

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

<b>MD 9.6</b>	<b>ORGANIZATION AND FUNCTIONS, OFFICE OF COMMISSION APPELLATE ADJUDICATION</b>	<b>DT-17-172</b>
<i>Volume 9:</i>	Organization and Functions	
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<i>Issuing Office:</i>	Office of Commission Appellate Adjudication	
<i>Contact Name:</i>	Roland Frye 301-415-3505	
<b>EXECUTIVE SUMMARY</b>		
Directive 9.6 is being revised as part of an ongoing effort to improve the agency's Management Directives (MD) program. This revision updates the MD to reflect the most current policies, standards, and procedures, including the delegation of authority to act for the director in his or her absence in support of agency activities for the Continuity of Operations.		

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## **I. SUPERVISION**

The Office of Commission Appellate Adjudication (OCAA) is headed by a Director who reports to the Commission.

## **II. FUNCTIONS**

OCAA is responsible for the following functions:

1. Tracks administrative proceedings and reviews licensing board decisions and supporting documents of record.
2. Keeps the Commission advised of appellate adjudicatory decisions that it must make, and coordinates related activities with the Commission.
3. Assists the Commission in addressing petitions for review of initial decisions, interlocutory appeals, referred rulings, certified questions, and stay requests, and also performs other appellate adjudicatory functions. These duties include preparing draft and final Commission decisions related to the Commission's appellate adjudicatory functions and consulting with the Commission during the process of preparing those decisions.
4. Provides the Commission with SECY papers (and, as appropriate, other memoranda) analyzing appellate adjudicatory matters such as those enumerated in the preceding paragraph and identifying available options for addressing the issues presented.
5. In cases involving significant or novel legal issues, consults with the Office of the General Counsel (OGC), as appropriate, in identifying the options to be presented to the Commission and in drafting the final decision to be presented to the Commission.
6. Prepares analyses (and, as appropriate, adjudicatory decisions) for the Commission in license transfer cases (proceedings in which the Commission, rather than the Licensing Board, has original jurisdiction).
7. Advises the Commission on all aspects of mandatory hearings associated with combined license applications under 10 CFR Part 52, and supports the Commission when it presides over these mandatory hearings.
8. Prepares informational memoranda advising the Commission whether to take review, on its own motion, of unappealed Licensing Board decisions.
9. Develops and implements the necessary policies and procedures to ensure the expeditious conduct of the Commission's appellate adjudicatory functions. This duty includes supporting the development of revisions and updates to the rules of practice in 10 CFR Part 2.

10. May request that the Office of the Executive Director for Operations identify, as needed, individuals to serve as Commission adjudicatory employees. These individuals provide additional expertise and advice to OCAA and the Commission on matters involving complex scientific and technical issues.
11. The Director serves as Director of the Commission Adjudicatory Technical Support (CATS) Program to support the Commission in the conduct of mandatory hearings associated with combined license applications. The Director also maintains and periodically updates a roster of technical experts.
12. Performs any other functions assigned by the Commission.

### **III. DELEGATION OF AUTHORITY TO THE DIRECTOR OF OCAA**

The Director of OCAA is authorized and directed to take any action necessary to carry out the functions and responsibilities assigned by this or other official directives or communications, subject to the limitations they may prescribe.

### **IV. REDELEGATION OF AUTHORITY BY THE DIRECTOR OF OCAA**

#### **A. Order of Succession**

Unless stated otherwise, during the absence of the Director, the Deputy Director (if this position is occupied) is redelegated authority to act for the Director. If the Deputy Director is unable to serve, or if OCAA has no Deputy Director in place, the OCAA attorney who occupies a position of GG-14 or higher, and who has the highest grade and step level, is redelegated the authority to act for the Director. If that attorney is unavailable to serve, the OCAA attorney who occupies a GG-14 position or higher, who has the second-highest grade and step level, is redelegated the authority to act for the Director. If no OCAA attorney fitting these descriptions is available to serve, the General Counsel or his/her designee is redelegated the authority to act for the Director.

#### **B. Redelegation of Authority**

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

1. The Director shall send a memorandum specifying the redelegation to the Secretary of the Commission, with a copy to the Chief Human Capital Officer, the Executive Director for Operations, and the General Counsel.
2. The Director shall stipulate any limitations on further redelegations of authority.

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

The OCAA is a single organizational component with no subdivisions. Organization charts and functional descriptions are posted on the NRC internal Web site.

## **VI. REFERENCES**

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

10 CFR Part 1, "Statement of Organization and General Information."

10 CFR 1.24, "Office of Commission Appellate Adjudication."

10 CFR Part 2, "Agency Rules of Practice and Procedure."

10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

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

NRC Memorandum to Annette L. Vietti-Cook, Secretary, from Brooke D. Poole, Director Office of Commission Appellate Adjudication, "Delegation of Authority to Act for the Director," April 16, 2013 ([ML13107B404](#)).

NRC Management Directives Web Site:

<http://www.internal.nrc.gov/ADM/DAS/cag/mandirs/index.html>.

NRC Web Site on Organization of the Agency:

<http://www.nrc.gov/about-nrc/organization.html>.

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

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).