

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

TN: DT-91-16

To: NRC Management Directives Custodians

Subject: Transmittal of Management Directive 9.6, "Organization and Functions, Office of Commission Appellate Adjudication"

Purpose: This notice transmits Directive 9.6. The Office of Commission Appellate Adjudication (OCAA) is a new office established by the Commission to assist the Commission in exercising its appellate review functions. The published directive will provide the organization and functions for OCAA, including who supervises the office and to whom the Director reports (9.6-01), the functional responsibilities of the office (9.6-02), the delegation of authority to the Director (9.6-03), the redelegation of the Director's authority (9.6-04), and the organizational structure and internal assignments of the office (9.6-05).

Office: Office of Human Resources

Contact: Paul Bird, (301) 415-7516

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Volume: 9 NRC Organization and Functions

Directive: 9.6 Organization and Functions, Office of Commission Appellate Adjudication

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

OFFICE OF ADMINISTRATION

Organization and
Functions
Office of Commission
Appellate Adjudication

Directive
9.6

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U. S. Nuclear Regulatory Commission

Volume: 9 NRC Organization and Functions

OCAA

Office of Commission Appellate Adjudication Directive 9.6

Organization and Functions

Supervision

(9.6-01)

Under the supervision of a Director who reports to the Commission.

Functions

(9.6-02)

The Office is responsible for the following functions to—

- Monitor cases pending before presiding officers.
- Provide the Commission with an analysis of any adjudicatory matters requiring a Commission decision (e.g., petitions for review, certified questions, stay requests), including available options.
- Once the Commission makes a decision, draft any necessary decisions pursuant to the Commission's guidance after presentation of options.
- Consult with the Office of the General Counsel (OGC) in identifying the options to be presented to the Commission and in drafting the final decision to be presented to the Commission.

Functions

(9.6-02) (continued)

Specifically, the Office—

- Tracks administrative proceedings and reviews licensing board decisions and supporting documents of record. (021)
- Keeps the Commission advised of appellate adjudicatory decisions that must be made and coordinates related activities with the Commission. (022)
- Assists the Commission with processing petitions for review of initial decisions, interlocutory referrals, certified questions, and other appellate adjudicatory functions. (023)
- Analyzes appellate adjudicatory matters, identifies available options for dealing with the questions presented, and consults directly with the Commission and advises it in formulating opinions and desired approaches before drafting decisions, except where expeditious action is required. (024)
- Prepares draft and final Commission decisions relating to the Commission's appellate adjudicatory functions in accordance with Commission guidance provided in response to the options identified. (025)
- Consults and coordinates draft and final Commission decisions with OGC and ensures that OGC's views are reflected in the range of options presented to the Commission for consideration and, where appropriate, that OGC's recommendations are included in any adjudicatory action items. (026)
- Provides procedural advice and technical support to the Commission that relates to licensing board decisions, including methods of achieving improved regulatory efficiency. (027)

Functions

(9.6-02) (continued)

- Develops and implements the necessary policies and procedures to ensure the expeditious conduct of the Commission's appellate adjudicatory functions. (028)
- Performs any other functions assigned by the Commission. (029)

Delegation of Authority

to the Director

(9.6-03)

The Director is authorized and directed to take any action necessary to carry out the functions and responsibilities assigned to him or her by this or other official directives or communications, subject to the limitations they may prescribe.

Redelegation of Authority

by the Director

(9.6-04)

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

- The Director shall send a memorandum specifying the redelegation to the Office of the Secretary with a copy to the Director, Office of Personnel, the Executive Director for Operations, and the Office of the General Counsel. (041)
- The Director shall stipulate any limitations on further redelegations of authority that the Director redelegates. (042)
- The Director shall maintain a file of all redelegations. (043)

Organization and Functions
Office of Commission Appellate Adjudication
Directive 9.6

Organizational Structure and
Internal Assignments
(9.6-05)

The Office of Commission Appellate Adjudication is a single organizational component with no subdivisions.