

Form NRC-489
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U. S. NUCLEAR REGULATORY COMMISSION
NRC MANUAL
TRANSMITTAL NOTICE

CHAPTER NRC-0103 ORGANIZATION AND FUNCTIONS
OFFICE OF THE EXECUTIVE DIRECTOR FOR OPERATIONS

SUPERSEDED:

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REMARKS:

This chapter is revised to include a delegation of authority to the EDO regarding Licensed Fuel Facility Status Reports for Inventory Difference Data (see -0215); and the delegation of additional rulemaking authority to the EDO (see -0310).

Please retain NRC Appendix 0103, dated July 16, 1985.

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NRC MANUAL

Volume: 0000 General Administration
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EDO

CHAPTER 0103 ORGANIZATION AND FUNCTIONS
OFFICE OF THE EXECUTIVE DIRECTOR FOR OPERATIONS

0103-01 SUPERVISION

The Executive Director for Operations (EDO) reports for all matters 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 shall be governed by the general policies of the Commission and by such regulatory decisions, findings and determinations as the Commission may by law be authorized to make. The EDO, through the Chairman, shall ensure that the Commission is fully and currently informed about matters within its functions.

0103-02 FUNCTIONS

The Executive Director for Operations, subject to other provisions of this chapter, is specifically responsible for:

021 administrative functions of the Commission including resolving EEO and grievance matters and providing support services.

022 execution of the budget of the Commission.

023 distribution of business among the offices which report to the EDO.

024 preparation for Commission consideration of:

- a. the budget estimate for the Commission;
- b. the proposed distribution of appropriated funds according to major programs and purposes; and
- c. proposals for the reorganization of the major offices which report to the EDO.

025 consulting with the Chairman prior to the Chairman's initiation of the appointments of the Directors of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, Nuclear Regulatory Research and Inspection and Enforcement.

026 appointing and removing after consultation with the Chairman and without any further action by the Commission, all officers and employees of

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the offices reporting to the EDO except: Directors of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, Nuclear Regulatory Research and Inspection and Enforcement.

027 supervising, directing, coordinating, and approving the activities of the offices reporting to the EDO.

028 developing and approving delegations of authority for offices reporting to the EDO.

029 responding to the requests of members of the Commission for access to information.

0210 ensuring that the Commission, through the Chairman, is fully and currently informed about matters within its functions.

0211 performing any other matter or function explicitly assigned by the Commission or the Chairman. Any matter or function not explicitly assigned to the EDO is reserved to the Chairman unless otherwise delegated to the Commission by the Reorganization Plan No. 1 of 1980.

0212 executing contracts, agreements, or interagency actions subject to the limitations in 032, below.

0213 developing and promulgating 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 038, 039 and 0310. The EDO shall notify the Commission before submitting a final rule to the Federal Register.

0214 issuing subpoenas under Section 161c of the Atomic Energy Act of 1954, as amended, where necessary or appropriate for the conduct of inspections or investigations.

0215 determining that all declassification criteria are met for all Licensed Fuel Facility Status Reports for Inventory Difference Data (NUREG-0430), and issuing such reports after Commission approval by a Commission negative consent paper.

0103-03 AUTHORITIES

The Executive Director for Operations shall be the chief operating and administrative officer of the Commission and, except as otherwise provided by law, regulation, Commission action, or action by the Chairman, reports to and is supervised by the Chairman as provided in 0103-01 and is authorized and directed to discharge such licensing, regulatory, and administrative functions of the NRC, and to take such actions as are necessary to carry out the functions and execute the authorities assigned by this chapter, chapters of offices reporting to the EDO, or other official directives or communications.

Limitations placed on the authority of the EDO include the following:

031 all significant questions of policy shall be presented to the Commission for resolution. With respect to such questions, all major views of the affected offices shall be presented to the Commission.

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032 contracts, agreements, or interagency actions required by law (including authorization statutes attached as NRC Appendix 0103, Part I, when issued) or regulation to be approved by the Commission shall be submitted to the Commission for approval. The EDO will provide the Commission 5-day notice of cancellations by the EDO of contracts previously approved by the Commission. The EDO shall submit to the Chairman for approval, all contracts for \$750,000 or more.

033 those non-delegable functions described in Section 161n of the Atomic Energy Act of 1954, as amended (NRC Appendix 0103, Part II).

034 approval of employment of an individual by the NRC prior to completion of the security investigation and reports required by Sec. 145.b of the Atomic Energy Act of 1954, as amended, is limited to situations in which an individual will be precluded from access to Restricted Data or National Security Information through administrative procedures, and only upon receipt of an affirmative recommendation from the Director of the Division of Security and a clear showing of need by the requesting organization. This authority may not be redelegated.

035 any report required by the head of NRC by the Special Counsel pursuant to 5 U.S.C. 1206(b)(3)(A) (relating to alleged violations of law in a Federal agency) shall be submitted by the Executive Director for Operations, through the Chairman, to the Commission for review and signature of the Chairman. Any reports submitted to NRC by the Special Counsel pursuant to 5 U.S.C. 1206(c)(3) shall be submitted by the EDO, through the Chairman, to the Commission for review and certification by the Chairman regarding those matters set forth in 5 U.S.C. 1206(c)(3)(A) and (B). Authority to act for the head of NRC pursuant to 5 U.S.C. 1206 may be redelegated to the Deputy EDO but may not be further delegated.

036 any export license application involving activities specified in 10 CFR 110.40(b) shall be submitted to the Commission for approval as well as similar activities in the following export-related areas which are not subject to NRC licensing, but on which the Nuclear Non-Proliferation Act (NNPA) requires NRC consultation: (1) subsequent arrangements under Section 131 of the Atomic Energy Act of 1954, as amended (the AEA); (2) activities covered by Section 57b. of the AEA; (3) exports licensed by the Commerce Department and subject to the provisions of Section 309(c) of the NNPA; (4) Agreements for Cooperation under Section 123 of the AEA; and (5) Government-to-Government transfers subject to Section 54d. and 64 of the AEA.

037 correspondence to State and Federal Officials which involve major new policy questions and all correspondence to the President, and Chairpersons of the Oversight Committees, shall be submitted to the Chairman for signature. Correspondence involving significant matters of policy shall be submitted to the Commission for consideration.

038 all rulemaking shall be subject to general policy guidance from the Commission.

039 the EDO's delegated authority under paragraph -0213 of this chapter does not extend to the promulgation of proposed or final rules involving significant questions of policy.

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0310 the EDO's delegated authority, under paragraph 0213 of this chapter, to develop and promulgate rules applies with respect 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 of a corrective nature. Before promulgating a proposed or final rule modifying Part 2, the EDO is to obtain the concurrence of the Office of the General Counsel, the Office of the Executive Legal Director, the Chairman of the Atomic Safety and Licensing Appeal Panel, and the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel. If any Office fails to concur, the proposed action is to be referred to the Commission.

0311 the function delegated to the Executive Director for Operations under paragraph -0214 of this chapter may be redelegated only to the Director of the Office of Inspection and Enforcement and to the Regional Administrators. The issuance of any subpoena will require the concurrence of the Office of the Executive Legal Director and consultation with the Office of Investigations.

0103-04 REDELEGATION OF AUTHORITY BY THE EXECUTIVE DIRECTOR
FOR OPERATIONS

The Executive Director for Operations may, except where expressly prohibited herein, redelegate to others authority delegated by this or other official directive or communication, except that such redelegations and any stipulations on further redelegations must be in writing. A copy is to be filed with the Secretary of the Commission, and is to be reflected in the NRC Management Directive System.

0103-05 DELEGATION OF AUTHORITY TO THE DEPUTY EXECUTIVE DIRECTOR
FOR OPERATIONS

The Deputy Executive Director for Operations is authorized to act in the stead of the Executive Director during the latter's absence, and is authorized to take such action as is necessary to perform any other functions assigned by the Executive Director.

0103-06 DELEGATION OF AUTHORITY TO THE DEPUTY EXECUTIVE DIRECTOR
FOR REGIONAL OPERATIONS AND GENERIC REQUIREMENTS

The Deputy Executive Director for Regional Operations and Generic Requirements is authorized and directed to assist and act for the Executive Director for Operations (EDO) in performing the following functions: providing day-to-day guidance, direction, and coordination to the Regional Administrators; establishing and directing the implementation of procedures for controlling and tracking generic communications with, and generic requirements placed on, licensees; serving as chairman of a committee to review generic requirements; overseeing and implementing procedures to reduce and control the backlog of licensing actions; performing other functions explicitly assigned by the EDO; and taking such action as may be necessary to carry out the functions assigned by this chapter or other official directives or communications.

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0103-07 ORGANIZATION STRUCTURE AND INTERNAL ASSIGNMENTS

The Office of the Executive Director for Operations includes the Deputy Executive Director for Operations (DEDO), the Deputy Executive Director for Regional Operations and Generic Requirements (DEDROGR), and the Administrative and Correspondence Branch. (NRC Appendix 0103 contains further delegations of authority to the Executive Director for Operations.)