

(4) The dollar value and percentage of financial interests listed above in paragraph (a)(1) of this section shall be computed as of the date on which the employee first participated personally and substantially in any particular matter, within the meaning of 18 U.S.C. 208(a), relating to the enterprise concerned. The dollar value and percentage so computed shall govern during the entire period that the employee participates in the particular matter unless, after the date of computation, the employee, or other person or organization referred to in paragraph (a) of this section acquires an additional interest in the same enterprise. In the event of such subsequent acquisition, the dollar value and percentage shall be recomputed as of the date of the subsequent acquisition. If, as a result of the subsequent acquisition, the dollar value and percentage computed exceeds the limitations described in paragraph (a)(1) of this section, the general exemption provided therein shall no longer be applicable and an ad hoc exemption must be sought in accordance with the provisions of 18 U.S.C. 208(b)(1).

(b) *Special exemption for special Government employees.* Federal Personnel Manual Chapter 735, Appendix C provides that a special Government employee should in general be disqualified from participating as such in a matter of any type the outcome of which will have a direct and predictable effect upon the financial interests covered by 18 U.S.C. 208. However, that chapter states that the power of exemption may be exercised in this situation “if the special Government employee renders advice of a general nature from which no preference or advantage over others might be gained by any particular person or organization.” It is the policy of the Nuclear Regulatory Commission in conformity with the foregoing to exercise the power of exemption pursuant to 18 U.S.C. 208(b) in such situations.

[58 FR 29951, May 25, 1993. Redesignated and amended at 59 FR 17460, Apr. 13, 1994]

### Subpart C—[Reserved]

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AUTHORITY: Sec. 23, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2033, 2201); sec. 29, Pub. L. 85-256, 71 Stat. 579, Pub. L. 95-209, 91 Stat. 1483 (42 U.S.C. 2039); sec. 191, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); secs. 201, 203, 204, 205, 209, 88 Stat. 1242, 1244, 1245, 1246, 1248, as amended (42 U.S.C. 5841, 5843, 5844, 5845, 5849); 5 U.S.C. 552, 553; Reorganization Plan No. 1 of 1980, 45 FR 40561, June 16, 1980.

SOURCE: 52 FR 31602, Aug. 21, 1987, unless otherwise noted.

### Subpart A—Introduction

#### § 1.1 Creation and authority.

(a) The Nuclear Regulatory Commission was established by the Energy Reorganization Act of 1974, as amended, Pub. L. 93-438, 88 Stat. 1233 (42 U.S.C. 5801 *et seq.*). This Act abolished the Atomic Energy Commission and, by section 201, transferred to the Nuclear Regulatory Commission all the licensing and related regulatory functions assigned to the Atomic Energy Commission by the Atomic Energy Act of 1954, as amended, Pub. L. 83-703, 68 Stat. 919 (42 U.S.C. 2011 *et seq.*). These functions included those of the Atomic Safety and Licensing Board Panel. The Energy Reorganization Act became effective January 19, 1975 (E.O. 11834).

(b) As used in this part:

*Commission* means the five members of the Nuclear Regulatory Commission or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974, as amended.

*NRC* means the Nuclear Regulatory Commission, the agency established by title II of the Energy Reorganization Act of 1974, as amended, comprising the members of the Commission and all of-

fices, employees, and representatives authorized to act in any case or matter.

[52 FR 31602, Aug. 21, 1987, as amended at 56 FR 29407, June 27, 1991]

#### § 1.3 Sources of additional information.

(a) A statement of the NRC's organization, policies, procedures, assignments of responsibility, and delegations of authority is in the Nuclear Regulatory Commission Manual and other elements of the NRC's Management Directives System, including local directives issued by Regional Offices. Letters/memoranda delegations of authority are also issued from time to time that have not yet been incorporated into the Manual, parts of which are republished periodically. Copies of the Manual and other delegations of authority are available for public inspection and copying for a fee at the NRC Public Document Room, 2120 L Street, NW., Washington, DC, and at each of NRC's Regional Offices. Information may also be obtained from the Office of Public Affairs or from Public Affairs Officers at the Regional Offices. In addition, "NRC Functional Organization Charts" (NUREG-0325) contains detailed descriptions of the functional responsibilities of NRC's offices. It is revised annually and is available for public inspection at the NRC Public Document Room or for purchase from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082; or from the National Technical Information Service, Springfield, VA 22161.

(b) Commission meetings are open to the public, as provided by the Government in the Sunshine Act, unless they fall within an exemption to the Act's openness requirement and the Commission also has determined that the public interest requires that those particular meetings be closed. Information concerning Commission meetings may be obtained from the Office of the Secretary.

(c) Information regarding the availability of NRC records under the Freedom of Information Act and the Privacy Act of 1974 may be obtained from the Division of Freedom of Information

and Publications Services, Office of Administration. NRC's regulations are published in the FEDERAL REGISTER and codified in title 10, chapter I, of the Code of Federal Regulations. They are also published in looseleaf form as "NRC Rules and Regulations," and available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Final opinions made in the adjudication of cases are published in "Nuclear Regulatory Commission Issuances," and available on a subscription basis from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

[52 FR 31602, Aug. 21, 1987, as amended at 53 FR 43419, Oct. 27, 1988; 53 FR 52993, Dec. 30, 1988; 54 FR 53313, Dec. 28, 1989; 57 FR 1639, Jan. 15, 1992]

### § 1.5 Location of principal offices and Regional Offices.

(a) The principal NRC offices are located in the Washington, DC, area. Facilities for the service of process and papers are maintained within the District of Columbia at 2120 L Street NW., and in the State of Maryland at 11555 Rockville Pike, Rockville, Maryland 20852-2738. The agency's official mailing address is U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The locations of NRC offices in the Washington, DC area are as follows:

(1) Gelman Building, 2120 L Street NW., Washington, DC 20037.

(2) One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852-2738.

(3) Two White Flint North Building, 11545 Rockville Pike, Rockville, Maryland 20852-2738.

(b) The addresses of the NRC Regional Offices are as follows:

(1) Region I, USNRC, 475 Allendale Road, King of Prussia, PA 19406-1415.

(2) Region II, USNRC, 101 Marietta Street, NW., Suite 2900, Atlanta, GA 30323-0199.

(3) Region III, USNRC, 801 Warrenville Road, Lisle, IL 60532-4351.

(4) Region IV, USNRC, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-8064.

(5) USNRC Region IV Walnut Creek Field Office, 1450 Maria Lane, Suite 300, Walnut Creek, CA 94596-5368.

[59 FR 63882, Dec. 12, 1994]

## Subpart B—Headquarters

### § 1.11 The Commission.

(a) The Nuclear Regulatory Commission, composed of five members, one of whom is designated by the President as Chairman, is established pursuant to section 201 of the Energy Reorganization Act of 1974, as amended. The Chairman is the principal executive officer of the Commission, and is responsible for the executive and administrative functions with respect to appointment and supervision of personnel, except as otherwise provided by the Energy Reorganization Act of 1974, as amended, and Reorganization Plan No. 1 of 1980 (45 FR 40561); distribution of business; use and expenditures of funds (except that the function of revising budget estimates and purposes is reserved to the Commission); and appointment, subject to approval of the Commission, of heads of major administrative units under the Commission. The Chairman is the official spokesman, as mandated by the Reorganization Plan No. 1 of 1980. The Chairman has ultimate authority for all NRC functions pertaining to an emergency involving an NRC Licensee. The Chairman's actions are governed by the general policies of the Commission.

(b) The Commission is responsible for licensing and regulating nuclear facilities and materials and for conducting research in support of the licensing and regulatory process, as mandated by the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and the Nuclear Non-proliferation Act of 1978; and in accordance with the National Environmental Policy Act of 1969, as amended, and other applicable statutes. These responsibilities include protecting public health and safety, protecting the environment, protecting and safeguarding nuclear materials and nuclear power plants in the interest of national security, and assuring conformity with antitrust laws. Agency functions are performed through standards setting

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and rulemaking; technical reviews and studies; conduct of public hearings; issuance of authorizations, permits, and licenses; inspection, investigation, and enforcement; evaluation of operating experience; and confirmatory research. The Commission is composed of five members, appointed by the President and confirmed by the Senate.

(c) The following staff units and officials report directly to the Commission: Atomic Safety and Licensing Board Panel, Office of the General Counsel, Office of the Secretary, Office of Commission Appellate Adjudication, Office of International Programs, and other committees and boards that are authorized or established specifically by the Act. The Advisory Committee on Reactor Safeguards and the Advisory Committee on Nuclear Waste also report directly to the Commission.

(d) The Offices of Congressional Affairs and Public Affairs report directly to the Chairman.

[52 FR 31602, Aug. 21, 1987, as amended at 57 FR 1639, Jan. 15, 1992; 59 FR 63882, Dec. 12, 1994]

### INSPECTOR GENERAL

#### § 1.12 Office of the Inspector General.

The Office of the Inspector General—

(a) Develops policies and standards that govern NRC's financial and management audit program;

(b) Plans, directs, and executes the long-range, comprehensive audit program;

(c) Conducts and reports on investigations and inquiries, as necessary, to ascertain and verify the facts with regard to the integrity of all NRC programs and operations;

(d) Investigates possible irregularities or alleged misconduct of NRC employees and contractors;

(e) Refers suspected or alleged criminal violations concerning NRC employees or contractors to the Department of Justice;

(f) Reviews existing and proposed legislation and regulations for their impact on economy and efficiency in the administration of NRC's programs and operations;

(g) Keeps the Commission and the Congress fully and currently informed, by means of semiannual and other re-

ports, about fraud, abuse, and other serious deficiencies in NRC's programs and operations; and

(h) Maintains liaison with audit and inspector general organizations and other law enforcement agencies in regard to all matters relating to the promotion of economy and efficiency and the detection of fraud and abuse in programs and operations.

[54 FR 53313, Dec. 28, 1989]

### PANELS, BOARDS, AND COMMITTEES

#### § 1.13 Advisory Committee on Reactor Safeguards.

The Advisory Committee on Reactor Safeguards (ACRS) was established by section 29 of the Atomic Energy Act of 1954, as amended. Consisting of a maximum of 15 members, it reviews and reports on safety studies and applications for construction permits and facility operating licenses; advises the Commission with regard to hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards; upon request of the Department of Energy (DOE), reviews and advises with regard to the hazards of DOE nuclear activities and facilities; reviews any generic issues or other matters referred to it by the Commission for advice. The Committee, on its own initiative, may conduct reviews of specific generic matters or nuclear facility safety-related items. The ACRS conducts studies of reactor safety research and submits reports thereon to the U.S. Congress and the NRC as appropriate.

#### § 1.15 Atomic Safety and Licensing Board Panel.

The Atomic Safety and Licensing Board Panel, established pursuant to section 191 of the Atomic Energy Act of 1954, as amended, conducts hearings for the Commission and such other regulatory functions as the Commission authorizes. The Panel is comprised of any number of Administrative Judges (full-time and part-time), who may be lawyers, physicists, engineers, and environmental scientists; and Administrative Law Judges, who hear antitrust, civil penalty, and other cases and serve as Atomic Safety and Licensing Board Chairmen. The Chief Administrative

Judge develops and applies procedures governing the activities of Boards, Administrative Judges, and Administrative Law Judges and makes appropriate recommendations to the Commission concerning the rules governing the conduct of hearings. The Panel conducts all licensing and other hearings as directed by the Commission primarily through individual Atomic Safety and Licensing Boards composed of one or three Administrative Judges. Those boards are appointed by either the Commission or the Chief Administrative Judge.

**§ 1.18 Advisory Committee on Nuclear Waste.**

The Advisory Committee on Nuclear Waste (ACNW) provides advice to the Commission on all aspects of nuclear waste management, as appropriate, within the purview of NRC's regulatory responsibilities. The primary emphasis of the ACNW is disposal but will also include other aspects of nuclear waste management such as handling, processing, transportation, storage, and safeguarding of nuclear wastes including spent fuel, nuclear wastes mixed with other hazardous substances, and uranium mill tailings. In performing its work, the committee examines and reports on specific areas of concern referred to it by the Commission or designated representatives of the Commission, and undertakes studies and activities on its own initiative as appropriate to carry out its responsibilities. The committee interacts with representatives of NRC, other Federal agencies, state and local governments, Indian Tribes, and private organizations, as appropriate, to fulfill its responsibilities.

[54 FR 53314, Dec. 28, 1989]

**§ 1.19 Other committees, boards, and panels.**

Under section 161a. of the Atomic Energy Act of 1954, as amended, the Commission may establish advisory bodies to make recommendations to it. Currently, four committees are in existence.

(a) The Advisory Committee on Medical Uses of Isotopes (ACMUI) was established by the Atomic Energy Commission in July 1958. The ACMUI, com-

posed of physicians and scientists, considers medical questions referred to it by the NRC staff and renders expert opinions regarding medical uses of radioisotopes. The ACMUI also advises the NRC staff, as requested, on matters of policy regarding licensing of medical uses of radioisotopes.

(b) The Advisory Committee for the Decontamination of Three Mile Island, Unit 2, was established by the NRC in October 1980. Its purpose is to obtain input and views from the residents of the Three Mile Island area and afford Pennsylvania government officials an opportunity to participate in the Commission's decisional process regarding cleanup for Three Mile Island, Unit 2.

(c) The Nuclear Safety Research Review Committee (NSRRC) was established by the NRC in February 1988 for the purpose of reporting to the Commission through the Director of the Office of Nuclear Regulatory Research on important management matters in the direction of the Commission's nuclear safety research program. The committee activities cover all aspects of nuclear safety research including, but not limited to, accident management, plant aging, human factors and system reliability, earth science, waste disposal and seismic and structural engineering. In performing its activities, the committee evaluates and reports on the conformance of the nuclear safety research program to the NRC philosophy of nuclear regulatory research. The committee conducts specialized studies when requested by the Commission or Director of the Office of Nuclear Regulatory Research. The committee interacts with the Office of Research management staff and selected contractors in private industry, at national laboratories and universities.

(d) The Licensing Support System Advisory Review Panel (LSSARP) was established by the Commission on October 3, 1989, pursuant to 10 CFR 2.1011(e) of the Commission's regulations. The LSSARP provides advice to the Commission on the design, development, and operation of the Licensing Support System (LSS), an electronic information management system for use in the Commission's high-level radioactive waste (HLW) licensing proceeding. Membership consists of those

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interests that will be affected by the use of the LSS, and selected Federal agencies with expertise in large-scale electronic information systems. The individual representatives of these interests and agencies possess expertise in management information science and in managing records of the Commission's licensing process for the HLW repository.

[52 FR 31602, Aug. 21, 1987, as amended at 54 FR 53314, Dec. 28, 1989]

### COMMISSION STAFF

#### **§ 1.23 Office of the General Counsel.**

The Office of the General Counsel, established pursuant to section 25 of the Atomic Energy Act of 1954, as amended—

(a) Directs matters of law and legal policy, providing opinions, advice, and assistance to the agency with respect to all of its activities;

(b) Reviews and prepares appropriate draft Commission decisions on public petitions seeking direct Commission action and rulemaking proceedings involving hearings, monitors cases pending before presiding officers and reviews draft Commission decisions on Atomic Safety and Licensing Board decisions and rulings;

(c) Provides interpretation of laws, regulations, and other sources of authority;

(d) Reviews the legal form and content of proposed official actions;

(e) Prepares or concurs in all contractual documents, interagency agreements, delegations of authority, regulations, orders, licenses, and other legal documents and prepares legal interpretations thereof;

(f) Reviews and directs intellectual property (patent) work;

(g) Represents and protects the interests of the NRC in legal matters and in court proceedings, and in relation to other government agencies, administrative bodies, committees of Congress, foreign governments, and members of the public; and

(h) Represents the NRC staff as a party in NRC administrative hearings.

[52 FR 31602, Aug. 21, 1987, as amended at 56 FR 29407, June 27, 1991]

#### **§ 1.24 Office of Commission Appellate Adjudication.**

The Office of Commission Appellate Adjudication—

(a) Monitors cases pending before presiding officers;

(b) Provides the Commission with an analysis of any adjudicatory matter requiring a Commission decision (e.g., petitions for review, certified questions, stay requests) including available options;

(c) Drafts any necessary decisions pursuant to the Commission's guidance after presentation of options; and

(d) Consults with the Office of the General Counsel in identifying the options to be presented to the Commission and in drafting the final decision to be presented to the Commission.

[56 FR 29407, June 27, 1991]

#### **§ 1.25 Office of the Secretary of the Commission.**

The Office of the Secretary of the Commission—

(a) Provides general management services to support the Commission and to implement Commission decisions; and advises and assists the Commission and staff on the planning, scheduling, and conduct of Commission business including preparation of internal procedures;

(b) Prepares the Commission's meeting agenda;

(c) Manages the Commission Staff Paper and COMSECY systems;

(d) Receives, processes, and controls Commission mail, communications, and correspondence;

(e) Maintains the Commission's official records and acts as Freedom of Information administrative coordinator for Commission records;

(f) Codifies Commission decisions in memoranda directing staff action and monitors compliance;

(g) Receives, processes, and controls motions and pleadings filed with the Commission; issues and serves adjudicatory orders on behalf of the Commission; receives and distributes public comments in rulemaking proceedings, issues proposed and final rules on behalf of the Commission; maintains the official adjudicatory and rulemaking

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dockets of the Commission; and exercises responsibilities delegated to the Secretary in 10 CFR 2.702 and 2.772;

(h) Directs and administers the Headquarters NRC Public Document Room;

(i) Administers the NRC Historical Program;

(j) Integrates office automation initiatives into the Commission's administrative system;

(k) Functions as the NRC Federal Advisory Committee Management Officer; and

(l) Provides guidance and direction on the use of the NRC seal and flag.

§ 1.26 [Reserved]

§ 1.27 Office of Congressional Affairs.

The Office of Congressional Affairs—

(a) Advises the Chairman, the Commission, and NRC staff on all NRC relations with Congress and the views of Congress toward NRC policies, plans and activities;

(b) Maintains liaison with Congressional committees and members of Congress on matters of interest to NRC;

(c) Serves as primary contact point for all NRC communications with Congress;

(d) Coordinates NRC internal activities with Congress;

(e) Plans, develops, and manages NRC's legislative programs; and

(f) Monitors legislative proposals, bills, and hearings.

[57 FR 1639, Jan. 15, 1992]

§ 1.28 Office of Public Affairs.

The Office of Public Affairs—

(a) Develops policies, programs, and procedures for the Chairman's approval for informing the public of NRC activities;

(b) Prepares, clears, and disseminates information to the public and the news media concerning NRC policies, programs, and activities;

(c) Keeps NRC management informed on media coverage of activities of interest to the agency;

(d) Plans, directs, and coordinates the activities of public information staffs located at Regional Offices;

(e) Conducts a cooperative program with schools; and

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(f) Carries out assigned activities in the area of consumer affairs.

[57 FR 1639, Jan. 15, 1992]

§ 1.29 Office of International Programs.

The Office of International Programs—

(a) Advises the Chairman, the Commission, and NRC staff on international issues;

(b) Recommends policies concerning nuclear exports and imports, international safeguards, international physical security, nonproliferation matters, and international cooperation and assistance in nuclear safety and radiation protection;

(c) Plans, develops, and manages international nuclear safety information exchange programs and coordinates international research agreements;

(d) Obtains, evaluates, and uses pertinent information from other NRC and U.S. Government offices in processing nuclear export and import license applications;

(e) Establishes and maintains working relationships with individual countries and international nuclear organizations, as well as other involved U.S. Government agencies; and

(f) Assures that all international activities carried out by the Commission and staff are well coordinated internally and Government-wide and are consistent with NRC and U.S. policies.

[57 FR 1639, Jan. 15, 1992]

EXECUTIVE DIRECTOR FOR OPERATIONS

§ 1.31 Office of the Executive Director for Operations.

(a) The Executive Director for Operations (EDO) reports for all matters to the Chairman, and is subject to the supervision and direction of the Chairman as provided in Reorganization Plan No. 1 of 1980.

(b) The EDO supervises and coordinates policy development and operational activities in the following line offices: The Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, the Office of Nuclear Regulatory Research, and

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the NRC Regional Offices; and the following staff offices: The Office of Enforcement, the Office of Administration, the Office of Information Resources Management, the Office of the Controller, the Office of Investigations, the Office for Analysis and Evaluation of Operational Data, the Office of Small Business and Civil Rights, the Office of Personnel, the Office of State Programs, and other organizational units as shall be assigned by the Commission. The EDO is also responsible for implementation of the Commission's policy directives pertaining to these offices.

(c) The EDO exercises powers and functions delegated to the EDO under the Reorganization Plan No. 1 of 1980, this chapter, or otherwise by the Commission or Chairman, as appropriate. The EDO has the authority to perform any function that may be performed by an office director reporting to the EDO.

(d) The EDO reviews compliance of the Licensing Support System (LSS) participants with the applicable LSS rules, including DOE compliance with the document submission requirements in 10 CFR 2.1003.

[54 FR 53314, Dec. 28, 1989, as amended at 59 FR 63882, Dec. 12, 1994]

### STAFF OFFICES

#### § 1.32 Office of Enforcement.

The Office of Enforcement—

(a) Develops policies and programs for enforcement of NRC requirements;

(b) Manages major enforcement actions; and

(c) Assesses the effectiveness and uniformity of Regional enforcement actions.

[54 FR 53315, Dec. 28, 1989]

#### § 1.33 Office of Administration.

The Office of Administration—

(a) Develops and implements agency-wide contracting policies and procedures;

(b) Develops policies and procedures and manages the operation and maintenance of NRC offices, facilities, and equipment;

(c) Plans, develops, establishes, and administers policies, standards, and procedures for the overall NRC security program;

(d) Develops and implements policies and procedures for administering the Freedom of Information, Privacy, and Regulatory Flexibility Acts and the LPDR program, and for providing editorial and related publications services; and

(e) Manages the production, printing, and copying of NUREGs and other official NRC publications and maintains NRC liaison with the Joint Committee on Printing.

[54 FR 53315, Dec. 28, 1989]

#### § 1.34 Office of Information Resources Management.

The Office of Information Resources Management—

(a) Manages the centralized information resources of the agency in the areas of computer hardware and software, systems development, telecommunications, and information support services including document control and distribution, central files, records management and services, the Library, and graphics; and

(b) Participates in the review of information resources management policies, practices, and procedures on an NRC-wide basis, and in consultation with cognizant officials, makes recommendations for appropriate improvements.

(c) Provides oversight and quality assurance for the design and operation of the Licensing Support System (LSS) services and for the completeness and integrity of the LSS database, ensures that the LSS meets the requirements of 10 CFR Part 2, Subpart J, concerning the use of the LSS in the Commission's high-level waste licensing proceedings, and provides technical oversight of DOE in the design, development, and operation of the LSS.

[54 FR 53315, Dec. 28, 1989, as amended at 59 FR 63882, Dec. 12, 1994]

#### § 1.35 Office for Analysis and Evaluation of Operational Data.

The Office for Analysis and Evaluation of Operational Data—

(a) Analyzes and evaluates operational safety data associated with NRC-licensed activities to identify safety issues that require NRC or industry action;

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(b) Provides timely feedback of findings and evaluations to NRC staff, licensees, Congress, the public, and organizations, as appropriate;

(c) Identifies NRC needs for operational data and related technical information and provides the NRC focal point for coordination of generic operational safety data and systems with the industry and other agencies;

(d) Develops and manages the NRC program for response to incidents and emergencies, including the timely notification of events to NRR, NMSS, and the Regions, as appropriate;

(e) Develops and provides appropriate technical training for NRC staff;

(f) Develops and manages the agency program for reactor performance indicators;

(g) Develops and directs the agency program for diagnostic evaluations and for investigation of significant operational incidents;

(h) Manages and conducts the support functions for the Committee to Review Generic Requirements (CRGR) in a manner that is consistent with CRGR charter; and

(i) Ensures the administrative processes and functions specified in the CRGR charter are implemented in a thorough and timely manner.

**§ 1.36 Office of Investigations.**

The Office of Investigations (OI)—

(a) Conducts investigations of licensees, applicants, their contractors or vendors, including the investigation of all allegations of wrongdoing by other than NRC employees and contractors;

(b) Maintains current awareness of inquiries and inspections by other NRC offices to identify the need for formal investigations;

(c) Makes appropriate referrals to the Department of Justice;

(d) Maintains liaison with other agencies and organizations to ensure the timely exchange of information of mutual interest; and

(e) Issues subpoenas where necessary or appropriate for the conduct of investigations.

[54 FR 53315, Dec. 28, 1989]

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**§ 1.37 Office of Small Business and Civil Rights.**

The Office of Small Business and Civil Rights—

(a) Develops and implements an effective small and disadvantaged business program in accordance with the Small Business Act, as amended, and plans and implements NRC policies and programs relating to equal employment opportunity and civil rights matters as required by the Equal Employment Opportunity Commission (EEOC) and the Office of Personnel Management (OPM);

(b) Ensures that appropriate consideration is given to Labor Surplus Area firms and Women Business Enterprises, and conducts an outreach program aimed at contractors desiring to do business with NRC;

(c) Maintains liaison with other Government agencies and trade associations;

(d) Coordinates efforts with the Director, Division of Contracts, and Directors of other affected offices;

(e) Develops and recommends for approval by the Executive Director for Operations, NRC policy providing for equal employment opportunity in all aspects of Federal personnel practice;

(f) Develops, monitors, and evaluates the agency's equal employment opportunity efforts and affirmative action programs to ensure compliance with NRC policy;

(g) Serves as the principal contact with local and national public and private organizations to facilitate the NRC equal opportunity program; and

(h) Coordinates all efforts pertaining to small and disadvantaged business utilization and equal employment opportunity with Office Directors and Regional Administrators.

[52 FR 31602, Aug. 21, 1987, as amended at 59 FR 63882, Dec. 12, 1994]

**§ 1.38 Office of the Controller.**

The Office of the Controller—

(a) Prepares the agency's Five-Year Plan and budget;

(b) Manages all accounting and financial systems management functions including payroll, travel, and license fees;

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(c) Provides agency support for employee relocation services and internal control activities; and

(d) Manages the agency's internal control program.

[54 FR 53315, Dec. 28, 1989]

### § 1.39 Office of Personnel.

The Office of Personnel—

(a) Plans and implements NRC policies, programs, and services to provide for the effective organization, utilization, and development of the agency's human resources;

(b) Provides labor relations and personnel policy guidance and supporting services to NRC managers and employees;

(c) Provides training, benefits administration, and counseling services for NRC employees;

(d) Collects, analyzes, and provides data on the characteristics, allocation, utilization, and retention of NRC's workforce;

(e) Provides staffing advice and services to NRC managers and employees; and

(f) Provides executive resources management and organizational and managerial development services to the NRC.

### § 1.40 [Reserved]

### § 1.41 Office of State Programs.

The Office of State Programs—

(a) Plans and directs NRC's program of cooperation and liaison with States, local governments, interstate and Indian Tribe organizations; and coordinates liaison with other Federal Agencies;

(b) Participates in formulation of policies involving NRC/State cooperation and liaison;

(c) Develops and directs administrative and contractual programs for coordinating and integrating Federal and State regulatory activities;

(d) Maintains liaison between NRC and State, interstate, regional, Indian Tribe, and quasi-governmental organizations on regulatory matters;

(e) Promotes NRC visibility and performs general liaison with other Federal Agencies, and keeps NRC management informed of significant develop-

ments at other Federal Agencies which affect the NRC;

(f) Monitors nuclear-related State legislative activities;

(g) Directs regulatory activities of State Liaison and State Agreement Officers located in Regional Offices;

(h) Participates in policy matters on State Public Utility Commissions (PUCs);

(i) Administers the State Agreements program in a partnership arrangement with the States;

(j) Develops staff policy and procedures and implementation of the State Agreements program under the provisions of section 274b of the Atomic Energy Act, as amended;

(k) Provides oversight of program of periodic routine reviews of Agreement State programs to determine their adequacy and compatibility as required by section 274j of the Act and other periodic reviews that may be performed to maintain a current level of knowledge of the status of the Agreement State programs;

(l) Provides training to the States as provided by section 274i of the Act and also to NRC staff and staff of the U.S. Navy and U.S. Air Force;

(m) Provides technical assistance to Agreement States;

(n) Maintains an exchange of information with the States;

(o) Conducts negotiations with States expressing an interest in seeking a section 274b Agreement;

(p) Supports, consistent with Commission directives, State efforts to improve regulatory control for radiation safety over radioactive materials not covered by the Act; and

(q) Serves as the NRC liaison to the Conference of Radiation Control Program Directors, Inc. (CRCPD) and coordinates NRC technical support of CRCPD committees.

[57 FR 1639, Jan. 15, 1992, as amended at 59 FR 5519, Feb. 7, 1994]

## PROGRAM OFFICES

### § 1.42 Office of Nuclear Material Safety and Safeguards.

(a) The Office of Nuclear Material Safety and Safeguards is responsible for protecting the public health and

safety, the common defense and security, and the environment by licensing, inspection, and environmental impact assessment for all nuclear facilities and activities, and for the import and export of special nuclear material.

(b) The Office responsibilities include—

(1) Development and implementation of NRC policy for the regulation of activities involving safety, quality, approval, and inspection of the use and handling of nuclear and other radioactive materials, such as uranium activities;

(2) Fuel fabrication and fuel development;

(3) Medical, industrial, academic, and commercial uses of radioactive isotopes;

(4) Safeguards activities;

(5) Transportation of nuclear materials, including certification of transport containers;

(6) Out-of-reactor spent fuel storage;

(7) Safe management and disposal of low-level and high-level radioactive wastes;

(8) Planning and direction of program for financial assurance of NMSS licensees; and

(9) Management of the decommissioning of facilities and sites when their licensed functions are over.

(c) Safeguards responsibilities include—

(1) Development of overall agency policy;

(2) Monitoring and assessment of the threat environment, including liaison with intelligence agencies, as appropriate; and

(3) Those licensing and review activities appropriate to deter and protect against threats of radiological sabotage and threats of theft or diversion of special nuclear material at fuel facilities and during transport.

(d) The Office identifies and takes action to control safety and safeguards issues for activities under its responsibility, including consulting and coordinating with international, Federal, State, and local agencies, as appropriate.

[52 FR 31602, Aug. 21, 1987. Redesignated at 57 FR 1639, Jan. 15, 1992]

#### **§ 1.43 Office of Nuclear Reactor Regulation.**

The Office of Nuclear Reactor Regulation—

(a) Implements regulations and develops and implements policies, programs, and procedures for all aspects of licensing, inspection, and safeguarding of—

(1) Manufacturing, production, and utilization facilities, except for those concerning fuel reprocessing plants and isotopic enrichment plants;

(2) Receipt, possession, and ownership of source, byproduct, and special nuclear material used or produced at facilities licensed under 10 CFR Part 50;

(3) Operators of such facilities;

(4) Emergency preparedness at such facilities; and

(5) Contractors and suppliers of such facilities.

(b) Identifies and takes action regarding conditions and licensee performance that may adversely affect public health and safety, the environment, or the safeguarding of nuclear reactor facilities;

(c) Assesses and recommends or takes action regarding incidents or accidents;

(d) Provides special assistance as required in matters involving reactor facilities exempt from licensing;

(e) Provides guidance and implementation direction to Regional Offices on reactor licensing, inspection, and safeguards programs assigned to the Region, and appraises Regional program performance in terms of effectiveness and uniformity;

(f) Performs other functions required for implementation of the reactor licensing, inspection, and safeguards programs;

(g) Performs management of the NRC allegation program; and

(h) Performs review and evaluation related to regulated facilities insurance, indemnity, and antitrust matters.

#### **§ 1.45 Office of Nuclear Regulatory Research.**

The Office of Nuclear Regulatory Research—

(a) Plans, recommends, and implements programs of nuclear regulatory

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research, standards development, and resolution of generic safety issues for nuclear power plants and other facilities regulated by the NRC;

(b) Develops and promulgates all technical regulations;

(c) Coordinates research activities within and outside the agency including appointment of staff to committees and conferences; and

(d) Coordinates NRC participation in international standards-related activities and national volunteer standards efforts, including appointment of staff to committees.

### § 1.47 NRC Regional Offices.

Each Regional Administrator executes established NRC policies and assigned programs relating to inspection, enforcement, licensing, State agreements, State liaison, and emergency response within Regional boundaries set out in § 1.5(b) of this part.

## Subpart C—NRC Seal and Flag

### § 1.51 Description and custody of NRC seal.

(a) Pursuant to section 201(a) of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission, has adopted an official seal. Its description is as follows: An American bald eagle (similar to that on the Great Seal of the United States of America) of brown and tan with claws and beak of yellow, behind a shield of red, white, and blue, clutching a cluster of thirteen arrows in its left claw and a green olive branch in its right claw, positioned on a field of white, with the words “United States Nuclear Regulatory Commission” in dark blue encircling the eagle. The eagle represents the United States of America and its interests.

(b) The Official Seal of the Nuclear Regulatory Commission is illustrated as follows:



(c) The Secretary of the Commission is responsible for custody of the impression seals and of replica (plaque) seals.

### § 1.53 Use of NRC seal or replicas.

(a) The use of the seal or replicas is restricted to the following:

- (1) NRC letterhead stationery;
- (2) NRC award certificates and medals;
- (3) Security credentials and employee identification cards;
- (4) NRC documents, including agreements with States, interagency or governmental agreements, foreign patent applications, certifications, special reports to the President and Congress and, at the discretion of the Secretary of the Commission, such other documents as the Secretary finds appropriate;
- (5) Plaques—the design of the seal may be incorporated in plaques for display at NRC facilities in locations such as auditoriums, presentation rooms, lobbies, offices of senior officials, on the fronts of buildings, and other places designated by the Secretary;
- (6) The NRC flag (which incorporates the design of the seal);
- (7) Official films prepared by or for the NRC, if deemed appropriate by the Director of Governmental and Public Affairs;
- (8) Official NRC publications that represent an achievement or mission of

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NRC as a whole, or that are cosponsored by NRC and other Government departments or agencies; and

(9) Any other uses as the Secretary of the Commission finds appropriate.

(b) Any person who uses the official seal in a manner other than as permitted by this section shall be subject to the provisions of 18 U.S.C. 1017, which provides penalties for the fraudulent or wrongful use of an official seal, and to other provisions of law as applicable.

**§ 1.55 Establishment of official NRC flag.**

The official flag is based on the design of the NRC seal. It is 50 inches by 66 inches in size with a 38-inch diameter seal incorporated in the center of a dark blue field with a gold fringe.

**§ 1.57 Use of NRC flag.**

(a) The use of the flag is restricted to the following:

- (1) On or in front of NRC installations;
- (2) At NRC ceremonies;
- (3) At conferences involving official NRC participation (including permanent display in NRC conference rooms);
- (4) At Governmental or public appearances of NRC executives;
- (5) In private offices of senior officials; or
- (6) As the Secretary of the Commission otherwise authorizes.

(b) The NRC flag must only be displayed together with the U.S. flag.

When they are both displayed on a speaker's platform, the U.S. flag must occupy the position of honor and be placed at the speaker's right as he or she faces the audience, and the NRC flag must be placed at the speaker's left.

**§ 1.59 Report of violations.**

In order to ensure adherence to the authorized uses of the NRC seal and flag as provided in this subpart, a report of each suspected violation of this subpart, or any questionable use of the NRC seal or flag, should be submitted to the Secretary of the Commission.

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**PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS**

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