

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

MD 9.27	ORGANIZATION AND FUNCTIONS, OFFICE OF NUCLEAR REACTOR REGULATION	DT-25-04
<i>Volume 9:</i>	NRC Organization and Functions	
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EXECUTIVE SUMMARY		
Management Directive 9.27, “Organization and Functions, Office of Nuclear Reactor Regulation,” is revised to reflect the current organizational structure, roles, and responsibilities of the Office of Nuclear Reactor Regulation, including the functions of both the Operating Reactors Business Line and the New Reactors Business Line.		

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For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

VII. REFERENCES.....8

I. SUPERVISION

The Office of Nuclear Reactor Regulation (NRR) is under the supervision of a director who reports to the Deputy Executive Director for Reactor and Preparedness Programs (DEDR), Office of the Executive Director for Operations (OEDO).

II. FUNCTIONS

NRR is responsible for accomplishing key components of the U.S. Nuclear Regulatory Commission's (NRC's) nuclear reactor safety mission for operating and new reactor facilities. NRR conducts a range of regulatory activities in four primary program areas to protect the public health, safety, and the environment. All NRR staff directly or indirectly support the major programs of rulemaking, licensing, oversight, and incident response for two significant classes of licensees: those using commercial power reactors and those using non-power production and utilization facilities (NPUFs). NRR works together with the regions and other offices to accomplish its mission and contribute to the agency mission. NRR is also the lead office for the Operating Reactors Business Line (ORBL) and the New Reactors Business Line (NRBL), which includes light-water small modular reactors, advanced non-light-water reactors (non-LWRs), and microreactors.

A. Rulemaking

1. NRR plays a pivotal role in agency rulemaking, including—
 - (a) Developing deterministic and risk-informed regulations that enhance regulatory effectiveness and efficiency,
 - (b) Developing regulatory guidance for applicants and licensees,
 - (c) Evaluating petitions for rulemaking from members of the public, and
 - (d) Identifying regulatory policy issues for the Commission.
2. NRR develops regulatory actions in an open and transparent manner that provides meaningful public participation in the regulatory process.

B. Licensing

NRR issues licenses for the use of radioactive material for commercial, educational, and research purposes. The licensing program includes—

1. Processing licensing actions for individual plants, including power uprates, license renewals, and requests associated with restart of decommissioning plants;

2. Licensing new reactor facilities in accordance with Title 10 of the *Code of Federal Regulations* (CFR), Part 50 and Part 52;
3. Licensing reactor operators;
4. Reviewing licensee responses to identified safety issues;
5. Evaluating the safety implications of generic approaches to safety issues by reactor vendor groups;
6. Decommissioning plants transitioning to permanent shutdown;
7. Approving deterministic and risk-informed revisions to plant technical specifications for both the commercial power reactors and NPUFs;
8. Implementing regulatory program areas of siting and licensing new commercial nuclear power reactors and new NPUFs;
9. Leading activities related to new and advanced reactor facilities during preapplication engagement with potential applicants, industry groups, or other stakeholders;
10. Licensing for new and advanced reactors through the resolution of all technical and adjudicatory issues associated with the Commission's finding that the prescribed inspections, tests, and analyses have been performed and that the prescribed acceptance criteria are met; and
11. Coordinating the reviews and evaluations of onsite and offsite emergency preparedness plans, cybersecurity plans, physical security plans, safeguards contingency plans, security force training and qualification plans, access authorization programs, and alcohol and drug testing programs for new nuclear reactor facilities.

C. Oversight

The oversight program provides ongoing monitoring of reactor safety performance to ensure the compliance with and the adequacy of NRC regulations and licenses.

1. Oversight activities include—
 - (a) Reactor Oversight Process,
 - (b) Significance Determination Process,
 - (c) Assessment activities,
 - (d) Construction Reactor Oversight Process (cROP),
 - (e) Vendor inspections, and
 - (f) Advanced Reactor Construction Oversight Program (ARCOP).

2. NRR interfaces with the regional offices on topics such as—
 - (a) Technical or licensing bases concerns,
 - (b) Revisions to program documents or potential changes to program policies or direction,
 - (c) Potential generic technical issues, and
 - (d) Implementation of policies and programs for the construction inspection of new reactor licensees, applicants for a new reactor license, and contractors and suppliers to new licensees.
3. Insights gained through the oversight program also are applied to verify or refine the effectiveness of all NRR's programs to provide for continuous improvement.

D. Incident Response

1. NRR staff supports the Office of Nuclear Security and Incident Response (NSIR) and the regions by participating in the agency's response to reactor events, degraded plant conditions, and significant performance issues that could adversely affect the public health, safety, security, and the environment.
2. NRR supplies administrative, project management, and technical personnel to the agency's incident response facilities and sites. The support personnel have expertise in areas such as operational safety, design and licensing bases, and health physics.

E. Operating Reactors Business Line Lead

NRR is the lead office for the ORBL and is responsible for leading the ORBL in terms of budgeting, reporting, and communications for matters regarding the business line. The responsibilities of the ORBL lead and the partner offices are described in the Memorandum of Understanding between the ORBL and partner offices ([ML14251A052](#)).

F. New Reactors Business Line Lead

NRR is the lead office for the NRBL and is responsible for leading the NRBL in terms of budgeting, reporting, and communications for matters regarding the business line. This includes the Advanced Reactor Business Line, which is an off-the-fee-base element of the New Reactor Business Line's programmatic work.

III. DELEGATION OF AUTHORITY TO THE OFFICE DIRECTOR

The director is authorized and directed to—

- A. Carry out the functions described in this management directive (MD) or other official directives or communications, subject to the limitations prescribed therein. Delegation of authority for specific actions and applicable limitations are contained in NRR Office Instruction ADM-200, Revision 13, "Delegation of Signature Authority" ([ML19240B408](#)),

and in the Memorandum to Those on the Attached List from R. W. Borchardt, Executive Director for Operations, "Delegation of Authority to Issue Orders in Response to Imminent Security Threats," November 20, 2009 ([ML092670411](#)).

- B.** Except when, after a hearing under 10 CFR Part 2, "Agency Rules of Practice and Procedure," the decision rests with an Administrative Law Judge, an Atomic Safety and Licensing Board, or the Commission—
1. Issues, renews, and amends licenses for the manufacture, construction, possession, use, acquisition, and operation of utilization and production facilities other than fuel reprocessing plants and isotopic enrichment plants. This authority may include the licensing of by-product, source, and special nuclear material that is used or produced in, and used in the operation of or stored at, utilization and production facilities other than fuel reprocessing and isotopic enrichment plants. NRR renews and amends the licenses in accordance with—
 - (a) The Atomic Energy Act of 1954, as amended;
 - (b) Sections 202(1), 202(2), and 203 of the Energy Reorganization Act of 1974; and
 - (c) 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities."
 2. Issues, renews, and amends licenses for operators of utilization and production facilities, except fuel reprocessing plants and isotopic enrichment plants.
 3. Issues and amends limited work authorizations pursuant to 10 CFR 50.10(e).
- C.** Issue and amend, where relevant, and in conjunction with the Office of Nuclear Material Safety and Safeguards (NMSS), where appropriate—
1. Design certifications, design approvals, permits, and limited work authorizations for new nuclear reactor facilities under 10 CFR Parts 50 and 52 before the initial commencement of operation to the extent any required findings for issuance or amendment have been made by the Atomic Safety and Licensing Board Panel (ASLBP), an administrative law judge, or the Commission after a hearing in accordance with 10 CFR Part 2, "Agency Rules of Practice and Procedures." This authority may include the licensing of byproduct, source, and special nuclear material used or produced in, and used in the operation of or stored at, new nuclear power facilities licensed under 10 CFR Parts 50 and 52.
 2. Changes to the technical specifications for new nuclear reactor facilities, authorizing changes in the facility or facility procedures, or authorizing the conduct of tests and experiments under 10 CFR Parts 50 and 52 before the initial commencement of operation.

- D.** Issue amendments changing the technical specifications for utilization and production facilities other than fuel reprocessing plants and isotopic enrichment plants, authorizing changes in the facility or facility procedures, or authorizing the conduct of tests and experiments under 10 CFR Part 50.
- E.** Consistent with NRC regulations, grant exemptions from NRC regulations or impose special conditions on licensees of utilization and production facilities, except fuel reprocessing plants and isotopic enrichment plants.
- F.** Under 10 CFR Part 2, issue notices of denial or notices of proposed denial for—

 - 1. Applications for licenses for utilization and production facilities, except fuel reprocessing plants and isotopic enrichment plants;
 - 2. Applications for operator licenses for utilization and production facilities, except fuel reprocessing plants and isotopic enrichment plants;
 - 3. Applications for amendment to licenses or renewed licenses for utilization and production facilities, except fuel reprocessing plants and isotopic enrichment plants; and
 - 4. Applications for amendment or renewal of licenses for operator licenses for utilization and production facilities, except fuel reprocessing plants and isotopic enrichment plants.
- G.** After a hearing under 10 CFR Part 2, take the necessary or appropriate action in accordance with the decisions of—

 - 1. An Administrative Law Judge,
 - 2. An Atomic Safety and Licensing Board, or
 - 3. The Commission.
- H.** In accordance with the provisions of 10 CFR Sections 2.202, 2.204, and 2.206, issue orders to impose requirements, modify licenses, suspend licenses, and revoke licenses. This authority does not apply when the decision rests with an Administrative Law Judge, an Atomic Safety and Licensing Board, or the Commission after a hearing pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 2, other than an action related to any alleged violations of the Atomic Energy Act of 1954, as amended; the regulations in 10 CFR Part 1, “Statement of Organization and General Information”; and any orders or conditions of licenses. The orders may concern—

 - 1. The manufacture, construction, and operation of utilization and production facilities, except fuel reprocessing plants and isotopic enrichment plants and materials used or produced in such facilities;
 - 2. Operators of the facilities listed in Section III.G.1; and

3. The use of source, byproduct, and special nuclear materials.
- I. In conjunction with NMSS, execute indemnification agreements with licensees under Section 170c and k of the Atomic Energy Act of 1954, as amended.
- J. In conjunction with NMSS, under 10 CFR Part 51, prepare and circulate draft and final environmental impact statements and environmental assessments on licensing actions within delegated authority.
- K. In conjunction with the regional offices, determine the NRC's response to reactor incidents and events that do not result in activation of the NRC Operations Center.
- L. Evaluate, as requested, the nuclear safety aspects of proposals to build or significantly modify any reactor, reactor-related facility, or other system that is owned by the Department of Energy and, therefore, is exempt from licensing.
- M. Evaluate, as requested, the nuclear safety aspects of the design of Department of Defense (DOD) power, testing, and research reactors that are exempt from licensing.
- N. As requested, review and evaluate the health and safety aspects of the location and operation of DOD reactor facilities.
 1. Review general nuclear safety standards and instructions.
 2. Review reports submitted by DOD in connection with this program, including operating reports, inspection reports, safety evaluation reports, and reports of potential health and safety problems and other significant events or conditions involving health and safety considerations.
- O. Serve as the principal point-of-contact for the NRC with the Advisory Committee on Reactor Safeguards (ACRS) for matters under review by NRR.
- P. Develop policy options for Commission consideration on matters within delegated authority.
- Q. Perform, on behalf of the NRC, all functions of the Federal "Agency Official," as that term is defined in 36 CFR Part 800, "Protection of Historic Properties," and execute, on behalf of the NRC, such memoranda of agreement as are prescribed by those procedures for utilization and production facilities other than fuel reprocessing plants and isotopic enrichment plants.
- R. Issue appropriate *Federal Register* notices in connection with the actions described in this MD including notices that offer an opportunity for public hearing in connection with the action proposed to be taken, whether or not required by statute or the Commission's regulations.

- S. Enter into, extend, modify, and terminate orders and agreements with other agencies, as appropriate, and settle terminations thereof.
- T. Issue letters, bulletins, or other notices to reactor licensees or applicants with respect to activities that may affect or have the potential for affecting the safety of operations and provide policy and procedures for the issuance of letters and notices to reactor licensees by regional offices concerning an inspection or licensing matter.
- U. Supervise, direct, coordinate, and approve the activities of the various organizational units within the office.
- V. Issue immediately effective orders to respond to imminent security threats for reactor licensees and material licensees. This authority may not be re-delegated.

IV. DELEGATION OF AUTHORITY TO THE OFFICE DEPUTY DIRECTORS

The deputy directors are authorized and directed to act on behalf of the director during the absence of the director.

V. DELEGATION OF AUTHORITY BY THE DIRECTOR

- A. The Director, NRR, may, except where expressly prohibited, re-delegate to others the authority delegated to the director described in this or other official directives or communications as the director deems necessary.
- B. Such re-delegation must be made in writing and a copy filed with OEDO, the Secretary of the Commission, the Office of the General Counsel, and the Office of the Chief Human Capital Officer (OCHCO).
- C. The Director, NRR, must stipulate any limitations on further re-delegations of authority.

VI. ORGANIZATIONAL STRUCTURE AND INTERNAL ASSIGNMENTS

Organization charts and functional descriptions for NRR and its components are posted on the NRC internal website (<https://usnrc.sharepoint.com/sites/nrr-hub>) and the NRC public website (<http://www.nrc.gov/about-nrc/organization/nrrfuncdesc.html>). Deviations from the standard organizational structure that affect positions or functions at the branch level or above must be coordinated with the appropriate regional and headquarters offices, concurred on by OCHCO, and approved by the DEDR.

VII. REFERENCES

Code of Federal Regulations

10 CFR Part 1, "Statement of Organization and General Information."

10 CFR 1.43, "Office of Nuclear Reactor Regulation."

10 CFR Part 2, "Agency Rules of Practice and Procedure."

10 CFR Part 2.202, "Orders."

10 CFR Part 2.204, "Demand for Information."

10 CFR Part 20, "Standards for Protection Against Radiation."

10 CFR Part 26, "Fitness for Duty Programs."

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

10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

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

10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants."

10 CFR Part 55, "Operators' Licenses."

10 CFR Part 73, "Physical Protection of Plants and Materials."

10 CFR Part 74, "Material Control and Accounting of Special Nuclear Material."

36 CFR Part 800, "Protection of Historic Properties."

NRC Documents

Memorandum to Margaret M. Doane from John W. Lubinski, Director, Office of Nuclear Material Safety and Safeguards, Frederick D. Brown, Director, Office of New Reactors, and Ho K. Nieh, Director, Office of Nuclear Reactor Regulation "Creation of the Environmental Review Center of Expertise," September 19, 2019 ([ML19200A011](#)).

Memorandum to Margaret M. Doane from John W. Lubinski, Director, Office of Nuclear Material Safety and Safeguards, and Ho K. Nieh, Director, Office of Nuclear Reactor "Creation of the Financial Assurance Center of Expertise," September 13, 2019 ([ML19213A301](#)).

Memorandum to Victor M. McCree from Marc L. Dapas, Director, Office of Nuclear Material Safety and Safeguards, Cynthia Carpenter, Director, Office of Administration, Vonna Ordaz, Acting Director, Office of New Reactors, and William M. Dean, Director, Office of Nuclear Reactors, "Creation of the Rulemaking Center of Expertise," March 30, 2017 ([ML17040A503](#)).

Memorandum of Understanding between the Operating Reactors Business Line Lead and Partner Offices ([ML14251A052](#)).

Memorandum to Those on the Attached List from R. W. Borchardt, Executive Director for Operations, "Delegation of Authority to Issue Orders in Response to Imminent Security Threats," dated November 20, 2009 ([ML092670411](#)).

NRC Organization public website:

<https://www.nrc.gov/docs/ML2132/ML21320A324.pdf>.

NRR Organization internal website:

<https://usnrc.sharepoint.com/sites/nrr-hub>.

NRC Website on the Organization and Functions of the Agency:

<http://www.nrc.gov/about-nrc/organization.html>.

NRR's Delegation of Signature Authority:

NRR Office Instruction ADM-200, Revision 13, "Delegation of Signature Authority"
([ML19240B408](#)).

United States Code

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

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5843 et seq.).

Price-Anderson Act of 1957, Section 170c and 170k (42 U.S.C. 2210 et seq.).