)
- Coordinates visits of foreign nationals to the NRC, as well as NRC visits with nationals of foreign organizations ~~foreign travel~~, including identification of expected outcomes, and advice and recommendations on NRC foreign travel and expenditures from NRC official representational funds. (0210)
- In coordination with appropriate U.S. Government agencies and NRC offices, arranges for ~~provision of~~ expert NRC assistance to and from other countries and international organizations in the areas of nuclear health and safety, environmental protection, safeguards, and physical security. (0211)
- Transmits to OCA, within 30 days of receipt, any credible information generated by the NRC or received from an NRC licensee or an NRC license applicant regarding current activities of foreign nations that is significant from the proliferation standpoint, ~~including information in special access programs~~ for the purpose of informing appropriate congressional committees pursuant to reporting requirements of the Nuclear Nonproliferation Act (NNPA). (0212)
 - For purposes of this provision, credible information subject to reporting under the NNPA refers to all information generated by the NRC or received from an NRC licensee or an NRC license applicant with respect to the agency's activities to carry out the purposes and policies of the NNPA and to otherwise prevent nuclear proliferation; and the current activities of foreign nations that are significant from the proliferation standpoint. ~~including information contained in special access programs.~~

~~E. O. 12958 defines special access program as "a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level."~~

- Plans, develops, and implements export and import licensing activities. (0213)
- Processes nuclear export and import license applications and issues licenses under 10 CFR Part 110 after receiving any necessary guidance from the Commission. (0214)
- Develops and maintains analyses of nuclear regulatory and energy programs, activities, and policies of foreign countries and provides them to the Commission and the NRC staff, including reports on worldwide developments concerning nuclear regulatory matters. (0215)
- Develops and transmits NRC responses to the Department of Energy (DOE) on nuclear technology transfer cases under 10 CFR Part 810, pursuant to interagency procedures after receiving any necessary guidance from the Commission. (0216)
- Develops and transmits NRC recommendations for agreements for cooperation negotiated by the Secretary of State pursuant to Section 123 of the Atomic Energy Act, as amended, after receiving any necessary guidance from the Commission. (0217)
- Develops and transmits NRC responses to DOE on subsequent arrangement requests under Section 131 of the Atomic Energy Act, as amended, after receiving any necessary guidance from the Commission. (0218)
- ~~Arranges for foreign regulatory~~ representatives of foreign regulators to be temporarily assigned to NRC for training or regulatory cooperation. Interacts with such foreign representatives to provide guidance to effect a smooth settling in to local conditions. Obtains from relevant program office a Program of Work (POW) covering the period of assignment at NRC. Monitors POW and foreign representatives to check that desired outcome of training or regulatory cooperation is being achieved. Informs/coordinates with relevant program office if such desired outcome is not being achieved. (0219)
- Assists in identifying and resolving issues associated with the International Nuclear Regulators Association (INRA). Coordinates preparations for the Chairman's participation in INRA meetings, including coordinating discussion papers for the meetings and implementation of decisions reached by the association insofar as they impact NRC. (0220)

- Coordinates NRC program office participation in the NRC International Council, which was established to provide a more focused international program supported by all involved offices to promote a common approach to, and provide more timely information and guidance on international issues and activities. (0221)
- Works with the program offices in forecasting the upcoming international activities and in estimating and allocating the needed resources to support the international activities. (0222)
- Performs any other functions assigned by the Commission. (0223) (~~0220~~)

**Delegation of Authority
to the Director
(9.14-03)**

- The director is authorized and directed to take any actions necessary to implement the functions assigned by this directive, or other official directives or communications, subject to the limitations they may prescribe. (031)
- The director is authorized to grant exemptions from NRC regulations pertaining to export of nuclear facilities, nuclear components and commodities, and source, byproduct, and special nuclear materials and to import of nuclear facilities and source, byproduct, and special nuclear materials to the extent permitted by the Atomic Energy Act of 1954, as amended, in accordance with NRC regulations and Commission policy and direction. The Commission will be notified of any proposed exemption regarding a controversial or non-routine export matter. (032)
- The director is authorized to serve as the head of the International Council. Other members of the International Council include the directors of the program offices and the Assistant for Operations, EDO. The roles of the International Council are to (1) establish the goals and priorities of NRC's international activities and ensure that the NRC maintains a focused integrated international program, supported by all involved offices, that promotes NRC's strategic plan and (2) provide a forum for NRC senior managers ~~to meet at least once each quarter~~ to exchange information, address questions and resolve problems, identify and discuss international priorities (including changed emphases or new initiatives that should be brought to the Commission's attention), ensure that ongoing activities provide the desired benefits, and secure participating offices' support of planned activities. (033)

**Redelegation of Authority
by the Director
(9.14-04)**

The director may, except where expressly prohibited, redelegate in writing to others employed by the Office of International Programs the authority delegated to the director by this or other official directives or communications, subject to the limitations stated below and to any other stipulations the director may deem necessary.

- The director shall send a memorandum to the Commission specifying the redelegation, with a copy to the Executive Director for Operations, the Secretary of the Commission, the General Counsel, and the Director of the Office of Human Resources. (041)
- The director shall stipulate any limitations on further redelegations of authority he or she makes. (042)
- The director shall maintain a file of all redelegations. (043)

**Redelegation of Authority
to the Deputy Director**
(9.14-045)

The deputy director is authorized to act for the director during his or her absence.

References
(9.14-06)

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

Consolidated Appropriations Act for Fiscal Year 2000, Public Law 106-112.

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

Foreign Relations Authorization Act for Fiscal Years 2000 and 2001.

Nuclear Nonproliferation Act of 1978 (NNPA), Subsection 602(c)(1)(B), as amended.

NRC Documents

COMSECY-00-0005, "Arms Control, Nonproliferation, and Security Assistance Act of 1999," OGC to Commission, dated January 13, 2000.

NRC Announcement No. 007, "Reporting Requirements of the Nuclear Nonproliferation Act", February 1, 2000.

**Organizational Structure and
Internal Assignments**
(9.14-07)

The Office of International Programs is a single organizational component with no subdivisions.

ATTACHMENT 3

IVKK
Michelle: Please give this to Rita
Hoskins in OIP today and

ORIGINAL DUE DT: 04/11/01

TICKET NO: 020010052

DOC DT: 04/02/01

NRR RCVD DATE: 04/03/01

FROM:
Janice Dunn Lee

close on
this yellow

TO:
Sam Collins

Ticket with TJ Carter

FOR SIGNATURE OF :

** YEL **

Thank you
Mike

DESC:

ROUTING:

Draft Management Directive 9.14, "Organization and
Functions, Office of International Programs"

Collins/Johnson
Borchardt
Sheron
NRR Mailroom

ASSIGNED TO:

CONTACT:

DONR

Cullingford

SPECIAL INSTRUCTIONS OR REMARKS:



201 713 100 1
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 2, 2001

NRR response
to this request!

MEMORANDUM TO: Those on the Attached List

FROM: *for* Janice Dunn Lee, Director *Rita Hoskins*
Office of International Programs

SUBJECT: DRAFT MANAGEMENT DIRECTIVE 9.14, "ORGANIZATION AND
FUNCTIONS, OFFICE OF INTERNATIONAL PROGRAMS"

Draft Management Directive 9.14, "Organization and Functions, Office of International Programs," is provided for your review and comment. This routine update of Management Directive, 9.14 replaces Manual Chapter 0116 and is being issued to reflect the Office of International Programs April 2000 reorganization, to update and clarify responsibilities of the office, and to include reporting requirements of the Arms Control, Nonproliferation, and Security Assistance Act of 1999. A handbook is not being issued. Please provide your comments on this directive by Wednesday, April 11, 2001, to Rita Hoskins (Mail Stop O4E9 or E-mail rjh1).

Any changes resulting from the Commission March 12, 2001 discussion on the conduct of NRC's international programs that may effect management directives, will be handled separately.

Attachment: As stated

cc: B. Calure, ADM/RDB

Organization and Functions

Supervision
(9.14-01)

The Office of International Programs is headed by a director who reports to and is under the direction of the Chairman.

Functions
(9.14-02)

The office is responsible for administering the agency's International Programs and for providing policy advice and assistance to the Chairman, the Commission, and the NRC staff on international issues. Specifically, the office --

- Provides overall program coordination and policy guidance for NRC's international activities, including nuclear exports and imports, international safeguards, international physical security, nonproliferation matters, and international cooperation and assistance in nuclear safety and radiation protection. (021)
- Plans, develops and implements NRC programs of international nuclear safety cooperation and assistance, as well as export and import licensing and interagency consultation on matters related to nuclear exports and imports in consultation with appropriate NRC and other U.S. Government offices. (022)
- Formulates and recommends policies concerning nuclear exports and imports, international safeguards, international physical security, and nonproliferation matters, in coordination with other NRC offices having interest or responsibilities in these areas. (023)
- Plans, develops, and manages international nuclear safety information exchange programs with assigned countries and international organizations. (024)
- Coordinates interagency reviews of international regulatory exchange and research agreements for the NRC. (025)
- Coordinates NRC's foreign intelligence responsibilities regarding nuclear safety, exports, and nonproliferation. (026)
- Establishes and maintains working relationships with individual countries and international organizations, as well as other involved U.S. Government agencies. (027)
- Enters into, extends, modifies, and terminates interagency agreements with other Federal agencies. (028)

gathering international safety information,

, including defining outcomes,

defines expected outcomes,

information

with

Identification of expected outcomes

- Ensures that international activities carried out by the Commission and staff are well coordinated internally and Government-wide and are consistent with NRC and U.S. policies. (029)
- Coordinates visits of foreign nationals to the NRC, as well as NRC foreign travel, including advice and recommendations on NRC foreign travel and expenditures from NRC official representational funds. (0210)
- In coordination with appropriate U.S. Government agencies and NRC offices, arranges for provision of expert ~~and~~ assistance to other countries and international organizations in the areas of nuclear health and safety, environmental protection, safeguards, and physical security. (0211)
- Transmits to the Office of Congressional Affairs, within 30 days of receipt, any credible information generated by the NRC or received from an NRC licensee or NRC license applicant regarding current activities of foreign nations that is significant from the proliferation standpoint, including information in special access programs, for the purpose of informing appropriate congressional committees pursuant to reporting requirements of the Nuclear Nonproliferation Act (NNPA). (0212)
 - For purposes of this provision, credible information subject to reporting under the Nuclear Nonproliferation Act, refers to all information generated by the NRC or received from an NRC licensee or an NRC license applicant with respect to the agency's activities to carry out the purposes and policies of the NNPA and to otherwise prevent nuclear proliferation; and the current activities of foreign nations that are significant from the proliferation standpoint, including information contained in special access programs.
 - E. O. 12958 defines special access program as "a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level."
- Plans, develops, and implements export and import licensing activities. (0213)
- Processes nuclear export and import license applications and issues licenses under 10 CFR Part 110 after receiving any necessary guidance from the Commission. (0214)
- Develops and maintains analyses of nuclear energy programs, activities, and policies of foreign countries and provides them to the Commission and the NRC staff, including reports on worldwide developments concerning nuclear regulatory matters. (0215)
- Develops and transmits NRC responses to the Department of Energy (DOE) on nuclear technology transfer cases under 10 CFR Part 810,

national & foreign organizations

visits with

and from

regulatory and



pursuant to interagency procedures after receiving any necessary guidance from the Commission. (0216)

- Develops and transmits NRC recommendations for agreements for cooperation negotiated by the Secretary of State pursuant to Section 123 of the Atomic Energy Act, as amended after receiving any necessary guidance from the Commission. (0217)
- Develops and transmits NRC responses to DOE on subsequent arrangement requests under Section 131 of the Atomic Energy Act, as amended after receiving any necessary guidance from the Commission. (0218)

- Arranges for foreign regulatory representatives to be temporarily assigned to NRC for training or regulatory cooperation. (0219)

- Performs any other functions assigned by the Commission. (0220)

Interacts with such foreign representatives to provide guidance to effect a smooth settling in to local conditions. Obtains from relevant Program Office a Program of Work covering the period of assignment at NRC.

Delegation of Authority to the Director (9.14-03)

- The director is authorized and directed to take any actions necessary to implement the functions assigned by this directive, or other official directives or communications, subject to the limitations they may prescribe. (031)
- The director is authorized to grant exemptions from NRC regulations pertaining to export of nuclear facilities, nuclear components and commodities, and source, byproduct, and special nuclear materials and to import of nuclear facilities and source, byproduct, and special nuclear materials to the extent permitted by the Atomic Energy Act of 1954, as amended, in accordance with NRC regulations and Commission policy and direction. (032)

(Pow) Monitors Pow and foreign representative to check that desired outcome of training or regulatory cooperation is being achieved.

Redelegation of Authority by the Director (9.14-04)

- The director may, except where expressly prohibited, redelegate in writing to others employed by the Office of International Programs the authority delegated to the director by this or other official directives or communications, subject to the limitations stated below and to any other stipulations the director may deem necessary.
- The director shall send a memorandum to the Commission specifying the redelegation with a copy to the Executive Director for Operations, the Secretary of the Commission, the General Counsel, and the Director of the Office of Human Resources. (041)
 - The director shall stipulate any limitations on further redelegations of authority he or she makes. (042)

Informal / coordinates with relevant program office if such desired outcome is not being achieved

NMSS

From: Christiana Lui
To: Rita Hoskins
Date: 4/10/01 8:40AM
Subject: NMSS Comments on Draft M.D. 9.14

I am responding for Marty Virgilio regarding NMSS comments on M.D. 9.14, "Organization and Functions, Office of International Programs," draft dated 4/2/2001.

1. Opening paragraph under **Functions** (9.14-02), last sentence
We recommend insert "consistent with the goals and priorities established by the International Council" before "the office". The revised sentence would read:

Specifically, consistent with the goals and priorities established by the International Council, the office --

2. Under **Functions** (9.14-02), before the last bullet (0220)
We recommend insert an additional bullet that reads:

Works with the Program Offices in forecasting the upcoming international activities, and in estimating and allocating the needed resources to support the international activities.

3. Under **Delegation of Authority to the Director** (9.14-03)
We recommend insert an additional bullet that would clarify the roles of the International Council and OIP director's position in the International Council. The bullet may be:

The director serves as the head of the International Council. Other members of the International Council include the Directors of the Program Offices, and the Assistant for Operations, EDO. The roles of the International Council are to (1) establish the goals and priorities of NRC's international activities, (2) (add IC charter language).

Please contact me if there is any question. Thank you for the opportunity to comment on the draft M.D.

CC: Aby Mohseni; Charles Hughey; Margaret Federline; Martin Virgilio; Theodore Sherr

RES

From: Andrew Szukiewicz
To: Rita Hoskins
Date: 4/12/01 10:47AM
Subject: Comments on Draft MD 9.14

As requested in a memo, dated April 2, 2001, from Janice Dunn Lee, we have reviewed the draft Management Directive 9.14.

The following comments are provided for your consideration.

Section 9.14-02:

Bullet 2.

Revise bullet to read "In coordination with appropriate NRC and other U.S. Government offices, plans, develops, and implements NRC programs of international nuclear safety cooperation and assistance, as well as export and import licensing and interagency consultation on matters related to nuclear exports and imports."

Bullet 4:

Revise to read: "In coordination with other NRC offices, plans, develops, and manages international nuclear safety information exchange programs with assigned countries and international organizations."

(Anita Summerour/Christine Bonsby: This completes Action Item 2001071)

CC: Ashok Thadani; Charles Ader; Christine Bonsby; Janice Dunn Lee; Ronald Hauber; Roy Zimmerman

ADM Comments on Draft Management Directive 9.14,
"Organization and Functions, Office of International Programs"

Functions, Paragraph 028

The draft Management Directive provides that the Office of International Programs can "Enter into, extend, modify, and terminate interagency agreements with other Federal agencies."

Offices which have authority to enter into interagency agreements are listed on page 4 of MD 11.8. The OIP is not listed among these offices. OIP would first have to receive this authority from the Chairman before they could list it in their Management Directive. Currently, OIP submits their requirements for interagency agreements to the Division of Contracts and Property Management for negotiation and award.

Functions, Paragraph 0212

Contains language which if complied with, would pose significant security issues.

1) NRC through a classified program approved at the commission level does from time to time generate information of the type talked about in the item. This has been an area in the past of Commission control and concern. Reporting such as that suggested in this paragraph is in direct contravention to approved practices and procedures and certainly is contrary to Commission policy in this area.

2) The quoted definition of a special access program from E.O. 12958, and the suggestion that NRC report information falling into that category fails to account for the fact that the NRC is not one of the 4 federal agencies (DOE, DOE, DOD, CIA) who may establish special access programs (Section 4.4 of EO. 12958). Therefore, we would never conceivably have SAP information which was the property of NRC. If we were to make information about another agency's special access information available to another party outside of NRC then we would be in contravention to section 4.2 (h) of the E.O. The reality is that our sources of information would be greatly curtailed (this has in fact happened in the history of the Commission, and has taken many years to rebuild trust with the Intelligence Community) were we to exchange this type of information.

From: A. Lynn Silvious
To: Rita Hoskins
Date: 4/10/01 3:58PM
Subject: Your Management Directive

Hi Rita,

I had the opportunity to comment on your proposed Management Directive 9.14. We would like the opportunity to discuss our comments and their resolution with you at an appropriate time. Please call me to set up a time and place. Tom Martin, the Director of DFS would like to participate in our discussions if possible.

Thank You.

A. Lynn Silvious, Chief
Information Security Branch
Division of Facilities and Security
ADM

415-2214

CC: Ronald Hauber; tom2

OGC

From: Grace Kim
To: Hauber, Ronald; Hoskins, Rita
Date: 4/16/01 1:30PM
Subject: MD report language

Ron, Rita - - I confirmed with Trip that we wouldn't object to taking out the references to "special access" programs in the Management Directive. Grace

From: Donald Hassell
To: Rita Hoskins
Date: 4/10/01 9:54AM
Subject: Draft Management Directive 9.14

Rita, in accordance with Janice Dunn Lee's memorandum of April 2, 2001, OGC has reviewed the subject management directive. Based on that review, we have no legal objection to its issuance.

CC: Barbara Calure; Ronald Hauber; Trip Rothschild

Commissioner McGaffigan's Comments on Draft Management Directive 9.14

1. Modify the Supervision description to be read: "The Office of International Programs is headed by a director who reports to the Commission."
2. Consider adding bullets under Functions that discuss OIP's coordination role in support of INRA and OIP's leadership role in the NRC's International Council.
3. While I do not object to the second bullet under Delegation of Authority to the Director, I assume that this provision is aimed at exemptions involving routine, non-controversial exemption requests of no interest to the Commission. The staff should notify the Commission if this understanding is incorrect.

Edg

OCM/NJD

From: Maria Lopez-Otin
To: Bradley Jones; Janet Schlueter; Janice Dunn Lee; Karen Henderson; Lynne Stauss
Date: 4/10/01 3:39PM
Subject: Re: MAnagement Directive 9.14

A question and a suggestion:

There is no mention at all of other offices, e.g., program offices, that execute and/or are involve in the listed activities in the function section. Shouldn't there be? (I think other mgt directives mention who they coordinate with, plan with, etc.)

It may be prudent to wait to finalize the directive until the SRM on the 3/12 meeting is issued, as some items may need updating.

Thanks,

Maria

>>> Bradley Jones 04/06/01 09:39AM >>>

We have no comments on the draft Management directive circulated by Janice Dunn Lee in a memo dated April 2, 2001.

Brad

CC: TMH1

OCM/ISM

From: Lynne Stauss
To: Bradley Jones; Janet Schlueter; Janice Dunn Lee; Karen Henderson; Maria Lopez-Otin
Date: 4/12/01 5:44PM
Subject: Re: MAnagement Directive 9.14

Commissioner Merrifield currently has 2 specific comments on the management directive.

1) On the first page under "Subject:", "Office of Congressional Affairs" should be replaced with "Office of International Programs".

2) On page 2 under "Supervision", it states that the OIP Director "reports to and is under the direction of the Chairman". The most recent approved draft of OIP's management directive dated 07/08/93 states that the OIP director "reports to the Commission". In addition, the organizational chart on page 1 of NUREG - 0325, Revision 22 illustrates that the OIP Director reports to the Commission. This office is unaware of any changes made in reporting since 1997 and wants to ensure the the correct reporting designation is in the new management directive.

This office also agrees with Commissioner Diaz's office regarding waiting to finalize the directive until the 3/12 meeting SRM is completed since the Commission recently agreed to extending the completion date of the management directive to the end of May. This should provide sufficient time to complete the meeting SRM and determine whether any cooresponding changes to the directive are warranted.

>>> Maria Lopez-Otin 04/10/01 03:39PM >>>

A question and a suggestion:

There is no mention at all of other offices, e.g., program offices, that execute and/or are involve in the listed activities in the function section. Shouldn't there be? (I think other mgt directives mention who they coordinate with, plan with, etc.)

It may be prudent to wait to finalize the directive until the SRM on the 3/12 meeting is issued, as some items may need updating.

Thanks,

Maria

>>> Bradley Jones 04/06/01 09:39AM >>>

We have no comments on the draft Management directive circulated by Janice Dunn Lee in a memo dated April 2, 2001.

Brad

CC: Tina Higginbotham; Tojuana Fortune

From: Betsy Keeling
To: Rita Hoskins
Date: 5/7/01 2:30PM
Subject: Re: MD 9.14

OCA does not have any comments on Management Directive 9.14.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

1. ACTION

April 10, 2001

OFFICE OF THE
INSPECTOR GENERAL

MEMORANDUM TO: Janice Dunn Lee, Director
Office of International Programs

FROM: 
Hubert T. Bell
Inspector General

SUBJECT: DRAFT MANAGEMENT DIRECTIVE 9.14, "ORGANIZATION
AND FUNCTIONS, OFFICE OF INTERNATIONAL PROGRAMS"

The Inspector General Act requires that my office review statutes, regulations and policies and to make recommendations concerning the impact of these statutes, regulations and policies on agency programs and operations. The purpose of this review is to analyze and comment on their effect on the economy and efficiency of programs and operations administered by the agency.

In accordance with that statutory obligation, we have reviewed the most recent changes to draft Management Directive 9.14, "Organization and Functions, Office of International Programs." Comments resulting from our review are discussed below.

Our threshold concern is that the directive does not contain a handbook. Management Directive 1.1, which describes requirements for the NRC Management Directive system, prescribes both a "Directive" portion which outlines policies and objectives and a "Handbook" section which details responsibilities and procedures. The 9.14 draft document indicates that there is no handbook, but provides no authority for failure to comply with the directions in 1.1.

Further, the detailed information contained in the handbook portion of the directive is necessary for agency employees to perform their duties and to inform both government employees and the public of agency organizational procedures. For example, no guidance is provided to inform the Commission, the Office of Human Resources, etc., as to actions expected in response to matters referred to them by the International Programs Office.

In addition, from our experience, information reflected in paragraph (0212) regarding "special access programs" is not normally disclosed in a public document. If the existence of this level of information was not previously published, it may be prudent to redact it from this document.

Please respond to these comments within 90 days. If then available, please provide a copy of the revised management directive.

If changes responsive to the comments above are not to be made, please provide an explanation along with a copy of subsequent revisions to the directive.

My point of contact for this matter is Maryann L. Grodin. She may be reached at 415-5945.

From: Jan Dambly
To: Rita Hoskins
Date: 4/10/01 8:08AM
Subject: ADM COMMENTS ON DRAFT MANAGEMENT DIRECTIVE 9.14

We have reviewed the draft management directive, "Organization and Functions, Office of International Programs." Comments are provided on the attachment.

If you require further information, Susan Hopkins is the contact for paragraph 028 and Lynn Silvious is the contact for paragraph 0212.

CC: A. Lynn Silvious; Linda Mike; Michael Springer; Susan Hopkins; Thomas Martin;
Timothy Hagan

To: System Custodians

Subject: Transmittal of Management Directive 9.14, "Organization and Functions, ~~Office of Congressional Affairs~~ Office of International Programs"

Purpose: Directive 9.14 replaces Manual Chapter 0116 and is being issued to reflect the Office of International Programs (OIP) April 2000 reorganization and to update and clarify responsibilities of the office. Included are reporting requirements of the Nuclear Nonproliferation Act.

Office of Origin: Office of International Programs

Contact: Rita Hoskins, 415-1739

Date Approved:

Volume: 9 Organizations and Functions

Directive: 9.14, "Organization and Functions, Office of International Programs"

Availability Rules and Directives Branch
Office of Administration
Michael T. Lesar (301) 415-7163 or
Christy Moore (301) 415-7086

OCM/REAM

From: Marian Zabler
To: Hoskins, Rita
Date: 4/13/01 2:34PM
Subject: MD 914

Rita,

This is to advise you that the Chairman had no comments on the update to MD 9.14

Thanks
Marian

CC: Dunn Lee, Janice; Henderson, Karen

OCM/GJD

From: Bradley Jones
To: Janet Schlueter; Janice Dunn Lee; Karen Henderson; Lynne Stauss; Maria Lopez-Otin
Date: 4/6/01 9:39AM
Subject: Management Directive 9.14

We have no comments on the draft Management directive circulated by Janice Dunn Lee in a memo dated April 2, 2001.

Brad



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 2, 2001

*Approved with
attached comments*

MEMORANDUM TO: Those on the Attached List

FROM: *for* Janice Dunn Lee, Director *Rita Hoskins*
Office of International Programs

Ed Goffey Jr.
4/12/01

SUBJECT: DRAFT MANAGEMENT DIRECTIVE 9.14, "ORGANIZATION AND
FUNCTIONS, OFFICE OF INTERNATIONAL PROGRAMS"

Draft Management Directive 9.14, "Organization and Functions, Office of International Programs," is provided for your review and comment. This routine update of Management Directive, 9.14 replaces Manual Chapter 0116 and is being issued to reflect the Office of International Programs April 2000 reorganization, to update and clarify responsibilities of the office, and to include reporting requirements of the Arms Control, Nonproliferation, and Security Assistance Act of 1999. A handbook is not being issued. Please provide your comments on this directive by Wednesday, April 11, 2001, to Rita Hoskins (Mail Stop O4E9 or E-mail ryh1).

Any changes resulting from the Commission March 12, 2001 discussion on the conduct of NRC's international programs that may effect management directives, will be handled separately.

Attachment: As stated

cc: B. Calure, ADM/RDB

ATTACHMENT 4

REQUEST FOR PUBLICATION OR ELIMINATION OF AN NRC MANAGEMENT DIRECTIVE

TO: Division of Administrative Services, ADM	FROM: (Office and Division or Branch) Office of International Programs
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IDENTIFICATION OF DIRECTIVE

NUMBER AND TITLE MD 9.14 Organization and Functions, Office of International Programs	FORMER NUMBER(S) MC 0116
REPLACES Manual Chapter (MC) and Appendix <input checked="" type="checkbox"/> YES (When replacing a MC, the first line of purpose should read: "Directive and Handbook 0.00 replace Manual Chapter and Appendix 0000.") <input type="checkbox"/> NO	

BASIC AUTHORITY FOR ISSUANCE OR ELIMINATION (Cite Executive Order, Statute, other Directive, etc.)

NRC Management Directive System

TYPE OF ISSUANCE <input checked="" type="checkbox"/> Directive <input type="checkbox"/> Manual Chapter <input type="checkbox"/> Handbook <input type="checkbox"/> Appendix	TYPE OF ACTION <input checked="" type="checkbox"/> New <input type="checkbox"/> Revision <input type="checkbox"/> Elimination
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PURPOSE (Describe in 200 or fewer words) (If eliminating an management directive, provide justification)

Please include in the purpose statement a brief discussion (and section location in the Directive or Handbook), if any, of the following changes were made: (1) Changes were made to the responsibilities and authorities; (2) new policy (in Directive) or new procedures (in Handbook) were added that affect other offices; (3) new requirements were established that result in additional coordination among offices in a programmatic area; (4) new areas of coverage were added; and (5) any other significant or other unusual changes that were made.

Management Directive 9.14 replaces Manual Chapter 0116 and is being issued to reflect the Office of International Programs (OIP) April 2000 reorganization and to update and clarify responsibilities of the office. Included are reporting requirements of the Nuclear Nonproliferation Act. A Handbook is not being issued.

Check here if a summary of comments is attached

Check here if this directive/handbook qualifies for approval by the Director, Office of Administration, pursuant to Handbook 1.1, Part II(D)(5).

Request Distribution (MUST indicate in Other)	Check offices to which Directive/Handbook was sent for comment
<input type="checkbox"/> Custodians of complete sets <input type="checkbox"/> Branch Chiefs and Above <input type="checkbox"/> Division Directors and Above <input type="checkbox"/> Assistant Directors and Above <input type="checkbox"/> All Employees <input type="checkbox"/> Other (Please specify and provide labels) 5-10 copies to me	<input type="checkbox"/> ACNW <input type="checkbox"/> OCAA <input type="checkbox"/> OPA <input type="checkbox"/> ACRS <input type="checkbox"/> OCFO <input type="checkbox"/> OSP <input checked="" type="checkbox"/> ADM <input type="checkbox"/> OCIO <input checked="" type="checkbox"/> RES <input type="checkbox"/> ASLBP <input checked="" type="checkbox"/> OCM <input type="checkbox"/> RI - RIV <input checked="" type="checkbox"/> EDO <input type="checkbox"/> OE <input type="checkbox"/> R ONLY <input checked="" type="checkbox"/> HR <input checked="" type="checkbox"/> OGC* <input type="checkbox"/> SBCR <input checked="" type="checkbox"/> NMSS <input type="checkbox"/> OI <input type="checkbox"/> SECY <input checked="" type="checkbox"/> NRR <input checked="" type="checkbox"/> OIG* <input type="checkbox"/> <input checked="" type="checkbox"/> OCA <input checked="" type="checkbox"/> OIP <input type="checkbox"/>
*OGC and OIG must review each management directive before the office director signs	

STAFF CONTACT Rita Hoskins	MAIL STOP 04E9	TELEPHONE 301-415-1739
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SIGNATURE: OFFICE DIRECTOR OR REGIONAL ADMINISTRATOR

NAME Janice Dunn Lee	TITLE Director, Office of International Programs
SIGNATURE <i>Janice Dunn Lee</i>	DATE 5/15/01