

U. S. NUCLEAR REGULATORY COMMISSION
NRC MANUAL
TRANSMITTAL NOTICE

CHAPTER NRC-0105 ORGANIZATION AND FUNCTIONS
OFFICE OF THE SECRETARY

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REMARKS:

This chapter is revised to reflect an expansion of the role of the Assistant Secretary in the Freedom of Information Act (FOIA) procedure.

Please retain NRC Appendix 0105, dated September 3, 1987.

U.S. NUCLEAR REGULATORY COMMISSION
NRC MANUAL

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SECY

**CHAPTER 0105 ORGANIZATION AND FUNCTIONS
OFFICE OF THE SECRETARY**

0105-01 SUPERVISION

Under the supervision of the Secretary of the Commission, who reports to the Commission.

0105-02 FUNCTIONS

Provides general management services to support the Commission and to implement Commission decisions; advises and assists the Commission and staff on the planning, scheduling, and conduct of Commission business; oversees SECY office automation activities; maintains files of official Commission records; directs and administers the principal NRC Public Document Room; functions as the NRC Federal Advisory Committee Management Officer; and administers the NRC Historical Program. Specifically, the Office:

021 Prepares the Commission's weekly agenda and maintains a forecast of matters for future Commission consideration.

022 Prepares for and records Commission meetings, codifies decisions and directions in memoranda, directs staff action, and monitors compliance.

023 Plans, directs, and administers the NRC Commission Staff Paper system and monitors the status of all items requiring action.

024 Administers the Inter-Commissioner Action Memoranda (COMSECY) system.

025 Integrates automated data processing and office automation initiatives into the Commission's administrative systems.

026 Processes, distributes, and controls Commission correspondence and maintains the Commission's official records; acts as Freedom of Information Act administrative coordinator for Commission documents.

027 Develops and operates the Commission internal decision tracking system.

028 Codifies the procedures which govern the conduct of Commission business at the Commission level.

029 Maintains the official adjudicatory and rulemaking dockets of the Commission; records, issues, and serves documents in legal matters; receives and distributes public comments in rulemaking proceedings; and assigns adjudicatory items requiring Commission review and/or decision of the Office of the General Counsel and monitors compliance.

0210 Maintains a public facility for receiving, processing, organizing, storing, and providing access to public NRC documents by members of the public in the Commission's Public Document Room; maintains indices of publicly released documents.

0211 Provides management direction for the establishment, renewal, and discontinuance of all NRC advisory committees, as defined in the Federal Advisory Committee Act.

0212 Coordinates NRC reporting requirements of the Federal Advisory Committee Act.

0213 Develops policies and procedures for the operation of an NRC history program, conducts historical research, and prepares the NRC written history.

0105-03 DELEGATION OF AUTHORITY TO THE SECRETARY OF THE COMMISSION

The Secretary of the Commission is authorized and directed to:

031 Take such action as is necessary to carry out the functions assigned by this or other official NRC directives or communications, subject to the limitations prescribed therein. Delegations of authority for specific actions and applicable limitations are contained in manual chapters or other directives covering specific subjects.]

032 Supervise, direct, coordinate, and approve the activities, including administrative functions, of the various organizational units within the Office of the Secretary.

033 Serve as the custodian of the official seal of the Commission with authority to use or make available said seal whenever necessary or proper.

034 Serve as the NRC Federal Advisory Committee Management Officer, with respect to NRC's advisory committees established under the Federal Advisory Committee Act, and:

- a. sign all notices for publication in the Federal Register announcing the time and location of Advisory Committee meetings.
- b. determine on the basis of information supplied by advisory committees and review by the General Counsel whether meetings should be open, closed, or partially closed.

- c. assist the Commission in conducting the annual reviews of advisory committees and provide the GSA Committee Secretariat with reports as required by the Federal Advisory Committee Act.

035 Sign all notices (i.e., proposed and final rules and policy statements) approved by the Commission for public issuance in the Federal Register, and sign all Commission approved notices of petitions for rulemaking forwarded for publication in the Federal Register.

036 Take action:

- a. on minor procedural matters, e.g., denials of petitions for Commission reconsideration of prior actions where there is no Commission majority favoring such reconsideration. This authority is to be exercised in consultation with the Commission.
- b. on appeals from initial Freedom of Information Act decisions by heads of committees, boards, panels, and offices reporting directly to the Commission, and from such initial decisions by the Assistant Secretary of the Commission (as detailed in 0105-04). Grant of a Freedom of Information Act appeal by the Secretary shall be made only after the Secretary informs the Commission of the proposed grant and the Commission has been given a reasonable opportunity to provide its views to the Secretary. Continued denials of documents requested under an appeal to a Freedom of Information Act request is delegated to the Secretary and requires no Commission consultation.
- c. on minor or corrective amendments to final rules modifying Parts 0, 2, 8, 9 (Subpart C), and 110 that do not involve questions of policy. Such amendments shall be effected only after the Secretary informs the Commission of the proposed changes, and the Commission has been given a reasonable opportunity to provide its views to the Secretary through the negative consent process.
- d. except where expressly prohibited, to redelegate to others authority delegated to him by this or other official directives or communications, subject to the limitations stated in 0105-036a through 0105-036c, such other limitations as he may deem necessary, and the following stipulation: The Secretary's authority to redelegate his authority is to be exercised only when the Secretary makes such redelegations in writing, stipulates limitations on further redelegations, and files the redelegations with the Commission. Copies of redelegations should be provided to the EDO, the Office of the General Counsel (OGC), and the Director, Office of Personnel (OP).

037 When briefs, motions, or other papers are submitted, in adjudicatory or rulemaking proceedings, to the Commission itself, as opposed to officers who have been delegated authority to act for the Commission, to:

- a. prescribe schedules for the filing of statements, information, briefs, motions, responses, or other pleadings, where such schedules may

differ from those elsewhere prescribed in 10 CFR Part 2, or where 10 CFR Part 2 does not prescribe a schedule.

- b. rule on motions for extensions of time.
- c. reject motions, briefs, pleadings, and other documents filed with the Commission later than the time prescribed by the Secretary or established by an order, rule, or regulation of the Commission unless good cause is shown for the late filing.
- d. prescribe all procedural arrangements relating to any oral argument to be held before the Commission.
- e. extend the time for the Commission to rule on a petition for review as set forth in 10 CFR Part 2.
- f. extend the time for the Commission to grant review on its own motion under 10 CFR Part 2.
- g. extend the time for Commission review on its own motion of a Director's denial under 10 CFR Part 2.
- h. direct pleadings improperly filed before the Commission to the appropriate adjudicatory board for action.
- i. deny requests for hearing which fail to comply with the pleading requirements set forth in 10 CFR Part 2, and fail to set forth an arguable basis for further proceedings. This authority shall be exercised only after the Commission is polled by notation vote.
- j. refer to the Chief Administrative Judge, Atomic Safety and Licensing Board Panel, as appropriate, petitions for hearing not falling under 10 CFR § 2.104, where the requestor is entitled to further proceedings.
- k. take action on minor procedural matters.

038 Take such administrative action as is necessary to carry out the provisions of the Government in the Sunshine Act, to include preparation of an annual activities report to the Congress.

039 Act on requests to the Commission pursuant to Section 145(b) of the Atomic Energy Act of 1954, as amended, to grant access to Restricted Data (RD) or classified National Security Information (NSI) prior to the grant of access authorization (security clearance). Granting of access to RD or NSI prior to the grant of a security clearance shall be exercised only after the Commission has been polled by notation vote.

**0105-04 REDELEGATION OF AUTHORITY TO THE ASSISTANT SECRETARY OF
THE COMMISSION**

The Assistant Secretary of the Commission is authorized and directed to:

041 Act in the stead of the Secretary of the Commission during the latter's absence.

042 Make initial determinations on Freedom of Information Act requests for documents originated in the Office of the Secretary.

043 Act, on the advice of the NRC Chairman, as the denying official for initial denial of Commission records and individual Commissioner records, as defined in Part I of NRC Appendix 0211, and advisory committee records. Documents determined by OGC to be legally withholdable require Commission approval prior to discretionary release.

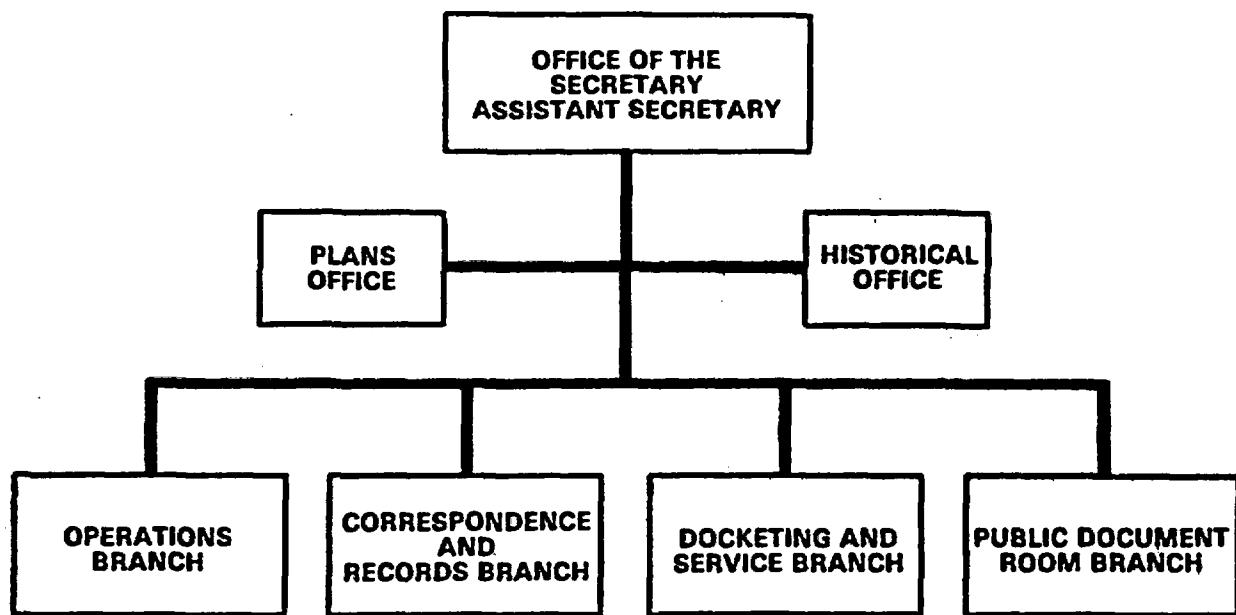
044 Act as the NRC Federal Advisory Committee Management Officer.

045 Certify true copies of official NRC documents.

0105-05 ORGANIZATION STRUCTURE AND INTERNAL ASSIGNMENTS

An organization chart showing internal organization of the office, and a statement of functions of the subdivisions of the office are issued as Appendix 0105, Parts I and II.

**PART I
ORGANIZATION CHART**



PART II

DISTRIBUTION OF FUNCTIONS

- A.** The Secretary directs and administers overall Secretariat staff functions, and assures that appropriate policies and procedures are developed and maintained for carrying out these functions. The Secretary also directs and oversees the Office automation program and determines management improvements to be applied to SECY's and the Commission's administrative systems.

The Assistant Secretary assists the Secretary in the conduct of day-to-day operations; performs functions of the NRC Federal Advisory Committee Management Officer; maintains liaison with the advisory committees; makes initial determinations on Freedom of Information Act requests for documents originated in the Offices of the Commissioners or the Commission's Secretary; and coordinates Privacy Act requests for Commission records.

B. The Operations Branch:

1. Plans and schedules the Commission's business by development, issuance, and publication of the Commission schedule.
2. Maintains, in coordination with the EDO and other Offices that report directly to the Commission, a forecast of subjects and issues for future Commission consideration.
3. Provides, in accordance with the requirements of the Government in the Sunshine Act (GISA), appropriate public notice of open and closed meetings; prepares the annual GISA activities report to the Congress.
4. Coordinates preparations for Commission meetings to include the following: arrangements for NRC staff attendance, availability of pertinent documentation and visual aids, arrangements for recording and audio/visual systems; and other logistical support as required. Coordinates arrangements for other meetings in which Commissioners participate, as requested by individual Commissioners.
5. Prepares and maintains appropriate records of Commission meetings; records decisions or other actions taken by the Commission at these meetings; and notifies the appropriate staff elements of actions required to implement Commission decisions, directives, and requests stemming from Commission meetings.
6. Coordinates public release of meeting documents.

7. Manages the Commission staff paper system and reviews all proposed Commission staff papers for completeness and adequacy; establishes due dates for Commissioner and Commission staff comments.
8. Receives and circulates Commissioner notation votes and/or comments on staff papers; analyzes and synthesizes Commissioner comments and identifies substantive issues requiring resolution among Commissioners; proposes solutions and coordinates efforts to resolve differences with the objective of establishing a majority position; prepares directive documentation to implement Commission decisions and/or identify other requirements accruing from Commissioner notation voting on staff papers.
9. Monitors the Inter-Commissioner Action Memoranda (COMSECY) system, and records and transmits Commission decisions and/or requirements.
10. Chairs weekly meetings of Commissioner Assistants to review status of staff papers, identify problem areas, seek resolution of open issues, and establish priorities for Commission action on papers.
11. Maintains current status of all papers pending action by the Commission and administers a Commission internal tracking system for tasks assigned to the staff to ensure timely compliance with Commission decisions.

C. The Correspondence and Records Branch:

1. Manages the Commission's correspondence system and receives, records, assigns action and suspense dates, and makes appropriate distribution of all institutional correspondence addressed to the Chairman, other Commissioners, and those Offices reporting directly to the Commission.
2. Maintains continuous and current status of such correspondence to assure appropriate and timely response by NRC.
3. Receives, coordinates, and processes outgoing institutional correspondence; establishes due dates for Commissioner and Commission staff comments.
4. Analyzes Commissioner comments on proposed outgoing correspondence identifying substantive issues for resolution, and proposes solutions to resolve differences.
5. Serves as agency liaison with the White House on Presidential referrals.
6. Maintains the Commission's official records to include transcripts of Commission meetings.
7. Provides classified document control for the Commissioners and other Commission-level offices, as required.

8. Reviews and transmits to the Federal Register all documents issued at the Commission level requiring publication therein.
9. Processes and coordinates Commissioners' searches, views, and comments on FOIA requests and appeals, as well as all other outside requests, for Commission documents.
10. Coordinates FOIA appeals with the Office of the General Counsel.

D. The Plans Office:

1. Performs studies and selected analyses and monitors development and publication of internal procedures for the conduct of Commission business.
2. Codifies Secretariat practices and documents Secretariat organization, functions, and operating procedures.
3. Assists in program development, budget formulation, fiscal management, development of personnel authorizations, management surveys and projects as prescribed by the Secretary, and review and analysis of Office of the Secretary activities.
4. Performs administrative and logistical support services for SECY organizational elements.

E. The Docketing and Service Branch:

1. Develops and maintains the official adjudicatory docket of the Commission in matters involving hearings before the Commission, the Atomic Safety and Licensing Boards, Atomic Safety and Licensing Appeal Boards, and special boards established by the Executive Director for Operations, and the Administrative Law Judge(s), and processes all issuances resulting from such hearings.
2. Issues all orders and other determinations of the Commission; serves on the parties, and other persons who have expressed an interest in matters involving hearings, orders and other determinations of the Commission and those issued by the Atomic Safety and Licensing Boards, Atomic Safety and Licensing Appeal Boards, and special boards established by the Executive Director for Operations and the Administrative Law Judge(s).
3. Maintains the official Commission rulemaking docket, and receives and distributes public comments in rulemaking proceedings.
4. Maintains continuous and current information on NRC adjudicatory proceedings, rulemaking, and selected litigation in which the NRC is a party or has an interest; maintains an official service list for forwarding of orders and other pertinent documentation to interested parties.

5. Operates a tracking system for monitoring the status of all adjudicatory filings pending before the Commission.
6. Receives for the Commission all requests for intervention and limited appearances, and other adjudicatory filings in regulatory proceedings.

F. The Public Document Room Branch:

1. Operates the NRC Headquarters Public Document Room (PDR); plans, directs, and administers activities related to the process of making available to the public the types of NRC public records as specified in Chapter NRC-3203; provides an information service for the public concerning availability of docketed material and other pertinent agency records.
2. Maintains facilities for receiving, processing, organizing, and retrieving publicly available documents; periodically performs quality control review of incoming materials received from the agency's Document Control System (DCS) for accuracy of indexing, reproduction quality, security classification, proprietary restrictions, and other elements related to their suitability for release to the public.
3. Manages a program for contractor-provided copying and document delivery services to the public on demand at no cost to the government.
4. Creates and maintains specialized indices to NRC's and selected sets of old AEC public documents; manages and operates on-line catalog to almost all public documents released since late 1978 that provides access to document citations for both the onsite and remote public users; as required, assists in the formulation of indices prepared by other NRC offices regarding specially transmitted material to be open for public viewing.
5. Maintains a collection of microfiche in addition to its hardcopy files; formulates and coordinates a program for replacing hardcopy documents with microfiche on a selective basis; operates a program to retire files offsite for those files not available on suitable, publicly available microfiche.
6. Coordinates efforts related to public release of NRC documents with other agency offices such as Public Affairs and Division of Rules and Records; insures immediate availability of special classes of records as public interest requires.

G. The Historical Office:

1. Develops policies and procedures for the operation of an official history program for the NRC.
2. Establishes the scope, outline, emphasis, and content of the official written history of NRC.

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OFFICE OF THE SECRETARY**

**NRC Appendix 0105
Part II**

3. Plans and supervises all phases of historical research for the NRC written history including the collection and analysis of source material, the evaluation of historical evidence, and the preparation of preliminary and final versions of the written history.
4. Evaluates proposals for history projects prepared by Headquarters Offices, Regional Offices, and NRC contractors; coordinates plans with Offices involved to assure appropriate coverage of NRC programs.
5. Provides historical reference service upon request to the Commission, the staff, and the general public.
6. Coordinates activities with respect to the disposition of former Commissioner papers.