

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

MD 9.6

**ORGANIZATION AND FUNCTIONS,
OFFICE OF COMMISSION APPELLATE
ADJUDICATION**

DT-22-11

Volume 9: Organization and Functions

Approved By: Christopher T. Hanson, Chairman

Date Approved: October 6, 2022

Cert. Date: N/A, for the latest version of any NRC directive or handbook, see the [online MD Catalog](#).

Issuing Office: Office of Commission Appellate Adjudication

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EXECUTIVE SUMMARY

Management Directive 9.6, "Organization and Functions, Office of Commission Appellate Adjudication [OCAA]," is revised to 1) clarify that OCAA supports the Commission not only in mandatory hearings on combined license applications but any mandatory hearings over which the Commission may preside, and 2) remove reference to the Commission Adjudicatory Technical Support Program to better align the text of the management directive with current OCAA practices for obtaining the support of adjudicatory employees (support is requested on a case-by-case basis as described in Section II.J).

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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](#)).

I. SUPERVISION

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

II. FUNCTIONS

OCAA is responsible for the following functions:

- A.** Tracks administrative proceedings and reviews licensing board decisions and supporting documents of record.
- B.** Keeps the Commission advised of appellate adjudicatory decisions that it must make, and coordinates related activities with the Commission.
- C.** Assists the Commission in addressing petitions for review of initial decisions, interlocutory appeals, referred rulings, certified questions, and stay requests, and also performs other appellate adjudicatory functions. These duties include preparing draft and final Commission decisions related to the Commission's appellate adjudicatory functions and consulting with the Commission during the process of preparing those decisions.
- D.** Provides the Commission with SECY papers (and, as appropriate, other memoranda) analyzing appellate adjudicatory matters such as those enumerated in the preceding paragraph and identifying available options for addressing the issues presented.
- E.** In cases involving significant or novel legal issues, consults with the Office of the General Counsel (OGC), as appropriate, in identifying the options to be presented to the Commission and in drafting the final decision to be presented to the Commission.
- F.** Prepares analyses (and, as appropriate, adjudicatory decisions) for the Commission in license transfer cases (proceedings in which the Commission, rather than the Licensing Board, has original jurisdiction).
- G.** Supports and advises the Commission on all aspects of mandatory hearings when the Commission presides over mandatory hearings.
- H.** Prepares informational memoranda advising the Commission whether to take review, on its own motion, of unappealed Licensing Board decisions.

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- I. Develops and implements the necessary policies and procedures to ensure the expeditious conduct of the Commission's appellate adjudicatory functions. This duty includes supporting the development of revisions and updates to the rules of practice in 10 CFR Part 2.
 - J. May request that the Office of the Executive Director for Operations identify, as needed, individuals to serve as Commission adjudicatory employees. These individuals provide additional expertise and advice to OCAA and the Commission on matters involving complex scientific and technical issues.
 - K. Performs any other functions assigned by the Commission.

III. DELEGATION OF AUTHORITY TO THE DIRECTOR OF OCAA

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

IV. REDELEGATION OF AUTHORITY BY THE DIRECTOR OF OCAA

A. Order of Succession

Unless stated otherwise, during the absence of the Director, the Deputy Director (if this position is occupied) is redelegated authority to act for the Director. If the Deputy Director is unable to serve, or if OCAA has no Deputy Director in place, the OCAA attorney who occupies a position of GG-14 or higher, and who has the highest grade and step level, is redelegated the authority to act for the Director. If that attorney is unavailable to serve, the OCAA attorney who occupies a GG-14 position or higher, who has the second-highest grade and step level, is redelegated the authority to act for the Director. If more than one attorney satisfies these criteria, the attorney with the most office seniority will act. If no OCAA attorney fitting these descriptions is available to serve, the General Counsel or their designee is redelegated the authority to act for the Director.

B. Redelegation of Authority

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

1. The Director shall send a memorandum specifying the redelegation to the Secretary of the Commission, with a copy to the Chief Human Capital Officer, the Executive Director for Operations, and the General Counsel.

2. The Director shall stipulate any limitations on further redelegations of authority.

V. ORGANIZATIONAL STRUCTURE AND INTERNAL ASSIGNMENTS

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

VI. REFERENCES

Code of Federal Regulations

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

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

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

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

Nuclear Regulatory Commission Documents

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

NRC Management Directives website:
<https://intranet.nrc.gov/policy/directives/toc>.

NRC website on Organization of the Agency:
<http://www.nrc.gov/about-nrc/organization.html>.

United States Code

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