

December 14, 1999

Professor Marshall Breger  
The Catholic University of America  
Columbus School of Law  
3600 John McCormack Road, NE  
Washington, D.C. 20064

SUBJECT: INTERNAL APPOINTMENT AND BUDGET PROCEDURES  
OF THE NUCLEAR REGULATORY COMMISSION

Dear Professor Breger:

I am pleased to respond to the questions that you posed regarding the internal operations of the Nuclear Regulatory Commission in your November 18, 1999 letter.

Your first inquiry is whether the Chairman of the NRC has the authority to select key staff officials without first obtaining the approval of the other members of the Commission and, if the Chairman has such authority, whether he or she seeks the views of the other Commissioners before making selections. At the NRC, there are two offices, the Office of Congressional Affairs and the Office of Public Affairs, where the Chairman has the authority to appoint the directors of each of these two offices without consulting the other Commissioners first because each office reports directly to the Chairman. The historical practice has been that in some cases the Chairman consulted with the other Commissioners; in other cases the Chairman has informed the other Commissioners of his or her decision. With respect to the appointments of most other agency office directors, the Chairman initiates the appointment subject to the approval of the Commission. The appointments subject to these procedures are set forth in the enclosed Chapter 1 of the NRC's "Internal Commission Procedures" (particularly pages I-2 through I-4). These procedures implement the President's Reorganization Plan No. 1 of 1980, *enacted* Pub. L. No. 98-614, 5 U.S.C. Appendix I (copy enclosed).

The second question pertains to whether the Chairman approves the proposed agency budget or whether the Commission collectively approves the budget before submitting it to OMB and the Congress. Under the Reorganization Plan the Chairman is responsible for presenting to the Commission for its consideration budget estimates and proposals. In practice under NRC's current organizational structure, the NRC's Chief Financial Officer, working with other NRC offices, prepares a draft budget for approval by a three-person Executive Council consisting of the Chief Financial Officer, the Executive Director for Operations, and the Chief Information Officer. The Executive Council makes any needed revisions and submits the budget proposal to the Chairman. After the Chairman's comments have been incorporated into the budget proposal, the proposal is submitted to the full Commission for its review and decision.

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If you have any additional questions regarding these or any other matters, please do not hesitate to call me at (301) 415-1740. We look forward to seeing your final product.

Sincerely,

/RA/

Stephen G. Burns  
Deputy General Counsel

Enclosures: As stated

If you have any additional questions regarding these or any other matters, please do not hesitate to call me at (301) 415-1740. We look forward to seeing your final product.

Sincerely,

Stephen G. Burns  
Deputy General Counsel

Enclosures: As stated

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