

# CHAPTER I – COMMISSION RESPONSIBILITIES

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## COMMISSION RESPONSIBILITIES

The Nuclear Regulatory Commission, as established by the Energy Reorganization Act of 1974, is responsible for licensing and regulating nuclear facilities and materials and for conducting research in support of the licensing and regulatory process. The President's Reorganization Plan No. 1 of 1980 (Reorganization Plan) clarified and strengthened the duties of the Chairman as the NRC's principal executive officer and more specifically defined the responsibilities of the Commission members acting as a collegial body. Consistent with the requirements of Reorganization Plan No. 1 of 1980, on May 18, 1988, the Commissioners approved COMLZ-88-10, which made more explicit the operational responsibility of the Chairman of the Commission, as the principal executive officer of the Commission, and the other members of the Commission. Each Commission member has equal authority in all Commission decisions and equal (prompt and full) access to all agency information pertaining to Commission responsibilities.

### COLLEGIAL FUNCTIONS

#### 1. **Policy, Rulemaking, and Adjudication**

Functions pertaining to policy formulation, rulemaking (with certain exceptions), adjudications, and orders are reserved for the Commission itself (Reorganization Plan No. 1 of 1980, Section 1(a)). The Commission also must approve the appointment and the removal of certain senior agency officials. All other functions are vested in the Chairman (*Id.*, Section 2(a)). In an area of doubt, a Commissioner may request that SECY poll<sup>1</sup> the Commission on whether any matter, action, question, or area of inquiry pertains to one of the Commission's functions (*Id.*, Section 1(a)). The outcome will be determined by majority vote. As a recommended best practice, a Commissioner should consider use of a COM as the appropriate vehicle for raising more substantive policy issues that might require more detailed explanation of a Commissioner's views on a matter of Commission policy. For minor matters, however, a Commissioner may request that SECY poll the Commission. In either case, SECY will document the voting in an agency record.

The Commission's collegial functions also include:

- a. approval of outgoing agency correspondence that formulates a new, revised, or expanded policy position (pertains to policy formulation function -- See id., Section 1(a)(1));
- b. revising budget estimates and determining the distribution of appropriated funds according to major programs and purposes (Energy Reorganization

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<sup>1</sup> For this purpose, and in other instances where the Secretary polls the Commission, e-mail may be used.

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Act of 1974, Section 201(a)(5); Reorganization Plan No. 1 of 1980, Section 2(b)) (See Appendix 14);

- c. being informed of all significant reallocation and reprogramming actions at a threshold of \$500,000 in contract costs or 4 FTE; and approval of all resource reallocations/reprogramming actions that establish or modify policy consistent with SRM-COMSECY-10-0020;
- d. approval of formal responses to Government Accountability Office (GAO) reports and review of formal responses to GAO draft reports that the Commission has designated require Commission review of staff comments before they are sent to GAO (COMSECY-03-0035). The staff should provide the Commission a draft copy of staff's comments 3 business days in advance of the EDO's signature;
- e. review of draft Orders that may be signed pursuant to the Secretary's authority under 10 CFR 2.346 or 110.88. Draft orders will be circulated to the Commissioners' Legal Counsel by e-mail 3 business days in advance of the Secretary's action on the Order, unless a shorter time period is specified because of the need for prompt action. The Secretary will issue the order as circulated unless a majority of the Commission instructs otherwise. Commissioner input may be submitted via e-mail;
- f. approval of proposals for the reorganization of the major offices within the Commission. The Commission will approve reorganizations for all offices that report to the Commission as well as NRR, NRO, NMSS, RES, NSIR, EDO, and CFO (Reorganization Plan, Section 2(b));
- g. approval of nominations for the NRC's Distinguished and Meritorious Service Awards, Edward McGaffigan Jr. Public Service Award, all (OPM) Presidential Rank Awards, and approval of Senior Executive Service (SES) performance awards for those positions for which the Commission is the final rating authority;
- h. approval of responses to Petitions for Rulemaking by notation vote, except where the matter has been delegated to the EDO. Where the EDO intends to sign a Petition for Rulemaking response under his or her delegated authority, a "Notice of Resolution of Petition for Rulemaking signed by EDO" should be provided for inclusion in the Commission's daily reading file 5 business days before being forwarded to the *Federal Register*. This practice provides the Commission with an opportunity to review the action before it is issued as an official agency action. The EDO will issue the resolution of the Petition for Rulemaking as drafted unless a majority of the Commission instructs otherwise. Commissioner input may be submitted via e-mail;

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- i. the Chairman shall be governed by the general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make. (Energy Reorganization Act of 1974, Section 201(a)(3); and Reorganization Plan No. 1 of 1980, Section 2(c));
- j. advises the Office of the Secretary or appropriate Office Director regarding initial decisions on FOIA requests for documents submitted by the Commission-level offices or by the EDO or office directors reporting to the EDO to the Commission. Documents determined by OGC to be legally withholdable require Commission review prior to release (COMLZ-88-10);
- k. with regard to agency actions pursuant to initial requests under the Freedom of Information Act, the Commission reviews the proposed release of Commission documents determined by OGC to be legally withholdable. In addition to noting which documents are legally withholdable, OGC, in consultation with the appropriate technical staff, should provide the Commission with a recommendation on whether to withhold any documents or portions of documents. The release of Commission documents on appeal, other than those generated in individual Commissioner offices, also requires Commission review; and
- l. approval of changes to the Management Directives directly related to policy formulation or the functions of the Commissioners or their personal offices.

### 2. **Appointments**

The roles of the Commission and the Chairman in the appointment of certain officers are detailed in Reorganization Plan No. 1 of 1980. Statutes enacted subsequent to the Reorganization Plan that created or redefined senior agency positions include the Chief Financial Officers Act of 1990 and the Information Technology Management Reform Act of 1996.

The Chairman shall initiate the appointment of the following positions subject to the approval of the Commission:

- Executive Director for Operations;
- Chief Financial Officer;
- Deputy Chief Financial Officer;
- General Counsel;
- Secretary of the Commission;
- Director, Office of International Programs;
- Director, Office of Commission Appellate Adjudication; and
- Chief Administrative Judge and Members of the Atomic Safety Licensing Board Panel.

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The Chairman or a member of the Commission may initiate the removal of these officers subject to approval of the Commission.

After consultation with the Executive Director for Operations, the Chairman shall initiate the appointment of the following positions subject to the approval of the Commission:

- Director of Nuclear Reactor Regulation (NRR);
- Director of Nuclear Material Safety and Safeguards (NMSS);
- Director of Nuclear Regulatory Research (RES);
- Director of Nuclear Security and Incident Response (NSIR); and
- Director of Office of New Reactors (NRO).<sup>2</sup>

The Chairman or a member of the Commission may initiate the removal of these officers subject to approval of the Commission.

Appointments of the Members of the Advisory Committee on Reactor Safeguards (ACRS) are subject to the approval of the Commission. Appointments of members of the NRC's other Federal Advisory Committees are also subject to consultation with or approval of the Commission.<sup>3</sup>

Commission guidance on the process for obtaining nominations for NRC's Federal Advisory Committee positions (previously approved in COMIS-94-003 dated May 4, 1994, and COMSECY-94-0018 dated June 20, 1994) is contained in Appendix 1.

The Chairman is responsible for developing the initial detailed performance appraisals and ratings for officials whose appointing authority is the full Commission. The Commission, as the appointing authority, is responsible for approving the Final Annual Summary Rating Determination after the performance review board has reviewed the appraisal and ratings developed by the Chairman. As a best practice the Chairman will solicit the input of the other Commissioners in developing the initial performance appraisals and ratings. In any event, upon request of a Commissioner, that Commissioner shall have the opportunity to provide input to the Chairman for the development of the appraisal and shall be afforded access to the completed performance plan and appraisal for these positions as needed to inform the decision process for approval of the Final Annual Summary Rating Determination.

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<sup>2</sup> Reorganization Plan at Section 1(b)(2).

<sup>3</sup> As to the ACRS, see *id.* at 1(b)(3). As to other Advisory Committees, it is the Commission's policy that appointments of Members of the NRC's other Federal Advisory Committees (except for the LSN Advisory Review Panel, see 10 CFR 2.1011(e)(1)) are also subject to consultation with or approval of the Commission.

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### **3. Personnel Appointment Process**

When filling positions initiated by the Chairman and subject to the Commission's approval, the following process is generally used:<sup>4</sup>

- a. The Chairman at his/her discretion conducts interviews with potential candidates. When providing his/her recommendation to the Commission, the Chairman will include a summary of the basis for his/her recommendation and relevant background information on the recommended candidate. In addition, if requested by a Commissioner, individual background information on the other candidates who were considered shall be provided to the Commission.
- b. Individual Commissioners may, at their discretion, interview the recommended candidate.<sup>5</sup> Each Commissioner provides to the Chairman his/her approval/disapproval of the Chairman's recommendation for the position along with any additional comments.

The process to be used for Advisory Committee members is set forth in Appendix 1 of these Procedures.

### **CHAIRMAN DUTIES**

The Chairman is the official spokesman for the Commission and appoints, supervises, and removes, without further action by the Commission, the Directors and staff of the Offices of Public Affairs and Congressional Affairs, who report to the Chairman. The Chairman is also the principal executive officer of the Commission and is responsible to the Commission for developing policy planning and guidance for consideration by the Commission. The Chairman shall be governed by the general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make. (Reorganization Plan, Section 2(c)). The Chairman, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission and shall report thereon to the Commission from time to time or as the Commission may direct. (Energy Reorganization Act of 1974, Section 201(a)(1)). The Chairman is responsible to the Commission for ensuring that the Executive Director for Operations and the agency staff (other than the officers and staff referred to in Sections

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<sup>4</sup> The Chairman may also elect to fill a position that he or she initiates through the use of a competitive process. To the extent that a competitive process is being used to fill a position, the position will be formally posted and noticed and the Office of the Chief Human Capital Officer will provide the Chairman with a list of qualified candidates.

<sup>5</sup> Nothing in this procedure would authorize the initiation of these appointments by anyone other than the Chairman, as provided in Reorganization Plan No. 1 of 1980.

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(1)(b)(4), (1)(c), and (2)(a) of the Reorganization Plan) are responsive to the requirements of the Commission in the performance of its functions. The Chairman determines the use and expenditure of funds of the Commission, in accordance with the distribution of appropriated funds according to major programs and purposes approved by the Commission. The Chairman presents to the Commission for its consideration proposals for the reorganization of the major offices within the Commission and the budget estimates for the Commission. (Reorganization Plan, Section 2(b))

The Chairman and the Executive Director for Operations, through the Chairman, are responsible for ensuring that the Commission is fully and currently informed about matters within its functions (Id., Section 2(c)).<sup>6</sup> The Chairman shall ensure prompt and full delivery of original information with any changes thereto, including draft SECYs and COMs. This does not include preliminary information for development of proposals for the reorganization of major offices within the Commission, the budget estimate for the Commission, and the proposed distribution of appropriated funds, (Id., Section 2(b)). The Executive Director for Operations reports for all matters to the Chairman (Id., Section 4(b)).

In carrying out his or her duties, the Chairman:

- approves the internal reorganization of offices, except for those that the Commission must approve under Section 2(b) of the Reorganization Plan or those that have been delegated to the NRC staff (Id., Section 2(b)(3)(j)).
- takes all personnel actions and makes appointments, except for those described above which have been given to the Commission or to individual Commissioners under the Reorganization Plan and those which have been delegated to individual Office Directors by the Commission or to the EDO by the Chairman (Id., Section 2(b));
- ensures that nominations for NRC Distinguished and Meritorious Service Awards, Edward McGaffigan Jr. Public Service Award, all Presidential Awards, and SES performance awards for those positions for which the Commission is the final rating authority are submitted to the Commission for approval;<sup>7 8</sup>

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<sup>6</sup> For example, the Commission has found the "Daily NRC Notes," and the "One Week Look Ahead" very useful. The Commission recommends at least this level of information sharing.

<sup>7</sup> See Exhibit 1 to the *Senior Executive Performance Management System Handbook*, 10.137 for a list of positions for which the Commission is the awarding authority for performance awards. (See Appendix 15.)

<sup>8</sup> The General Counsel has found that these performance award determinations bear on management policy and it is reasonable to conclude that how well senior

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- establishes and appoints members to task forces, except for those established by the EDO or Office Directors and those established to review policy matters. All Commissioners are consulted when task forces involve either policy or highly sensitive matters. Establishment of task forces that include non-NRC employees or advisory committees, or tasking memoranda to such task forces or advisory committees, including the ACRS, are approved by the Commission (COMLZ-88-10);
- initiates the update of the agency Strategic Plan and the Commission's annual review of the Performance Budget; presents the Strategic Plan, Performance Budget, and Congressional Budget Justification to the Commission for its review and approval; and proposes to the Commission the distribution of appropriated funds according to the agency's major programs and purposes (COMLZ-88-10);
- as a best practice provides high-level planning objectives for budget development and prioritization of planned activities to the Commission for review and approval, to inform the annual budget formulation process;
- presents the agency's testimony at Congressional hearings (Section 2 of Reorganization Plan No. 1 of 1980);
- makes, or delegates as appropriate, decisions relative to, and is responsible for, the administrative and logistical support services for the agency, including physical consolidation of the agency and individual offices. Commissioners must approve matters that directly affect their individual offices (COMLZ-88-10);
- transmits to the Commission 3 business days in advance draft speeches, remarks, or presentation materials to be delivered in his or her capacity as Chairman to afford the Commission the opportunity to review any discussion of existing Commission policy;<sup>9</sup>
- consults with Commissioners on draft tasking memoranda concerning policy issues and obtains Commission input to ensure that the tasking memoranda are consistent with existing Commission policy before the memoranda are issued to staff. Copies of all final tasking memoranda will be provided to the Commission at the same time the memoranda are forwarded to the staff for action. If a Commissioner believes an issued

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NRC officials respond to Commission decisions and requirements can be a management policy issue.

<sup>9</sup> Additionally, the Commission finds useful the circulation of press releases at least one hour in advance of issuance. The Commission recommends this as a collegial practice.



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tasking memorandum is not consistent with existing Commission policy, he or she should notify the Chairman. If not satisfied with the Chairman's explanation, the Commissioner may seek through the COM process or through polling Commissioner views on whether the tasking memorandum is consistent with previous Commission policy decisions. As a recommended best practice, a Commissioner should consider use of a COM as the appropriate vehicle for raising whether the tasking memorandum is consistent with previous Commission policy and/or whether the staff should defer action during the Commission's deliberation on the matter. At the request of the Commissioner who raised the issue, SECY will also poll the Commission. If polling is used, the results will be addressed through the SRM process. The Chairman will direct the staff to defer action if agreed to by a majority of the Commission. Action on any remaining issue(s) will go forward;

- as a recommended best practice informs the Commission of direction or guidance provided to the NRC Staff on significant issues relating to administration of the agency or execution of Commission policy;
- The Chairman, at his or her discretion, may exercise his or her authority under Section 201(a)(1) of the Energy Reorganization Act of 1974 to designate an Acting Chairman. An Acting Chairman shall have only those duties the Chairman specifically delegates, which may include all or only some of the Chairman's responsibilities. The Chairman may delegate the emergency response functions described below. If the Chairman is unavailable and circumstances require actions to carry out NRC Priority Mission Essential Functions, then the order of succession procedures set forth in the NRC's Continuity of Operations Plan will be followed.

### **Emergency Response**

The Chairman is responsible for all the functions pertaining to an actual emergency concerning a particular facility or materials licensed or regulated by the Commission, including the functions of declaring, responding, issuing orders, determining specific policies, advising the civil authorities and the public, directing, and coordinating actions relative to such emergency incident (Section 3(a) of the Reorganization Plan). The terrorist acts of September 11, 2001, as well as the Nation's and the NRC's responses to those acts, added dimensions to the consideration of emergency management. It is understood that the Chairman's authority includes situations when an emergency threat is generic to a group or category of facilities licensed or regulated by the NRC or NRC regulated materials and thus involves an emergency pertaining to the specific facilities or materials within the group or category.

The Reorganization Plan gives the Chairman sole discretion to determine when to declare an emergency triggering the Chairman's emergency authority under section 3(a). The Chairman may also delegate the authority to perform emergency functions, in whole or in



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part, to any other members of the Commission (Id., Section 3(b)). While normally such delegations are expected to be made to other members of the Commission, such authority may at the discretion of the Chairman also be delegated or re-delegated, in whole or in part, to the agency staff (Id., Section 3(b)). No later than 1 day after the Chairman (or delegate) begins performing functions under the authority of Section 3 of the Reorganization Plan, the Chairman shall provide notice to the other Commissioners, the NRC staff, and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate. The notice must include an explanation of the circumstances warranting the exercise of the Chairman's emergency authority. Such notice informs the Congressional Committees and the Commissioners and allows the staff to be cognizant that they should follow the directives of the Chairman (or delegate) rather than await the normal Commission decision-making processes.

Consistent with the Reorganization Plan, the Chairman (or delegate) shall, to the maximum extent possible under emergency conditions, keep the Commission informed of actions taken relative to the emergency (Id., Section 3(c)). To that end, the Chairman is expected, to the extent it does not interfere with other ongoing emergency actions, to inform the other Commissioners of the expected length of the ongoing emergency situation and the Chairman's proposed plan, if any, for returning the agency to a non-emergency status. Further, the Chairman shall report to the aforementioned Congressional Committees at least once per week on the actions related to the emergency taken by the Chairman (or delegate) under such authority until the emergency authority is relinquished.

When acting under the authority to perform all functions pertaining to an emergency, the Chairman (or delegate) shall conform to the policy guidelines of the Commission (Id., Section 3(c)). The Chairman has clear authority to take actions during an emergency without any consultation with the other Commissioners. But, it is expected that, where it will not interfere with the Chairman's ongoing emergency actions, the Chairman will seek insights from other Commissioners before taking actions related to the emergency that do not require an immediate response.

Following the conclusion of the emergency and the relinquishment of his or her emergency authority, the Chairman (or delegate) shall notify the Congressional Committees within one day. Further, the Chairman (or delegate) shall render a complete and timely report to the Commission on the actions taken during the emergency (Id., Section 3(d)). The Chairman shall submit this report to the appropriate Congressional Committees not later than 1 day after it was submitted to the Commission.

The terrorist events of September 11, 2001, led to fuller recognition of various kinds of emergencies and to consideration of various levels of general threat condition that counsel additional protective action measures. As a result, for example, the DHS and the NRC employ threat advisory systems that counsel additional protective action measures in connection with changes in threat condition. As changes occur in the general threat

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condition and alert status, it is expected that customary decision-making procedures will normally apply, or will be applied within a reasonably short period following such changes, unless the circumstances lead the Chairman to invoke his or her authority to exercise all emergency functions in accordance with Reorganization Plan No. 1 of 1980.

### **Emergency Response Training**

All Commissioners shall become cognizant of the agency emergency procedures and responses in a continuing process. The Chairman should participate in at least one full participation exercise each calendar year, including a mock press conference. This exercise should be tailored to the Chairman's needs and schedule in order for the Chairman to remain as completely up-to-date as possible in any process changes or problems and to maintain proficiency in emergency response functions. In addition, the Chairman should serve as the Director of the Executive Team for any full field exercise due to its broad scope, the significant involvement of Federal agencies, and the infrequent scheduling of this type of exercise. Each Commissioner should have the opportunity for refresher training, including participation as Director of the Executive Team, on an annual basis.

A preliminary schedule for NRC participation exercises shall be developed in accordance with the Performance Plan. Commissioner participation in scheduled exercises as Director of the Executive Team shall then be established by NSIR after consultation with individual Commissioners to determine availability and interest in participation. Schedules of emergency planning exercises will be routinely reported to the Commission during Agenda Planning meetings and discussed, as necessary.

In the event more than one Commissioner expresses timely interest in participating in an exercise and the Commissioners cannot work out a solution among themselves, priority should be given first, to the Chairman receiving his or her first training; second, to a Commissioner receiving his or her first training in order of seniority; third, to the Chairman receiving refresher training; and fourth, to Commissioners receiving refresher training in order of seniority.

A Commissioner who has not received his or her first training will not be given preference over the Chairman if doing so will prevent the Chairman from meeting the minimum goal established above of participating in one full participation exercise each calendar year or from sitting as Director of the Executive Team for the infrequent full field exercise. Timely interest in participation in emergency exercises will normally be expressed in Agenda Planning meetings. Once scheduled to participate in an exercise, no Commissioner will be involuntarily replaced as head of the emergency exercise executive team. In the event a Commissioner becomes unavailable after scheduling, NSIR will be responsible for contacting Commissioners to determine interest and availability of other Commissioners (COMNJD-98-002).

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## **INDIVIDUAL COMMISSIONER RESPONSIBILITIES**

- Each Commissioner shall appoint, remove, and supervise the personnel employed in his or her immediate office (Reorganization Plan, Section 1(c)).
- Each Commissioner, including the Chairman, has equal responsibility and authority in all Commission decisions and actions, has full and equal access to all agency information pertaining to Commission responsibilities, including the considered judgments of the staff as represented by the Executive Director for Operations, and has one vote (Energy Reorganization Act, Section 201(a)(1)). Except for Reorganization Plan, Section 2(b) proposals and estimates for which the Chairman is specifically responsible for developing proposals for Commission review, documents, including draft documents, will be provided to all Commissioners, including the Chairman, simultaneously. However, upon request of a Commissioner, following submission of the Chairman's budget proposal, the Commission shall be provided the budgetary input provided to the Chairman or otherwise used for the purpose of formulating the Chairman's budget proposal.
- The Chairman and the Executive Director for Operations, through the Chairman, are responsible for ensuring that Commissioners are fully and currently informed about matters within the Commission's functions (Reorganization Plan, Section 2(c)). Significant individual Commissioner requests for information or analyses from the NRC staff shall be directed by Commissioners to the Chairman or to the EDO, CFO, or Commission-level offices (action offices) with copies to the Chairman and SECY. After receipt of the request, if questions of priority arise because staff has identified the request as requiring significant resources to fulfill, the action office is to discuss the request with the Commissioner who originated it. The purpose of that discussion is to ensure that the scope of the request is fully understood. Following that discussion, if the Commissioner or the action office still believes there is an issue regarding either the nature of the request or its priority, the action office notifies the Chairman. The Chairman will then be the initial arbiter of the matter. If the Chairman's decision is not satisfactory to the Commissioner making the request, that Commissioner can then bring the matter to the full Commission for a vote through polling by the Secretary.
- In response to FOIA requests forwarded to Commission offices, each Commissioner is responsible for identifying pertinent records in his or her files and for making the necessary disclose/withhold determinations for documents originated by his or her office. Commissioners are responsible for making similar determinations, if necessary, at the appeal stage.
- Commissioners will testify at Congressional hearings when invited to do so by the Congress and may elect to attend at other times.
- Each Commissioner, including the Chairman, may maintain office working files to the extent necessary for the conduct of daily business. The Office of the Secretary

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maintains current paper files of SECY Papers, COMs and correspondence. The Office of the Secretary also provides an opportunity for storage of Commissioners' personal files upon expiration of his/her term of office as defined in NRC Management Directive 3.53.

- Each Commissioner, including the Chairman, may have on the NRC website an individual webpage, the content of which is controlled by that Commissioner.
- The Commission shall approve the budgets for each Commissioner's Office, including the Chairman's Office, as part of the budget development process. Until such time as the budget cap on the Commissioner's accounts is removed in the annual NRC appropriations act, the CFO should establish accounts for salaries and benefits, travel, and other costs for each Commissioner's Office that reflects actual salaries and benefits for each office. A separate account will be established for each Commissioner's Office for Representation Funds, which shall remain separate from these other three Commissioner Office accounts.

Commissioner Offices may redistribute the allocated funds within their accounts and transfer funds to other Commissioner Office accounts by providing written notification to the CFO.

The CFO should provide each Commissioner Office with biweekly cost projection reports for his or her individual office to allow appropriate monitoring of expenses.<sup>10</sup> (SRM COMSECY-13-0012).

- Commissioners approve requests for official travel (domestic and foreign) for themselves and their immediate staff. The Office of International Programs (OIP) informs the Chairman of Commissioners' planned foreign travel to ensure adequate coordination and to avoid scheduling conflicts. OIP immediately disseminates to the Commission all invitations for foreign travel addressed to the Commission. As the official spokesman for the agency, the Chairman responds to foreign travel invitations addressed to the Commission and, if he/she does not intend to personally accept the invitation on behalf of the Commission, may request another Commissioner or high-ranking agency official to accept the invitation on behalf of the Commission. If the Chairman declines an invitation addressed to the Commission and does not request an alternate representative for the Commission, the opportunity to respond to the invitation as an individual Commissioner is handled in order of seniority on the Commission. Invitations for foreign travel addressed to an individual Commissioner will be evaluated and decided by that Commissioner.

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<sup>10</sup> Specific expenditures from the representation fund must be approved and managed in accordance with the substantive criteria in M.D. 5.4, and any specific expenditures for travel must comport with applicable provisions of M.D. 14 on Travel and the Federal Travel Regulations.

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OIP will inform the Commission of the status of all pending international agreements through memoranda, twice a year.

### COMMISSION ADMINISTRATIVE PROCEDURES

In order to perform its business efficiently and expeditiously, the Commission has established mechanisms for obtaining information and for conducting its decision-making activities. The following chapters describe the various Commission guidelines and procedures. In accordance with these procedures, when due dates are established, the Commission must be given the full allotted time established for response. Day 1 for any of the timeframes provided in these procedures will begin on the next full business day. Guidelines and procedures for the execution of responsibilities reserved to the Chairman are established by the Office of the Chairman. Guidelines and procedures for the execution of the Commission's responsibilities shall be approved by the Commission.

**CHAPTER II** describes the decision documents utilized by the Commissioners and the staff to obtain Commission consideration, guidance, and decisions.

**CHAPTER III** outlines the Commission voting process.

**CHAPTER IV** contains a description of the development of meeting agendas and decision-making in meetings. To a large extent NRC's meeting procedures are governed by statute, both in the Government in the Sunshine Act and in the Energy Reorganization Act's requirement that a **"quorum for the transaction of business shall consist of at least three members present"** and that **"[a]ction of the Commission shall be determined by a majority vote of the members present."** (Energy Reorganization Act, Section 201(a)(1).) Chapter IV also contains the procedures for the Commission conduct of mandatory hearings on applications for combined licenses.

**CHAPTER V** sets forth the process of obtaining collegial review of significant institutional correspondence.

**CHAPTER VI** contains guidelines for providing sensitive Commission/staff information to Congress.

**CHAPTER VII** contains guidance regarding the preparation of agency testimony for Congressional hearings and procedures for responding to commitments made to Congress at Congressional hearings.

### CHANGES TO OR WAIVER OF COMMISSION PROCEDURES

A majority of the Commission members (as described in the voting procedures in Chapter III and Appendix 4) may change or waive its procedures at any time consistent with existing law. If a Commissioner or Commissioners request a change or waiver, the Office

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of the Secretary will put the question into writing and poll the Commission. Any change or waiver will be based on written vote of the majority.