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AUTHORITY: Atomic Energy Act of 1954, secs. 23, 25, 29, 161, 191 (42 U.S.C. 2033, 2035, 2039, 2201, 2241); Energy Reorganization Act of 1974, secs. 201, 203, 204, 205, 209 (42 U.S.C. 5841, 5843, 5844, 5845, 5849); Administrative Procedure Act (5 U.S.C. 552, 553); Reorganization Plan No. 1 of 1980, 5 U.S.C. Appendix (Reorganization Plans).

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

EDITORIAL NOTE: Nomenclature changes to part 1 appear at 78 FR 34247, June 7, 2013.

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 offices, 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]

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§ 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 Management Directives System and other NRC issuances, including local directives issued by Regional Offices. Letters and memoranda containing directives, delegations of authority and the like are also issued from time to time and may not yet be incorporated into the Management Directives System, parts of which are revised as necessary. Copies of the Management Directives System and other delegations of authority are available for public inspection and copying for a fee at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738, 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.

(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 Privacy Act of 1974 may be obtained from the Office of the Chief Information Officer. NRC's regulations are published in the FEDERAL REGISTER and codified in Title 10, Chapter 1, of the Code of Federal Regulations. They may be viewed electronically at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Final opinions made in the adjudication of cases are published in "Nuclear Regulatory Commission Issuances," and are available on a subscription basis from the National Tech-

nical Information Service, 5301 Shawnee Road, Alexandria, VA 22312.

[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; 63 FR 15740, Apr. 1, 1998; 64 FR 48947, Sept. 9, 1999; 67 FR 67097, Nov. 4, 2002; 70 FR 69421, Nov. 16, 2005; 79 FR 75737, Dec. 19, 2014; 80 FR 45842, Aug. 3, 2015; 80 FR 74977, Dec. 1, 2015]

§ 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 documents are maintained 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) One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852–2738.

(2) Two White Flint North Building, 11545 Rockville Pike, Rockville, Maryland 20852–2738.

(3) Three White Flint North Building, 11601 Landsdown Street, North Bethesda, Maryland 20852.

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

(1) Region I, U.S. NRC, 475 Allendale Road, Suite 102, King of Prussia, PA 19406–1415.

(2) Region II, USNRC, 245 Peachtree Center Avenue, NE., Suite 1200, Atlanta, GA 30303–1257.

(3) Region III, USNRC, 2443 Warrenton Road, Suite 210, Lisle, IL 60532–4352.

(4) Region IV, US NRC, 1600 E. Lamar Blvd., Arlington, TX 76011–4511.

[67 FR 67097, Nov. 4, 2002; 67 FR 70835, Nov. 27, 2002, as amended at 67 FR 77652, Dec. 19, 2002; 68 FR 75389, Dec. 31, 2003; 70 FR 69421, Nov. 16, 2005; 71 FR 15007, Mar. 27, 2006; 72 FR 49148, Aug. 28, 2007; 73 FR 5711, Jan. 31, 2008; 73 FR 30457, May 28, 2008; 75 FR 21980, Apr. 27, 2010; 76 FR 72084, Nov. 22, 2011; 77 FR 39903, July 6, 2012; 79 FR 75757, Dec. 19, 2014; 87 FR 20696, Apr. 8, 2022]

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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 Nonproliferation 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 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 re-

search. 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 reports, about fraud, abuse, and other serious deficiencies in NRC's programs and operations; and

(h) Maintains liaison with audit and inspector general organizations and

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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 Com-

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mission 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 designated by either the Commission or the Chief Administrative Judge.

[52 FR 31602, Aug. 21, 1987, as amended at 85 FR 65661, Oct. 16, 2020]

§ 1.18 [Reserved]

§ 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, composed 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 Licensing Support Network Advisory Review Panel (LSNARP) was established by the Commission on October 3, 1989, pursuant to 10 CFR 2.1011(e) of the Commission's regulations. The LSNARP provides advice to the Commission on the design, development, and operation of the Licensing Support Network (LSN) an electronic information management system for use in the Commission's high-level radioactive waste (HLW) licensing proceeding. Membership consists of those interests that will be affected by the use of the LSN, 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

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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; 68 FR 75389, Dec. 31, 2003; 79 FR 75737, Dec. 19, 2014]

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) As requested, provides the agency with legal advice and opinions on acquisition matters, including agency procurement contracts; placement of work at Department of Energy national laboratories; interagency agreements to acquire supplies and services; and grants and cooperative agreements. Prepares or concurs in all other 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; 65 FR 59272, Oct. 4, 2000]

§ 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 COMSEC 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 2.303 and 2.346;

(h) Administers the NRC Historical Program;

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

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

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

[52 FR 31602, Aug. 21, 1987, as amended at 63 FR 15741, Apr. 1, 1998; 69 FR 2233, Jan. 14, 2004]

§ 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]

CHIEF FINANCIAL OFFICER

§ 1.31 Office of the Chief Financial Officer.

The Office of the Chief Financial Officer—

(a) Oversees all financial management activities relating to NRC's programs and operations and provides advice to the Chairman on financial management matters;

(b) Develops and transmits the NRC's budget estimates to the Office of Management and Budget (OMB) and Congress;

(c) Establishes financial management policy including accounting principles

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and standards for the agency and provides policy guidance to senior managers on the budget and all other financial management activities;

(d) Provides an agencywide management control program for financial and program managers that establishes internal control processes and provides for timely corrective actions regarding material weaknesses that are disclosed to comply with the Federal Manager's Financial Integrity Act of 1982;

(e) Develops and manages an agencywide planning, budgeting, and performance management process;

(f) Develops and maintains an integrated agency accounting and financial management system, including an accounting system, and financial reporting and internal controls;

(g) Directs, manages, and provides policy guidance and oversight of agency financial management personnel activities and operations;

(h) Prepares and transmits an annual financial management report to the Chairman and the Director, Office of Management and Budget, including an audited financial statement;

(i) Monitors the financial execution of NRC's budget in relation to actual expenditures, controls the use of NRC funds to ensure that they are expended in accordance with applicable laws and financial management principles, and prepares and submits to the Chairman timely cost and performance reports;

(j) Establishes, maintains, and oversees the implementation of license fee policies and regulations; and

(k) Reviews, on a periodic basis, fees and other charges imposed by NRC for services provided and makes recommendations for revising those charges, as appropriate.

[63 FR 15741, Apr. 1, 1998]

EXECUTIVE DIRECTOR FOR OPERATIONS

§ 1.32 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 oper-

ational activities in the following offices: The Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, the Office of Nuclear Regulatory Research, the Office of Nuclear Security and Incident Response, and the NRC Regional Offices; and the following staff offices: The Office of Enforcement, the Office of Administration, the Office of the Chief Information Officer, the Office of Investigations, the Office of Small Business and Civil Rights, the Office of the Chief Human Capital Officer, and other organizational units as shall be assigned by the Commission. The EDO is also responsible for implementing 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.

[54 FR 53314, Dec. 28, 1989, as amended at 59 FR 63882, Dec. 12, 1994. Redesignated and amended at 63 FR 15741, Apr. 1, 1998; 67 FR 3585, Jan. 25, 2002; 70 FR 69421, Nov. 16, 2005; 73 FR 5711, Jan. 31, 2008; 78 FR 34247, June 7, 2013; 79 FR 75737, Dec. 19, 2014; 80 FR 74978, Dec. 1, 2015; 84 FR 65643, Nov. 29, 2019]

STAFF OFFICES

§ 1.33 Office of Enforcement.

The Office of Enforcement—

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

(b) Manages major enforcement action;

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

(d) Manages the NRC allegation program.

[70 FR 69422, Nov. 16, 2005]

§ 1.34 Office of Administration.

The Office of Administration—

(a) Develops and implements agencywide contracting policies and procedures;

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

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

(d) Manages the NRC Management Directives Program and provides translation services.

[63 FR 15741, Apr. 1, 1998, as amended at 70 FR 69422, Nov. 16, 2005; 83 FR 30287, June 28, 2018]

§ 1.35 Office of the Chief Information Officer.

The Office of the Chief Information Officer—

(a) Plans, directs, and oversees the NRC's information resources, including technology infrastructure and delivery of information management services, to meet the mission and goals of the agency;

(b) Provides principal advice to the Chairman to ensure that information technology (IT) is acquired and information resources across the agency are managed in a manner consistent with Federal information resources management (IRM) laws and regulations;

(c) Assists senior management in recognizing where information technology can add value while improving NRC operations and service delivery;

(d) Directs the implementation of a sound and integrated IT architecture to achieve NRC's strategic and IRM goals;

(e) Monitors and evaluates the performance of information technology and information management programs based on applicable performance measures and assesses the adequacy of IRM skills of the agency;

(f) Provides guidance and oversight for the selection, control and evaluation of information technology investments;

(g) Provides oversight and quality assurance for the design and operation of the Licensing Support Network (LSN) services and for the completeness and integrity of the LSN database, ensures that the LSN meets the requirements of 10 CFR part 2, subpart J, concerning the use of the LSN in the Commission's high-level waste licensing proceedings, and provides technical oversight of DOE in the design, development, and operation of the LSN; and

(h) Plans, recommends, and oversees the NRC's Information Technology (IT) Security Program consistent with applicable laws, regulations, management initiatives, and policies;

(i) Provides principal advice to the NRC on the infrastructure, as well as the programmatic and administrative aspects of cybersecurity;

(j) Establishes NRC-wide cybersecurity guidelines;

(k) Guides security process maturity, as well as formulating and overseeing the cybersecurity program budget; and

(l) Ensures NRC-wide integration, direction, and coordination of IT security planning and performance within the framework of the NRC IT Security Program.

[70 FR 69422, Nov. 16, 2005, as amended at 80 FR 74978, Dec. 1, 2015]

§ 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]

§ 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

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(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 [Reserved]

§ 1.39 Office of the Chief Human Capital Officer.

The Office of the Chief Human Capital Officer—

(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.

[52 FR 31602, Aug. 21, 1987, as amended at 63 FR 15742, Apr. 1, 1998; 78 FR 34247, June 7, 2013]

§§ 1.40–1.41 [Reserved]

PROGRAM OFFICES

§ 1.42 Office of Nuclear Material Safety and Safeguards.

(a) The Office of Nuclear Material Safety and Safeguards (NMSS) is responsible for regulating activities that provide for the safe and secure production of nuclear fuel used in commercial nuclear reactors; the safe storage, transportation, and disposal of low-level and high-level radioactive waste and spent nuclear fuel; the transportation of radioactive materials regulated under the Atomic Energy Act of 1954, as amended (the Act); and all other medical, industrial, academic, and commercial uses of radioactive isotopes. The NMSS ensures safety and security by implementing a regulatory program involving activities including licensing, inspection, assessment of environmental impacts for all nuclear material facilities and activities, assessment of licensee performance, events analysis, enforcement, and identification and resolution of generic issues. The NMSS leads, manages, and facilitates rulemaking activities for new, advanced, and operating power reactors, as well as non-power utilization facilities; nuclear materials, including production of nuclear fuel used in commercial nuclear reactors, as well as storage, transportation, and disposal of high-level radioactive waste and spent nuclear fuel, and the transportation of radioactive materials regulated by the NRC.

(b) The Office of Nuclear Material Safety and Safeguards—

(1) Develops and implements NRC policy for the regulation of: Uranium recovery, conversion, and enrichment; fuel fabrication and development;

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transportation of nuclear materials, including certification of transport containers and reactor spent fuel storage; safe management and disposal of spent fuel and low-level and high-level radioactive waste; and medical, industrial, academic, and commercial uses of radioactive isotopes;

(2) Has lead responsibility within NRC for domestic and international safeguards policy and regulation for fuel cycle facilities, including material control and accountability;

(3) 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;

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

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

(6) Maintains liaison between NRC and State, interstate, regional, Tribal, and quasi-governmental organizations on regulatory matters;

(7) Promotes NRC visibility and performs general liaison with other Federal agencies, and keeps NRC management informed of significant developments at other Federal agencies that affect the NRC;

(8) Monitors nuclear-related State legislative activities;

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

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

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

(12) Develops staff policy and procedures and implements State Agreements program under the provisions of Section 274b of the Act;

(13) Provides oversight of the program for 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;

(14) 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;

(15) Provides technical assistance to Agreement States;

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

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

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

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

(20) Conducts high-level waste pre-licensing activities, consistent with direction in the Nuclear Waste Policy Act and the Energy Policy Act, to ensure appropriate standards and regulatory guidance are in place, and interacts with the applicant;

(21) Is responsible for regulation and licensing of recycling technologies intended to reduce the amount of waste to be disposed through geologic disposal and to reduce proliferation concerns since the technologies do not produce separated plutonium;

(22) Interacts with the Department of Energy and international experts, in order to develop an appropriate regulatory framework, in recycling during development, demonstration, and deployment of new advanced recycling technologies that recycle nuclear fuel in a manner that does not produce separated plutonium;

(23) Creates and maintains the regulatory infrastructure to support the agency's role in licensing a reprocessing facility and a related fuel fabrication facility and vitrification and/or waste storage facility;

(24) Prepares the NRC to perform its regulatory role for new, expanded, and modified commercial fuel cycle facilities that may include recycling, transmutation, and actinide burning. This includes regulatory processes such as

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licensing, inspection, assessment of license performance assessment, events analysis, and enforcement that will ensure that this technology can be safely and securely implemented commercially in the United States;

(25) Develops, promulgates, and amends regulations generally associated with the materials regulated by NMSS and for all security-related regulations that will be applied to licensees and holders of certificates of compliance issued by NMSS;

(26) Through a Center of Expertise, leads, manages and facilitates the following rulemaking activities:

(i) Develops and implements policies and procedures for the review and publication of NRC rulemakings, and ensures compliance with the Regulatory Flexibility Act and the Congressional Review Act;

(ii) Supports all technical, financial, legal, and administrative rules, including the development of regulatory analyses and the orderly codification of the NRC's regulations in chapter I of this title; and

(iii) Manages all aspects of the 10 CFR 2.802 Petition for Rulemaking process.

(27) Supports safeguards activities including—

(i) Developing overall agency policy;

(ii) Monitoring and assessing the threat environment, including liaison with intelligence agencies, as appropriate; and

(iii) Conducting licensing and review activities appropriate to deter and protect against threats of radiological sabotage and threats of theft or diversion of nuclear material at regulated facilities and during transport;

(28) Regulates medical, industrial, academic, and commercial uses of radioactive isotopes;

(29) Oversees safe management and disposal of low-level radioactive wastes;

(30) Through a Center of Expertise, plans and directs program for financial assurance of NRC licensees including:

(i) Ensuring licensee compliance with decommissioning funding assurance requirements.

(ii) Preparing safety evaluations for power reactor and research and test reactors, applicants for new reactors, and

for actions associated with license transfers and exemption requests in which financial qualifications and decommissioning funding assurance requirements for reactor licensees are assessed.

(iii) Ensuring compliance with power reactor financial protection requirements in the form of insurance and indemnity coverage, and evaluation of foreign ownership, control, or domination concerns for potential new licensees; and

(iv) Ensuring that materials and Independent Spent Fuel Storage Installation licensees meet decommissioning funding assurance requirements.

(v) Performing review and evaluation related to reactor facilities insurance, indemnity, and antitrust matters.

(31) Manages the decommissioning of facilities and sites when their licensed functions are over; and

(32) Identifies and takes action for activities under its responsibility, including consulting and coordinating with international, Federal, State, Tribal and local agencies, as appropriate.

(33) Through a Center of Expertise, supports public health, safety, and the environment through activities including:

(i) Leading environmental reviews for the NRC's licensing actions as required by the National Environmental Policy Act, the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Marine Sanctuaries Act, and the National Historic Preservation Act; and

(ii) Developing and issuing Environmental Impact Statements and Environmental Assessments, and coordinating these activities with other Federal, State, Tribal and local agencies; and

(iii) Monitoring licensee adherence to endangered and threatened species take limits and consulting with other Federal agencies on endangered and threatened species, critical habitats, essential fish habitats, and national marine sanctuary resources.

[79 FR 75737, Dec. 19, 2014, as amended at 80 FR 74978, Dec. 1, 2015; 83 FR 30287, June 28, 2018; 88 FR 57875, Aug. 24, 2023]

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§ 1.43 Office of Nuclear Reactor Regulation.

The Office of Nuclear Reactor Regulation—

(a) Develops, promulgates and 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 parts 50, 52, and 54;

(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; and

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

[70 FR 69422, Nov. 16, 2005, as amended at 72 FR 49470, Aug. 28, 2007; 88 FR 57876, Aug. 24, 2023]

§ 1.44 [Reserved]

§ 1.45 Office of Nuclear Regulatory Research.

The Office of Nuclear Regulatory Research—

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

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

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

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

[52 FR 31602, Aug. 21, 1987, as amended at 63 FR 69544, Dec. 17, 1998]

§ 1.46 Office of Nuclear Security and Incident Response.

The Office of Nuclear Security and Incident Response—

(a) Develops overall agency policy and provides management direction for evaluation and assessment of technical issues involving security at nuclear facilities, and is the agency safeguards and security interface with the Department of Homeland Security (DHS), the Department of Energy (DOE), other agencies; and the international activities related to the security of radioactive material and nuclear facilities;

(b) Develops, in participation with domestic and international agencies, foreign policy guidance and provides international assistance in nuclear security and safeguards;

(c) Develops emergency preparedness policies, regulations, programs, and guidelines for nuclear facilities;

(d) Provides technical expertise regarding emergency preparedness issues and interpretations; and

(e) Develops and directs the NRC program for response to incidents, and is the agency emergency preparedness and incident response interface with the DHS, the Federal Emergency Management Agency (FEMA) and other Federal agencies.

[70 FR 69422, Nov. 16, 2005, as amended at 72 FR 28450, May 21, 2007]

§ 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

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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 re-

ports 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 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.

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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.

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

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