



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20543

JUN 16 1976

Director, Office of Nuclear Material  
Safety and Safeguards

DELEGATION OF AUTHORITY

You are hereby delegated authority to:

1. issue, renew, and amend licenses for: construction and operation of production facilities other than those defined in 10 CFR 50.2(a)(1) (hereinafter, "production facilities") required by the Atomic Energy Act of 1954, as amended (AE Act); operators of licensed production facilities; source, byproduct, and special nuclear materials required by the Atomic Energy Act of 1954, as amended, and sections 202 (3 and 4) of the Energy Reorganization Act of 1974, as amended (ER Act), including imposition of conditions with respect to safeguards and transportation, except where the decision rests with an Administrative Law Judge, an Atomic Safety and Licensing Board, the Atomic Safety and Licensing Appeal Panel, or the Commission after a hearing pursuant to 10 CFR Part 2.
2. issue, pursuant to 10 CFR Part 2, notices of the denial or the proposed denial of: applications for production facility licenses; applications for production facility operator licenses; applications for materials licenses; and applications for amendment or renewal of such licenses.
3. issue amendments changing the technical specifications for production facilities, and authorizing changes in the said facilities or facility procedures, or the conduct of tests and experiments, in accordance with 10 CFR Part 50.
4. take necessary or appropriate action in accordance with decisions of an Administrative Law Judge, an Atomic Safety and Licensing Board, the Atomic Safety and Licensing Appeal Panel or the Commission after a hearing pursuant to 10 CFR Part 2.
5. pursuant to 10 CFR Part 71, issue approval for shipping container designs for radioactive material.
6. Prescribe license conditions and recommend rules and regulations for safety, material accounting, and physical security measures within U.S. jurisdiction.

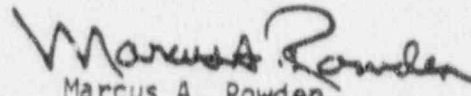
7. ~~participate~~ in reviews and evaluations of and advise on the material ~~accounting~~ and physical security measures to be applied by recipient ~~countries~~ in export cases.
8. consistent with NRC regulations, grant ~~exemptions~~ from NRC regulations or impose special conditions on licensees of production facilities and source, byproduct and special nuclear material.
9. evaluate, as requested, the nuclear safety aspects of proposals to build or significantly modify a radioisotope system owned by the U.S. Energy Research and Development Administration exempt from licensing.
10. serve as the principal point of staff contact with the Advisory Committee on Reactor Safeguards for matters within your delegated authority.
11. take such actions as may be required to carry out the functions assigned pursuant to section 2.202, 2.204 and 2.206 of 10 CFR Part 2 pertaining to production facilities or source, byproduct or special nuclear materials other than actions related to any alleged violation of the AE Act, the regulations in Title 10, Chapter 1 of the Code of Federal Regulations, and any orders or conditions of licenses for production facilities or materials licenses issued pursuant thereto.
12. pursuant to section 204 of the ER Act, monitor and test and recommend upgrading of internal accounting systems for nuclear materials licensed under the AE Act.
13. pursuant to section 204 of the ER Act, develop, in consultation and coordination with the U.S. Energy Research and Development Administration, contingency plans for dealing with threats, thefts, and sabotage relating to special nuclear materials, nuclear facilities and high-level radioactive wastes resulting from all activities licensed under the AE Act.
14. pursuant to section 204 of the ER Act, assess the need for, and the feasibility of, establishing a security agency within the office for the performance of the safeguards functions, and prepare a report with recommendations on this matter for the Commission.
15. pursuant to 10 CFR Part 61, prepare and circulate draft and final environmental impact statements and environmental appraisals on licensing actions within your delegated authority.
16. recommend to the Commission rules and regulations and amendments thereto on matters within your delegated authority.
17. develop policy options for Commission consideration on matters within your delegated authority.

In ~~exercising~~ the above authority, you may communicate with or report directly ~~to~~ the Commission as provided in section 209(b) of the ER Act.

The above authority may be redelegated. Any redelegation must be made in writing. A copy of any redelegation should be filed with the Secretary of the Commission.

This delegation supersedes and revokes the delegation of authority to the Director, Office of Nuclear Material Safety and Safeguards signed by William A. Anders, Chairman, dated January 20, 1975.

The above delegation will be appropriately reflected in the NRC Management Directives System.

  
Marcus A. Rowden  
Chairman

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS  
DELEGATIONS OF AUTHORITY  
February 11, 1991

ACTION	SIGNATURE AND APPROVAL AUTHORITY <u>4/</u>
<u>Director, NMSS</u>	
1. Show Cause Order (10 CFR 2.202).	Director, NMSS <u>1/</u>
2. Order for Modification of License (10 CFR 2.204).	Director, NMSS <u>1/</u>
3. Construction Permits (10 CFR 50 - Production Facilities).	Director, NMSS <u>1/</u>
4. Operating Licenses (10 CFR 50 - Production Facilities).	Director, NMSS <u>1/</u>
5. Director's Decision (10 CFR 2.206).	Director, NMSS <u>1/</u>
6. Issue high-level waste management final technical positions.	Director, NMSS <u>1/</u>
7. Issue subpoenas under Section 161c. of the Atomic Energy Act with concurrence of the Office of the General Counsel and in consultation with the Office of Investigations.	Director, NMSS <u>1/</u>
8. Sign and issue, for MC&A violations and violations caused by certificate holders, notices of violation, notices of nonconformance, notices of proposed civil penalties and waivers of compliance as follows:	
a. Actions involving Severity Level I and II violations and proposed civil penalties.	Director, NMSS <u>1/5/</u> (With concurrence of the Director, Office of Enforcement and Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support)



DELEGATIONS OF AUTHORITY (cont'd)

ACTION	SIGNATURE AND APPROVAL AUTHORITY <u>4/</u>
b. Notices of Violation with Severity Level III violations and proposed civil penalties.	Division Director <u>5/</u> (With concurrence of the Director, NMSS, Director, Office of Enforcement and Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support)
c. Notices of Violation with Severity Levels IV or V violations and notices of non-conformance.	Branch Chief <u>5/</u>
<u>Deputy Director, NMSS</u>	
9. Reviewing Official for SES Performance Plans for Deputy Division Directors and Branch Chiefs.	Deputy Director, NMSS
<u>Director, Program Management, Policy Development and Analysis Staff</u>	
10. Center for Nuclear Waste Regulatory Analyses (CNWRA) Activities:	Director, PMDA
a. Overall programmatic performance of operations. b. Assuring appropriate integration of work assigned. c. Assessment of Center performance. d. Recommend approval, disapproval or suspension of costs requested for reimbursement by the Center based on review of the Center's progress.	
11. <u>Contracting</u>	Director, PMDA
a. Sign and issue Requests for Procurement Action (RFPAs), Requests for Assistance Action (RFAAs for Grants and Cooperative Agreements), and Requisitions for Supplies, Equipment, or Labor Services (NRC Form 34 for technical assistance contracts under \$25K).	
b. Sign and issue requests for proposals to DOE for work to be performed by the national laboratories.	

DELEGATIONS OF AUTHORITY (cont'd)

ACTION	SIGNATURE AND APPROVAL AUTHORITY <u>4/</u>
<ul style="list-style-type: none"><li>c. Authorize, sign and issue NRC Forms 173, Standard Order for DOE Work (SOEW), NRC Forms 173A, Standard Order for Interagency Work (SOIW), and accompanying statements of work, task descriptions, or modifications to work statements.</li><li>d. Sign and approve DOE Source Selection Justifications (NRC Form 367) and Justification for Task Order Technical Assistance Contracts.</li><li>e. Sign and issue Source Evaluation Panel Designations.</li><li>f. Approve and sign Source Evaluation Panel Reports (Competitive Range Reports and Final Evaluation Reports).</li></ul>	
<u>General</u>	
12. Withholding of information from public disclosure - Division Director <u>2/</u> Decision and Notice to Applicant.	
13. Denial of licenses.	Division Director <u>2/</u>
14. Grant exemptions from the regulations.	Division Director <u>2/</u> (may be redelegated in writing to Branch Chiefs, citing specific types of exemptions)
15. Decisions to Applicants and Licensees:	
a. All correspondence related to the normal processing of applications and related safety, safeguards and environmental reviews, transmitting comments to applicant.	Branch Chief <u>3/</u> (may be redelegated in writing)
b. All other correspondence (the Branch Chief is expected to determine whether the subject matter goes beyond the normal process).	Branch Chief or Division Director, as appropriate

DELEGATIONS OF AUTHORITY (cont'd)

ACTION	SIGNATURE AND APPROVAL AUTHORITY <u>4/</u>
16. Letters to Federal Agencies transmitting Environmental Reports.	Branch Chief
17. Letters to Federal, State and Local agencies requesting comments on Environmental Reports and Statements.	Branch Chief
18. Recommend to the Commission rules and regulations, and amendments thereto on matters within your delegated authority; develop policy options for Commission consideration on matters within your delegated authority.	Division Directors <u>2/</u> through Director, NMSS
19. Recommend research and rulemaking to enable the Commission to effectively perform its functions.	Division Directors <u>2/</u> and Branch Chiefs through Director, NMSS
20. Staff Reports to ACRS and ACNW: primary point of contact.	Division Director
21. Notices to the <u>Federal Register</u> and request to publish.	Branch Chief
22. Administrative approval of domestic travel.	Branch Chief (one level above proposing level)
23. Personnel Actions:	
a. Termination of employee during probationary period and adverse actions (non-performance-based).	Division Director or Branch Chiefs (one level above the proposing level)
b. Performance-based actions (involve intent to separate employee or reduce in grade).	Division Director or Branch Chiefs (one level above the proposing level)
c. Memoranda of admonition and formal letters of reprimand.	Immediate Supervisor

DELEGATIONS OF AUTHORITY (cont'd)

ACTION	SIGNATURE AND APPROVAL AUTHORITY <u>4/</u>
<u>Industrial and Medical Nuclear Safety</u>	
24. Construction Permit Safety Evaluations (SER) - Production Facilities.	Division Director
25. Operating License Safety Evaluations (SER) - Production Facilities.	Division Director
26. Construction Permit Amendments.	Branch Chief
27. Operating License Amendments.	Branch Chief
28. Examination and Issuance of Operator Licenses.	Branch Chief <u>3/</u> (may be redelegated in writing)
29. Sign certificates of compliance for dry spent fuel storage casks.	Division Director (may be redelegated in writing to Branch Chief)
30. Issue, renew and amend By-product, Source and Special Nuclear Material Licenses.	Branch Chief <u>3/</u> (may be redelegated in writing)
<u>Safeguards and Transportation</u>	
31. Safeguards Functions:	Division Director <u>2/</u>
a. Pursuant to Section 204 of The Energy Reorganization Act of 1974, as amended, monitor, test and recommend upgrading of physical security and material control and accounting systems for nuclear materials licensed under The Atomic Energy Act of 1954, as amended.	
b. Pursuant to Section 204 of The Energy Reorganization Act of 1974, as amended, develop, in consultation and coordination with the Department of Energy, contingency plans for dealing with threats, thefts, and sabotage relating to special nuclear materials, nuclear facilities and high-level radioactive wastes resulting from all activities licensed under The Atomic Energy Act of 1954, as amended.	



DELEGATIONS OF AUTHORITY (cont'd)

ACTION	SIGNATURE AND APPROVAL AUTHORITY <u>4/</u>
32. Safeguards license conditions.	Branch Chief <u>3/</u>
33. Shipping container design approvals and quality assurance program approvals.	Branch Chief <u>3/</u> (may be redelegated in writing)
34. Approve and grant exemptions to physical security and MC&A plans.	Branch Chief
<u>High-Level Waste Management</u>	
35. Issue high-level waste management Technical Positions for comment.	Division Director <u>2/</u>
<u>Low-Level Waste Management and Decommissioning</u>	
36. Issue, renew and amend licenses to dispose of low-level radioactive waste under 10 CFR 61.	Division Director <u>2/</u> (may be redelegated in writing)
37. Pursuant to Title I of the Uranium Mill Tailings Radiation Control Act of 1978, provide advice, consultation and concurrence as required in all aspects of the Department of Energy actions implementing Title I to prevent or minimize hazards associated with designated inactive mill tailings sites.	Division Director (may be redelegated in writing to Branch Chief)
38. Low-Level Waste Management Topical Report approvals.	Branch Chief <u>3/</u> (may be redelegated in writing)

DELEGATIONS OF AUTHORITY (cont'd)

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ACTION	SIGNATURE AND APPROVAL AUTHORITY <u>4/</u>
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Footnotes:

- 1/ Or Deputy Director, NMSS, acting for the Director.
- 2/ Or Deputy Division Director, acting for the Division Director.
- 3/ Division Directors are to review Branch Chiefs newly issued license conditions and approvals with the objective of determining that they are both necessary and adequate to meet program objectives and that the NRC/industry licensing interface is operating satisfactorily.
- 4/ It is incumbent upon persons with delegated authority to raise to the attention of the next higher level of management proposed actions which have broad programmatic, public health and safety or public interest potential prior to taking the action to determine if the delegated authority in the specific case should be moved to a higher level of management.
- 5/ Notices of Violation with Severity Level III violations or higher, proposed civil penalties and correspondence associated with such actions require the concurrence of the Director, Office of Enforcement and the Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support, unless delegated to the Director, Office of Enforcement. NRC Enforcement Manual Chapter 0400, the NRC Enforcement Policy, Enforcement Guidance Memoranda, and other guidance procedures of the Office of Enforcement shall be followed in conducting enforcement activities under this delegation.