

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

<b>MD 9.29</b>	<b>ORGANIZATION AND FUNCTIONS, REGIONAL OFFICES</b>	<b>DT-10-05</b>
<i>Volume 9</i>	NRC Organization and Functions	
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<b>EXECUTIVE SUMMARY</b>		
Management Directive (MD) 9.29 replaces Manual Chapter 0128. MD 9.29 is being revised to reflect the responsibilities of the regional offices.		

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**I. SUPERVISION**

The regional offices are headed by Regional Administrators (RA) who report to and are supervised and directed by the Deputy Executive Director for Reactor and Preparedness Programs (DEDR).

## II. FUNCTIONS

- A.** The RA shall perform functions as assigned. Subject to certain specified exemptions, the RA has leadership and management responsibility for all functions and personnel assigned to the region. The RA is responsible for establishing a leadership framework that will provide for balanced programmatic interaction with other offices reporting to the Executive Director for Operations (EDO) and Deputy Executive Directors (DEDO) for program areas that are implemented at the regional level as well as with Commission-level offices where relevant. For regionalized programs, the regions perform an implementation function for the sponsoring headquarters program office and take programmatic and implementation direction for regionalized programs from the sponsoring program office.
- B.** In performing these functions, the RA will—
1. Manage, direct, coordinate, and approve the activities including administrative functions of the various organizational units in the regional offices, subject to specific exemptions;
  2. Issue notices of violation pursuant to 10 CFR 2.201, proposed civil penalties pursuant to 10 CFR 2.205, and orders pursuant to 10 CFR 2.202 (including confirmatory orders) subject to the approval of the Director of the Office of Enforcement (OE);
  3. Take action necessary to comply with the decisions of an Administrative Judge, the Atomic Safety and Licensing Board, or the Commission after a hearing pursuant to 10 CFR Part 2;
  4. Manage and direct the inspection and enforcement functions of the region subject to the overall policy, program, and implementation guidance of the Office of Nuclear Reactor Regulation (NRR), Office of New Reactors (NRO), Office of Nuclear Security and Incident Response (NSIR), Office of Federal and State Materials and Environmental Management Programs (FSME), Office of Nuclear Material Safety and Safeguards (NMSS), Office of Investigations (OI), and OE;
  5. Manage and direct the reactor inspection programs and reactor operator licensing functions of the region subject to the overall policy, program, and implementation guidance of NRR and NSIR;
  6. Manage and direct the new reactor construction and inspection functions (to include security inspections) of the region subject to the overall policy, program, and implementation guidance of NRO;
  7. Manage and direct the nuclear material safety and security licensing and inspection functions of the region subject to the overall policy, program, and implementation guidance of FSME and NSIR;
  8. Manage and direct the fuel cycle safety and safeguards functions and fuel cycle facility construction inspection functions of the region (currently Region II only) as well as the transportation, spent fuel storage, and high-level waste management

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- functions of the region subject to the overall policy, program, and implementation guidance of NMSS and NSIR;
9. Manage and direct the human resources, financial management, information technology, information management, computer security, and other support functions of the region subject to personnel policy, delegations of authority, program, and implementation guidance from the Office of Information Services, the Computer Security Office, the Office of Human Resources (HR), the Office of the Chief Financial Officer, the Office of Administration, and the Office of Small Business and Civil Rights;
  10. Develop and coordinate the NRC's Incident Response Program for activities within the region subject to overall policy and program guidance of NSIR and call on other components of the NRC staff to provide assistance in an emergency;
  11. Disseminate information as appropriate to the Commission, other NRC offices, other Government agencies, licensees, and the public;
  12. Administer oaths and affirmations and issue subpoenas where necessary and appropriate pursuant to Section 161c of the Atomic Energy Act of 1954, as amended, to enable the RA to conduct an examination of matters within the functions and authorities of the region;
  13. Subject to appropriate coordination with relevant offices, enter into, extend, modify, and terminate agreements with Federal, State, and local agencies;
  14. Perform functions as required by, and in accordance with, applicable law, statute, or regulation;
  15. Ensure that EDO, the DEDOs, and appropriate program offices are kept fully and currently informed about substantive matters that affect their responsibilities;
  16. Issue orders or take other action in a radiological emergency as authorized by the Chairman, who is the Director of the Executive Team (or the designee), in accordance with NRC's procedures in the NRC Incident Response Plan;
  17. Manage, direct, and carry out review of Agreement State regulatory programs in conformance with policies established by FSME and provide technical assistance to Agreement States in carrying out their regulatory programs; and
  18. Perform any other matters or functions assigned by the DEDOs or outlined in NRC management directives.

### **III. DELEGATION OF AUTHORITY TO THE REGIONAL ADMINISTRATOR**

- A. The RA is authorized and directed to take action as necessary to carry out the functions assigned to the region by this or other official directives or communications subject to the limitations described therein in coordination with appropriate NRC offices and subject to overview by those offices.

**B.** These limitations include the following:

1. The authority of the RA does not extend to cases in which the decision to take a specific action rests with an Administrative Law Judge, the Atomic Safety and Licensing Board, or the Commission after a hearing pursuant to 10 CFR Part 2;
2. With respect to licensing functions assigned to the region, the RA shall, in coordination with the appropriate program offices, act in accordance with the provisions of this directive and the provisions of any written delegation from the Office of the EDO (OEDO);
3. With respect to enforcement functions delegated to the regions by the Director, OE, the RA shall act in accordance with the provisions of this directive and the provisions of any written delegation from OEDO; and
4. The authority to issue a subpoena pursuant to Section 161c of the Atomic Energy Act of 1954, as amended, may not be redelegated. Further, the issuance of a subpoena under Section II.B.12 of this directive requires the concurrence of the Office of the General Counsel (OGC) and consultation with OI.

#### **IV. REDELEGATION OF AUTHORITY BY THE REGIONAL ADMINISTRATOR**

The RA may, except where expressly prohibited, redelegate to others the authority delegated to the RA by this or other official directives or communications, except that delegations and any limitations on further redelegations must be in writing. In the absence of the RA, the authority of the RA is delegated to the Deputy RA. When an Acting RA is appointed, the authority of the RA is delegated to the Acting RA. Electronic copies of all delegations of authority are to be filed with the Office of the Secretary, OEDO, OGC, HR, and the appropriate program offices.

#### **V. ORGANIZATIONAL STRUCTURE AND INTERNAL ASSIGNMENTS**

Organization charts and functional descriptions for the regional offices and their components are posted on the NRC internal Web site. Deviations from the standard organizational structure that affect positions or functions at the division level or above must be coordinated with the appropriate headquarters program offices, concurred on by HR, and approved by the EDO or applicable DEDO. Deviations from the standard organizational structure that affect positions or functions at the branch level should be (as deemed necessary by the RA) coordinated with the appropriate headquarters program offices, must be concurred on by HR, and must be approved by the RA.

#### **VI. ACCOUNTABILITY**

The regions will be evaluated and appraised on their administration of delegated programs by the DEDR with input from the headquarters program office directors via the Senior Performance Officials report process. The technical adequacy of the nuclear materials program will also be evaluated through the Integrated Materials Performance Evaluation Program.

## **VII. REFERENCES**

### ***Code of Federal Regulations***

10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders."

10 CFR 2.201, "Notice of Violation."

10 CFR 2.202, "Orders."

10 CFR 2.205, "Civil Penalties."

### ***Nuclear Regulatory Commission Documents***

Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)."

NUREG-0728, "NRC Incident Response Plan."

### ***United States Code***

Atomic Energy Act of 1954, as amended, Section 161c (42 U.S.C. 2011 et seq.).