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CHAPTER NRC-0106 ORGANIZATION AND FUNCTIONS
ATOMIC SAFETY AND LICENSING BOARD PANEL

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REMARKS:

This chapter is revised to reflect a change of titles from Chairman and Vice Chairman to Chief Administrative Judge and Deputy Chief Administrative Judge (Executive) and Deputy Chief Administrative Judge (Technical); and to add statements which specifically define the functions and authorities of the Deputy Chief Administrative Judges.

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CHAPTER 0106 ORGANIZATION AND FUNCTIONS
ATOMIC SAFETY AND LICENSING BOARD PANEL

0106-01 ATOMIC SAFETY AND LICENSING BOARD PANEL

011 Supervision.

Under the supervision of a Chief Administrative Judge who is appointed by and reports to the Commission.

012 Functions and Authorities of the Chief Administrative Judge.

Coordination of the activities of the Panel, which is composed of members appointed by the Commission who separately are designated to serve on individual Atomic Safety and Licensing Boards (see 02, below); and performance of related functions. Specifically, the Chief Administrative Judge:

- a. develops and implements the necessary policies and procedures to assure the expeditious conduct of the Panel's activities.
- b. coordinates and supervises activities of the Boards.
- c. assigns Panel members to serve on Boards.
- d. recommends new members of the Panel for appointment by the Commission.
- e. develops policies and procedures applicable to the activities of various hearing Boards and as appropriate makes recommendations to the Commission relating to the conduct of hearings, hearing procedures, and policies for the guidance of the Boards, including methods of achieving improved regulatory efficiency.
- f. acts as spokesman for the Panel in matters relating to its activities and those of Boards.
- g. informs the Panel of Commission policies and procedures affecting the conduct of the Boards' activities.
- h. serves from time to time as a member of an Atomic Safety and Licensing Board.

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- i. makes recommendations to the Commission relating to licensing, inspection, compliance, and enforcement procedures, policies, and practices as may be appropriate in light of experience on hearing Boards in presiding over adjudicatory proceedings.
- j. monitors developments in administrative law and procedure arising out of the activities, reports, and decisions of administrative agencies, courts, legal writers, the Administrative Conference of the United States, and state and local agencies, and informs all members of the Panel on a current basis.
- k. maintains liaison with the Chief Administrative Law Judges of the regulatory agencies, the Conference of Administrative Law Judges, and the Office of Personnel Management Office of Administrative Law Judges, and informs members of the Panel of matters relating to the role of hearing officers and the conduct of hearings and developments in administrative process.
- l. develops an educational and training and orientation program for Panel members on an in-house basis and through facilities available in other agencies or organizations, in order to identify and promote opportunities for advanced professional education and orientation.
- m. develops summaries of new technical developments, information, and guidance materials for distribution to members of the Panel on a current basis.
- n. acts for a hearing Board on applications for subpoenas under the circumstances described in 10 CFR 2.720(a); consults with a hearing Board in matters arising under the circumstances described in 10 CFR 2.719(c).
- o. performs such other functions as may be assigned by the Commission.

013 Functions and Authorities of the Deputy Chief Administrative Judge (Executive), appointed by the Commission.

- a. acts for the Chief Administrative Judge in his absence, performing all the duties and exercising all the powers of that position.
- b. serves from time to time as a member of an Atomic Safety and Licensing Board.
- c. performs such other duties as may be assigned by the Chief Administrative Judge.

014 Functions and Authorities of the Deputy Chief Administrative Judge (Technical), appointed by the Commission.

- a. acts for the Chief Administrative Judge in the absence of the Chief Administrative Judge and the Deputy Chief Administrative Judge

(Executive), performing all the duties and exercising all the powers of that position.

- b. serves from time to time as a member of an Atomic Safety and Licensing Board.
- c. performs such other duties as may be assigned by the Chief Administrative Judge.

015 Functions and Authorities of the Executive Secretary.

- a. assists and advises the Chief Administrative Judge in facilitating administrative processes and in coordinating the activities of the Atomic Safety and Licensing Boards.
- b. performs such other duties as may be assigned by the Chief Administrative Judge.

0106-02 ATOMIC SAFETY AND LICENSING BOARDS

021 Membership.

Each Atomic Safety and Licensing Board is composed of three members selected from the members of the Atomic Safety and Licensing Board Panel. One member shall be qualified in the conduct of administrative proceedings and two shall possess technical or other qualifications deemed appropriate for the issues to be decided.

022 Functions.

The Boards conduct such hearings as the Commission may authorize or direct, make such intermediate or final decisions as the Commission may authorize in proceedings to grant, suspend, revoke, or amend licenses or authorizations, and perform such other regulatory functions as the Commission deems appropriate.

023 Authority.

In performing its functions each Board exercises the powers of a presiding officer as granted by 10 CFR Part 2.

0106-03 DELEGATION OF AUTHORITY

031 Delegation to Chief Administrative Judge, Deputy Chief Administrative Judge (Executive) and Deputy Chief Administrative Judge (Technical).

The Chief Administrative Judge, Deputy Chief Administrative Judge (Executive), and Deputy Chief Administrative Judge (Technical), Atomic Safety and Licensing Board Panel, are authorized and directed to take such action as is necessary to carry out the functions as assigned by 0106-012, 013 and 014, above and other official directives or communications, subject to limitations prescribed therein. (Delegations of authority for specific actions and applicable

limitations are contained in the Commission's Rules of Practice, 10 CFR Part 2, or other directives covering specific subjects).

032 Redelegation of Authority.

Except for the authority relating to the establishment of atomic safety and licensing boards specified in 10 CFR 2.721, the authority of the Chief Administrative Judge, Deputy Chief Administrative Judge (Executive) and Deputy Chief Administrative Judge (Technical) may be redelegated to the Executive Secretary as they may deem appropriate.

033 Delegation to Atomic Safety and Licensing Boards.

Atomic Safety and Licensing Boards are authorized and directed to take such action as is necessary to carry out the functions assigned by 0106-022 and other official directives or communications, subject to the limitations prescribed therein. (Delegations of authority for specified actions and applicable limitations are contained in the Commission's Rules of Practice, 10 CFR Part 2, or other directives covering specific subjects).

034 Redelegation of Authority.

The delegated authority of Atomic Safety and Licensing Boards may not be further redelegated.

0106-04 REFERENCES

Code of Federal Regulations, Title 10, Chapter 1, Nuclear Regulatory Commission:

- a. Part 1, Statement of Organization and General Information.
- b. Part 2, Rules of Practice.
- c. Part 50, Licensing of Production and Utilization Facilities.
- d. Part 51, Licensing and Regulatory Policy and Procedures for Environmental Protection.

Sec. 191 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2241; Sec. 201(g)(1) of the Energy Reorganization Act of 1974, as amended, 88 Stat. 1243.