

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

MD 8.9	ACCIDENT INVESTIGATION	DT-17-163
<i>Volume 8</i>	Licensee Oversight Programs	
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<i>Contact Name:</i>	Robert Ragland 301-287-3742	

EXECUTIVE SUMMARY

Directive and Handbook 8.9 are revised to change all references from “Incident Response Operations (IRO)” to “Office of Nuclear Security and Incident Response (NSIR).” Directive and Handbook 8.9 provide guidance on the policy, objectives, organizational responsibilities, and authorities for the establishment, conduct, documentation, and followup activities of Accident Review Groups (ARGs) reporting to the Commission. An ARG provides the U.S. Nuclear Regulatory Commission's fact-finding investigatory response to an event of extraordinary safety significance involving a licensed facility or activity.

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I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission to investigate significant operational events involving reactor or non-reactor facilities or activities licensed by the NRC. For the purposes of this management directive (MD), an accident is an event of extraordinary safety or security significance, as defined in Section IV. An operational event of extraordinary safety significance that poses a significant hazard to public health and safety, security, or the environment, or involves high public, media, congressional, or executive branch interest, at the discretion of the Commission, may involve a response by an Accident Review Group (ARG). Once established and chartered, an ARG will be independent and self-directed, subject only to the oversight of the Commission.

II. OBJECTIVES

- Promote public health and safety and provide for the common defense and security by preventing the recurrence of accidents involving licensed facilities or activities.
- Ensure that an accident is investigated in a manner that is timely, objective, systematic, credible, and technically sound; factual information pertaining to the accident is documented; and probable causes are ascertained.
- Increase the effectiveness of NRC regulatory programs and licensee safety performance by the prompt dissemination of the facts, conditions, circumstances, and probable causes of the accident and the identification of appropriate followup actions.

- Improve regulatory oversight of licensee activities by identifying information that could show whether the regulatory framework or regulatory process contributed directly or indirectly to the cause or the course of an accident.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Commission

1. Determines whether an event of potentially extraordinary safety or security significance is to be investigated by an ARG.
2. Selects the director and approves the members of the ARG and the ARG charter, provides policy and overall direction to the ARG, and ensures the independence of the ARG.
3. Approves the NRC followup actions to address the findings documented in the ARG report.
4. Establishes an Investigative Support Staff (ISS) organization and appoints, supervises, and provides direction to the director of the ISS.

B. Executive Director for Operations (EDO)

1. Identifies potential health and safety issues and provides recommendations to the Commission on events that may warrant an accident investigation.
2. Identifies and recommends staff to be members of an ARG to the Commission.
3. As requested by the Commission, provides resources for an accident investigation support organization that reports directly to the Commission to support ARG activation, investigation, and report preparation activities, and development of NRC followup actions.
4. Assigns appropriate office or regional responsibility for the generic and facility-specific followup actions identified by the Commission.

C. General Counsel (GC)

1. Identifies and recommends staff to be members of an ARG to the Commission.
2. Provides staff for the administrative and legal needs of an ARG and an ARG support organization.
3. Identifies and recommends to the Commission outside groups and non-NRC personnel who may be nominated to serve on an ARG.

D. Inspector General (OIG)

May provide staff to participate as an observer(s) of an ARG investigation in coordination with the Commission.

E. Director, Office of Congressional Affairs (OCA)

1. Notifies Congress of an ARG response.
2. Provides staff support on procedural matters related to congressional inquiries regarding ongoing ARG activities.

F. Director, Office of Public Affairs (OPA)

1. Follows established NRC public affairs policies and procedures for informing the media and public about an accident investigation.
2. Identifies and provides staff to support the public affairs needs of an ARG.
3. Arranges for press releases and briefings and informs the public of exit meetings, as appropriate. Coordinates these activities with the appropriate headquarters offices, regional administrator, and the director of the ARG.

G. Director, Office of International Programs (OIP)

Coordinates interactions with the U.S. Department of State and foreign governments when an ARG response involves entities in foreign countries.

H. Regional Administrators

1. Provide to the EDO, in consultation with the Directors of the Office of Nuclear Reactor Regulation (NRR), the Office of New Reactors (NRO), the Office of Nuclear Material Safety and Safeguards (NMSS), the Office of Federal and State Materials and Environmental Management Programs (FSME), and the Office of Nuclear Security and Incident Response (NSIR), potential safety, nuclear materials, safeguards, or security issues and recommendations on events that may warrant an ARG response.
2. Identify and recommend staff to be members of an ARG to the Commission.
3. Provide staff for the administrative and technical needs of an ARG, including staff to monitor licensee troubleshooting activities to assess equipment performance, and an ARG support organization.
4. Assist in identifying and recommending to the Commission industry groups and non-NRC personnel who may be nominated to serve on an ARG.

5. Ensure that all ARG members, including ARG members from outside the NRC, have the proper clearances to access the site and all relevant documents. (ARG members from outside the NRC are subject to the security clearance requirements applicable to all NRC employees. See MD 12.3, "NRC Personnel Security Program.")
6. Ensure that all ARG members, including ARG members from outside the NRC, are provided access to the licensee's site(s) as required by the ARG in carrying out its duties.
7. As appropriate, notify State(s) of an ARG response.
8. Issue a confirmatory action letter, as appropriate, to the affected licensee confirming the licensee's agreement that within the constraints of ensuring safety, relevant failed equipment and areas are quarantined and subject to agreed-upon controls for troubleshooting and that information and data related to the event are protected.
9. Serve as site team director, whose responsibilities are described in MD 8.2, "NRC Incident Response Program."
10. Coordinate and approve the initiation of ARG onsite activities.
11. Assist in briefing and providing background information to the ARG when it arrives on site.
12. Coordinate with the director of the ARG to identify, add, and remove equipment and areas from the quarantined list, within the constraints of ensuring plant safety, security, equipment testing, maintenance requirements, and determining causes for equipment anomalies, until the director of the ARG assumes responsibility.

I. Director, Office of Nuclear Security and Incident Response (NSIR)

1. Maintains, with the assistance of other NRC offices, an accident investigation capability to meet the objectives set forth in this MD.
2. Ensures that procedures used for accident and incident investigations are developed and maintained.
3. Provides to the EDO, in consultation with the Directors of NRR, NRO, NMSS, FSME, and the regions, potential safety, nuclear materials, safeguards, or security issues and recommendations on events that may warrant an ARG response.
4. Identifies and recommends staff to be members of an ARG to the Commission.
5. Provides staff to support the administrative, technical, and accident investigation requirements of an ARG.
6. Establishes and maintains rosters of the NRC staff members who are certified through formal training in incident investigation to participate as ARG members.

7. Identifies needed training and coordinates training requirements for accident/incident investigation through the NRC's Technical Training Center.
8. Provides advice and assistance on the protection of classified or sensitive unclassified information related to an accident investigation.

J. Director, Office of New Reactors (NRO)

1. Provides to the EDO, in consultation with the appropriate regional administrator and the Director of NSIR, potential safety, safeguards, or security issues and recommendations on events at reactor facilities under construction that may warrant an ARG response.
2. Identifies and recommends to the Commission staff to be members of an ARG involving a reactor facility under construction.
3. Provides staff for the administrative and technical needs of an ARG and an ARG support organization.
4. Identifies and recommends to the Commission industry groups and non-NRC personnel to serve on an ARG involving a reactor facility under construction.

K. Director, Office of Nuclear Reactor Regulation (NRR)

1. Provides to the EDO, in consultation with the Director of NSIR and the appropriate regional administrator, potential safety, safeguards, or security issues and recommendations on reactor facility events that may warrant an ARG response.
2. Identifies and recommends to the Commission staff to be members of an ARG involving a reactor facility.
3. Provides staff for the administrative and technical needs of an ARG and an ARG support organization.
4. Identifies and recommends to the Commission industry groups and non-NRC personnel that may be nominated to serve on an ARG involving a reactor facility.

L. Director, Office of Nuclear Regulatory Research (RES)

1. Identifies and recommends staff to be members of an ARG to the Commission.
2. Provides staff for the administrative and technical needs of an ARG and an ARG support organization.
3. Identifies and recommends to the Commission industry groups and non-NRC personnel that may be nominated to serve on an ARG.

M. Director, Office of Nuclear Material Safety and Safeguards (NMSS)

1. Provides to the EDO, in consultation with the appropriate regional administrator and the Director of NSIR, potential nuclear materials, safeguards, or security issues and recommendations on fuel cycle facility, waste disposal, dry spent nuclear fuel storage facility, or radioactive materials transportation events that may warrant an ARG response.
2. Identifies and recommends staff to be members of an ARG involving a fuel cycle facility, waste disposal operation, dry spent nuclear fuel storage facility, or radioactive materials transportation package vendor to the Commission.
3. Provides staff for the administrative and technical needs of an ARG and an ARG support organization.
4. Identifies and recommends to the Commission the industry groups and non-NRC personnel who may be nominated to serve on an ARG involving a fuel cycle facility, waste disposal operation, dry spent nuclear fuel storage facility, or radioactive materials transportation package vendor.

N. Director, Office of Investigations (OI)

Identifies and recommends staff to be members of an ARG to the Commission.

O. Director, Office of Federal and State Materials and Environmental Management Programs (FSME)

1. Provides to the EDO, in consultation with the appropriate regional administrator and the Director of NSIR, potential nuclear or radioactive materials, safeguards or security issues, and recommendations on materials-related events that may warrant an ARG response.
2. Identifies and recommends staff to be members of an ARG involving a materials licensee to the Commission.
4. Provides staff for the administrative and technical needs of an ARG and an ARG support organization.
3. Identifies and recommends to the Commission industry groups and non-NRC personnel to serve on an ARG involving a materials licensee.
4. Identifies and recommends to the Commission State and Tribal agency personnel to serve on an ARG.
5. Coordinates NRC interactions with appropriate State and Tribal agencies for an ARG response.

P. Director, Office of Information Services (OIS)

Provides staff to assist with technical research through the Technical Library and to assist with processing documents in the Agencywide Documents Access and Management System (ADAMS).

Q. Director, Office of Administration (ADM)

1. Provides staff to assist with writing, editing, printing, and distributing an ARG report as well as other administrative needs of an ARG and an ARG support organization.
2. Provides advice and assistance regarding the procurement of management, technical, and administrative resources needed to support an accident investigation.

R. Chief Human Capital Officer (CHCO)

Advises on and supports the staffing and human capital needs of the ARG. ARG members that are not Government employees (if any) are paid in the same manner as consultants and experts as described in MD 10.6, "Use of Consultants and Experts." MD 10.6 should be consulted for guidance regarding payment for the services of non-Government ARG members.

IV. DEFINITIONS**A. Accident Investigation**

A formal investigatory process conducted for the purpose of preventing accident recurrence that involves the gathering and analysis of information; the determination of findings of fact, including the determination of probable cause(s) of the accident; and dissemination of the investigation results for review by NRC, the nuclear industry, the licensee, and the public.

B. Accident Review Group (ARG)

A group of experts who perform an independent investigation of the accident and who do not and have not had previous significant involvement with licensing, inspection, wrongdoing investigations, or enforcement activities at the affected facility or with facility operational or response aspects directly bearing on the cause or course of the accident. An individual outside NRC usually leads the ARG. The members of the ARG are composed of NRC staff experts and experts from outside NRC. Because the ARG reports directly to the Commission, the activities of the ARG are independent of regional and headquarters office management.

C. Event of Extraordinary Safety or Security Significance

1. Any radiological, safeguards, security or other safety-related operational event at an NRC-licensed facility or licensed activity that poses a significant hazard to public health and safety, or the environment, or involves high public, media, congressional, or executive branch interest. An event of extraordinary safety or security significance may be referred to as an accident. An event with extraordinary safety or security significance may have profound regulatory implications.
2. An ARG response should be considered for an event with one or more of the following characteristics:
 - (a) The event led to a general emergency declaration at a reactor facility.
 - (b) The event led to a site emergency declaration at a non-reactor licensed facility.
 - (c) The event involved a release of radioactive material that resulted in protective measures for the public.
 - (d) The event involved severe damage to a significant fraction of the core of a power reactor, a major criticality accident, or a major fire or explosion releasing large quantities of radioactive materials within the facility.
 - (e) The event involved sufficiently serious circumstances, including security or safeguards concerns, or involved characteristics of great national or international interest (e.g., incident of national significance as defined in the National Response Framework).
 - (f) The event led to an inadvertent criticality in an NRC-licensed facility.
 - (g) The event led to an individual receiving an acute radiation dose, an intake of soluble uranium, or an acute chemical exposure or intake from licensed material or hazardous chemicals produced from licensed material that exceed the quantitative standards established to satisfy the requirements in 10 CFR 70.61(b).

V. APPLICABILITY

This directive and handbook apply to the Commission, NRC employees, and ARG members, including the director.

VI. DIRECTIVE HANDBOOK

Handbook 8.9 establishes the responsibilities and functions of an ARG, provides details for conducting a nuclear accident investigation, outlines the components of an ARG response, establishes ARG support and followup responsibilities, and provides general guidance.

VII. FEDERAL ADVISORY COMMITTEE ACT (FACA)

The NRC Advisory Committee Management Officer (ACMO), Office of the Secretary of the Commission (SECY), shall be consulted prior to the formation of an ARG. If the ACMO, after consultation with OGC, determines that a proposed ARG would be organized in a way that meets all of the criteria of an “advisory committee” under the Federal Advisory Committee Act (FACA), then the ARG’s establishment and operation must be in accordance with FACA, NRC’s FACA implementing regulations in 10 CFR Part 7, “Advisory Committees,” and MD 10.12, “Use of Advisory Committees.” If the ACMO does find that FACA applies to an ARG, in the event of any conflicts between FACA requirements and the terms of this MD, the FACA requirements will control.

VIII. REFERENCES

10 CFR Part 7, “Advisory Committees.”

Federal Advisory Committee Act (FACA), Public Law 92-463, October 6, 1972.

Nuclear Regulatory Commission Documents

Inspection Procedures–

93800, “Augmented Inspection Team.”

93812, “Special Inspection.”

Management Directive–

6.8, “Lessons Learned Program.”

8.2, “NRC Incident Response Program.”

8.3, “NRC Incident Investigation Program.”

10.6, “Use of Consultants and Experts.”

10.12, “Use of Advisory Committees.”

12.7, “NRC Safeguards Information Security Program.”

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

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I. ACCIDENT INVESTIGATION

A. General

Directive Handbook 8.9 outlines the duties and responsibilities of the Accident Review Group (ARG) Director and the ARG in the activation, conduct, and followup of an accident investigation.

B. Role of the Accident Review Group

1. Carries out the U.S. Nuclear Regulatory Commission fact-finding investigation of the accident.
2. Pursues all aspects of an accident that are within its scope as defined in this management directive (MD) and the ARG charter.

C. Roles and Responsibilities of the Director of the ARG

1. Reports directly to and receives general direction and supervision from the Commission.
2. Selects the members and concurs on the charter and schedule of the ARG, which are then forwarded to the Commission for final approval.
3. Directs and manages the ARG in its investigation and ensures that the objectives and schedules are met for the investigation as defined in this MD and the ARG charter.
4. Ensures the identification, addition, and removal of equipment and areas from the quarantined list, within the constraints of ensuring plant safety, equipment testing, maintenance requirements, and determining causes for equipment anomalies, after arriving on site.
5. Serves as principal spokesperson for the ARG activities in interacting with the licensee, the Commission, NRC offices, the Advisory Committee on Reactor Safeguards (ACRS), the Advisory Committee on the Medical Uses of Isotopes

(ACMUI), the Committee to Review Generic Requirements (CRGR), the news media, and other organizations on matters involving the investigation.

6. Provides status reports, as requested, documenting ARG activities and significant safety findings that may require timely remedial actions or issuance of information notices, bulletins, or orders.
7. Identifies and requests that the Commission provide additional resources (e.g., additional members, consultants, contractor assistance) to the ARG as needed.
8. Ensures, in cooperation with the ARG members and the technical writer and editor, preparation of the final report within the timeframe agreed upon by the Commission.
9. Works with the Office of Public Affairs (OPA) in providing the news media with information on ARG activities.

D. Responsibility of the NRC Onsite Response Personnel

Provide support as needed to ensure the efficient and effective transition from incident response to accident investigation in a manner that will not interfere with safety at the site of the accident.

II. ACCIDENT REVIEW GROUPS

This section provides guidance on the investigatory response conducted by an ARG.

A. Objectives of an Accident Review Group (ARG)

1. Conduct a timely, thorough, systematic, formal, and independent investigation of the facts of an accident occurring at a facility or activity licensed by NRC.
2. Collect, analyze, and document factual information and evidence sufficient to determine the conditions, circumstances, and probable causes of the accident.

B. Scope of an Accident Investigation

1. The investigation performed by an ARG involves fact-finding, including the determination of probable causes, for an event of extraordinary safety significance. The scope of the investigation must be sufficient to ensure that the following are accomplished:
 - (a) The circumstances of the accident are clearly understood.
 - (b) The relevant facts and circumstances are determined and collected.
 - (c) The probable causes, contributing causes, findings, and conclusions are determined and substantiated by the evidence associated with the accident.

2. The scope of the investigation includes conditions preceding the accident, accident chronology, systems response, equipment performance, human factors, licensee management and organizational factors, precursors to the accident, emergency response, safety significance, and radiological considerations. The ARG must consider whether licensee or certificate holder activities preceding and during the accident were timely and adequate and whether NRC actions or inactions contributed to the cause or the course of the accident. Additionally, the ARG must determine whether any one or a combination of the following played a role in the accident:
 - (a) Institutional conditions, for example, the regulatory framework, including the NRC regulatory process, organization, management, and interactions;
 - (b) External conditions such as the licensee's financial circumstances; or
 - (c) Industry or supplier circumstances.
3. If directed by the Commission, the scope of the ARG investigation may also include an assessment of the offsite emergency response of State, local, and other Federal agencies.
4. The scope of the ARG investigation is established in a charter mutually agreed upon and approved by the Commission and the director of the ARG. The scope of the investigation should not include a specific assessment of violations of NRC rules and requirements.

C. Schedule

1. The ARG should be activated as soon as possible after the safety significance of the operational event is determined. The ARG investigation should begin as soon as possible after the emergency has been downgraded to the point where the facility or activity at which the accident occurred is placed in a safe, secure, and stable condition and radiological conditions permit safe site access. The ARG investigation will begin only after the NRC site team director, in consultation with the licensee, approves the initiation of onsite activities. See MD 8.2, "NRC Incident Response Program," for a discussion of the duties and responsibilities of the NRC site team director. The ARG should provide periodic reports to the Commission outlining its status, plans, and significant safety findings.
2. The Commission and the director of the ARG will agree upon the schedule for completing the investigation and submitting the ARG's final written report. As a guideline, the final report should be transmitted to the Office of the Secretary of the Commission (SECY) for distribution to the Commission and the Executive Director for Operations (EDO) about 75 calendar days after completion of the field investigation.

3. After distribution of the final report, SECY should normally schedule a meeting for the ARG to brief the Commission on the results of the investigation. The report will not be released until a copy of the final report is placed in the Public Document Room (PDR), which should occur on the day of the Commission briefing. If an incident or accident is security- or safeguards-related, portions of the final report may contain classified information, Safeguards Information (SGI), or Sensitive Unclassified Non-Safeguards Information (SUNSI). Those portions that contain classified information must not be released to the public; portions containing SGI must be protected against unauthorized disclosure in compliance with NRC MD 12.7, "NRC Safeguards Information Security Program." SUNSI must be protected in compliance with "NRC Policy and Procedures for Handling, Marking, and Protecting Sensitive Unclassified Non-Safeguards Information (SUNSI)." Those portions that contain classified information must not be released to the public; portions containing SGI must be protected against unauthorized disclosure in compliance with NRC MD 12.7, "NRC Safeguards Information Security Program." If deemed necessary, SECY should forward a copy of the final report to the affected licensee before the Commission briefing and should promptly forward a copy of the final report to the PDR. Following the Commission briefing, SECY will transmit a copy of the final report to the licensee and the EDO for staff review and comment before the Commission establishes and assigns NRC followup actions.

D. Group Composition and Membership

1. The number of members and the areas of expertise required for the ARG will be determined on the basis of the type of facility or activity involved in the accident, the characteristics of the accident, the appropriate level of clearance, and the ARG charter. Areas of expertise will include the requisite technical, legal, and management disciplines and other areas of specialization as may be necessary, for example, financial expertise. ARG members are selected on the basis of their expertise, their potential contributions to the investigation, and their freedom from significant involvement in the licensing, inspection, or wrong-doing investigation activities of the facility involved or facility operational aspects directly bearing on the cause or course of the accident.
2. The membership of the ARG should be composed, in part, of expert staff from the NRC. Appropriate outside individuals will be requested to participate as members in the investigation. The director of the ARG may be an individual from outside NRC. Other outside individuals will be selected on the basis of their unique knowledge and expertise. The ARG should consist of a larger proportion of non-NRC representation than is normally the case for an Incident Investigation Team, described in MD 8.3, "NRC Incident Investigation Program."

3. Each candidate member of the ARG will be carefully evaluated before selection to ensure impartiality and independence. A candidate will be further screened as to his or her ability to conduct the investigation in a timely, professional, thorough, and coordinated manner.

E. Conduct of an Accident Investigation

The investigation process used by the ARG must be structured to maintain independence, objectivity, and thoroughness. The ARG may use as guidance the investigation principles and practices that are described in Inspection Procedure (IP) 93800, "Augmented Inspection Team," and IP 93812, "Special Inspection." These procedures provide guidance for the following:

1. Activating an investigation, including responsibilities, coordination, communication, group composition, and guidance.
2. Outlining an investigation, including responsibilities, communication, interactions, scope, and schedule.
3. Interviewing personnel.
4. Collecting and maintaining records, documents, data, and other information.
5. Treating quarantined equipment and areas.
6. Preparing and reviewing all data for classified, SGI, or SUNSI and distributing an investigation report and related documents.
7. Defining administrative support requirements for an investigation.

F. Accident Review Group Report and Individual Member Recommendations

1. The ARG prepares a written NUREG-series report to formally document its findings and conclusions of fact. The report should provide a description of the conditions preceding the accident, accident chronology, systems response, equipment performance, human factors, licensee management and organizational factors, precursors of the accident, emergency response, safety significance, and radiological considerations. The report should also document whether and how NRC actions or inactions contributed to the cause or the course of the accident and whether and how institutional aspects played a role in the accident. The report must include appropriate findings and conclusions relating to the conditions, circumstances, and probable causes of the accident.
2. If it is determined by the NRC's Advisory Committee Management Officer (ACMO) that the ARG is not organized to meet all of the criteria of an "advisory committee" under the FACA, then the ARG will not deliberate upon or make recommendations

as a group for NRC action or inaction. However, an ARG member has the option to submit his or her individual recommendations to the Commission.

3. The ARG report will be submitted to the Lessons-Learned Oversight Board (LLOB) who will determine if there are any potential lessons-learned items, as required by NRC MD 6.8, "Lessons Learned Program."

G. Followup

1. Following the Commission briefing on the ARG results and review and comment by the NRC staff and the licensee on the ARG report, the Commission determines the NRC followup actions that will be taken as a result of the investigation. The EDO assigns appropriate office or regional responsibility for the generic and facility-specific followup actions identified by the Commission. Office directors provide a plan to resolve each of their assigned actions and periodic written status reports on the disposition of each assigned action.
2. The Commission memorandum (Staff Requirements Memorandum (SRM)) assigning the NRC staff actions should address all ARG findings that require followup. The resolution of each assigned action will be documented and each generic item will be individually tracked by the EDO. NSIR will prepare a single closeout report with input from other NRC offices to formally document the resolution of each finding.

III. INVESTIGATION SUPPORT STAFF

A. General

The Commission may establish an Investigation Support Staff (ISS) if proposed by the EDO. If established by the Commission, the ISS will coordinate the ARG and the NRC staff support activities for the Commission for the duration of the investigation. The ISS is supervised by the Director of the ISS, who is appointed by and receives direction and supervision from the Commission.

B. Role and Responsibility of the Director of the Investigation Support Staff

1. Supports the Commission in its selection of the Director of the ARG and its approval of the members, including individuals outside of the NRC, and supports development of the ARG charter.
2. Coordinates with headquarters and regional offices to provide the administrative and technical support necessary for the ARG to meet its objectives and schedule.
3. Coordinates with the Director of the Office of Administration to provide support necessary to publish an ARG report as a document in the NUREG series.

4. Coordinates with headquarters and regional offices to support development and Commission approval of NRC followup actions to address the findings of the ARG report.