

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

MD 9.10

**ORGANIZATION AND FUNCTIONS,
OFFICE OF THE SECRETARY**

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Volume 9: Organization and Functions

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EXECUTIVE SUMMARY

Management Directive (MD) 9.10, “Organization and Functions, Office of the Secretary,” is being revised to—

- Update the redelegation authority for the position that has the authority to act as the NRC Federal Advisory Committee Management Officer;
- Correctly reference Freedom of Information Act responsibilities from MD 3.1, “Freedom of Information Act,” and Title 10 of the *Code of Federal Regulations* 9.25(f) and (g)(2); and
- Consolidate the assignments of the Plans Staff to the Executive Assistant.

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For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

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I. SUPERVISION

The Office of the Secretary is under the supervision of the Secretary of the Commission, who reports to the Commission.

II. FUNCTIONS

The office provides executive management services to support the Commission and to implement Commission decisions; advises and assists the Commission and the U.S. Nuclear Regulatory Commission staff on the planning, scheduling, and conduct of Commission business; manages the Commission's decisionmaking processes (SECY Paper and COM/COMSECY processes); monitors NRC staff compliance with pending issues and commitments; processes and controls Commission correspondence; establishes and maintains the Commission's adjudicatory and rulemaking dockets; maintains the Commission's internal procedures; administers the NRC historical program and maintains the Commission's current and historical records collection; fulfills the role of the NRC Federal Advisory Committee Management Officer; and promotes innovation (e.g., development and integration of process improvements) associated with the Commission's administrative systems. Specifically, the office—

- A.** Prepares the Commission's weekly meeting agenda and maintains a forecast of matters for future Commission consideration.
- B.** Prepares for and records Commission meetings, codifies decisions and directions in memoranda directing NRC staff action, and monitors compliance.
- C.** Provides, in accordance with the Government in the Sunshine Act (GISA), appropriate public notice of open and closed Commission meetings.
- D.** Plans, directs, and administers the NRC Commission Staff Paper system, reviewing all proposed Commission Staff Papers for completeness and adequacy and establishing due dates for Commissioner comments.
- E.** Receives and circulates Commissioner votes on staff papers and develops NRC staff direction (Staff Requirements Memoranda (SRM)) to implement Commission decisions and/or other requirements.

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- F.** Reviews, in coordination with the Office of the General Counsel (OGC), as appropriate, SRMs that have not been designated for public disclosure, as well as the underlying SECY Paper or Commission Action Memorandum (COM), to determine whether the document must be released, in whole or in part, in accordance with the disclosure provisions of the Freedom of Information Act (FOIA) (5 U.S.C. 552(a)(1) or (a)(2)).
 - G.** Administers the COM/COMSECY system; records and transmits Commission decisions and/or requirements to the NRC staff.
 - H.** Holds weekly meetings of Commissioner Assistants to review the status of NRC staff papers, identify problem areas, and seek resolution of pending issues.
 - I.** Coordinates Commissioner Assistant briefings on issues as requested by the NRC staff and the Commission.
 - J.** Manages the Commission's correspondence system; reviews, processes, and dispatches the agency's congressional correspondence, in coordination with the Office of Congressional Affairs, and all principal correspondence addressed to the Chairman, Commissioners, and the Secretary.
 - K.** Serves as agency liaison with the White House on Presidential referrals of constituent correspondence.
 - L.** Acts as the FOIA coordinator for Commission documents.
 - M.** Develops and operates the Commission's internal decision tracking system for tasks assigned to the NRC staff to ensure timely compliance with Commission decisions.
 - N.** Codifies the procedures that govern the conduct of Commission business at the Commission level (Internal Commission Procedures, available at <http://www.nrc.gov/about-nrc/policy-making/internal.html>).
 - O.** Promotes innovation (e.g., development and integration of process improvements) associated with the Commission's administrative systems.
 - P.** Establishes and maintains the official adjudicatory and rulemaking dockets of the Commission; records, issues, and serves documents in legal matters; receives and distributes public comments in rulemaking proceedings; and assigns adjudicatory items requiring Commission review to the Office of Commission Appellate Adjudications or OGC for recommendation and/or advice to the Commission and monitors compliance.
 - Q.** Provides management direction for the establishment, renewal, and discontinuance of all NRC advisory committees, as defined in the Federal Advisory Committee Act (FACA), and coordinates NRC reporting requirements of the FACA.

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- R. Develops policies and procedures for the operation of the NRC history program, conducts historical research, and prepares the NRC's history.
 - S. Maintains official records of Commissioner offices, past and present; assists departing Commissioners in preparing their official records for retirement; and advises Commissioners on disposition of non-agency records.
 - T. Coordinates making Commission documents available to the public in the Agency Documents Access and Management System and on the NRC public website, at www.nrc.gov.
 - U. Coordinates the updating of the Commissioner nominee and orientation notebooks for Presidential nominees to the Commission.

III. DELEGATION OF AUTHORITY TO THE SECRETARY OF THE COMMISSION

- A. The Secretary of the Commission is authorized and directed to accomplish the following:
 - 1. Take action as is necessary to carry out the functions assigned by this directive or other official directives or communications, subject to the limitations prescribed therein. Delegations of authority for specific actions and applicable limitations are contained in directives covering specific subjects.
 - 2. Supervise, direct, coordinate, and approve the activities, including administrative functions, of the various organizational units within the Office of the Secretary.
 - 3. Serve as the custodian of the official seal and flag of the Commission with authority to use or make available the seal or flag whenever necessary or proper (10 CFR 1.25(k) and 1.51(c)).
 - 4. Serve as the NRC Federal Advisory Committee Management Officer (10 CFR 1.25(j) and provisions of 10 CFR Part 7), with respect to NRC's advisory committees established under the FACA, and perform the following:
 - (a) Sign all notices for publication in the *Federal Register* announcing the time and location of advisory committee meetings, as well as announcing committee vacancies and application processes.
 - (b) Determine, on the basis of information supplied by advisory committees and review by the General Counsel, whether meetings should be open, closed, or partially closed.
 - (c) Conduct the annual reviews of advisory committees and provide to the General Services Administration (GSA) Committee Secretariat reports as required by the FACA.
 - (d) Provide guidance to the offices regarding requirements for new FACA committees.

5. Sign all notices (i.e., proposed and final rules and policy statements) approved by the Commission for public issuance in the *Federal Register* and sign all notices of petitions for rulemaking forwarded for publication in the *Federal Register* (see Management Directive (MD) 6.3, “The Rulemaking Process”).
6. Issue orders establishing procedures and timelines for submitting and resolving requests for controlled unclassified information (CUI), including safeguards information, and non-CUI non-public information in adjudicatory proceedings.

B. The Secretary of the Commission takes action on the following:

1. Appeals of initial FOIA decisions as detailed in MD 3.1, “Freedom of Information Act.”
2. Minor or corrective amendments to final rules modifying 10 CFR Parts 2, 9 (Subpart C), and 110, that do not involve questions of policy. These amendments will be effected only after the Secretary informs the Commission of the proposed changes, and the Commission has been given a reasonable opportunity to provide its views to the Secretary through the COM process.

C. When briefs, motions, or other documents are submitted in adjudicatory or rulemaking proceedings to the Commission, as opposed to officers who have been delegated authority to act for the Commission. The following authorities are to be exercised by the Secretary in consultation with the Commission, consistent with the Internal Commission procedures. The Secretary—

1. Prescribes procedures for the filing of briefs, motions, or other pleadings, where schedules may differ from those elsewhere prescribed in 10 CFR Part 2, or where 10 CFR Part 2 does not prescribe a schedule.
2. Rules on motions for extensions of time.
3. Rejects motions, briefs, pleadings, and other documents filed with the Commission later than the time prescribed by the Secretary or established by an order, rule, or regulation of the Commission unless good cause is shown for the late filing.
4. Prescribes all procedural arrangements relating to any oral argument to be held before the Commission.
5. Extends the time for the Commission to rule on petitions for review as set forth in 10 CFR Part 2.
6. Extends the time for Commission to grant review on its own motion under 10 CFR Part 2.
7. Extends the time for Commission review on its own motion of a director’s denial under 10 CFR Part 2.

8. Directs pleadings improperly filed before the Commission to the appropriate presiding officer for action.
 9. Denies requests for hearing that fail to comply with the pleading requirements set forth in 10 CFR Part 2 and that fail to set forth an arguable basis for further proceedings.
 10. Refers to the Chief Administrative Judge, Atomic Safety and Licensing Board Panel or an Administrative Judge, as appropriate, requests for hearing (except petitions for hearing falling under 10 CFR 2.104) where the requester is entitled to further proceedings.
 11. Takes action on minor matters.
 12. Certifies true copies of official NRC documents.
- D. The Secretary takes administrative action as is necessary to carry out the provisions of the GISA.

IV. REDELEGATION OF AUTHORITY BY THE SECRETARY OF THE COMMISSION

- A. The Secretary may, except where expressly prohibited, redelegate in writing to others in the Office of the Secretary, authority delegated to the Secretary by this or other official directives or communications, subject to the limitations stated in this directive, and to any other limitations as may be deemed necessary by the Secretary.
- B. The Secretary will send a memorandum to the Commission specifying the re delegation, with a copy to the Executive Director for Operations, the General Counsel, and the Chief Human Capital Officer.
- C. The Secretary will stipulate any limitations on further redelegations of authority that the Secretary makes.
- D. The Secretary will maintain a file of all redelegations.

V. REDELEGATION OF AUTHORITY TO THE ASSISTANT FOR RULEMAKINGS AND ADJUDICATIONS

The Assistant for Rulemakings and Adjudications acts as the NRC Federal Advisory Committee Management Officer.

VI. REDELEGATION OF AUTHORITY TO THE EXECUTIVE ASSISTANT TO THE SECRETARY

For Freedom of Information Act Requests, the Executive Assistant to the Secretary is the denying official for withheld records of the Commission, Commissioners, former Commissioners, the Office of the Secretary, and for advisory committees, including the Advisory Committee on Reactor Safeguards per 10 CFR 9.25 (g)(2) and in MD 3.1, "Freedom of Information Act."

VII. ORGANIZATIONAL STRUCTURE AND INTERNAL ASSIGNMENTS

- A.** The Secretary directs and administers overall staff functions of the Office of the Secretary and ensures that appropriate policies and procedures are developed and maintained for carrying out these functions. The Secretary also promotes innovation, such as process improvements to be applied to SECY's and the Commission's administrative systems.
- B.** The Assistant for Rulemakings and Adjudications performs the functions of the NRC Federal Advisory Committee Management Officer and coordinates with the advisory committees in accordance with 10 CFR Part 7. The Assistant also prepares the Annual Report to Congress, submitted to GSA, on NRC committee activities.
- C.** The Executive Assistant to the Secretary—
 - 1. Performs reviews and selected analyses and monitors development and publication of the Internal Commission Procedures for the conduct of Commission business.
 - 2. Maintains the Office of the Secretary's Operating Plan and Internal Controls Plan.
 - 3. Performs budget formulation, fiscal management, development of personnel authorizations, management surveys, and projects as prescribed by the Secretary; reviews and analyzes the Office of the Secretary activities.
 - 4. Maintains introductory information that is relevant to the NRC's organization, resources, and responsibilities for a new Commissioner nominee/new Commissioner.
 - 5. Performs administrative and logistical support services for SECY organizational units.
- D.** The Operations Staff—
 - 1. Plans and schedules the Commission's business by development, issuance, and publication of the Commission schedule.
 - 2. Maintains, in coordination with the Executive Director for Operations and other offices that report directly to the Commission, a forecast of subjects and issues for future Commission consideration.

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3. Provides, in accordance with the requirements of the GISA, appropriate public notice of open and closed meetings.
 4. Coordinates preparations for Commission meetings to include the following: arrangement for NRC staff and outside stakeholder attendance, availability of pertinent documentation and visual aids, arrangements for recording and audiovisual systems, and other logistical support as required.
 5. Prepares and maintains appropriate records of Commission meetings; records decisions or other action taken by the Commission at these meetings; and notifies the appropriate NRC staff of actions required to implement Commission decisions, directives, and requests stemming from Commission meetings.
 6. Coordinates public release of meeting documents.
 7. Manages the Commission's Staff Paper system and reviews all proposed Commission Staff Papers for completeness and adequacy; establishes due dates for Commissioner and Commission staff comments.
 8. Receives and distributes Commissioner votes and comments on staff papers, analyzes and synthesizes Commissioner comments and identifies substantive issues requiring resolution among Commissioners, proposes solutions and coordinates efforts to resolve differences with the objective of establishing a majority position, and prepares directive documentation (SRMs) to implement Commission decisions and/or identify other requirements accruing from Commissioner voting on staff papers.
 9. Manages the COM/COMSECY system; receives and circulates Commissioner comments and records and transmits Commission decisions and/or requirements.
 10. Reviews, in coordination with OGC, as appropriate, SRMs that have not been designated for public disclosure, as well as the underlying SECY Paper or COM/COMSECY, to determine whether the document must be released, in whole or in part, in accordance with the disclosure provisions of 5 U.S.C. 552(a)(1) or (a)(2).
 11. Holds weekly meetings of Commission Assistants to review status of staff papers, identify problem areas, and seek resolution of open issues.
 12. Coordinates briefings requested by the NRC staff and Commission of Commission Assistants.
 13. Maintains current status of all papers pending action by the Commission.
 14. Administers a Commission Tracking System for tasks assigned to the NRC staff to ensure timely compliance with Commission decisions.

E. The Correspondence and Records Staff—

1. Manages the Commission's correspondence system and receives, records, and assigns action and suspense dates, and makes appropriate distribution of all principal correspondence addressed to the Chairman, the Commission, and the Office of the Secretary.
2. Maintains continuous and current status of this correspondence to ensure appropriate and timely response by the NRC.
3. Receives, coordinates, and processes outgoing principal correspondence; establishes due dates for Commissioner and Commission staff comments.
4. Serves as agency liaison with the White House on Presidential referrals of constituent correspondence.
5. Maintains the Commission's official records, including SECY Papers and COM/COMSECYs, Staff Requirements Memoranda, Voting Records, and correspondence.
6. Reviews and transmits to the *Federal Register* all documents issued at the Commission level requiring publication therein.
7. Processes and coordinates FOIA requests for the Commission and the Office of the Secretary, including estimates, searches, referrals, and appeals.
8. Coordinates recommendations in response to FOIA requests and regarding appeals with the Office of the General Counsel.
9. Coordinates review of staff and OGC recommendations in response to FOIA requests with the Commission for final determination.

F. The Rulemaking and Adjudicatory Staff—

1. Establishes and maintains the Electronic Hearing Docket, the official adjudicatory dockets of the Commission in matters involving adjudications before the Commission and the Atomic Safety and Licensing Boards.
2. Processes all issuances resulting from these adjudications.
3. Issues all orders and other determinations of the Commission; serves on the parties, and other persons who have expressed an interest in matters involving hearings, orders, and other determinations of the Commission and those issued by the Atomic Safety and Licensing Boards.
4. Maintains the official Commission rulemaking dockets; receives and distributes public comments in rulemaking proceedings.

5. Maintains continuous and current information on the NRC adjudicatory proceedings, rulemaking, and selected litigation in which NRC is a party or has an interest; maintains an official service list for forwarding of orders and other pertinent documentation to interested parties.
6. Receives for the Commission all requests for intervention and limited appearances, and other adjudicatory filings in regulatory proceedings.

G. The NRC Historian—

1. Develops policies and procedures for the operation of an official history program for the NRC.
2. Establishes the scope, outline, emphasis, and content of the official written history of the NRC.
3. Plans and supervises all phases of historical research for NRC written history, including the collection and analysis of source material, the evaluation of historical evidence, and the preparation of preliminary and final versions of the written history.
4. Provides historical reference service upon request to the Commission, NRC staff, and the general public.
5. Coordinates activities with respect to the disposition of former Commissioner records.

VIII. REFERENCES

Code of Federal Regulations

10 CFR, "Energy."

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

10 CFR 1.25, "Office of the Secretary of the Commission."

10 CFR 1.51, "Description and Custody of NRC Seal."

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

10 CFR 2.104, "Notice of Hearing."

10 CFR 2.307, "Extension and Reduction of Time Limits; Delegated Authority to Order Use of Procedures for Access by Potential Parties to Certain Sensitive Unclassified Information."

10 CFR Part 7, "Advisory Committees."

10 CFR Part 9, Public Records,” Subpart A, “Freedom of Information Act Regulations.”

10 CFR 9.25(f), “Disclosure Review.”

10 CFR 9.25(g)(2), “Initial Disclosure Determinations on Requests for Records Originated By or Transmitted to the Commission, or a Commissioner, or Records Originated By, or for which the Office of the Secretary or an Advisory Committee has Primary Responsibility.”

10 CFR Part 9, “Public Records,” Subpart C, “Government in the Sunshine Act Regulations.”

10 CFR Part 110, “Export and Import of Nuclear Equipment and Material.”

Nuclear Regulatory Commission (NRC) Documents and Websites

NRC Internal Commission Procedures, Office of the Secretary of the Commission:

<http://www.nrc.gov/about-nrc/policy-making/internal.html>.

NRC Management Directives—

3.1, “Freedom of Information Act.”

6.3, “The Rulemaking Process.”

NRC Memorandum from Annette L. Vietti-Cook, Secretary of the Commission, to Chairman Svinicki, Commissioner Baran, and Commissioner Burns, “Re-delegation of Authority – the NRC Federal Advisory Committee Management Officer,” October 11, 2017, ([ML17284A050](#)).

NRC public website: <http://www.nrc.gov>.

United States Code

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

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

Reorganization Plan No. 1 of 1980 (5 U.S.C. App. 1).

Federal Advisory Committee Act, as amended (5 U.S.C. App. 2).

Freedom of Information Act, as amended (5 U.S.C. 552).

Government in the Sunshine Act, as amended (5 U.S.C. 552b).