



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL EXPOSURE RESEARCH LABORATORY  
Research Triangle Park, NC 27711

Office of  
Research and Development

November 3, 2014

J6

03008631

REC'D 11/10/14 PM 07:13

Mr. Dennis R. Lawyer  
Commercial, Industrial, R&D and Academic Branch  
Division of Nuclear Materials Safety  
U. S. Nuclear Regulatory Commission, Region I  
2100 Renaissance Boulevard, Suite 100  
King of Prussia, PA 19406-2713

SUBJECT: Response to U.S. Environmental Protection Agency, Request for Additional  
Information Concerning Financial Assurance Documents, Control No. 583475

Dear Mr. Lawyer:

The purpose of this letter is to provide the CERTIFICATION OF FINANCIAL ASSURANCE for Licensee No.32-14048-04. This letter is prepared in response to Docket No. 03008631; Control No. 583475. The transmission of this letter in conjunction with a STATEMENT OF INTENT should complete the United States Environmental Protection Agency at Research Triangle Park, North Carolina's financial assurance documentation.

**CERTIFICATION OF FINANCIAL ASSURANCE**

Principal: United States Environmental Protection Agency  
License No.32-14048-04

Main Address:	Mailing Address:
109 T. W. Alexander Drive Research Triangle Park, North Carolina 27709	Mail Code D343-02 Research Triangle Park, North Carolina 27711

Addresses of licensed locations:

- A. 2525 Highway NC 54, Durham, North Carolina;
- B. 4930 Page Road (Interstate 40 and Page Road), Durham, North Carolina;
- C. 104 Mason Farm Road, Chapel Hill, North Carolina;
- D. 109 T. W. Alexander Drive, Research Triangle Park, North Carolina
- E. Buildings 106 and 108, 111 T. W. Alexander Drive, Research Triangle Park, North Carolina; and
- F. Licensed material in the form of sealed sources or plated foils specified in Table 1 below may also be used at temporary job sites of the licensee anywhere in the United States.

(Please see Items 3, 9, and 11 of the license renewal application dated February 28, 2014 for more specific information on the activities conducted at these addresses.)

583475

NMSS/RGN1 MATERIALS-002

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Issued to: United States Nuclear Regulatory Commission

I certify the United States Environmental Protection Agency, Licensee No. 32-14048-04, is a licensed to possess the following types of sealed sources or plated foils with a half-life greater than 120 days licensed under 10 CFR Part 30:

**Table 1**

Type of Material	Amount of Materials
Nickel-63 Foils and Plated Sources	18 millicuries per source and 1 curies total

Additionally, unsealed byproduct material with a half-life greater than 120 days licensed under 10 CFR Part 30:

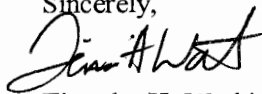
**Table 2**

Type of Material	Amount of Materials
Any byproduct material with Atomic Nos. 1 through 83 inclusive, except as specified below	50 millicuries per radionuclide and 5 curies total
Hydrogen 3	250 millicuries
Carbon 14	250 millicuries
Americium 241 Calibration Solution	10 microcuries
In addition to the possession limits specified above, the licensee further restricts the possession of unsealed byproduct material to quantities less than $10^5$ of the applicable limits in Appendix B of 10 CFR Part 30, as specified in 10 CFR 30.35(d).	

I certify that I anticipate this Agency will be able to obtain appropriations of financial resources in the amount of \$1,125,000 for the purpose of decommissioning as prescribed by 10 CFR Part 30. This amount cannot be prior allocated or set in reserve due to anti-deficiency restrictions on expenditures by Federal Entities.

Thank you for your attention to this request. Please contact Todd Baker, Radiation Safety Officer, directly with any questions regarding the submission of this CERTIFICATION OF FINANCIAL ASSURANCE at 919-541-4307 or via e-mail at [baker.todd@epa.gov](mailto:baker.todd@epa.gov).

Sincerely,



Timothy H. Watkins  
Deputy Director, (Acting)  
National Exposure Research Laboratory  
U. S. Environmental Protection Agency  
Research Triangle Park, North Carolina

November 3, 2014

cc: Todd W. Baker, Radiation Safety Officer (D343-02)  
Ritchie D. Buschow, Assistant Radiation Safety Officer (D343-02)  
Radioactive Material License File  
Reading File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL EXPOSURE RESEARCH LABORATORY  
Research Triangle Park, NC 27711

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**STATEMENT OF INTENT**

As the Deputy Director, National Exposure Research Laboratory duty stationed at U. S. Environmental Protection Agency in Research Triangle Park, North Carolina, I exercise express authority and responsibility to request from the U. S. Environmental Protection Agency Administrator, funds for decommissioning activities associated with the operations authorized by the U. S. Nuclear Regulatory Commission Materials License No. 32-14048-04. Within this authority, I intend to request that funds be made available when necessary in the amount of \$1,125,000 to decommission the following locations:

- A. 2525 Highway NC 54, Durham, North Carolina;
- B. 4930 Page Road (Interstate 40 and Page Road), Durham, North Carolina;
- C. 104 Mason Farm Road, Chapel Hill, North Carolina;
- D. 109 T. W. Alexander Drive, Research Triangle Park, North Carolina
- E. Buildings 106 and 108, 111 T. W. Alexander Drive, Research Triangle Park, North Carolina; and

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F. Licensed material in the form of sealed sources or plated foils may also be used at temporary job sites of the licensee anywhere in the United States.  
(Please see Items 3, 9, and 11 of the license renewal application dated February 28, 2014 for more specific information on the activities conducted at these addresses.)

I intend to request and obtain these funds sufficiently in advance of decommissioning to prevent delay of required activities.

A copy of the following list of documents is attached as evidence that I am authorized to represent the U. S. Environmental Protection Agency in this transaction.

1. Organizational Charts
  - a. the U. S. Environmental Protection Agency (EPA) organizational chart; (5 pages in length)
  - b. the EPA Office of Research and Development (ORD) organizational sub chart; (4 pages in length)
  - c. the EPA ORD National Exposure Research Laboratory (NERL) organization sub chart; (2 pages 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 Mr. Timothy H. Watkins' position. (1 page in length)
2. The EPA Resources Management Directives Series/Administrative Control of Appropriated Funds: (2520: Release 3.2, February 4, 2008.)
  - 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 Mr. Watkins 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. (12 pages in length)
3. The EPA-ORD-NERL delegations of authority dated October 1, 2008 showing the Deputy Laboratory Director, also known as Deputy Director of Management (appears abbreviated as either "DDM" for "DDM RTP"), has signatory authority delegated to the position. See the column head "NERL REDELEGATION TO:" for delegation to "DDM" where DDM is the position held by Timothy H. Watkins in the accompanying table extracts referenced.
  - a. Specific delegation for Safety, Health & Environmental Management, and Radiation Safety Delegation No. 18.0.1; (1 page in length)
  - b. General Delegation from the NERL Laboratory Director Delegation No. 23.0.1 (1 page in length)

**U. S. EPA's General Budget Authority Synopsis:** EPA has a whole host of authorizing legislation which provides the basis for the agency mission. Subsequent annual appropriations legislation has to be passed each year to actually fund EPA. For FY 2015, EPA's appropriations legislation has not been passed and the EPA is operating under a Continuing Resolution. Previously, of the broad appropriations categories of legislation passed each year, EPA's appropriation had been included with the appropriation Omni-bus legislation. Historically, the

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EPA's appropriation has appeared as titled within the Department of Interior, the Veterans Administration, Housing and Urban Development and the Independent Agency Act. A separate list of authorizing legislation follows.

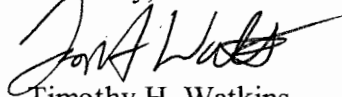
- Clean Air Act (CAA) 1970
- Federal Water Pollution Control Act (FWPCA) of 1948
- Clean Water Act (CWA) 1972
- Water Quality Act (WQA) of 1987
- Beaches Environmental Assessment & Coastal Health Act of 2000
- Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972
- Safe Drinking Water Act (SDWA) of 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
- Energy Policy Act of 2005
- 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
- National Environmental Policy Act (NEPA) (1969)
- Pollution Prevention Act (PPA) of 1990
- Oil Pollution Act of 1990
- Inspector General Act of 1978

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, I would make a budget request for funds for decommissioning through the EPA Assistant Administrator for the Office of Research & Development during the annual budget preparation cycle. I would also consider available Science and Technology Program expiring funds within the National Exposure Research Laboratory, which could be reprogrammed for decommissioning and closure activities.

Thank you for your attention to this request. Please contact Todd Baker, Radiation Safety Officer, directly with any questions regarding the submission of this STATEMENT OF INTENT at 919-541-4307 or via e-mail at [baker.todd@epa.gov](mailto:baker.todd@epa.gov).

Sincerely,



Timothy H. Watkins

November 3, 2014

Deputy Director, (Acting)

National Exposure Research Laboratory

U. S. Environmental Protection Agency

Research Triangle Park, North Carolina

[Distribution appears on next page.]

Statement of Intent

Response for NRC License No. 32-14048-04; Docket No. 03008631; Control No. 583475

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cc: Todd W. Baker, Radiation Safety Officer (D343-02)  
Ritchie D. Buschow, Assistant Radiation Safety Officer (D343-02)  
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# EPA Organization Chart

## Office of the Administrator

202-564-4700

### Headquarters offices

## Office of Administration and Resources Management

202-564-4600

## Office of Air and Radiation

202-564-7404

## Office of Chemical Safety and Pollution Prevention

202-564-2902

## Office of the Chief Financial Officer

202-564-1151

Office of Enforcement and Compliance Assurance

202-564-2440

Office of Environmental Information

202-564-6665

Office of General Counsel

202-564-8040

Office of Inspector General

202-566-0847

Office of International and Tribal Affairs

202-564-6600

Office of Research and Development

202-564-6620

Office of Solid Waste and Emergency Response

202-566-0200

Office of Water

202-564-5700



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# Organization Chart for the Office of Research and Development (ORD)

Office of Research and Development (ORD) Assistant Administrator and Deputy Assistant Administrator

202-564-6620

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[About OSA](#)

Office of Science Policy (OSP)

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- [Chemical Safety for Sustainability Research Program](#)
- [Human Health Risk Assessment Program](#)
- [Homeland Security Research Program](#)
- [Safe and Sustainable Water Resources Research Program](#)
- [Sustainable and Healthy Communities Research Program](#)

## Office of Science Information Management

## Office of Resource Management and Administration


## Office of Administrative and Research Support

## National Center for Computational Toxicology (NCCT)

919-541-4219 

[About NCCT](#)

## National Center for Environmental Assessment (NCEA)


703-347-8600 

[About NCEA](#)

- Cincinnati Division
- Research Triangle Park Division
- Washington Division

## National Center for Environmental Research (NCER)




703-347-8200 

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- Applied Science Division
- Health Research and Fellowships Division
- Peer Review Division
- Research Support Division
- Technology and Engineering Division


### National Exposure Research Laboratory (NERL)

919-541-2106 

[About NERL](#)

- Atmospheric Modeling and Analysis Division
- Ecological Exposure Research Division
- Ecosystems Research Division
- Environmental Sciences Division
- Human Exposure and Atmospheric Sciences Division
- Microbiological and Chemical Exposure Assessment Research Division


### National Health and Environmental Effects Research Laboratory (NHEERL)

919-541-2281 

[About NHEERL](#)

- Atlantic Ecology Division
- Environmental Public Health Division
- Gulf Ecology Division
- Integrated Systems Toxicology Division
- Mid-Continent Ecology Division
- Research Cores Unit
- Toxicity Assessment Division
- Western Ecology Division


### National Homeland Security Research Center (NHSRC)

513-569-7907 

[About NHSRC](#)

- Decontamination and Consequence Management Division (DCMD)
- Threat Consequence Assessment Division (TCAD)
- Water Infrastructure Protection Division (WIPD)

### National Risk Management Research Laboratory (NRMRL)

513-569-7900 

[About NRMRL](#)

- Air Pollution Prevention and Control Division
- Ground Water and Ecosystems Restoration Division
- Land Remediation and Pollution Control Division
- Sustainable Technology Division

Water Supply and Water Resources  
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- Environmental Technology  
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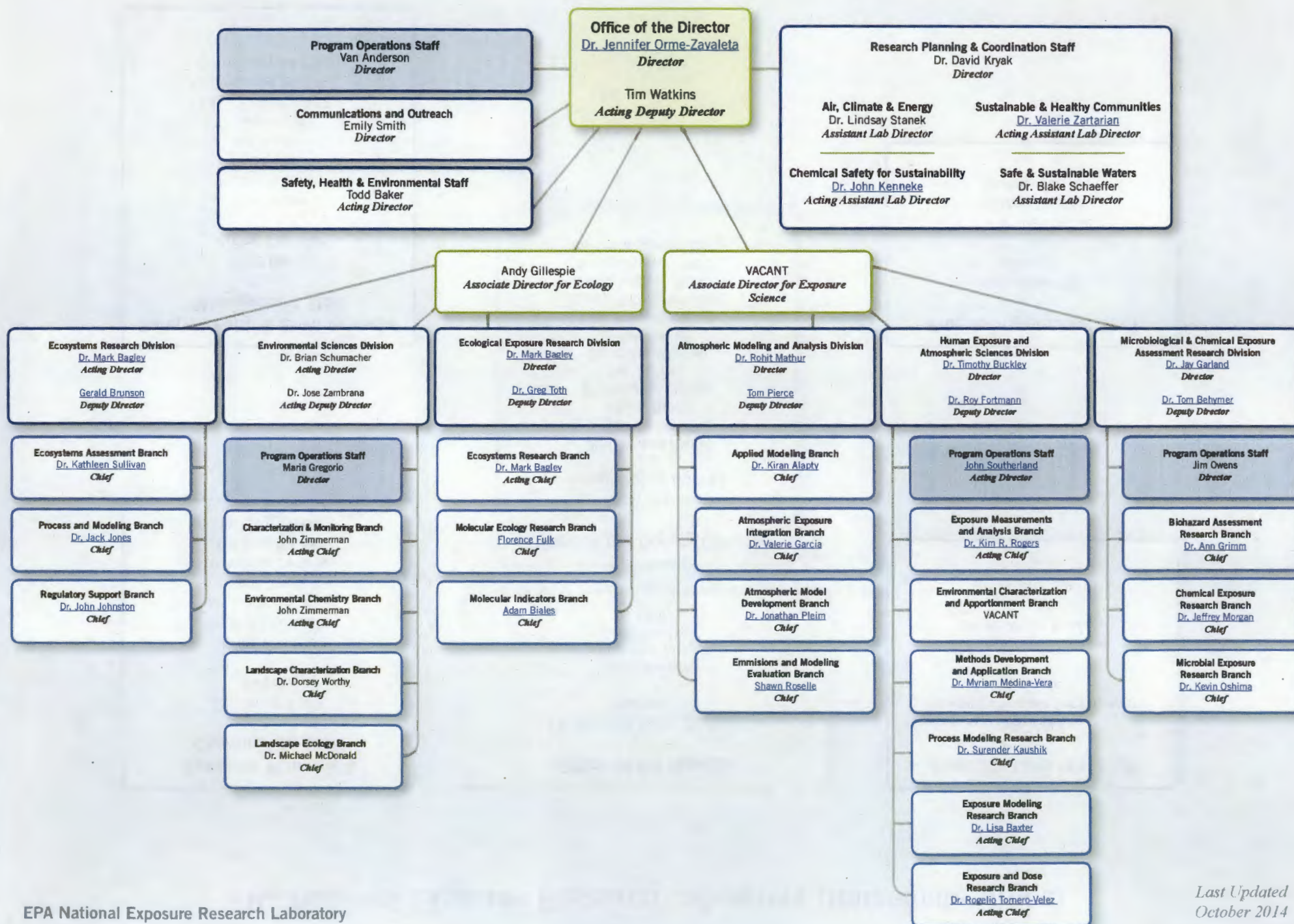
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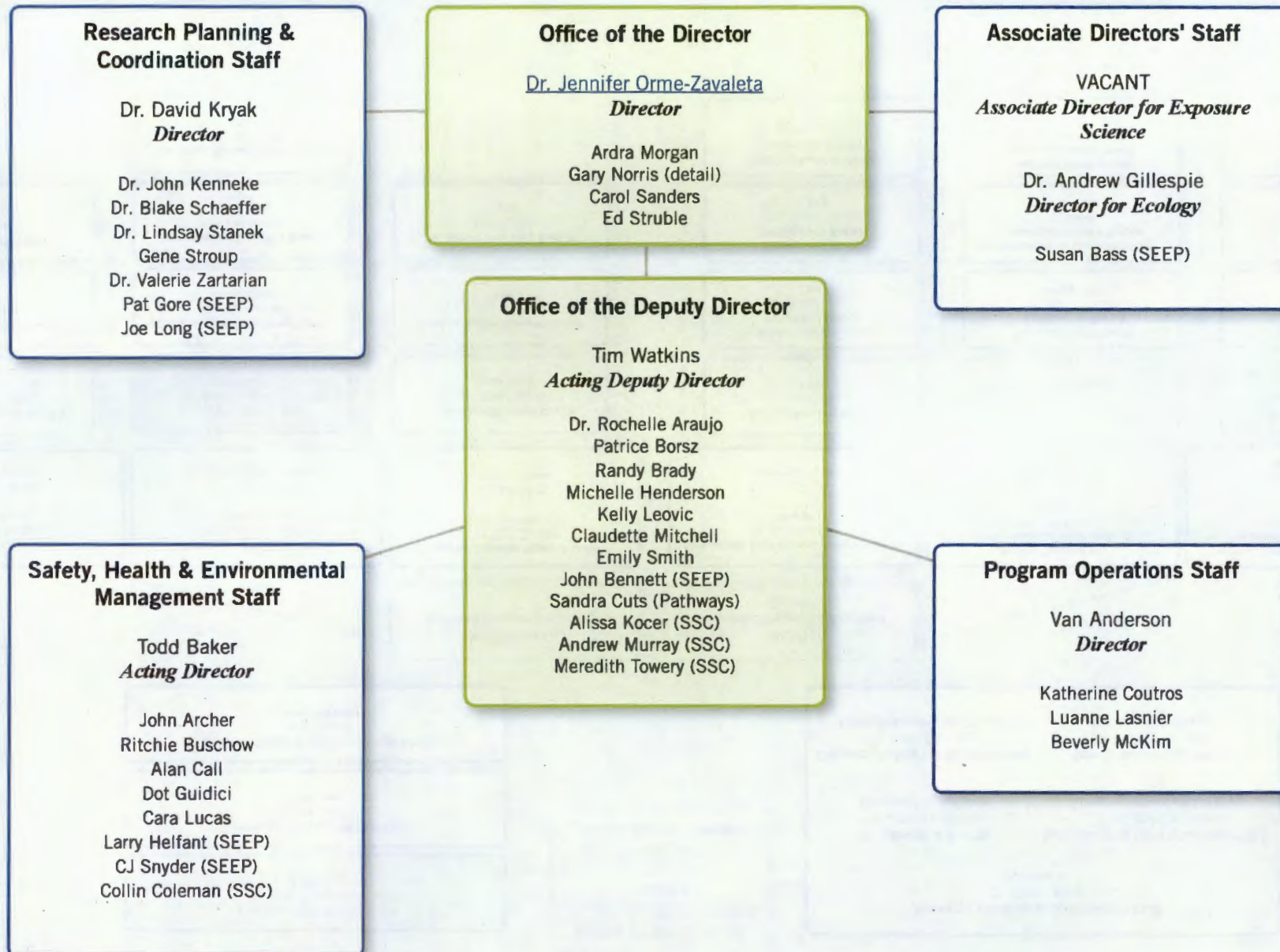


# EPA National Exposure Research Laboratory (NERL) Organization



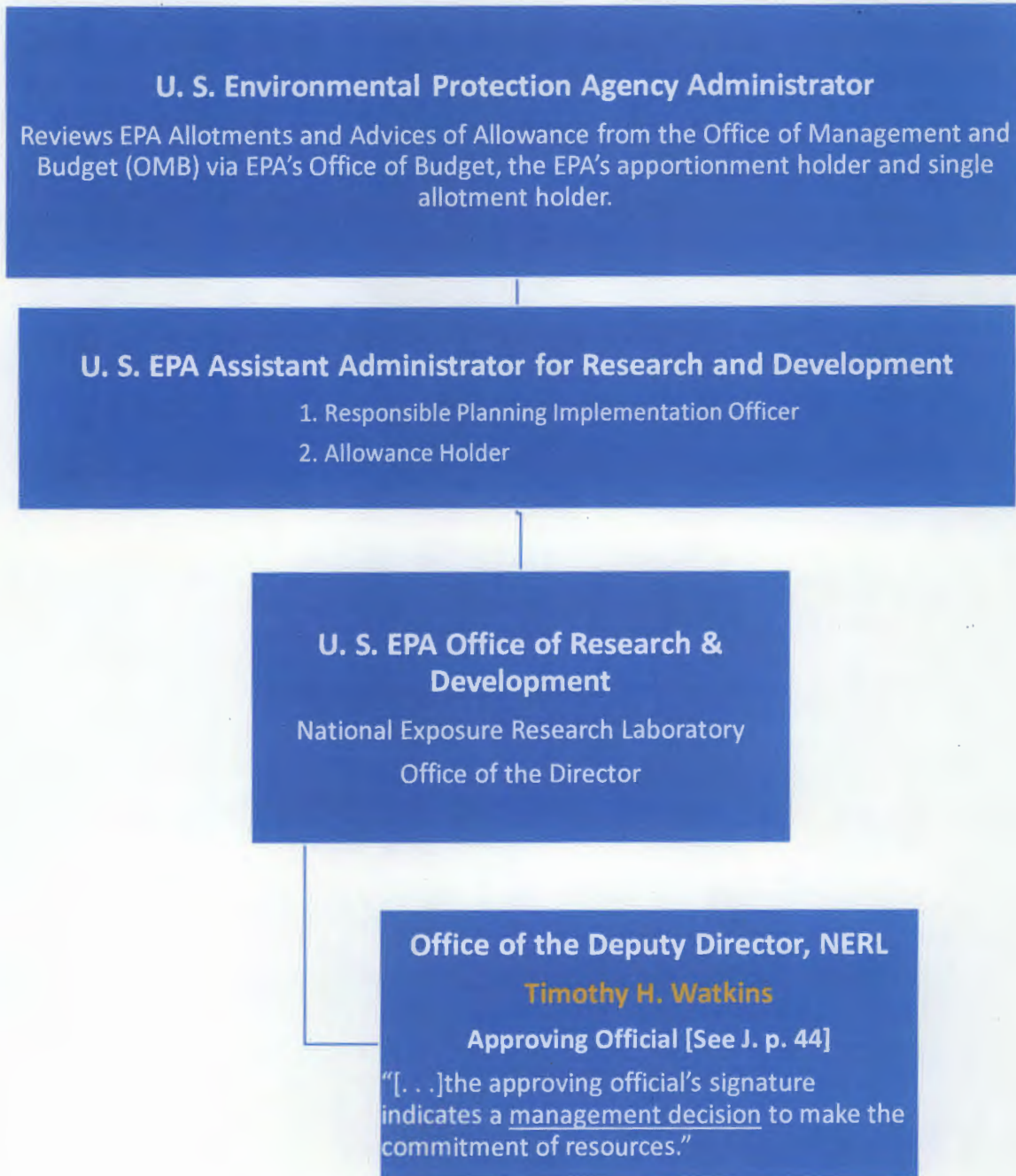


# EPA National Exposure Research Laboratory (Immediate Office)



**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 Mr. Timothy H. Watkins' position.

*Further explanation of sub-terms found below are found in the U.S. EPA Resources Management Directives 2520/Administrative Control of Appropriated Funds: Release 3.2, February 4, 2008. Excerpts are provided elsewhere in this documentation package.*



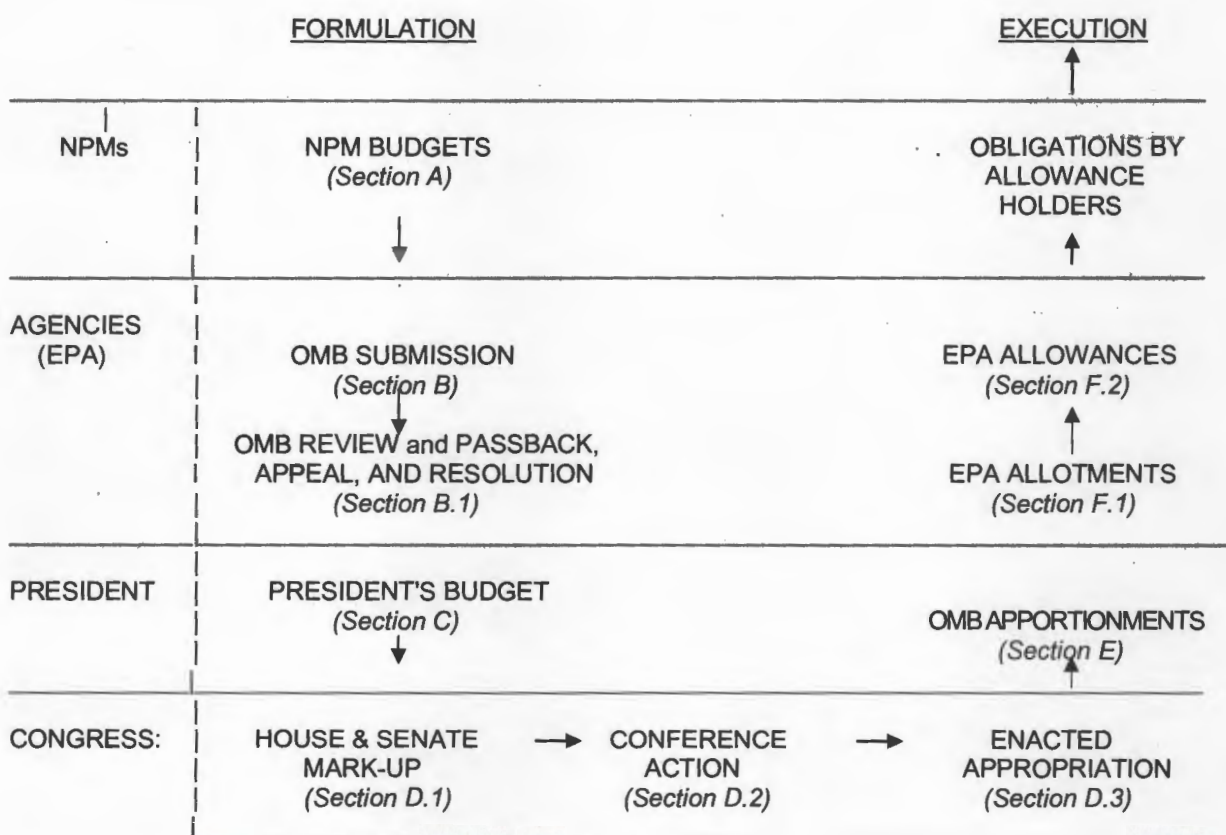


**CHAPTER 1: THE FEDERAL BUDGET PROCESS, LAWS, & GUIDANCE**

**I. OVERVIEW of FEDERAL BUDGET PROCESS at EPA**

General knowledge of the federal budget 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 processes.

**FEDERAL BUDGET PROCESSES**



**FIGURE 1**

These activities correspond to the steps shown in FIGURE 1.

## **CHAPTER 2: ROLES and RESPONSIBILITIES OR FUNDS CONTROL**

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

All levels of responsibility for funds control should ensure that no expenditures be authorize or created as an obligation under any appropriation or fund in excess of the amount available [31 U.S.C 1341(a)]. All personnel responsible for administrative control of funds should familiarize themselves with the following legal requirements found in:

- a. Antideficiency Act (31 U.S.C. 1341(a);
- b. OMB Circular A-11, Part 4; and
- c. EPA's Administrative Control of Appropriated Funds Manual (RMDS 2520).

### **I. PARTICIPANTS:**

#### **A. ASSISTANT ADMINISTRATORS (AAs),**

**NATIONAL PROGRAM MANAGERS (NPMs), and**

**RESPONSIBLE PLANNING AND IMPLEMENTATION OFFICERS (RPIOs)**

The Administrator and the twelve (12) Assistant Administrators (AAs) in headquarters are National Program Managers (NPMs) who control resources. These thirteen (13) NPMs, who are normally political officials, formulate budgets for EPA's national programs and offices including the regional program components. NPMs responsibilities include planning, formulating, and justifying budgets for national EPA programs, making adjustments to national program budgets (e.g., headquarters/regional splits) as needed, and preparing program operating guidance. For example, the AA for the Office of Water has national budget responsibilities for the entire EPA Water Program.

The Responsible Planning and Implementation Officers (RPIOs) are the 24 EPA senior managers responsible for planning and implementing operating plans, using and accounting for resources, and reviewing programs. This consist of 24 individuals who are the Administrator, the (12) headquarters Assistant Administrators, including the Inspector General, and the ten (10) Regional Administrators. Each RPIO has program operations to administer and a budget to execute.

In terms of properly utilizing funds for the purpose for which they were appropriated, the RPIOs, their Allowance Holders (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. , The RPIOs are presumed to be the most knowledgeable EPA entity regarding what is permissible in the authorizing statutes for their 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 Committee Appropriation Reports and are kept informed of what is in the Public Law for their programs. The OGC is available to assist them in any 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. RPIOs are held accountable responsibility for the utilization of their funds.



**B. REGIONAL ADMINISTRATORS (RAs)**

Each Regional Administrator (RA) is both a Responsible Planning and Implementation Officer (RPIO) and an Allowance Holder (AH). RAs are not NPMs since they have a primary responsibility for regional, not national, administration and budget execution for all programs in the states and territories within their region. RAs 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 representing the designated program with the appropriate NPM in developing priorities, budgets, and work year 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 (10) regions into a "regional view" that can be effectively factored into Agency decision-making. The list of Lead Regional Coordinators can be found at <http://www.epa.gov/regional/leadregionprocess.htm>. NPMs 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 RA typically depends heavily upon their Assistant Regional Administrator (ARA) and an individual in the ARA's office who serves essentially as a 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 RAs, the GC, the Inspector General, and nine AAs. Additionally, one SES manager is designated by the Deputy Administrator for the Office of the Administrator (OA). The CFO approves all SRO designations upon initial designation, and annually thereafter. In line with the CFO Act (CFOA) of 1990, SROs must have the knowledge, skills and abilities in resource management necessary for the position.

SROs are typically Deputy Assistant Administrators (DAA) and Assistant Regional Administrators (ARAs). 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, even if SRO functions are delegated. When SROs are temporarily absent, the individual acting for the SRO must be appraised 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 Representatives (CORs), project officers (POs), work assignment managers (WAMs), delivery order project officers (DOPOs); 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 (AHs). The SBO:

1. has the lead role for managing the budget formulation process on behalf of their HQ NPM;
2. usually has the lead role in coordinating the budget execution activities for their HQ RPIO;
3. reviews, approves, processes or forwards budget reprogrammings and coordinates with the Office of Budget (OB) as needed;



4. reviews each Allowance Holder (AH) Operating Plan (Op Plan) and spending utilization to ensure that funds controls and program goals are being met; and,
5. manages the review of Headquarters current year unliquidated obligations to determine their validity and viability, as required by the CFO.

#### **E. REGIONAL COMPTROLLERS**

The Regional Comptroller serves as the Region's manager on all matters related to budget and finance responsibilities and functions. This position is the primary point of contact for the OCFO (Office of Budget Office, Office of Financial Management, and Office of Planning, Analysis and Accountability) and National Program Managers on regional budget and financial matters. This position is also analogous to the Senior Budget Officer, however, on the Regional level yet works with the Senior Budget Officer when addressing national environmental program issues.

The Regional Comptroller is responsible for:

1. coordinating budget formulation and execution processes and decisions on resources (dollars and FTEs) at the Regional level;
2. managing the execution of the budget at the Regional level following Agency fund control policies, guidelines, and procedures;
3. oversees utilization of Regional resources and prepares reprogramming requests as necessary;
4. ensuring resources are utilized according to government-wide and Agency budget and financial policies and procedures;
5. accounting and reporting on resource utilization according to Agency and government-wide financial accounting standards and policies;
6. manages Regional data systems to account for resources and coordinates with centralized Financial Servicing Offices (FSOs) on payments of payroll, contracts, grants, assistance agreements, and Superfund activities. Works with Headquarters Office of Financial Management (OFM) on IFMS financial policy and accounting issues.
7. maintains close working relationship with Regional Grants Management Offices to facilitate proper and timely award of Agency grants;
8. manages the review of unliquidated obligations with all Regional offices to facilitate timely expenditures of Regional resources.
9. serves as the Regional point of contact for budget and financial investigations audits on the use of Regional resources.

#### **F. REGIONAL BUDGET OFFICERS**

The Regional Budget Officer (RBO) 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 RBO must communicate with HQ NPMs and OB on all budget matters, especially with regard to furnishing information and advice on Regional programs and objectives.



During budget formulation, the Regional Budget Officer (RBO) 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 work years are allocated within the Region so that programs can effectively carry out their requirements; and
6. working closely with Lead Region Coordinators .

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

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 work years to ensure program objectives are met, as well as accommodate unplanned requirements; and
6. reviews and approves Allowance Holder reprogrammings.
7. ensures implementation of budget tracking codes for special budgets (e.g., required RPIO/Activity Codes) and the monitoring of spending to comply with HQ guidances; and,
8. coordinates development of regional IT budget projections for outyear budgets and the implementation of IT coding to track expenditures to this budget.

### **G. ALLOWANCE HOLDERS (AH)**

Many Headquarters and Regional Program Directors, and staff directors, are Allowance Holders (AHs). The Office of Budget (OB) issues allowances to (AHs) to support their programs, thereby giving these officials the day-to-day responsibility for controlling EPA's funds. AHs or their designees are responsible for:

1. ensuring that funds control practices within their organizations do not violate federal laws, directives and EPA policies;
2. verifying proper funds certification and funds availability before an obligation is incurred. Funds must be available for purpose, time and amount. The AH is responsible for ensuring that the AH's 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 work year 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 and is a requirement of the General Accountability Office (GAO).

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

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.

### **H. 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 AH'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 scope 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. checking 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; since grant project officers enter grant commitments into IGMS which are transmitted into IFMS, FCOs are required to ensure grant commitments are correct and reviewing grant project officers correct any errors in IGMS.
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, and recertified if needed for future obligations;
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 AH;
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 and recertifying of unused funds.

In many cases the FCO serves as the organization's expert on program 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 AHs. 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.

**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 financial accounting data.

**J. APPROVING OFFICIAL**

An approving official's signature appears on each spending document in addition to the document initiator and the FCO. Generally, the approving official is a Division Director and/or Allowance Holder (AH). Unlike the FCO, whose signature indicates technical correctness, the approving official's signature indicates a management decision to make the commitment 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 FCOs responsibility to know the organization's internal policies and procedures governing such levels of authority and approvals and ensure that the proper signatures are obtained.

**K. 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 to pay for a delivered good or service ordered. 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 (obligating official function). 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 (COR regarding insufficient funds, contract modifications, contract overruns, etc.

**L. OFFICE OF THE CHIEF FINANCIAL OFFICER (OCFO)**

The OCFO, under the supervision of the Chief Financial Officer (CFO), is responsible for developing, managing, and supporting a goals-based management and accountability 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>

Under the Chief Financial Officers Act of 1990, the OCFO is responsible to 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 requires a Presidentially appointed, Senate confirmed CFO and the appointment of a career SES Deputy CFO in each major executive department and agency. There are seven (7) primary implementation areas for which the CFO is responsible. These are:

1. Annual Audited Financial Statements
2. Annual Reports
3. An Agency Five-Year Financial Management Plan
4. Financial Management Personnel
5. Financial Management Systems
6. Performance Measures
7. Agency User Fees

To complete its mission, the OCFO is organized into five (5) offices which are:

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

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 programmatic 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.

OPAA has primary responsibility for managing 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.

2. Office of Budget (OB)

The OB Director is the Allotment Holder (ALLH) for all Agency resources and issues Advices of Allowance in accordance with the Operating Plan (Op Plan) to EPA AHs. 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 OB is the responsible authority for budget formulation and budget execution activities for the agency. These activities include reviewing (Op Plan) reprogramming requests, monitoring resource utilization, ensuring the application of appropriations laws and OGC or Comptroller General Comp Genlegal opinions pertaining to Agency Allotments, and providing directives, guidance, and support to assist (AHs) in fulfilling their own responsibilities Office of Budget The OB manages and operates the Budget Automation System (BAS) which serves as the primary agency-wide budget formulation database.

3. Office of Financial Management (OFM)

OFM is responsible for ensuring Agency compliance with the Chief Financial Officers Act of 1990 and the Federal Managers Financial Integrity Act (FMFIA) of 1982, and the CFO Act of 1990. 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. 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.

4. Office of Financial Services (OFS)

The Office of Financial Services-(OFS) is responsible for accounting and financial services at 4 locations: (1) Washington, DC, (2) Research Triangle Park, NC, (3) Las Vegas, NV, and (4) Cincinnati, OH. The OFS also has national responsibility for processing, accounting, reconciling & reporting of the Agency's biweekly payroll.

5. Office of Enterprise Technology and Innovation (OETI)

OETI is responsibility for information technology planning, standard setting, development and deployment of the OCFO and Agency's resources and financial management systems. This

includes all aspects of program analysis, formulating and overseeing implementation of a strategic approach to Agency-level technology investment planning, budgeting, development and implementation of agency-wide and OCFO financial systems and policies that effectively and efficiently support achievement of the Agency's environmental mission.

#### **M. 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 primarily include the posting of the obligation into IFMS, managing accounts receivable and accounts payable, reporting, and providing support to program offices in reconciling accounting data problems and discrepancies. There are four FMOs located in four Financial Management Centers (FMC): Research Triangle Park, NC (RTP FMC), Las Vegas, NV (LV - FMC), Cincinnati, OH (CFMC), Washington, D.C. (WFMC). The four FMCs have nationwide responsibilities for managing all of the agency's financial management transactions. Each FMC services all AHs as follows:

- Contracts and simplified acquisition, RTP-FMC
- Grants, assistance agreements, LV-FMC
- Interagency Agreements (IAGs), travel, and Purchase Card functions, C-FMC
- Time and labor administration and labor distribution, W-FMC.

Exhibit 2520-2-3 lists the addresses of the four SFOs and their complete scope of responsibilities. Starting in FY2006, the agency entered into an inter-agency agreement with the Department of Defense's Finance and Accounting Services (DFAS) for the processing the agency's payroll.]

In carrying out accounts payable responsibilities for simplified acquisition, RTP FC receives 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.

#### **N. ACCOUNTS PAYABLE CERTIFYING OFFICERS and DISBURSING OFFICERS**

Accounts Payable Certifying Officers should not be confused with agency Funds 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, is 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 document, the obligation WILL NOT get posted. In regard 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;
2. the legality of a proposed payment with the appropriation or fund involved;
3. returning payment vouchers that are inadequately documented; and
4. 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.

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 (Comp Gen) to relieve certifying officers from liability, and 31 U.S.C. ' 3529, which purports to authorize the Comp Gen 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 (OLC) (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.

#### **O. 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. EPA employees may rely on Comp Gen decisions as useful sources of appropriations law in conducting their day to day activities. However, if a Certifying Officer or Disbursing Officer is facing the possibility of personal liability, an OGC opinion can be relied on by such officials. (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
	16.0.15	Approve PCS and first-duty moves and related items, such as extensions to real estate transactions, temporary quarters and storage of household goods related to a relocation	LD	No		DDM DD	<a href="#">EPA Delegations Manual 1-17-A dated 1/22/97</a>
	16.0.16	Approval of per diem within the 50-mile local travel areas of the permanent duty station under the criteria provided in the FTR and Agency policy	AA/ORD	No		LD or DDM	<a href="#">EPA Delegations Manual 1-17-A dated 1/22/97</a>
	16.0.17	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		LD or DDM DD Note: The request for approval must be in writing and addressed from the AA/ORD to the Director, FMD	<a href="#">EPA Delegations Manual 1-17-A dated 1/22/97</a>
QUALITY ASSURANCE PROGRAM 17.0	17.0.1	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	<a href="#">EPA Delegations Manual 1-41, dated 1/23/00</a>
SAFETY, HEALTH & ENVIRONMENTAL MANAGEMENT, AND RADIATION SAFETY 18.0	18.0.1	Management and operation of the Safety, Health, Environmental Management, and Radiation Safety program	LD	Yes	DDM at RTP DDs at Athens and Las Vegas, POS Director in Cincinnati		<a href="#">EPA Order 1440.1, dated 5/11/98</a> <a href="#">EPA Delegations Manual 1-3, dated 8/16/95</a> <a href="#">Chapter 8, Section 8.01 of ORD PPM dated 1/11/01</a>
ENVIRONMENTAL COMPLIANCE (NATIONAL ENVIRONMENTAL POLICY ACT, NEPA) 19.0	19.0.1	Make determination of Categorical Exclusion and Finding of "No Significant Impact".	DDM	Yes	DD		<a href="#">Chapter 8, Section 8.03 of ORD PPM dated 9/30/97</a>
	19.0.2	Approve Draft and Final Environmental Impact Statements	AA/ORD	No		BC DD LD or DDM	<a href="#">Chapter 8, Section 8.03, of ORD PPM dated 9/30/97</a>
	19.0.3	Approve Environmental Reviews	AA/ORD	Yes	DD		<a href="#">Chapter 8, Section 8.03, of ORD PPM dated 9/30/97</a>



TOPIC AREA	NO.	SPECIFIC ITEM	*EPA or ORD DELEGATION TO:	REDELEGATION POSSIBLE?	NERL REDELEGATION TO:	CONCURRENCES (COMMENTS)	SOURCE REFERENCES
	22.0.19	Approve certain outside activities and outside employment requests	DEO	No			<a href="#">EPA Order 1000.28 dated 6/7/94</a> <a href="#">Ethics Advisory 94-15</a> <a href="#">97-12 Supplemental Agency Ethics Regulations (5 USC Part 6401)</a>
GENERAL DELEGATION 23.0	23.0.1	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, RPCS Director, Prog. Op. Staff/ RTP Director, HEASD		Memo signed by Dr. Larry Reiter, Director, NERL, dated 9/27/07
	23.0.2	Authority to sign for the Deputy Director for Management		Yes	Director, Prog. Op. Staff/ RTP		
ORD REORGANIZATION 24.0	24.0.1	Laboratory reorganizations at the branch level or lower, and within one division	AA/ORD	No		LD or DDM	<a href="#">Delegations Manual 1-44 dated 01/15/04</a> <a href="#">Chapter 1, Section 1.02 of ORD PPM dated 5/18/01</a>
	24.0.2	All other reorganizations	AA/ORD	No		LD or DDM	<a href="#">Delegations Manual 1-44 dated 01/15/04</a>
HUMAN SUBJECTS RESEARCH 25.0	25.0.1	Review and approve all research studies involving human subjects	EPA Human Subject Review Official (Office of the Science Advisor)	No		BC DD ADH	<a href="#">Chapter 7, Section 7.01 of ORD PPM dated 09/19/06</a>