



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL EXPOSURE RESEARCH LABORATORY

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Office of
Research and Development

April 19, 2006

Attention: Mr. Bryan Parker
U. S. Nuclear Regulatory Commission, Region I
Mail Control 136932
475 Allendale Road
King of Prussia, PA 19406-1415

HO

Dear Mr. Parker:

03008631

The purpose of this letter is to clarify the lines of authority with respect to Ms. Jewel F. Morris, the signatory of NRC License #32-14048-04's CERTIFICATION OF FINANCIAL ASSURANCE and STATEMENT OF INTENT. Please recall both the United States Environmental Protection Agency at Research Triangle Park's (EPA/RTP) CERTIFICATION OF FINANCIAL ASSURANCE and STATEMENT OF INTENT have been deemed satisfactory per a correspondence dated September 20, 2005 signed by Elizabeth Ullrich (Docket No. 03008631; Control No. 136932).

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REGION I

The submission of this package of updated documentation with a flow chart depicting Ms. Morris' authority to request funds is in response to your initial telephone inquiry and request made on February 15, 2006.

I have reviewed NUREG 1757 Volume 3 page 4-31 and Appendix A151 and believe the documentation I am providing meets the recommendation provided therein. I am hopeful I have provided all the necessary documentation in one package to allow your office to close this issue. A copy of the following are enclosed as evidence that Jewel F. Morris is authorized to represent the EPA/RTP in this capacity:

1. Organizational Charts
 - a. the United States Environmental Protection Agency (EPA) organizational chart; (2 page in length)
 - b. the EPA Office of Research and Development (ORD) organizational subchart; (2 page in length)
 - c. the EPA/ORD National Exposure Research Laboratory (NERL) organization subchart; (1 page in length)
 - d. an adapted flow chart depicting the relationships between the three charts above with direct reporting structure from the EPA Administrator down to Ms. Jewel F. Morris' position. (1 page in length)
2. The EPA Resources Management Directives Series/Administrative Control of Appropriated Funds: (2520: Release 2.0, December 1, 2004.)
 - a. Chapter 1 Figure 1 showing the Federal Budget Process as it pertains to the EPA; (1 page in length.)
 - b. Chapter 2: Entire chapter showing how Ms. Morris is an Approving Official who can directly access funds from an Allowance Holder and then by directing a Funds

- Control Officer and a (Funds) Obligating Official to actually obligate and then to pay the obligated funds for a specific purpose. (10 pages in length)
3. The EPA/ORD/NERL delegations of authority showing Ms. Morris, as the Deputy Director of Management (DDM), also known as Deputy Laboratory Director has had signatory authority delegated to her position. (See the column head "NERL REDELEGATION TO:" for delegation to "DDM" where DDM is Jewel F. Morris in the accompanying table extracts.)
 - a. Specific delegation for Safety, Health & Environmental Management, and Radiation Safety Delegation No. 183; (1 page in length)
 - b. General Delegation from the NERL Laboratory Director Delegation No. 224. (1 page in length)

EPA's General Budget Authority Synopsis: EPA has a whole host of authorizing legislation which really provides the basis for the agency mission. Subsequent annual appropriations legislation has to be passed each year to actually fund EPA. For FY 2006, EPA's appropriations legislation was included with the appropriation titled for the Department of the Interior. Previously, of the 13 broad appropriations categories of legislation passed each year, EPA's appropriation had been included with the appropriation legislation titled for the Veterans Administration, Housing and Urban Development and Independent Agency Act. A list of authorizing legislation follows.

- Clean Air Act (CAA)
- Federal Water Pollution Control Act (FWPCA) of 1948
- Clean Water Act (CWA) 1972
- Water Quality Act (WQA) of 1987
- Beaches Environmental Assessment & Coastal Health Act of 2000
- Safe Drinking Water Act (SDWA) 1974
- Solid Waste Disposal Act (SWDA)
- Resource Conservation and Recovery Act (RCRA) 1976
- Hazardous and Solid Waste Amendments (HSWA) of 1984
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980
- Superfund Amendments and Reauthorization Act (SARA) of 1986
- Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986
- Small Business Liability Relief and Brownfields Revitalization Act of 2002
- Pollution Prevention Act (PPA) of 1990
- The National Environmental Policy Act (NEPA) (1969)
- Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 1972
- Food Quality Protection Act (FQPA) of 1996
- Toxic Substances Control Act (TSCA) of 1976
- Radon Abatement Act (RAA) of 1988
- Oil Pollution Act of 1990
- Inspector General Act of 1978
- Marine Protection, Research, and Sanctuaries Act (MPRSA)

EPA/RTP's funding comes out of a multi-year appropriation which is appropriated annually but available for obligation up to two years as part of the EPA's Science and Technology Program.

When it becomes necessary, Ms. Morris would make here request for funds for decommissioning up to the EPA Assistant Administrator for Research & Development during the annual budget preparation cycle. She would also look at available Science and Technology Program expiring funds not already obligated, which could be reprogrammed for decommissioning and closure activities.

I will again point out the EPA/RTP is very keenly aware of the resources needed to decommission locations listed on EPA/RTP's license. In 2003, two such locations were successfully decommissioned using an adapted MARSSIMS approach. For the expedited closure of our former licensed facilities at 79 and 86 TW Alexander Drive, \$1.1 Million was directly expended to perform site characterization, decommissioning and final status surveys. Ms. Jewel F. Morris was key in requesting and planning for these financial resources.

Thank you for your patience while I prepared this documentation. Please contact me directly at 919-541-4307 or baker.todd@epa.gov with any incidental questions or points in need of clarification. If this submission is deemed deficient in any material aspect or causes further unresolved questions, I will require written notice stating any deficient items explicitly and formal interrogatories stating the questioned items.

Sincerely,



Todd W. Baker,
Radiation Safety Officer,
National Exposure Research Laboratory
U. S. Environmental Protection Agency
Research Triangle Park, North Carolina

Enclosures: (As stated in the body of the text)

cc: Jewel F. Morris, Deputy Director, NERL, (D343-02)
Radioactive Material License File
Reading File



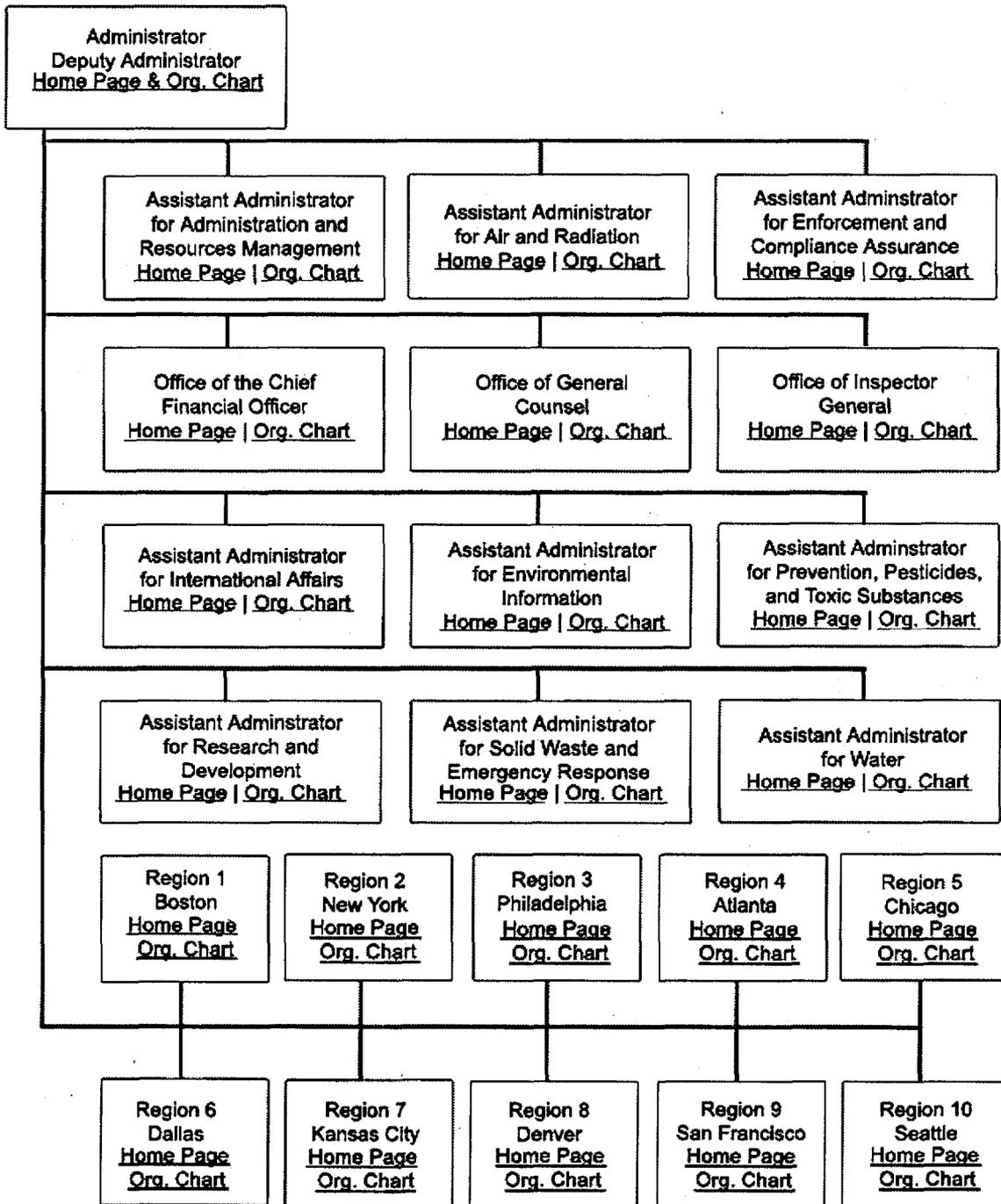
U.S. Environmental Protection Agency

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EPA Organizational Structure



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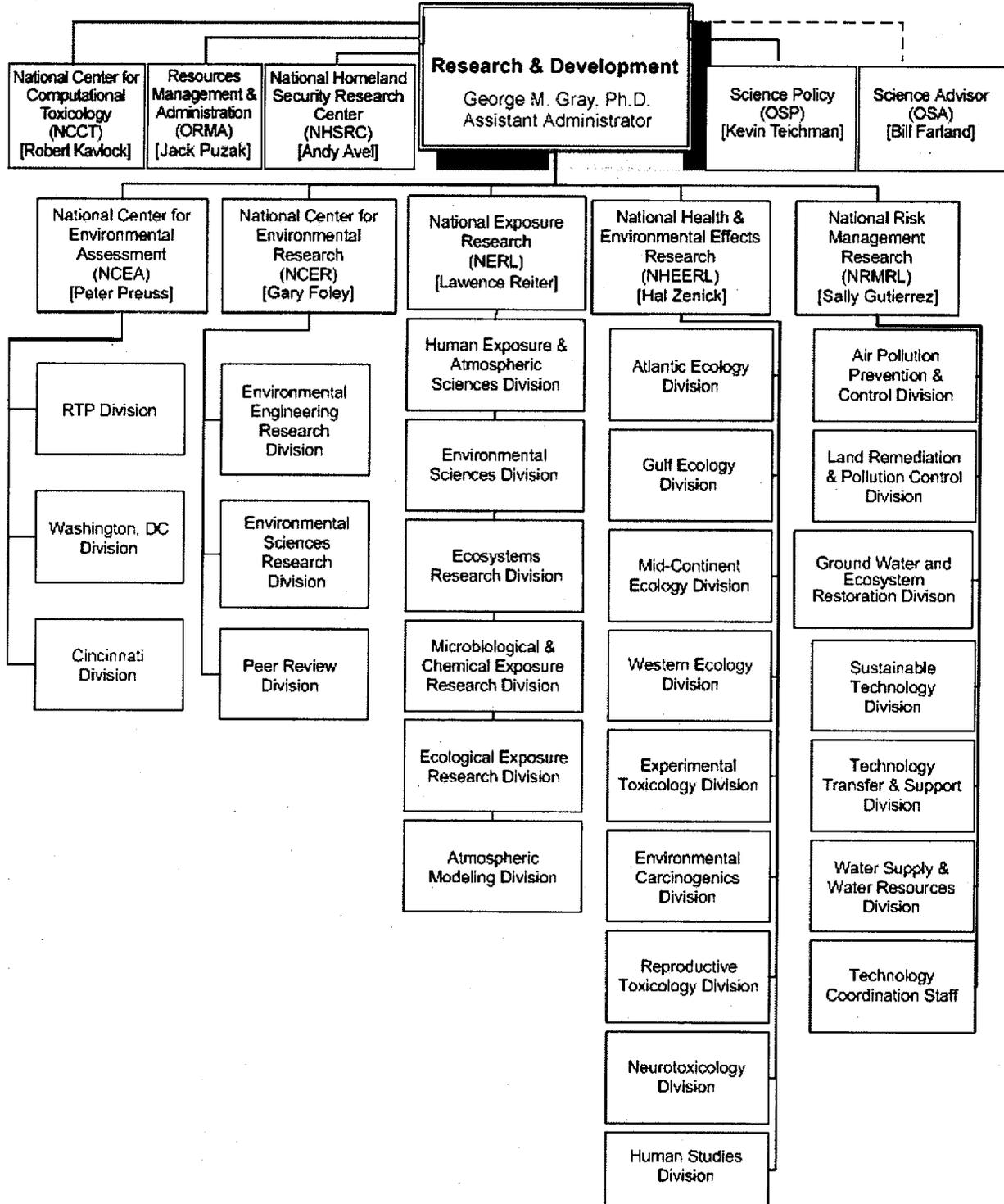
U.S. Environmental Protection Agency Research & Development

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ORD Organization Chart

Last Updated 03/23/2006
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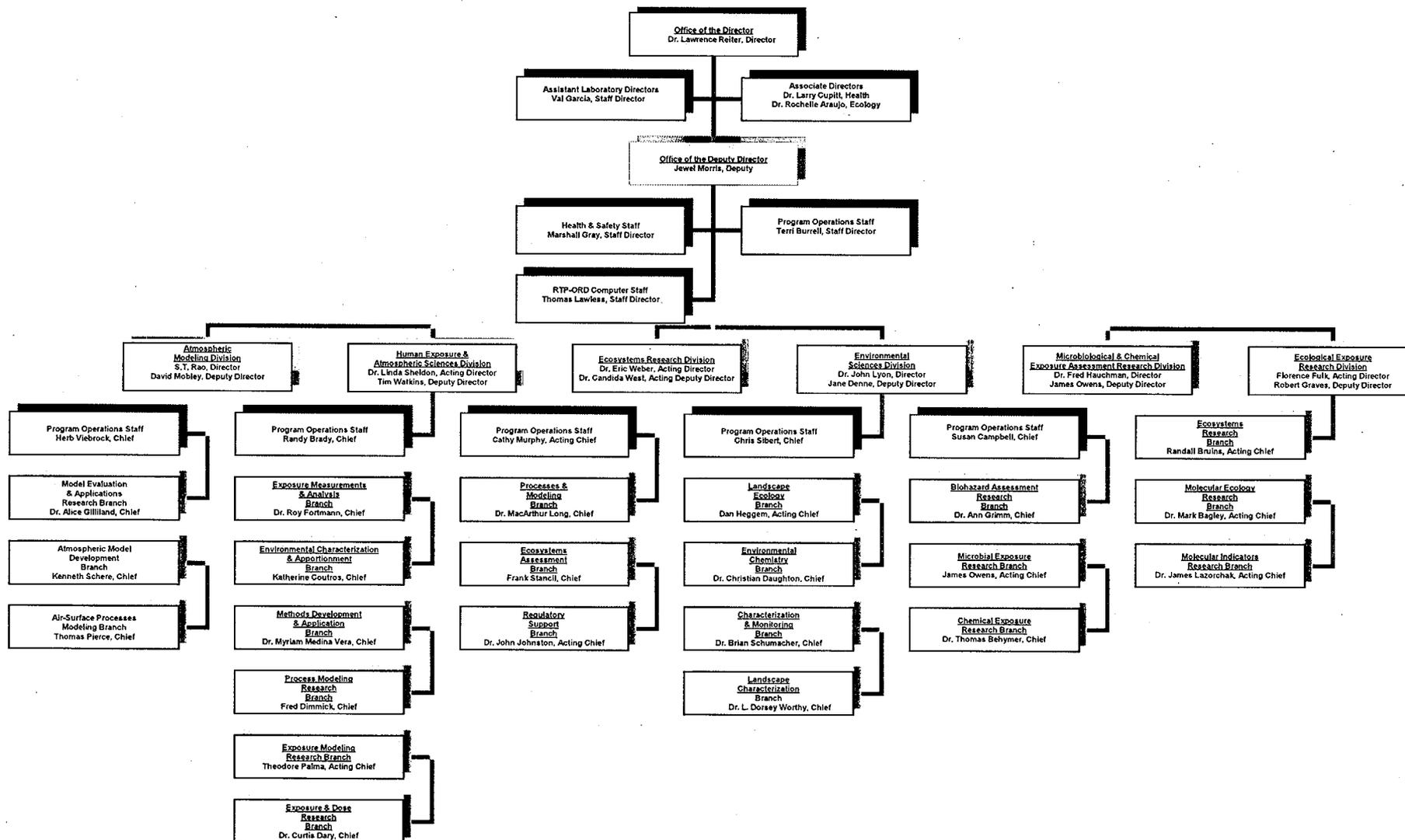
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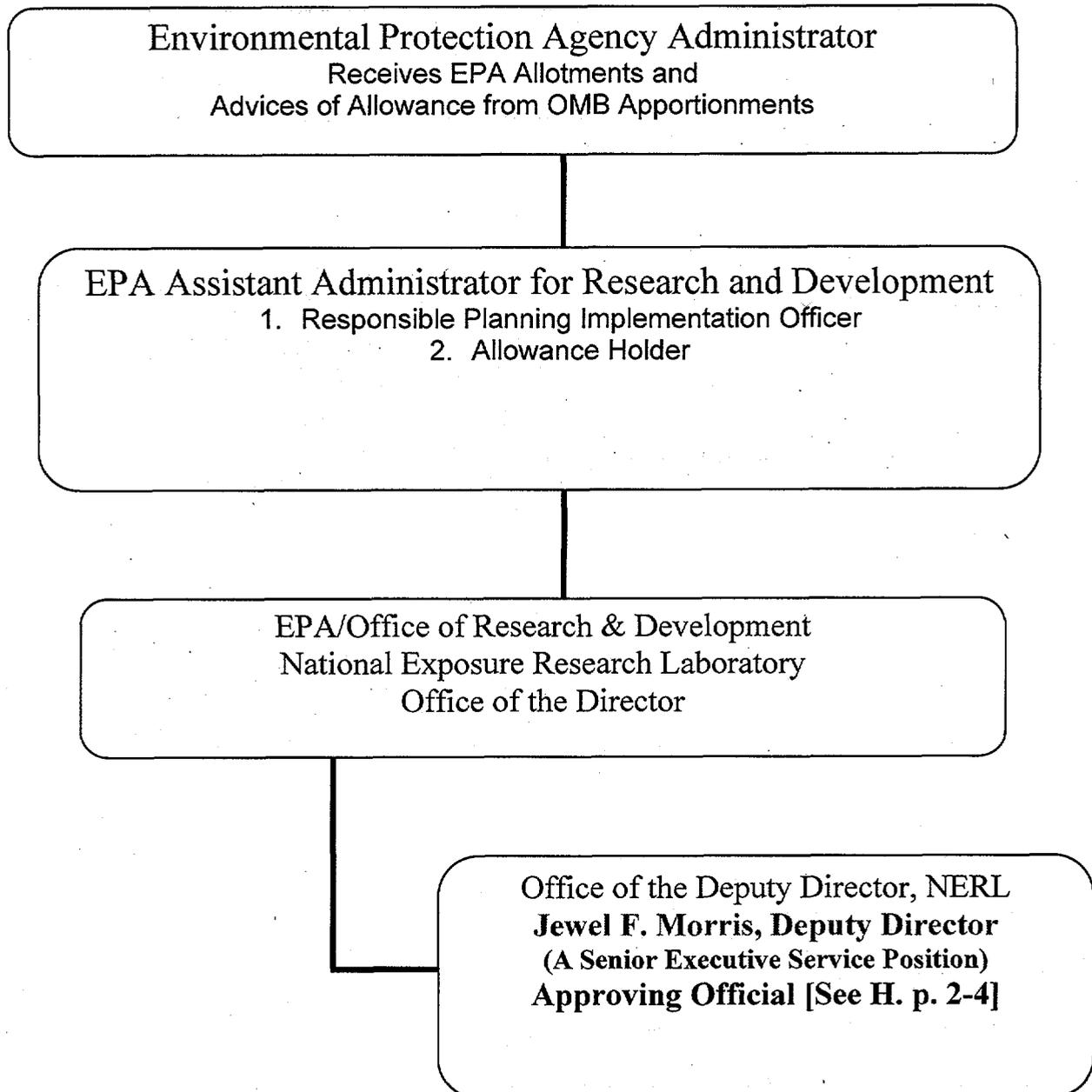
View the graphical version of this page at: <http://www.epa.gov/ord/htm/orgchart.htm>

National Exposure Research Laboratory (NERL)



Referenced in letter as item 1. d. -- Flow Chart depicting the relationships between the three other organizational charts showing the reporting structure from the EPA Administrator down to Ms. Jewel F. Morris' position.

Further explanation of sub-terms found below are found in the EPA Resources Management Directives Series/Administrative Control of Appropriated Funds: 2520: Release 2.0, December 1, 2004. Excerpts are provided elsewhere in this documentation package.

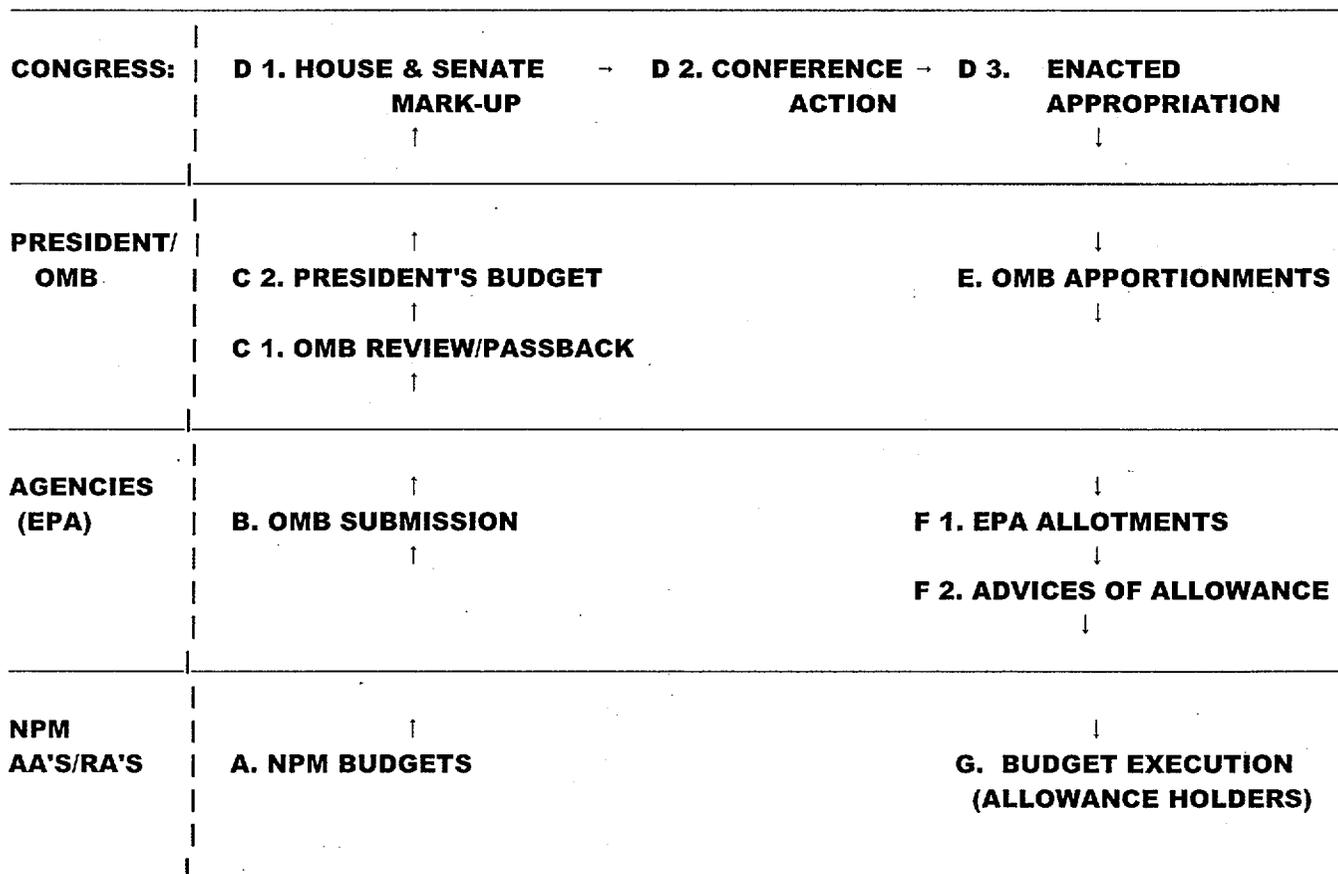


CHAPTER 1: THE FEDERAL BUDGET PROCESS, LAWS, & GUIDANCE

I. OVERVIEW OF FEDERAL BUDGET PROCESS AT EPA

General knowledge of the federal budget development process is necessary to set the stage for learning detailed budget execution policies and procedures. The following overview briefly describes the Executive and Congressional budget formulation processes.

FIGURE 1



CHAPTER 2: ROLES AND RESPONSIBILITIES FOR FUNDS CONTROL

There are a number of levels of management and staff involved with funds control at EPA (for an illustration showing the relationships of these, see Exhibit 2520-2-1). The positions associated with this function range from National Program Managers to funding document originators. This section will briefly describe the roles and responsibilities of each of these key players regarding funds control and focus most on the Funds Control Officers (FCOs).

I. PARTICIPANTS:

A. ASSISTANT ADMINISTRATORS (AAs), NATIONAL PROGRAM MANAGERS (NPMs), and RESPONSIBLE PLANNING AND IMPLEMENTATION OFFICERS (RPIOs)

The Responsible Planning and Implementation Officers (RPIOs) are the 23 EPA senior managers including: thirteen individuals in headquarters (the Administrator, General Counsel, Inspector General, nine Assistant Administrators (AAs)), and the ten Regional Administrators (RAs). Each has headquarters or regional operations to administer and a budget to execute. RPIOs are responsible for implementing operating plans, controlling resource ceilings, and reviewing programs.

[NOTE: In terms of properly utilizing funds for the purpose for which they were appropriated, the RPIOs and their AHs and FCOs bear sole responsibility. No other Agency organizations are fully aware of the obligating activities and the decisions behind them that transpire on a day-to-day basis. By default, the RPIOs are presumed to be the most knowledgeable EPA entity regarding what is permissible in the authorizing legislation for their own programs. Additionally, the RPIOs are active participants during the process of budget formulation, the OMB submission, the Congressional Justification, and all subsequent stages of the legislative history behind the Appropriations Act. They receive copies of the House, Senate, & Conference reports and are kept informed of what is in the Public Law for their programs. The Office of General Counsel (OGC) is available to assist them in any ambiguous interpretation of ambiguous language. The actions taken by the RPIOs in executing their portion of the budget is subject to audit and review by the OIG, GAO, Congressional Committees, Agency management, etc. It is the RPIOs responsibility to live with the consequences of their actions with regard to accountability for the utilization of funds.] National Program Managers (NPMs) are the twelve headquarters RPIOs (without the RAs). These twelve senior managers, who wear two hats...RPIO and NPM, also formulate budget requests for EPA programs nation-wide including the regional program components. NPMs responsibilities include: helping to prepare Agency Operating Guidance, preparing budget submissions, determining the Headquarters/Regional resource split and the preparation of the narratives which will be used as justification to OMB and Congress to defend the requested resource levels. For example, the AA for the Office of Water has national budget formulation responsibilities for the entire EPA Water Program.

B. REGIONAL ADMINISTRATORS (RAs)

Each Regional Administrator is both a Responsible Planning and Implementation Officer (RPIO) and an Allowance Holder. Regional Administrators are not National Program Managers since they have a primary responsibility for regional administration and budget execution for all programs only in their states and territories including programs for Water, Air, Pesticides, etc. RAs communicate and coordinate on budget formulation and execution with NPMs and present regional budget planning concerns through the Lead Region process. Lead Regions are designated for each major program (Water, Air, etc.) and they are responsible for working with the appropriate NPM in developing priorities, dollar and workyear estimates for the regional program components. Lead Regions are rotated every two years and are also responsible for working with their respective NPM to identify and synthesize the issues of all ten regions into a "regional view" that can be effectively factored into Agency decision-making. NPM's are responsible for soliciting and using this contribution from their lead region on major decisions.

As RPIOs, Regional Administrators are responsible for overseeing the execution of their allowances, and for the review of budget reprogrammings before they are sent to the Office of Budget (OB). In carrying out his or her responsibilities, a Regional Administrator typically depends heavily upon their Assistant Regional

Administrator (ARA) and an individual in the ARA's office who serves essentially as a chief budget officer. In many Regions, this individual is the Regional Comptroller.

**C. SENIOR RESOURCE OFFICIALS (SROs)
DEPUTY ASSISTANT ADMINISTRATORS(DAAs)/ASSISTANT REGIONAL ADMINISTRATORS (ARAs)**

The SROs are Senior Executive Service (SES) managers who are designated by and report to the Administrator, the 10 Regional Administrators, the General Counsel, the Inspector General, and nine Assistant Administrators (AAs). Additionally, one SES manager is designated by the Deputy Administrator for the Office of the Administrator. The Chief Financial Officer (CFO) approves all SRO designations upon initial designation, and annually thereafter. In line with the Chief Financial Officers Act of 1990, SROs must have the knowledge, skills and abilities in resource management necessary for the position.

SROs are typically Deputy Assistant Administrators and Assistant Regional Administrators. The SRO is accountable for the Headquarters Office's or Region's , effective resource management, including acquisition, assistance, budget, financial management and management integrity.

SRO accountability, like the accountability of other EPA managers and officials, cannot be delegated, no matter to what extent SRO functions are delegated. When SROs are temporarily absent, the individual acting for the SRO must be apprised of SRO responsibilities. In cases where a resource requirement may involve more than one program or Regional Office, the SROs of all affected offices share responsibility. While the SROs are accountable for resource management in their respective Headquarters Offices or Regions, the CFO has overall responsibility for these resources. Specifically, the SROs:

1. advise the CFO on fiscal resource management issues, including acquisition, assistance, budget, financial management and management integrity. Extramural resources within this scope include contracts, simplified acquisitions, grants, loans, and cooperative and interagency agreements;
2. oversee, assess and advocate accountable fiscal resource management;
3. ensure compliance with fiscal resource management laws and regulations while furthering program mission;
4. ensure appropriate and effective systems, procedures, management controls, communication and outreach are in place for accountable fiscal resource management;
5. ensure appropriate and effective planning, assessment, monitoring and control for accountable fiscal resource management;
6. ensure that assistance and acquisition mechanisms are used for work appropriate to their purposes;
7. review and approve the following extramural management actions and funding requests. SRO concurrence is required for all:
 - a. requests for contract advisory and assistance services;
 - b. procurement requests (PRs) not including requests for incremental funding over \$1 million and;
 - c. agreements for Federal funding assistance when total project costs are expected to be \$5 million or more for continuing program grants and over \$1 million for project grants.
8. Ensure -- by working through established organizational structure -- that program or Regional resource managers e.g., Contracting Officer's Representatives (CORs), (project officers (POs), work assignment managers (WAMs), delivery order project officers (DOPOs), etc); grants management officers; funds control and financial management officers; and their supervisors:
 - a. are working within their workload limitations;

- b. have Agency-required training and experience, and receive appropriate program or office-specific training that is available; and,
- c. have appropriate resource management responsibilities in their position descriptions and performance standards.

9. Manage and certify completion of the Annual Review of Unliquidated Obligations for current and prior year travel and simplified acquisitions, as described in Chapter 3, Part IV.A.

D. SENIOR BUDGET OFFICERS (SBOs)

In Headquarters, Senior Budget Officers (SBOs) greatly assist the NPMs and SROs in carrying out the responsibilities listed previously and serve as the primary liaison between the Office of Budget (OB) and the Allowance Holders. The SBO:

1. has the lead role for coordinating the budget formulation process on behalf of their RPIO;
2. usually has the lead role in coordinating the budget execution activities;
3. is responsible for reviewing, approving, processing or forwarding budget reprogrammings and coordinating with the Office of Budget (OB) as needed;
4. reviews each Allowance Holder's Operating Plan and spending utilization to ensure that funds controls and program goals are being met;
5. manages the review of Headquarters current year unliquidated obligations to determine their validity and viability, as required by the CFO.

E. REGIONAL BUDGET OFFICERS

The Regional Budget Officer serves as the Region's point of contact on all matters dealing with budget formulation/operating plan development and budget execution. In both areas, the Budget Officer must constantly maintain liaison with HQ on all budget matters, especially with regard to furnishing information and advice on Regional programs and objectives.

During budget formulation, the Regional Budget Officer oversees all aspects of the Region's budget by appropriation, program results code and budget object class for the inclusion in the Agency's OMB Submission. This includes:

1. developing regional resource requirements for budget outyears;
2. reviewing budget requests submitted by regional managers and negotiating budget changes with program managers and HQ budget officials by explaining and advocating regional position on budgetary issues;
3. leading regional managers in developing, justifying, and recommending budget allocations;
4. evaluating variances and trends within various appropriations to ensure consistency among programs, and recommend corrective actions where discrepancies arise;
5. establishing and implementing an annual process by which dollars and FTE workyears are allocated within the Region so that programs can effectively carry out their requirements; and
6. working closely with other regions which serve as the lead region for various programs.

During budget execution, the Regional Budget Officer serves as the primary funds control custodian. The Regional Budget Officer ensures that all regional FCOs are familiar with the Agency's budget structure and have a general knowledge of appropriation law. During the budget execution phase the Budget Officer:

1. oversees the preparation of suballowances for regional responsibility centers in accordance with approved regional budget request;
2. analyzes and makes recommendations on the best means of maximizing resource for payroll, travel, expenses, contracts, and grants;
3. monitors utilization of funds to ensure program funds are utilized for intended purposes at the allowance holder, program results code, and appropriation level, to include the monitoring of any allowance holder ceilings and floors;
4. conducts quarterly budget reviews with Division Directors to ensure compliance with approved operating plan;
5. recommends and initiates reprogramming of funds and FTE workyears to ensure program objectives are met, as well as accommodate unplanned requirements; and
6. reviews and approves allowance holder reprogrammings.

F. ALLOWANCE HOLDERS

The Deputy Administrator, Assistant Administrators, Regional Administrators, Inspector General, General Counsel, many Headquarters Office Directors, and some staff offices, are Allowance Holders. The Office of Budget (OB) issues allowances to Allowance Holders to support their programs, thereby giving these officials the day-to-day responsibility for controlling EPA's funds. Allowance Holders (AHs) or their designees are responsible for:

1. ensuring that funds control practices within their organizations do not violate federal laws, directives or EPA policies;
2. verifying proper funds certification and funds availability before an obligation is incurred. Funds must be available for purpose and time as well as amount. The Allowance Holder is responsible for ensuring that the AH's Funds Control Officers (FCOs) are familiar with the organization's budget structure and budget justification, as well as have general knowledge of appropriations law;
3. adhering to any established ceilings, floors, and other limitations in addition to total AH appropriation levels, these may include travel, administrative and workyear ceilings, PC&B floors, etc.;
4. maintaining complete and up-to-date funds control records, including prompt entry of commitments into the Integrated Financial Management System (IFMS);
5. prompt and consistent monitoring to ensure that spending transactions are recorded in the IFMS correctly. Also, monitoring the status of open transactions and verification of products and services received against invoices to ensure that payments are made correctly. Any errors identified must be promptly corrected; and
6. completing an annual review of all unliquidated obligations and taking action to cancel any invalid obligations that are found. The review is initiated by the Office of Financial Management (OFM) and is a requirement of the General Accounting Office (GAO).

The Allowance Holder must formally designate FCOs and alternates in writing and submit this list to the Office of Budget (OB) annually. Any change in these designations must also be reported as soon as possible. An example of this document is included as Exhibit 2520-2-2.

[NOTE: The FCO designation forms encourage RPIOs to identify the specific Responsibility Centers (RCs) for which an FCO has authority to perform the functions listed below. If local office managers are going to ask FCOs to perform those functions for an RC outside of their designation (such as when one FCO is filling in for another), the FCO may not be sufficiently familiar with the status of funds for that RC to adequately fulfill those functions.

It must be the responsibility of those local managers to determine how such instances will be transacted and if they should be transacted at all. Certainly, no FCO has authority to perform the functions below for an RC for which they have not been designated without direct orders from a local manager.]

G. FUNDS CONTROL OFFICERS (FCOs)

In smaller organizations, the Funds Control Officer (FCO) is usually in the immediate office of the Allowance Holder. In larger organizations, where an Allowance Holder's organization is subdivided into Responsibility Centers (RCs), more than one FCO may perform the daily tasks necessary for controlling funds at the sub-allowance or RC level.

An FCO's realm of responsibility also may vary between that of an FCO located in Headquarters, and that of an FCO in the Regions. In either location, the FCO is either directly responsible for, or subject to coordinating with other personnel on the following duties:

1. serving as the central point of contact for all budgetary/financial information on funds control for payroll, travel, and procurement of goods and services (i.e. available balances in a PRC & budget object class by appropriation);
2. certifying the availability of funds as to the correct purpose, time, and amount;
3. ensuring that all financial transactions are in compliance with any funds availability ceilings and floors;
4. ensuring the accuracy of accounting data of spending documents to include all financial data and accounting elements cited are correct, as well as appropriation codes, account numbers, object class codes, and signatures;
5. identifying the need to reprogram funds in advance;
6. entering the spending actions/commitments into IFMS and forwarding the spending document to the appropriate office for subsequent obligation;
7. ensuring that once the funds have been committed, the funds will not be altered, revised, or withdrawn prior to obligation without advance notice to the proper obligating official;
8. ensuring that funds are properly obligated for correct amount and that any unobligated funds are decommitted if necessary.;
9. monitoring utilization of program funds through the use of financial management reports. Keeps Allowance Holders informed on status of appropriations;
10. maintaining proper records of all Document Control Numbers (DCNs) for the Allowance Holder;
11. maintaining constant communication with document originators and Servicing Finance Offices (SFOs) to facilitate the reconciliation of funding documents; and
12. performing fiduciary responsibilities by conducting unliquidated obligation reviews (close-out of funding documents) and coordinating with SFOs in deobligating unused funds.

In many cases the FCO serves as the organization's expert on funding policies and procedures, management of any ceilings and floors, criteria for object classification, etc. and has been assigned many of the same responsibilities as listed above for Allowance Holders. Many FCOs provide or arrange for assistance and training for the organization staff, distribute guidance materials for staff direction, and protect the organization from problems and errors in the commitment and obligation of funds.

See APPENDIX 2520-B for a Checklist of Good Fund Control Practices and APPENDIX 2520-C for Suggested Qualifications and Training for FCOs.

H. APPROVING OFFICIAL

An approving official's signature appears on each spending document in addition to the document initiator and the Funds Control Officer. Generally, the approving official is a Division Director and/or Allowance Holder. Unlike the FCO, whose signature indicates technical correctness, the approving official's signature indicates a management decision to make the expenditure of resources. Depending upon management preferences and the established procedures in a particular office, the spending document may be routed to the FCO either before or after the approving official. In others, the FCO may see the document twice, once to review for accuracy and/or funds availability before the approving official signs it, and again afterwards to actually assign the DCN and enter the commitment into IFMS. The dollar value of the document may also affect the levels of approving official signatures that will be required. For instance, a Division Director (at the RC level) may have authority to sign for amounts up to a certain threshold, but the Office Director's approval (the AH) is needed for greater amounts. It is the FCO's responsibility to know the organization's internal policies and procedures governing such delegations of authority and approvals and ensure that the proper signatures are obtained.

I. ORIGINATOR

The originator of a spending action may be any EPA employee having the need to obtain goods or services. Examples include branch secretaries ordering supplies or branch staff entering into program contracts for which they will be the Work Assignment Manager (WAM). In some cases, originators are required to attach a written justification in order to spend funds for a specific activity or to use a specific appropriation, object class, or program results code.

Originators will have varying degrees of knowledge regarding funds control and budgeting/accounting policies and procedures. Some originators have branch budgets, know the proper accounting entries for their documents, and enter the accounting data on their documents. In other cases, they must depend upon their FCO to enter all accounting data.

J. OBLIGATING OFFICIALS

The authority to enter into an obligation is limited to certain designated individuals known as "obligating officials". It is illegal for any non-designated individual to obligate the government. At EPA, the obligating officials for the majority of transactions are located in specific offices in OARM. Examples of these offices and the obligation types they handle include:

Office of Acquisition Management (OAM)
contracts, simplified acquisitions

Office of Grants & Debarment (OGD)
grants, interagency agreements, cooperative agreements

Office of Human Resources Management (OHRM)
training agreements

Additionally, there are situations where designated local officials have delegated authority to incur obligations. These include employees like Division Directors who approve travel and are the Approving Official for Purchase Card ordering officers.

There is a distinct difference between certifying the availability of funds (FCO function) and incurring legal obligations. After commitment into IFMS, FCOs forward funding documents to the obligating official to incur the legal obligation on behalf of the government. An obligation legally binds the government to pay a supplier for delivery of goods or services or to provide funds under an assistance agreement.

It is the responsibility of the obligating officials to:

1. return documents to the AH if they discover funding errors (such as expired funds) that should not be obligated as submitted;

2. immediately forward accurate and complete documentation to the appropriate Financial Management Officer (FMO) to record the obligation in IFMS; and
3. communicate with contracting officer representatives (CORs) regarding insufficient funds, contract modifications, contract overruns, etc.

K. OFFICE OF THE CHIEF FINANCIAL OFFICER (OCFO) [Reorganized in FY 2004]

The Office of the Chief Financial Officer, under the supervision of the Chief Financial Officer (CFO), is responsible for developing, managing, and supporting a goals-based management system for the Agency that involves strategic planning and accountability for environmental, fiscal, and managerial results. A current organizational chart of OCFO can be found on the Agency's intranet at: <http://intranet.epa.gov/ocfo/about/org.htm>

In compliance with the CFO Act, the OCFO will bring more effective general and financial management practices to the Federal Government, improve systems of accounting, financial management and internal controls, and provide for the production of complete, reliable, timely and consistent financial information. The Act also designated a Presidentially appointed, Senate confirmed CFO and the appointment of a career SES deputy CFO in each executive department and major agency.

There are seven primary implementation areas for which the CFO is responsible. These are

- Annual Audited Financial Statements
- Annual Reports
- An Agency Five-Year Financial Management Plan
- Financial Management Personnel
- Financial Management Systems
- Performance Measures
- Agency User Fees

To complete its mission, the OCFO is organized into five Offices which are:

Office of Planning, Analysis, and Accountability (OPAA),
Office of Enterprise Technology and Innovation (OETI)
Office of Budget (OB),
Office of Financial Management (OFM),
Office of Financial Services (OFS).

To view the complete formal list of the many areas for which the CFO is responsible, go to the site of the CFO mission and description of functions at: <http://intranet.epa.gov/ocfo/about/functions.htm>

1. Office of Planning, Analysis, and Accountability (OPAA)

To facilitate the requirements of GPRA, the Office of Planning, Analysis, and Accountability (OPAA) is responsible for developing, managing, and supporting a goals-based management system for the Agency that involves strategic planning and accountability for environmental, fiscal, and managerial results. OPAA works with the Office of Budget (OB) to integrate goals-based decision making into the allocation of Agency resources through multi-year and annual planning in the annual budget process.

2. Office of Budget (OB)

The Office of Budget (OB) Director is the Allotment Holder for all Agency resources and issues Advices of Allowance in accordance with the Operating Plan to EPA Allowance Holders. The Allotment Holder is legally accountable for assuring that obligations are made in accordance with statutory requirements and that spending authority is not exceeded.

The Office of Budget (OB) is the responsible authority for budget execution and budget formulation activities for the agency. These activities include reviewing Operating Plan reprogramming requests, monitoring resource utilization, ensuring the application of appropriations laws and OGC or Comptroller General legal

opinions pertaining to Agency Allotments, and providing directives, guidance, and support to assist Allowance Holders in fulfilling their own responsibilities. Office of Budget (OB) operates the Budget Automation System (BAS) which serves as the primary agency-wide database during formulation of the Agency's budget.

3. Office of Financial Management (OFM)

OFM is responsible for ensuring Agency compliance with the Federal Managers Financial Integrity Act (FMFIA) of 1982, and the Chief Financial Officers (CFO) Act of 1990. The FMFIA requires Agencies to protect government resources against fraud, waste, abuse or mismanagement through systematic self-evaluation of management controls, and to report material weaknesses in management controls with corrective action plans annually to the President and Congress. The CFO Act requires preparation and audit of financial statements to ensure accountability and fair presentation of government resources, as well as decision support. The OFM meets these responsibilities by developing, implementing, and maintaining agency-wide financial systems, providing end user training, and issuing accounting policies, as well as provide training and support for users.

4. Office of Financial Services (OFS)

The Office of Financial Services-(OFS) is responsible for accounting and financial services at 4 locations: Washington, DC, Research Triangle Park, NC, Las Vegas, NV, and Cincinnati, OH. The OFS also has national responsibility for processing, accounting, reconciling & reporting of the Agency's biweekly payroll.

• Office of Enterprise Technology and Innovation (OETI)

The function of OETI is to meet the growing challenges in business processes and to increase efficiency. OETI also ensures there is a strategic approach to planning, budgeting, developing, integrating, implementing, and monitoring agency-wide and OCFO financial systems and policies. OETI will have primary responsibility for ORBIT, OCFO's Reporting and Business Intelligence Tool. ORBIT is a financial, operations, and human resources reporting system using a query, reporting, and analytical software package designed to support the use of information in making financial and programmatic business decisions across the Agency.

L. FINANCIAL MANAGEMENT OFFICERS (FMOs)

Each Financial Management Officer (FMO) manages a Servicing Finance Office (SFO) and is responsible for all standard accounting functions. These functions include the authorized processing of commitment and obligation documents into IFMS, managing accounts receivable and accounts payable, reporting, and providing support to program offices in reconciling accounting data problems and discrepancies. There are fourteen FMOs – one in each of the ten Regional Offices and one in each of the four Financial Management Centers (FMCs). The FMCs are located at Washington, DC, Research Triangle Park, NC, Las Vegas, NV, Cincinnati, OH. Each Regional FMO is responsible for the regional accounting process and updates to the IFMS for their region. In addition to servicing local clients, the FMO at an FMC has nationwide responsibilities. Each FMC services all AHs as follows: payroll (Washington, DC), contracts (Research Triangle Park, NC), assistance agreements (Las Vegas, NV), interagency agreements and Purchase Card functions (Cincinnati, OH). Exhibit 2520-2-3 lists the addresses of the fourteen SFOs and their respective scope of responsibilities.

In carrying out accounts payable responsibilities, FMOs receive invoices from suppliers for payment. Before the FMO may pay the supplier, it must have an obligating document and a receiving report (sent by the originating office) to verify that the work was completed or the goods were received satisfactorily. Unpaid obligations are not removed from IFMS at the end of the fiscal year. Rather, they remain in the system until paid or until the Allowance Holder or obligating official notifies the FMO that no further payments will be made against the obligation.

M. ACCOUNTS PAYABLE CERTIFYING OFFICERS and DISBURSING OFFICERS

Accounts Payable Certifying Officers should not be confused with agency Fund Control Officers (FCOs) discussed earlier in this chapter. In many federal agencies, different government officials make "certifications"

of one type or another on documents, but this does not make them "Certifying Officers" for purposes of accountability and financial liability.

The accountability of public funds rests primarily with the Certifying Officer. Certifying Officers, are usually located in an agency's accounting department (EPA's SFOs) and are responsible in two areas of budget execution: posting the obligation from funding documents into IFMS and certifying contractor bills for payment.

Certifying Officers move funds from a commitment to an obligation in IFMS upon receiving the **signed** obligating document (Contract, Purchase Order, Cooperative Agreement/Grant, Training Form, etc.). If there is no signature from an obligating official on the funding documents, the obligation will not get posted. In regards to certifying bills for payments, Certifying Officers will first coordinate with Agency Project Officers (POs), Work Assignment Managers (WAMs) or Delivery Order Project Officers (DOPOs) in first getting their approval for paying an invoice. However, despite receiving a PO/WAM/DOPO's approval for paying an invoice, the Certifying Officers are still the ones that are ultimately held accountable. As required by 31 U.S.C. 3528, a Certifying Officer will be held accountable for:

1. the existence and correctness of the computations and facts stated in a voucher and its supporting records;
- the legality of a proposed payment under the appropriation or fund involved;
- returning payment vouchers that are inadequately documented; and
- the correctness of computations on the voucher.

31 U.S.C. 3528 also provides that Certifying Officers will be accountable for the amount of any "illegal, improper, or incorrect" payment resulting from his or her false or misleading certification. This includes any payments prohibited by law, or payments which do not represent a legal obligation under the appropriation or fund involved. Since there is a high degree of accountability placed on certifying officers, under EPA Order 2515.1, [Policy and Procedures for Relieving Certifying and Disbursing Officers From Liability (March 17, 2000)] they have the right to seek and obtain an advance opinion from the EPA Office of General Counsel regarding the lawfulness of any payment to be certified. Beyond that, the statute allows for a GAO opinion.

[NOTE: As previously noted, the Office of Legal Counsel (OLC), U.S. Department of Justice (DOJ) has opined that 31 U.S.C. § 3528(b), which purports to authorize the Comptroller General (CG) to relieve certifying officers from liability, and 31 U.S.C. § 3529, which purports to authorize the CG to issue advance opinions on the legality of payments, are not consistent with our Constitution's separation of legislative and executive powers. *Memorandum* for Janis A. Sposato, General Counsel, Justice Management Division, from John O. McGinnis, Deputy Assistant Attorney General, Office of Legal Counsel (August 5, 1991) (McGinnis Memo). . . Only DOJ has prosecutorial authority to initiate a court proceeding to hold a certifying officer liable for an illegal or improper payment. OLC has stated that DOJ will "not bring suit against [a certifying] official to recover a payment if that official has obtained from his or her component general counsel . . . an opinion advising him or her that the payment could legally be made." McGinnis Memo at p. 7. OLC is responsible for providing legal advice to the President and the heads of Executive departments and agencies. Its decisions are binding on Executive Agencies unless a court rules otherwise.

A Disbursing Officer is an employee of a federal agency designated to disburse public funds. Like most federal agencies, EPA does not have any disbursing officers located within the agency; instead, most of the federal disbursing officers are located in the Department of Treasury. A disbursing official shall disburse money only as provided by a voucher certified by the head of the agency or by an authorized certifying official.

N. OFFICE OF GENERAL COUNSEL (OGC)

Based on the traditional attorney/client function, OGC staff is frequently involved in providing advice and counsel in all areas of Agency activity pertaining to Appropriations Law, funds control, and financial management. OGC staff opine both formally and informally on EPA's behalf in the interpretation of EPA's authorizing and appropriations language, the legislative history, and government-wide statutes. Under EPA Order 2515.1, EPA employees may rely on CG decisions as useful sources of appropriations law in conducting

their day to day activities. However, if a certifying or disbursing officer is facing the possibility of personal liability, a OGC opinion can be relied on by such officials. See EPA Order 2515.1, Paragraph 4. a., Policy.

TOPIC AREA	NO.	SPECIFIC ITEM	EPA or ORD DELEGATION TO:	REDELEGATION POSSIBLE?	NERL REDELEGATION TO:	CONCURRENCES (COMMENTS)	SOURCE REFERENCES
	181	Approval of per diem within the 50-mile local travel area of the permanent duty station under the criteria provided in the FTR and Agency policy after travel expenses have been incurred or it is a "Special and Unique event"	Director, Financial Management Division	No		DDM DD Note: The request for approval must be in writing and addressed from the AA/ORD to the Director, FMD	EPA Delegations Manual 1-17-A dated 1/22/97
QUALITY ASSURANCE PROGRAM	182	Develop and direct Quality Assurance Program and its implementation among program offices, laboratories, Regional Offices, contractors, and grantees producing environmental data for EPA	Director, Office of Environmental Information	No		QA Manager DDM	EPA Delegations Manual 1-41, dated 1/28/00
SAFETY, HEALTH, & ENVIRONMENTAL MANAGEMENT, AND RADIATION SAFETY	183	Management and operation of the Safety, Health, Environmental Management, and Radiation Safety program	LD	Yes	DDM, DDs at Athens and Las Vegas, POS Director in Cincinnati		EPA Order 1440.1, dated 5/11/98 EPA Delegations Manual 1-3, dated 8/16/95 Chapter 8, Section 8.1 of ORD PPM dated 1/11/01
ENVIRONMENTAL COMPLIANCE (NATIONAL ENVIRONMENTAL POLICY ACT, NEPA)	184	Make determination of Categorical Exclusion and Finding of "No Significant Impact".	DDM	Yes	DD		Chapter 8, Section 8.3 of ORD PPM dated 9/30/97
	185	Approve Draft and Final Environmental Impact Statements	AA/ORD	No		BC DD DDM	Chapter 8, Section 8.3, of ORD PPM dated 9/30/97
COMMUNICATIONS AND TECHNICAL PRODUCTS							
FOIA	NOTE: See ORD PPM Chapter 10.9 for ORD guidance that supplements Agency policy and procedures and must be followed.						
	186	Make initial positive determinations in FOIA requests (sign letter back to requestor), waive payment of fees, and extend the date for mailing an initial determination	LD	Yes	DD		Chapter 10, Section 10.9 of ORD PPM dated 4/1/02 EPA Delegations Manual 1-30 dated 11/1/83
	187	Make initial denials or partial denials of requests for existing, located records (sign letter back to requestor)	DAA/ORD and Director, ORMA	No		Note: Each denial or partial denial letter must be signed by the Director, ORMA, and must be accompanied by a memo justifying the denial.	Chapter 10, Section 10.9 of ORD PPM dated 4/1/02 EPA Delegations Manual 1-30 dated 11/1/83
Federal Register	NOTE: All documents to be published in the Federal Register must be reviewed by the EPA's Office of General Counsel before submission to the Federal Register Officer in the Office of Environmental Information. The Federal Register Officer forwards the documents to the Government Printing Office for publication.						

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TOPIC AREA	NO.	SPECIFIC ITEM	EPA or ORD DELEGATION TO:	REDELEGATION POSSIBLE?	NERL REDELEGATION TO:	CONCURRENCES (COMMENTS)	SOURCE REFERENCES
	218	Determine, when informed by an employee of an impartiality issue under 5 CFR Part 2635, Subpart E, or when requested by the employee's supervisor or other person responsible for employee's assignment, whether a reasonable person would be likely to question the employee's impartiality in the matter. If impartiality is likely to be questioned, determine whether the employee should be allowed to participate in the matter, and if so, authorize participation.	DEO	No		*	EPA Order 1000.28 dated 6/7/94 Ethics Advisory 94-15
	219	Authorize participation in a matter affecting financial interests of a prospective employer where the employee is seeking employment, but is not "negotiating" for employment.	DEO	No		*	EPA Order 1000.28 dated 6/7/94 Ethics Advisory 94-15
	220	Determine whether an employee should be subject to a period of disqualification where the employee has sought but is no longer seeking employment.	DEO	No		*	EPA Order 1000.28 dated 6/7/94 Ethics Advisory 94-15
	221	Determine which employees in their organization must file Confidential Financial Disclosure Reports (OGE-450s), and collect, review, determine compliance with applicable laws and regulations, take any necessary remedial action, sign these reports, and provide annual certification to the DAEO in accordance with the DAEO's instructions.	DEO	No		*	EPA Order 1000.28 dated 6/7/94 Ethics Advisory 94-15
	222	Approve certain outside activities and outside employment requests	DEO	No		*	EPA Order 1000.28 dated 6/7/94 Ethics Advisory 94-15 and 97-12 Supplemental Agency Ethics Regulations (5 USC Part 6401)
	223	This item is intentionally left blank					
GENERAL DELEGATION	224	Authority to sign for the Laboratory Director (Signature authority for ethics cannot be redelegated below the Deputy Director for Management.)		Yes	In order: DDM ADH ADE Director, Prog. Op. Staff/ RTP Director, HEASD ALD		Memo signed by Dr. Gary Foley, Director, NERL, dated 8/26/03
	225	Authority to sign for the Deputy Director for Management		Yes	Director, Prog. Op. Staff/ RTP		

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