

March 10, 2006

MEMORANDUM TO: Those on the Attached List

FROM: Luis A. Reyes **/RA/**
Executive Director of Operations

SUBJECT: DELEGATION OF AUTHORITY TO ISSUE ORDERS IN RESPONSE
TO IMMINENT SECURITY THREATS

This memorandum clarifies and further delegates the authority to issue orders including immediately effective orders in response to imminent security threat situations. As Executive Director for Operations (EDO), I have authority to issue orders to any licensee including during situations of imminent security threat. This is reflected in Management Directive (MD) 9.17, "Office of the Executive Director for Operations." The Director of the Office of Nuclear Reactor Regulation (NRR) has delegated authority to issue immediately effective orders, including oral orders, with respect to reactor licensees, based on MD 9.27, "Organization and Functions - Office of Nuclear Reactor Regulation." The Director of the Office of Nuclear Material Safety and Safeguards (NMSS) has the same authority for issuing orders with respect to materials licensees based on MD 9.26, "Organization and Functions - Office of Nuclear Material Safety and Safeguards."

Pursuant to the Staff Requirements Memorandum for COMSECY-05-0049, dated December 23, 2005, I am delegating authority to four NRC senior managers to issue immediately effective orders to respond to imminent security threats. This authority is limited to issuing orders, including oral orders, to one or more NRC reactor or materials licensed facilities, when urgent action is required because of an imminent security threat. Such threats involve situations where there is too little time to invoke the emergency powers reserved to the Chairman, or his designee, in accordance with the President's Reorganization Plan No.1 of 1980.

I hereby delegate this authority to the following managers for both reactor and material licensees:

- Deputy Executive Director for Reactor and Preparedness Programs (DEDR)
- Deputy Executive Director for Materials, Research, State and Compliance Programs (DEDMRS)
- Director, Office of Nuclear Security and Incident Response (NSIR)
- Deputy Director, NSIR.

CONTACT: Eric Leeds, NSIR/DPR
301-415-2334

The DEDR, the DEDMRS, the Director of NRR, the Director of NMSS, the Director of NSIR, and the Deputy Director of NSIR may not redelegate to anyone the authority to issue orders in response to an imminent security threat. Thus, this authority may not be redelegated to individuals occupying the designed positions in an acting capacity. I have enclosed specific language, in response to direction provided to me by the Chairman in a January 4, 2006, memorandum, to be used in drafting delegation of authority notifications. A manager who has authority to issue orders in response to an imminent security threat, but is unavailable to exercise this authority should notify the Headquarters Operations Officer. More specific guidance is provided in my March 10, 2006, memorandum "Senior Manager Availability Guidance". If the Chairman or his designee invokes the emergency powers provided to the Chairman by Section 3 of Reorganization Plan No. 1 of 1980 during any specific imminent security threat, the authority to issue orders under this delegation for the duration of the emergency is superseded.

This authority is limited to ordering an NRC licensee to implement existing facility procedures for actions necessary to mitigate the potential radiological consequences of the specific imminent security threat. Once an order is given to an NRC licensee, the NRC executive issuing the order shall initiate actions to promptly inform the Commission and the NRC Executive Team. Any oral order issued pursuant to this delegation must be put in writing within a reasonable time, consistent with the provisions of 10 C.F.R. §2.202.

The authority delegated herein will remain in effect until superseded, modified, or revoked. Also, this delegation of authority should be reflected in the appropriate NRC Management Directives.

Enclosure: As stated

cc w/encl:: Chairman Diaz
 Commissioner McGaffigan
 Commissioner Merrifield
 Commissioner Jaczko
 Commissioner Lyons
 SECY
 OGC
 OCA
 OPA
 CFO

The DEDR, the DEDMRS, the Director of NRR, the Director of NMSS, the Director of NSIR, and the Deputy Director of NSIR may not redelegate to anyone the authority to issue orders in response to an imminent security threat. Thus, this authority may not be redelegated to individuals occupying the designed positions in an acting capacity. I have enclosed specific language, in response to direction provided to me by the Chairman in a January 4, 2006, memorandum, to be used in drafting delegation of authority notifications. A manager who has authority to issue orders in response to an imminent security threat, but is unavailable to exercise this authority should notify the Headquarters Operations Officer. More specific guidance is provided in my March 10, 2006, memorandum "Senior Manager Availability Guidance". If the Chairman or his designee invokes the emergency powers provided to the Chairman by Section 3 of Reorganization Plan No. 1 of 1980 during any specific imminent security threat, the authority to issue orders under this delegation for the duration of the emergency is superseded.

This authority is limited to ordering an NRC licensee to implement existing facility procedures for actions necessary to mitigate the potential radiological consequences of the specific imminent security threat. Once an order is given to an NRC licensee, the NRC executive issuing the order shall initiate actions to promptly inform the Commission and the NRC Executive Team. Any oral order issued pursuant to this delegation must be put in writing within a reasonable time, consistent with the provisions of 10 C.F.R. §2.202.

The authority delegated herein will remain in effect until superseded, modified, or revoked. Also, this delegation of authority should be reflected in the appropriate NRC Management Directives.

Enclosure: As stated

cc w/encl: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
SECY
OGC
OCA
OPA
CFO

DISTRIBUTION:
Reading File
RidsEdoMailCenter
W. Dean, OEDO
J. Silber (DEDIA/EDO)
RidsNrrOd
RidsNsirMailCenter
RidsOgcMailCenter
RidsNmssOd
M. Johnson, OE
S. Collins, RI
W. Travers, RII
J. Caldwell, RIII
B. Mallett, RIV

EDO Control (W200600016)
EDATS: SECY-2006-0012

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Response Memo No.: ML060130620

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* See previous concurrence

** Concurred via E-Mail
Public 9 Non-Public 9 Sensitive Non-Sensitive

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NAME	JKnoke:rkb*	PKleene*	TBlount:rkb*	PWilson for MLeach:rkb*	ELeeds:tls*	JStrosnider:rkb*
DATE	1/17/06	1/18/06	1/18/06	1/18/06	1/23/2006	1/26/06
OFFICE	OGC (no legal objection)	D:NRR	D:NSIR*	DEDMRS:EDO	DEDR:EDO	EDO
NAME	SMcAndrew:rkb**	TLiu for JDyer:rkb**	RZimmerman:rkb*	MVirgilio*	WKane*	LReyes
DATE	1/30/06	1/26/06	2/8/06	3/6/06	3/6/06	3/10/06

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MEMORANDUM TO THOSE ON THE ATTACHED LIST:

Dated: 03/10/06

SUBJECT: DELEGATION OF AUTHORITY FOR IMMINENT SECURITY THREATS

	<u>Mail Stop</u>
William F. Kane, Deputy Executive Director for Reactor and Preparedness Programs, OEDO	O-16 E15
Martin J. Virgilio, Deputy Executive Director for Materials, Research, State and Compliance Programs, OEDO	O-16 E15
James E. Dyer, Director, Office of Nuclear Reactor Regulation	O-5 E7
Jack R. Strosnider, Director, Office of Nuclear Material Safety and Safeguards	T-8 A23
Roy P. Zimmerman, Director, Office of Nuclear Security and Incident Response	T-4 D22a
R. William Borchardt, Deputy Director Office of Nuclear Security and Incident Response	T-4 D22a

Guidance on Delegation of Authority Notifications
Related to Imminent Security Threats

Effective immediately, all “Delegation of Authority” notifications issued to designate acting authority in your absence should include additional language to specify whether the individual acting for you has the authority to issue “immediately effective orders in the event of an imminent security threat”. Additionally, a copy of your “Delegation of Authority” notification must be sent to the OPS Center (email: HOO1 or HOO2).

The specific language to designate an “acting” individual who has the authority to issue “immediately effective orders” for both reactor and materials licensees is:

(Name of the executives in one of the noted positions for both reactors and materials) has the authority, delegated by the Commission, to issue “immediately effective orders,” to one or more NRC reactor and materials licensees in the event of an imminent security threat requiring such urgent action that insufficient time exists to involve the emergency powers reserved to the Chairman or his designee in accordance with Presidential Reorganization Plan No.1 of 1980.

The specific language to designate an “acting” individual who has the authority to issue “immediately effective orders” for reactor licensees only is:

(Name of the executive in one of the noted positions for reactors) has the authority, delegated by the Commission, to issue “immediately effective orders,” to one or more NRC reactor licensees in the event of an imminent security threat requiring such urgent action that insufficient time exists to involve the emergency powers reserved to the Chairman or his designee in accordance with Presidential Reorganization Plan No.1 of 1980.

(Name of the executive) does not have delegated authority to issued “immediately effective orders” in the event of an imminent security threat involving materials licensees.

The specific language to designate an “acting” individual who has the authority to issue “immediately effective orders” for materials licensees only is:

(Name of the executive in one of the noted positions for materials) has the authority, delegated by the Commission, to issue “immediately effective orders,” to one or more NRC materials licensees in the event of an imminent security threat requiring such urgent action that insufficient time exists to involve the emergency powers reserved to the Chairman or his designee in accordance with Presidential Reorganization Plan No.1 of 1980.

(Name of the executive) does not have delegated authority to issued “immediately effective orders” in the event of an imminent security threat involving reactor licensees.

The specific language in designating an “acting” individual who does not have authority to issue “immediately effective orders” is:

(Name of any executive not identified as having delegated authority to issue “immediately effective orders”) does not have delegated authority to issue “immediately effective orders in the event of an imminent security threat.

Enclosure

This information should be shared with your staff, as appropriate, to ensure their awareness of your responsibilities when you are either in an acting position or when designating an acting authority in your absence.