

**U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)**

<b>MD 9.17</b>	<b>ORGANIZATION AND FUNCTIONS, OFFICE OF THE EXECUTIVE DIRECTOR FOR OPERATIONS</b>	<b>DT-15-15</b>
<i>Volume 9:</i>	NRC Organizations and Functions	
<i>Approved By:</i>	Stephen G. Burns, Chairman	
<i>Date Approved:</i>	May 26, 2015	
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<i>Issuing Office:</i>	Office of the Executive Director for Operations Communications and Performance Management	
<i>Contact Name:</i>	Houman Rasouli 301-415-7536	
<b>EXECUTIVE SUMMARY</b>		
<p>Directive and Handbook 9.17 are being revised to reflect the current organization and functions of the Office of the Executive Director for Operations. This revision incorporates a recommended change resulting from Office of Inspector General (OIG) Audit Report (OIG-12-A-19), "Audit of NRC's Use of Orders."</p>		

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## **I. SUPERVISION**

The Executive Director for Operations (EDO) reports to the Chairman and is subject to the supervision and direction of the Chairman as provided in Reorganization Plan No. 1 of 1980. The EDO is guided by policies of the Commission and by regulatory decisions, findings, and determinations that the Commission makes as authorized by law. The EDO, through the Chairman, shall ensure that the Commission is fully and currently informed about matters within its functions.

## **II. FUNCTIONS**

The EDO, subject to other provisions of this directive, is specifically responsible for—

- A.** Supervising, directing, coordinating, and approving activities within the Office of the EDO (OEDO) and the offices reporting to the EDO.
- B.** Distributing business among the offices that report to OEDO.
- C.** Determining the necessary resources, annual goals, and performance indicators in developing the Chairman's Performance Budget as outlined in the Budget Formulation and Budget Execution Management Directives.
- D.** Administrative functions of the Commission, including the resolution of Equal Employment Opportunity (EEO) and grievance matters, and providing support services.
- E.** Submitting major office reorganization documentation for Commission consideration.
- F.** Consulting with the Chairman, before the Chairman's initiation, on the appointments of the Directors of the Office of Nuclear Reactor Regulation (NRR), the Office of Nuclear Material Safety and Safeguards (NMSS), the Office of New Reactors (NRO), the Office of Nuclear Security and Incident Response (NSIR), and the Office of Nuclear Regulatory Research (RES). These appointments need to be approved by the Commission. The Chairman or a member of the Commission may initiate the removal of these officers subject to approval of the Commission.
- G.** Appointing and removing—after consultation with the Chairman and without any further action by the Commission—all Deputy Executive Directors for Operations (DEDOs); the Directors of the Computer Security Office (CSO), Office of Administration (ADM), Office of Enforcement (OE), Office of Investigations (OI), Office of Information Services (OIS), and Office of Small Business and Civil Rights (SBCR); the Chief Human Capital Officer (CHCO); and Regional Administrators (RAs).
- H.** Executing and modifying acquisitions (including but not limited to contracts, financial assistance relationships and interagency agreement actions, including Department of Energy (DOE) Laboratory Agreements) and settling claims and terminations thereof.

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- I. Developing and approving delegations of authority for the EDO and DEDOs and offices reporting to the EDO and DEDOs.
  - J. Responding to the requests of members of the Commission for access to information.
  - K. Ensuring that the Commission, through the Chairman, is fully and currently informed about matters within its functions.
  - L. Serving as the Chief Operating Officer (COO) and supervising the activities of the Assistant for Operations (AO) who serves as the Performance Improvement Officer (PIO) in accordance with the Government Performance and Results Act (GRPA) Modernization Act of 2010, Public Law 111-352. Also serving as the Administrative Officer for the Commission.
  - M. Performing other functions explicitly assigned by the Commission or the Chairman. Functions not explicitly assigned to the EDO are reserved to the Chairman unless otherwise delegated to the Commission by Reorganization Plan No. 1 of 1980.
  - N. Appointing the Assistant for Operations (AO) to assist the EDO and DEDOs in the overall planning, management, control, and coordination of operational and administrative activities. The AO performs the role of Chief of Staff for managing the day-to-day operations of the OEDO staff. As the agency's Performance Improvement Officer, the AO supports the Chief Operating Officer in improving the agency programs performance by driving performance improvement efforts using goal-setting, measurements, analyses, and program evaluations through cross-agency collaboration.
  - O. Executing contracts, agreements, or interagency actions subject to the limitations in Section III.B.2 of this directive.
  - P. Developing and announcing rules, as defined in subparagraph 4 of Section 551 of the Administrative Procedure Act (5 U.S.C. 551.(4)), subject to the limitations in Sections III.B.9-11 of this directive. The EDO shall notify the Commission before submitting a final rule to the *Federal Register*.
  - Q. Issuing subpoenas under Section 161c of the Atomic Energy Act of 1954, as amended (AEA), where necessary or appropriate for the conduct of inspections or investigations.
  - R. Exercising the Commission's authority to take enforcement or other action, to include issuance of orders, under 10 CFR Part 2, Subpart B.
  - S. Determining that all declassification criteria are met for all Licensed Fuel Facility Status Reports for Inventory Difference Data (NUREG-0430) and issuing these reports after informing the Commission.
  - T. Providing guidance and oversight to ensure that Office of the Inspector General and General Accountability Office recommendations from audit reports are resolved, the facts and conclusions in the reports are accurate, and corrective actions are assigned and completed.

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### **III. DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR FOR OPERATIONS (EDO)**

#### **A. Delegation of Authority**

The EDO is the chief operating and administrative officer of the Commission. Except as otherwise provided by law, regulation, Commission action, or action by the Chairman, the EDO reports to and is supervised by the Chairman as provided in Section I of this directive. The EDO is authorized and directed to discharge all regulatory (including but not limited to licensing and enforcement) and administrative functions of the NRC and to act as necessary to carry out the functions and execute the authorities assigned by this directive, directives of offices reporting to the EDO and the DEDOs, or other official directives or communications.

#### **B. Limitations on Authority**

1. Present all significant questions of policy to the Commission for resolution, and with respect to these questions, present all major views of the affected offices to the Commission.
2. Inform the Chairman, with copies to the Commission, five working days in advance of any impending termination of any contract, DOE project, or agreement reviewed by the Strategic Sourcing Group (SSG) and of significant visibility or interest to the Commission.
3. Provide the Commission a five-day notification for any organizational conflict of interest waiver the EDO intends to sign.
4. Shall not delegate those non-delegable functions described in Section 161n of the AEA (see Handbook 9.17, Section II).
5. Limit approval of employment of an individual by the NRC before completion of the security investigation and reports required by Section 145b of the AEA to situations in which an individual will be precluded from access to Restricted Data or National Security Information through administrative procedures, and that the EDO approve this employment only upon receipt of an affirmative recommendation from the Director, Division of Facilities and Security, ADM, and a clear showing of need by the requesting office. This authority may not be redelegated.
6. Shall submit to the Commission, through the Chairman, any information transmitted to the NRC by the Special Counsel pursuant to 5 U.S.C. 1213(c)(1), 1213(g)(1), 1213(g)(2), or 1214(d) and 1214(e) (relating to certain disclosures of information to the Special Counsel regarding an agency's operations or alleged violation of certain laws by agency officials). The EDO shall also submit any report, communication, or certification required of the head of the agency pursuant to 5 U.S.C. 1213(c)(1)(B), 1213(g)(1), 1213(g)(2), or 1214(e) to the Commission, through the Chairman, for review and signature of the Chairman.

7. Shall concur upon prior to submission to the Commission for approval any export license application involving activities specified in 10 CFR 110.40(b) as well as similar activities in the following export-related areas that are not subject to NRC licensing, but on which the Nuclear Non-Proliferation Act (NNPA) requires NRC consultation—
  - (a) Subsequent arrangements under Section 131 of the AEA;
  - (b) Activities covered by Section 57b of the AEA;
  - (c) Exports licensed by the Department of Commerce and subject to the provisions of Section 309(c) of the NNPA;
  - (d) Agreements for Cooperation under Section 123 of the AEA; and
  - (e) Government-to-Government transfers subject to Sections 54d and 64 of the AEA.
8. Shall submit to the Chairman for signature correspondence to State and Federal officials that involves major new policy questions and all correspondence to the President and Chairpersons of the NRC's Congressional Oversight Committees and shall submit to the Commission for consideration correspondence that involves significant matters of policy.
9. Shall subject all rulemaking to general policy guidance from the Commission.
10. In addition to these limitations, the EDO's delegated authority under Section II.L of this directive does not extend to the promulgation of proposed or final rules that involve significant questions of policy.
11. The EDO's delegated authority, under Section II.L of this directive, to develop and announce rules applies to 10 CFR Parts 7, 8, and 9, Subpart C, only if the proposed or final rules or amendments to these parts do not raise policy issues or are corrective in nature. Before promulgating a proposed or final rule modifying Part 2, the EDO shall obtain the concurrence of the Office of the General Counsel (OGC), the Office of Commission Appellate Adjudication (OCAA), and the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel (ASLBP). If any office fails to concur, the proposed action is to be referred to the Commission.

#### **IV. REDELEGATION OF AUTHORITY BY THE EXECUTIVE DIRECTOR FOR OPERATIONS (EDO)**

##### **A. Redelegation Authority under Section II.P**

The function delegated to the EDO under Section II.P of this directive may be redelegated only to the DEDOs, the Directors of NRR, NMSS, NRO, and OI, and to the RAs. The issuance of any subpoena will require the concurrence of OGC and consultation with OI.

**B. General Redelelegation Authority**

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

**C. Redelelegation Requirements**

1. The EDO shall send a memorandum specifying the re delegation to the Secretary of the Commission (SECY), with a copy to the General Counsel, Director of ADM, and CHCO. Any re delegation is to be reflected through the NRC Management Directives System when management directives are updated.
2. The EDO shall stipulate any limitations on further re delegation of authority.
3. The EDO shall maintain a file of all re delegations.

**V. DELEGATION OF AUTHORITY TO THE DEPUTY EXECUTIVE DIRECTOR FOR REACTOR AND PREPAREDNESS PROGRAMS (DEDR)**

The Deputy Executive Director for Reactor and Preparedness Programs (DEDR) is authorized to—

- A.** Assist and act for the EDO in executing the EDO's responsibility for nuclear reactor regulation, nuclear reactor licensing, nuclear security and incident response, and regional operations, except nuclear material and nuclear waste safety and safeguards activities.
- B.** Approve or issue all escalated enforcement actions for matters pursuant to 10 CFR Parts 50, 52, and 55 licensees, including orders and civil penalties pursuant to 10 CFR Part 2, Subpart B.
- C.** Carry out day-to-day supervision, guidance, direction, and coordination of the Directors of the Offices of NRR, NRO, NSIR, and the RAs.
- D.** Take action as necessary to carry out the functions assigned by this or other official directives or communications of authority.
- E.** Act in the capacity of a Designated Approving Authority (DAA) formally assuming responsibility for operating a system or network at an acceptable level of risk; evaluate the mission, business case, and budgetary needs for an NRC system in view of the security risks; and permit or deny operations or use based on unacceptable security risk. The DAA is accountable to senior leadership and the public through Federal law and regulation.
- F.** Act, when delegated, for the EDO, Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs (DEDMRT), or Deputy Executive Director for Corporate Management (DEDCM) during the EDO's, DEDMRT's, or EDCM's absence and take action as necessary to perform their duties.

- G. Issue final agency decisions, take final actions on EEO complaints, and sign settlement agreements in EEO complaints arising under 29 CFR Part 1614 or its successor regulation. This authority is limited to complaints arising in offices reporting to the EDO. This authority may not be redelegated by the DEDR and this authority may not be exercised by a person acting for the DEDR. This delegation has no effect on the authority of the Director of SBCR to dismiss a complaint in whole or in part for the reasons set forth in 29 CFR 1614.107 or to authorize certain monetary settlements in complaints arising under Part 1614 in which a deciding official has not been assigned.
- H. Issue immediately effective orders, including oral orders, in response to imminent security threats. This authority is limited to issuing orders to one or more NRC reactor or materials licensed facilities when urgent action is required because of an imminent security threat. Such threats involve situations where there is too little time to invoke the emergency powers reserved to the Chairman, or his/her designee, in accordance with Reorganization Plan No. 1 of 1980. This authority is limited to ordering an NRC licensee to implement existing facility procedures for actions necessary to mitigate the potential radiological consequences of the specific imminent security threat. Once an order is given to a licensee under this authority, the DEDR shall initiate actions to promptly inform the Commission and the NRC Executive Team, which consists of the EDO and the DEDOs. Any oral order issued pursuant to this delegation must be put in writing within a reasonable time, consistent with the provisions of 10 CFR 2.202. The DEDR may not redelegate this authority to anyone. In addition, the Director, NRR and the Director and Deputy Director, NSIR are also authorized to issue orders provided for in this paragraph with the same scope and limitations as the DEDR. If the Chairman or his/her designee invokes the emergency powers of Section 3 of Reorganization Plan No. 1 of 1980 during any specific imminent security threat, the authority to issue orders under this delegation for the duration of the emergency is superseded.
- I. Perform other functions assigned by the EDO.

## **VI. DELEGATION OF AUTHORITY TO THE DEPUTY EXECUTIVE DIRECTOR FOR MATERIALS, WASTE, RESEARCH, STATE, TRIBAL, AND COMPLIANCE PROGRAMS (DEDMRT)**

The Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs (DEDMRT) is authorized to—

- A. Assist and act for the EDO in executing the EDO's responsibility for research, nuclear material, and nuclear waste safety and safeguards programs, including the portion of regional operations dealing with NMSS activities, liaison with States and Indian Tribes, and oversight of enforcement and investigation functions.
- B. Approve or issue all escalated enforcement actions except for matters pursuant to 10 CFR Parts 50, 52, and 55 licensees, including orders and civil penalties pursuant to 10 CFR Part 2, Subpart B.
- C. Carry out day-to-day supervision, guidance, direction, and coordination of the Directors of the Offices of NMSS, RES, OE, and OI.

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- D. Take action as may be necessary to carry out the functions assigned by this or other official directives or communications of authority.
  - E. Act in the capacity of a DAA formally assuming responsibility for operating a system or network at an acceptable level of risk; evaluate the mission, business case, and budgetary needs for an NRC system in view of the security risks; and permit or deny operations or use based on unacceptable security risk.
  - F. Act, when delegated, for the EDO, DEDR, or DEDCM during the EDO's, DEDR's, or DEDCM's absence and take action as necessary to perform their duties.
  - G. Issue final agency decisions, take final actions on EEO complaints, and sign settlement agreements in EEO complaints arising under 29 CFR Part 1614 or its successor regulation. This authority is limited to complaints arising in offices reporting to the EDO. This authority may not be redelegated by the DEDMRT and this authority may not be exercised by a person acting for the DEDMRT. This delegation has no effect on the authority of the Director of SBCR to dismiss a complaint in whole or in part for the reasons set forth in 29 CFR 1614.107 or to authorize certain monetary settlements in complaints arising under Part 1614 in which a deciding official has not been assigned.
  - H. Issue immediately effective orders, including oral orders, in response to imminent security threats. This authority is limited to issuing orders to one or more NRC reactor or materials licensed facilities when urgent action is required because of an imminent security threat. Such threats involve situations where there is too little time to invoke the emergency powers reserved to the Chairman, or his/her designee, in accordance with Reorganization Plan No. 1 of 1980. This authority is limited to ordering an NRC licensee to implement existing facility procedures for actions necessary to mitigate the potential radiological consequences of the specific imminent security threat. Once an order is given to a licensee under this authority, the DEDMRT shall initiate actions to promptly inform the Commission and the NRC Executive Team, which consists of the EDO and the DEDOs. Any oral order issued pursuant to this delegation must be put in writing within a reasonable time, consistent with the provisions of 10 CFR 2.202. The DEDMRT may not redelegate this authority to anyone. In addition, The Director, NMSS is also authorized to issue orders provided for in this paragraph with the same scope and limitations as the DEDMRT. If the Chairman or his/her designee invokes the emergency powers of Section 3 of Reorganization Plan No. 1 of 1980 during any specific imminent security threat, the authority to issue orders under this delegation for the duration of the emergency is superseded.
  - I. Perform other functions assigned by the EDO.

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## VII. DELEGATION OF AUTHORITY TO THE DEPUTY EXECUTIVE DIRECTOR FOR CORPORATE MANAGEMENT (DEDCM)

The Deputy Executive Director for Corporate Management (DEDCM) is authorized to—

- A.** Assist and act for the EDO in executing the EDO's responsibility for corporate services, including human resources, information technology (IT) infrastructure (network, help desk, telecommunications, video-teleconferencing); applications development (technology assessment); project management (system development life cycle management); information management services (technical library, internal/external Web site, electronic document and records management system, Freedom of Information Act (FOIA)); information systems security oversight (certification and accreditation of IT systems, policy development, training, cyber incident response/situational awareness); and agency space planning and facilities management, personnel and facility security, rulemaking, acquisition management, and centralized administrative services (parking, mail, printing, graphics, audio/visual services, editing, furniture and supplies, event support).
- B.** Make final determinations on appeals from initial FOIA decisions of the Chief, FOIA, Privacy, and Information Collection Branch, Customer Service Division, OIS, and by Office Directors reporting to the EDO or a DEDO.
- C.** Carry out day-to-day supervision, guidance, direction, and coordination of the Directors of OIS, CSO, ADM, and CHCO.
- D.** Take action as may be necessary to carry out the functions assigned by this or other official directives or communications of authority.
- E.** Act in the capacity of a DAA formally assuming responsibility for operating a system or network at an acceptable level of risk; evaluate the mission, business case, and budgetary needs for an NRC system in view of the security risks; and permit or deny operations or use based on unacceptable security risk.
- F.** Act, when delegated, for the EDO, DEDR, or DEDMRT during the EDO's, DEDR's, or DEDMRT's absence and take action as necessary to perform their duties. However, the DEDCM is not delegated authority to issue "immediately effective orders" in the event of an imminent security threat.
- G.** Issue final agency decisions, take final actions on EEO complaints, and sign settlement agreements in EEO complaints arising under 29 CFR Part 1614 or its successor regulation. This authority is limited to complaints arising in offices reporting to the EDO. This authority may not be redelegated by the DEDCM and this authority may not be exercised by a person acting for the DEDCM. This delegation has no effect on the authority of the Director of SBCR to dismiss a complaint in whole or in part for the reasons set forth in 29 CFR 1614.107 or to authorize certain monetary settlements in complaints arising under Part 1614 in which a deciding official has not been assigned.
- H.** Perform other functions assigned by the EDO.

## VIII. ORGANIZATIONAL STRUCTURE AND INTERNAL ASSIGNMENTS

The Office of the EDO includes the EDO, the DEDR, the DEDMRT, the DEDCM, and the Assistant for Operations. An organization chart showing the internal organization of the office is available on the OEDO internal Web site (<http://www.internal.nrc.gov/oedo/>).

## IX. REFERENCES

### *Code of Federal Regulations*

10 CFR Parts 1-199, Code of Federal Regulations.

10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders."

Subpart B, "Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License, or for Imposing Civil Penalties."

10 CFR Part 7, "Advisory Committees."

10 CFR Part 8, "Interpretations."

10 CFR Part 9, "Public Records."

Subpart C, "Government in the Sunshine Act Regulations."

10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities."

10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

10 CFR Part 55, "Operators' Licenses."

10 CFR 110.40, "Commission Review."

29 CFR Part 1614, "Federal Sector Equal Employment Opportunity."

### *Nuclear Regulatory Commission Documents*

Office of the Executive Director for Operations Web site, at  
<http://www.internal.nrc.gov/oedo/>.

Memorandum to Chairman MacFarlane from R. W. Borchardt, Executive Director for Operations, Updated Documentation of Existing Authority of the Executive Director for Operations to Issue Orders," May 24, 2013 (see [ML13137A477](#)).

Memorandum to R. W. Borchardt, Executive Director for Operations, from Chairman Macfarlane, "Documentation of Existing Delegated Authority to the Executive Director for Operations," June 18, 2013 (see [ML13249A022](#)).

Memorandum to Darren B. Ash, Deputy Executive Director for Corporate Management, from R. W. Borchardt, Executive Director for Operations, "Delegation of Authority for Responses to Freedom of Information Act and Privacy Act Appeals," June 15, 2009 (see [ML14358A070](#)).

Memorandum to Those on the Attached List from Luis A. Reyes, Executive Director for Operations, "Delegation of Authority to Issue Orders in Response to Imminent Security Threats"; November 20, 2009 (see [ML060130620](#)).

Memorandum to Martin J. Virgilio, Michael F. Weber, and Darren B. Ash, Deputy Executive Directors for Operations; Nader L. Mamish, Assistant for Operations; Corenthis B. Kelley, Director, Office of Small Business and Civil Rights from R. W. Borchardt, Executive Director for Operations, "Delegation of Authority in Equal Employment Opportunity Complaint Matters"; June 24, 2010 (see [ML101660625](#)).

Memorandum to the Chairman Jaczko from J. E. Dyer, Chief Financial Officer, and R. W. Borchardt, Executive Director for Operations, "Request for Chairman Approval for the Transfer of Performance Improvement Officer Responsibilities"; March 10, 2011 (see [ML11080A042](#)).

Memorandum to R. W. Borchardt, Executive Director for Operations, from Chairman Gregory B. Jaczko, "Delegation of Contractual Authority," March 23, 2011 (see [ML110540470](#)).

Commissioner Assistant Note from Mary C. Muessle, Acting Assistant for Operations, "Transfer of Performance Improvement Officer Responsibilities"; March 25, 2011 (see [ML110820546](#)).

Memorandum to Darren B. Ash, Martin J. Virgilio, and Bruce S. Mallett, Deputy Executive Directors for Operations, from Luis A. Reyes, Executive Director for Operations, "Designated Approving Authority," September 25, 2007 (see [ML072630477](#)).

Memorandum to Darren B. Ash, Deputy Executive Director for Corporate Management, from R. W. Borchardt, Executive Director of Operations, "Delegation of Authority," April 30, 2010 (see [ML100840021](#)).

OIG Report (OIG-12-A-19), "Audit of NRC's Use of Orders," issued September 25, 2012.

Nuclear Non-Proliferation Act of 1978 (NNPA), as amended.

NUREG-0430, "Licensed Fuel Facility Status Reports for Inventory Difference Data."

### ***United States Code***

Administrative Procedure Act (5 U.S.C. 551(4)).

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

Freedom of Information Act of 1966, as amended (5 U.S.C. 552).

Investigation of Prohibited Personnel Practices; Corrective Actions (5 U.S.C. 1214(d) and (e)).

Government Performance and Results Act (GPRA) Modernization Act of 2010, Public Law 11-352.

Reorganization Plan No.1 of 1980 (NRC).

Provisions Relating to Disclosure of Violations of Law, Gross Mismanagement, and Certain Other Matters (5 U.S.C. 1213(c)(1), (g)(1), and (g)(2)).

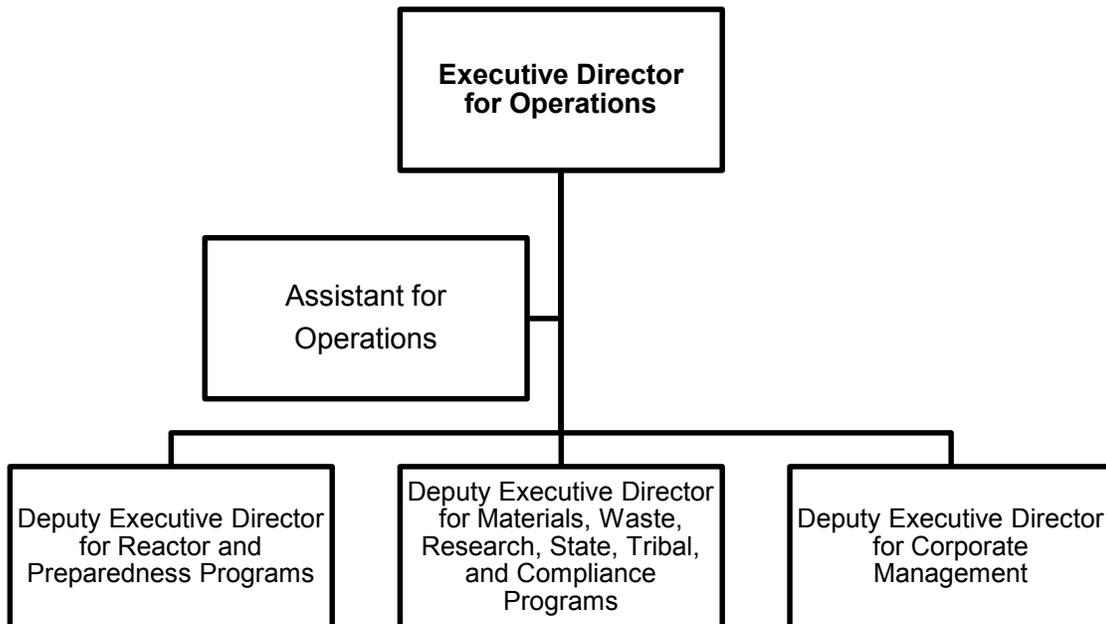
**U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)**

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<i>Contact Name:</i>	Houman Rasouli 301-415-7536	
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## I. ORGANIZATION CHART



## II. FURTHER LIMITATIONS ON DELEGATIONS OF AUTHORITY

Section 161n of the Atomic Energy Act of 1954, as amended, provides the Commission with general authority to delegate its functions under the Act to other offices of the Commission, except with respect to certain determinations, findings, actions, certifications, functions, and approvals required of or made by the Commission pursuant to Sections 51, 57b, 61, 108, 123, 145b, 145f, and 161a. In each case, the Commission must take the action. This authority cannot be delegated to any officer below the Commission level unless otherwise indicated. These sections are described as follows:

### A. Section 51 of the Atomic Energy Act of 1954, as amended

The act defines "special nuclear material." However, Section 51 authorizes the Commission to determine that material not included in that definition is to be considered special nuclear material as well. To define any other material as "special nuclear material," the Commission must make certain determinations to which the President must expressly assent in writing.

### B. Section 57b of the Atomic Energy Act of 1954, as amended

Section 57b authorizes (1) the production of special nuclear material outside the United States when approved by the Commission and (2) with the approval of the Commission, the distribution and the licensing of special nuclear material outside of the United States.

**C. Section 61 of the Atomic Energy Act of 1954, as amended**

This section is comparable to Section 51, but deals with "source material" rather than "special nuclear material."

**D. Section 108 of the Atomic Energy Act of 1954, as amended**

Section 108 authorizes the Commission to (1) suspend a license, (2) recapture special nuclear materials, or (3) enter and operate or order the operation of a licensed facility when the Congress declares that a state of war or a national emergency exists. In the exercise of any of these authorities, certain findings concerning the common defense and security must be made.

**E. Section 123 of the Atomic Energy Act of 1954, as amended**

Section 123, as substantially modified by Public Law 95-242, prohibits entering into cooperation with other nations without certain authorizing actions taken by the Commission, the Congress, and the President.

**F. Section 145b of the Atomic Energy Act of 1954, as amended**

Section 145b deals with security matters and establishes restrictions on (1) employment of personnel by the Commission and (2) granting that personnel access to Restricted Data without having performed certain investigations relating to their character, associations, and loyalty. In the case of employing personnel, certain prerequisite determinations are required of the Commission. Authority to render these determinations may be delegated to an officer below the Commission level. In the case of granting employees access to Restricted Data without the necessary investigations, the required determination (i.e., that this action will not endanger the common defense and security) must not be delegated to an officer below the Commission level.

**G. Section 145f of the Atomic Energy Act of 1954, as amended**

This section provides that the Commission will certify positions in the Commission that are of a high degree of importance or sensitivity, thereby requiring a Federal Bureau of Investigation (FBI) investigation of persons to fill those positions.

**H. Section 161a of the Atomic Energy Act of 1954, as amended**

This section authorizes the Commission to establish advisory boards.