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U. S. NUCLEAR REGULATORY COMMISSION
NRC MANUAL
TRANSMITTAL NOTICE

CHAPTER 0108 ORGANIZATION AND FUNCTIONS
OFFICE OF ENFORCEMENT

SUPERSEDED:

	Number	Date
Chapter	<u>NRC-0108</u>	<u>4/15/87</u>
Page	<u> </u>	<u> </u>
	<u> </u>	<u> </u>
	<u> </u>	<u> </u>
Appendix	<u> </u>	<u> </u>

TRANSMITTED:

	Number	Date
TN	<u>0100-93</u>	<u> </u>
Chapter	<u>NRC-0108</u>	<u>5/9/89</u>
Page	<u> </u>	<u> </u>
	<u> </u>	<u> </u>
	<u> </u>	<u> </u>
Appendix	<u> </u>	<u> </u>

REMARKS:

This revision of Chapter NRC-0108 reflects changes which resulted from the EDO reorganization, effective February 5, 1989.

U.S. NUCLEAR REGULATORY COMMISSION
NRC MANUAL

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CHAPTER 0108 ORGANIZATION AND FUNCTIONS
OFFICE OF ENFORCEMENT

0108-01 SUPERVISION

The Office of Enforcement is headed by a Director who reports to the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

0108-02 FUNCTIONS

021 Program Oversight. Exercises oversight of NRC enforcement programs. Provides programmatic and implementation direction to Regional and Headquarters Offices conducting or involved in enforcement activities. Assures that Regional enforcement programs are adequately carried out.

022 Enforcement. Develops policies and programs for enforcement of NRC requirements. May initiate enforcement actions, conduct enforcement conferences, hold meetings on enforcement matters, request information from licenses and vendors, issue subpoenas, and prepare and issue enforcement actions including confirmatory action letters, notices of deviations, notices of violations, requests for investigations, proposed civil penalties, and revocation, suspension, modification, and civil penalty orders. Reviews enforcement actions prepared by the NRC Regions for appropriateness, technical adequacy, and consistent application of enforcement policies and practices.

023 Regional Assessment. Assesses Regional implementation of Office of Enforcement programs to determine to what degree program requirements are being met. Assesses the effectiveness of each established program and determines whether the Regions are implementing the programs in a technically adequate and consistent manner.

024 Delegation. Prepares and issues, under the supervision of the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, delegations to Regional Administrators and Program Office Directors for the implementation of specific Office of Enforcement programs.

Approved: May 9, 1989

0108-03 DELEGATION OF AUTHORITY TO THE DIRECTOR

BP [The Director is authorized and directed to take ^{any} such action as ~~is~~ necessary to carry out the functions assigned by this chapter or other official directives or communications, subject to the limitations prescribed therein.] (Delegations of authority for specific actions and applicable limitations are contained in NRC manual chapters or other directives covering specific subjects. In additions, delegations of authority for actions not within the scope of other manual chapters or other directives are given in succeeding paragraphs in this section.) This delegation includes the authority to:

031 prepare enforcement actions including notices of deviations, of violations, and of proposed civil penalties; orders for the modification, suspension, and revocation of licenses and the imposition of civil penalties; and settlement agreements with respect to alleged violations of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Commission regulations, license conditions, and orders; and issue such actions for the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support in his absence or as directed by the Deputy Executive Director.

032 prepare orders to govern the possession and use of special nuclear material, source material, or byproduct material by any person without a license, and prepare enforcement actions, including the imposition of civil penalties, in such instances, and issue such orders and actions for the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support in his absence or as directed by the Deputy Executive Director.

033 manage major enforcement actions (civil penalties, orders, and significant notices of violations) and, for the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support in his absence or as directed by the Deputy Executive Director, approve or direct enforcement action to be taken by Regional or Headquarters Offices.

034 prepare letters requesting investigations, confirming actions, or obtaining information under sections 161(c) or 182 of the Atomic Energy Act of 1954, as amended, and prepare subpoenas with respect to alleged violations of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Commission regulations, license conditions, and orders, and issue such actions for the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support in his absence or as directed by the Deputy Executive Director.

035 take necessary or appropriate action in accordance with the decision of an Administrative Law Judge, an Atomic Safety and Licensing Board, the Atomic Safety and Licensing Appeal Panel, or the Commission after hearings, pursuant to 10 CFR Part 2.

036 supervise, direct, coordinate, and approve the activities, including administrative functions, within the Office.

**ORGANIZATION AND FUNCTIONS
OFFICE OF ENFORCEMENT**

NRC-0108-04

037 recommend to the EDO, through the Deputy Executive Director for Nuclear Safety, Safeguards, and Operations Support, rules and regulations and develop policy options for Commission considerations on matters within delegated authority.

038 issue appropriate Federal Register Notices in connection with the actions delegated under this chapter.

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0108-04 DELEGATION OF AUTHORITY TO THE DEPUTY DIRECTOR

The Deputy Director is authorized and directed to act in the stead of the Director during the absence of the Director.

0108-05 REDELEGATION OF AUTHORITY BY THE DIRECTOR

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The Director may, except where expressly prohibited, redelegate to others authority delegated to the Director by this or other official directives or communications, subject to the limitations stated below and to such other stipulations as the Director may deem necessary.

051 Such re delegation must be made in writing and a copy filed with the Executive Director for Operation, the Secretary of the Commission, the Office of General Counsel, the Office of Administration, and the Office of Personnel.

052 The Director must stipulate any limitations on further redelegations of authority which the Director redelegates.

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0108-06 ORGANIZATIONAL STRUCTURE AND INTERNAL ASSIGNMENTS

The Office of Enforcement is a single organizational component with no subdivisions.

Approved: May 9, 1989