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U. S. NUCLEAR REGULATORY COMMISSION  
NRC MANUAL  
TRANSMITTAL NOTICE

CHAPTER NRC-0128 ORGANIZATION AND FUNCTIONS  
REGIONAL OFFICES

**SUPERSEDED:**

|          | Number                      | Date                        |
|----------|-----------------------------|-----------------------------|
| Chapter  | <u>NRC-0128</u>             | <u>09/27/85</u>             |
| Page     | <u>                    </u> | <u>                    </u> |
|          | <u>                    </u> | <u>                    </u> |
| Appendix | <u>                    </u> | <u>                    </u> |

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|          | Number                      | Date                        |
|----------|-----------------------------|-----------------------------|
| TN       | <u>0100-100</u>             | <u>02/27/90</u>             |
| Chapter  | <u>NRC-0128</u>             | <u>02/27/90</u>             |
| Page     | <u>                    </u> | <u>                    </u> |
|          | <u>                    </u> | <u>                    </u> |
| Appendix | <u>                    </u> | <u>                    </u> |

**REMARKS:**

This Chapter is revised to reflect a change in the Agency's organizational structure, effective February 5, 1989.

U.S. NUCLEAR REGULATORY COMMISSION  
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CHAPTER 0128 ORGANIZATION AND FUNCTIONS  
REGIONAL OFFICES

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0128-01 SUPERVISION

The Regional Offices are headed by Regional Administrators who report to and are supervised and directed by the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research (DEDR).

0128-02 FUNCTIONS

The Regional Administrator shall perform functions as assigned. Subject to certain specified exemptions, the Regional Administrator has managerial and supervisory responsibility for all functions and personnel assigned to the Region. The Administrator is responsible for establishing a management control framework that will provide for balanced programmatic interaction with the Office of Nuclear Reactor Regulation (NRR), Office of Nuclear Material Safety and Safeguards (NMSS), and other offices reporting to the Executive Director for Operations (EDO) and Deputy Executive Directors for program areas that are implemented at the Regional level. For regionalized programs, the Regions perform an implementation function for the sponsoring Headquarters program office and take programmatic and implementation direction for regionalized programs from the sponsoring program office.

In performing these functions, the Administrator will --

021 Supervise, direct, coordinate, and approve the activities, including administrative functions of the various organizational units in the Regional Offices, subject to specific exemptions;

022 Issue notices of violation pursuant to 10 CFR 2.201, and issue proposed civil penalties pursuant to 10 CFR 2.205, subject to the approval of the Director, Office of Enforcement (OE);

023 Prepare appropriate Federal Register notices in connection with the actions delegated under this Chapter, including notices that offer an opportunity for public hearing in connection with the action proposed to be taken or taken, whether or not this notice is required by statute or the Commission's regulations, coordinate Federal Register notices with cognizant program offices, and forward to the Office of the Secretary (SECY) (all rulemaking notices) or to the Division of Freedom of Information and Publications Services, Office of Administration (ADM) (all other notices) for issuance;

024 Take action necessary to comply with the decisions of an Administrative Law Judge, an Atomic Safety and Licensing Board, an Atomic Safety and Licensing Appeal Board, or the Commission, after a hearing pursuant to 10 CFR Part 2;

025 Supervise and direct the inspection and enforcement functions of the Region, subject to the overall policy, program, and implementation guidance of the Offices of NRR, NMSS, and OE;

026 Supervise and direct the reactor and reactor operator licensing functions of the Region, subject to the overall policy, program, and implementation guidance of the Office of NRR;

027 Supervise and direct the nuclear material safety and safeguards licensing functions of the Region, subject to the overall policy, program and implementation guidance of the Office of NMSS;

028 Develop and coordinate the Nuclear Regulatory Commission's (NRC's) Incident Response Program for activities within the Region subject to overall policy and program guidance of the Office for Analysis and Evaluation of Operational Data (AEOD), and call on other components of the NRC staff to provide assistance in an emergency;

029 Disseminate information as appropriate to the Commission, other NRC offices, other government agencies, licensees, and the public;

0210 Administer oaths and affirmations, and issue subpoenas where necessary and appropriate pursuant to Section 161c of the Atomic Energy Act of 1954, as amended, to enable the Administrator to conduct an examination of matters within the functions and authorities of the Region;

0211 Subject to appropriate coordination with relevant offices, enter into, extend, and modify agreements with Federal, State, and local agencies, and settle terminations thereof;

ORGANIZATION AND FUNCTIONS  
REGIONAL OFFICES

NRC-0128-0212

0212 Perform functions as required by, and in accordance with, applicable law, statute, or regulation;

0213 Ensure that the EDO, Deputy Executive Directors, and appropriate program offices are kept fully and currently informed about substantive matters that affect their responsibilities;

0214 Issue orders or take other action in a radiological emergency as authorized by the Chairman, who is the Director of the Executive Team (or the designee) in accordance with NRC's Procedures for the NRC Incident Response Plan, NUREG-0845;

0215 Supervise, direct, and carry out review of Agreement State regulatory programs in conformance with policies established by the Director, State Programs, and provide technical assistance to Agreement States in carrying out their regulatory programs; and

0216 Perform any other matters or function assigned by the Deputy Executive Directors.

0128-03 DELEGATION OF AUTHORITY TO THE ADMINISTRATOR

The Administrator is authorized and directed to take action as necessary to carry out the functions assigned to the Region by this or other official directives or communications, subject to the limitations described therein in coordination with appropriate NRC offices and subject to overview by those offices.

These limitations include the following:

031 That the authority of the Administrator does not extend to cases in which the decision to take a specific action rests with an Administrative Law Judge, an Atomic Safety and Licensing Board, an Atomic Safety and Licensing Appeal Board, or the Commission, after a hearing pursuant to 10 CFR Part 2;

032 With respect to licensing functions assigned to the Region, the Regional Administrator shall, in coordination with the appropriate program offices, act in accordance with the provisions of this Chapter and the provisions of any written delegation from the Office of the EDO;

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033 With respect to enforcement functions assigned to the Regions by the EDO, the Regional Administrator shall, in coordination with the Director, OE, act in accordance with the provisions of this Chapter and the provisions of any written delegation from the Office of the EDO; and

034 The authority to issue a subpoena pursuant to Section 161(c) of the Atomic Energy Act of 1954, as amended, may not be redelegated. Further, the issuance of a subpoena under paragraph 0210 of this Chapter requires the concurrence of the Office of the General Counsel and consultation with the Office of Investigations.

#### 0128-04 REDELEGATION OF AUTHORITY BY THE DIRECTOR

The Administrator may, except where expressly prohibited, redelegate to others authority delegated to the Administrator by this or other official directives or communications, except that delegations and any limitations on further redelegations must be in writing. In the absence of the Regional Administrator, the authority of the Regional Administrator is delegated to the Deputy Regional Administrator. When an Acting Administrator is appointed, the authority of the Administrator is delegated to the Acting Administrator. A copy of delegations of authority is to be filed with the Secretary of the Commission, the Office of the EDO, the Office of the General Counsel, the Office of Personnel, and the appropriate program offices, and reflected in the NRC Management Directives System.

#### 0128-05 ORGANIZATION STRUCTURE AND INTERNAL ASSIGNMENTS

Organization charts and functional descriptions for the Regional Offices and their components are published semiannually in NUREG-0325, "U.S. Nuclear Regulatory Commission Functional Organization Charts." The basic standard organizational structure for the Regions was approved by the Commission on January 30, 1984. Deviations from this standard organizational structure that affect positions or functions at the Branch level or above must be concurred in by the appropriate Headquarters program offices and approved by the EDO.

0128-06 ACCOUNTABILITY

The Regions will be evaluated and appraised on their administration of delegated programs by the responsible Headquarters program office director. This review will be conducted annually, as a minimum, with the report presented to the Deputy Executive Directors.