

MEMORANDUM TO: William F. Kane, Director  
Office of Nuclear Material Safety  
and Safeguards

January 13, 2000

THRU: Carl J. Paperiello **/RA/**  
Deputy Executive Director  
For Materials, Research, and State Programs

Frank J. Miraglia, Jr. **/RA/**  
Deputy Executive Director for Regulatory Programs

FROM: R. W. Borchardt, Director **/RA/**  
Office of Enforcement

SUBJECT: DELEGATION OF AUTHORITY FOR ISSUANCE OF ENFORCEMENT  
ACTIONS

Management Directive 9.19 (formerly Manual Chapter 0108), "Organizations and Functions, Office of Enforcement," authorizes the Director, Office of Enforcement, under the supervision of the Deputy Executive Director for Regulatory Programs (DEDR), to delegate implementation of specific Office of Enforcement programs to program office Directors.

Delegation of Authority to the Director, NMSS:

This memorandum delegates authority to the Director, Office of Nuclear Material Safety and Safeguards (NMSS) regarding issuance of certain enforcement actions. This delegation applies to violations in all areas in which NMSS evaluates, directly manages, or conducts inspections. If there is overlap between regional and NMSS inspection authority, and a dispute arises as to which office should issue the enforcement action, OE should be consulted. The Director, NMSS is delegated authority as follows:

1. Approve, sign, and issue non-escalated enforcement actions, including Severity Level IV Notices of Violation;
2. Sign and issue escalated enforcement actions (other than orders) after coordination with OE and approval of the appropriate Deputy EDO, and Commission, when required;
3. Sign and issue actions or letters exercising discretion in accordance with Section VII.B.2 through 6 of the NRC Enforcement Policy, after consultation with OE, and the appropriate Deputy EDO, when required; and
4. Conduct predecisional enforcement conferences for cases being considered for escalated enforcement action.

This delegation does not apply to cases where:

1. The Director, OE, or the Director, NMSS, or the Regional Administrator are in disagreement on a proposed action; or
2. The Deputy Executive Director for Materials, Research, and State Programs (DEDMRS) advises the Director, OE, that in a particular case or matter the DEDMRS wishes to retain approval authority.

Redelegations of authority by the Director, NMSS:

The Director, NMSS, may redelegate this authority subject to the following limitations:

1. The Director may redelegate authority to sign and issue non-escalated enforcement actions to Section Chiefs and above.
2. The Director may redelegate to the Deputy Director, NMSS, the authority to sign and issue, after coordination with OE, Severity Level III Notices of Violation.
3. The Director may redelegate, to Division Directors and above, the authority to sign and issue actions and letters exercising discretion in accordance with Section VII.B.2 through 6 of the NRC Enforcement Policy for matters that would otherwise be Severity Level IV violations. OE should be consulted by telephone prior to exercising this discretion.
4. The Director may redelegate the authority to conduct predecisional enforcement conferences to Office management. This delegation should not normally be to individuals below the level of Deputy Division Director.

This delegation applies to violations in all areas of activity in which NMSS evaluates, directly manages, or conducts inspections.

The Commission's regulations, Enforcement Policy, Enforcement Manual, Enforcement Guidance Memoranda, and other guidance from the Office of Enforcement shall be followed in conducting enforcement activities under this delegation.

The Office of Enforcement will incorporate this delegation authority guidance in the next update of the Enforcement Manual.

This delegation of authority is effective as of the date of this memorandum.

If you have any questions concerning this matter, please contact me.

cc: W. Travers, EDO  
F. Miraglia, DEDR  
C. Paperiello, DEDMRS  
P. Norry, DEDM  
SECY  
OGC

William F. Kane

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