

September 21, 1983

Please file as ~~NOAA Directive 05-50~~

in front of the NOAA Organization Handbook

SUBJECT: Delegation of Authority to the Assistant Administrator for Ocean Services and Coastal Zone Management; Redelegation by the Assistant Administrator to Office Directors and Division Chiefs of the National Ocean Service (NOS)

TO: Financial Management Centers

A. Delegation By the Administrator

1. Legislation

a. As a result of legislative enactment or pursuant to Reorganization Plan No. 4 of 1970 or other authority, the Secretary of Commerce is authorized to conduct or sponsor certain program functions, research, development, monitoring, surveying, investigations, education and advisory services relating to ocean and coastal matters pursuant to the following provisions:

(1) Title 33, United States Code, Sections 883a-f, h and i (coast and geodetic survey);

(2) Title 16, United States Code, Sections 1451-1464 (coastal zone management and estuarine sanctuary programs);

(3) Title 33, United States Code, Sections 1401 et seq. (marine pollution research and monitoring);

(4) Title 16, United States Code, Sections 1431 et seq. (marine sanctuaries program);

(5) Title 43, United States Code, Sections 1346 and 1347(e) (environmental assessment and monitoring; diving studies);

(6) Executive Order 11564, Section 1(a)(1) (15 U.S.C. 1517 nt.) (functions of national oceanographic instrumentation center);

(7) Executive Order 11490, Sections 901(3)(b) and 905(2) (oceanographic data in emergencies);

(8) Executive Order, 11023, Section (1)(1) (employment of public vessels);

(9) Office of Management and Budget Circular No. A-16, Sections 3b. and 4, (national geodetic control and survey

program);

(10) Reorganization Plan No. 4 of 1970, Sections 1(c) (functions of Marine Minerals Technology Center of Bureau of Mines; 30 U.S.C 3 et seq., and associated authorities) and 1(e) (Great Lakes research);

(11) Title 33, United States Code, Section 1321(c)(1), Executive Order 11735 as amended, National Contingency Plan (47 F.R. 31180) (pollution response);

(12) Title 43, United States Code, Section 1813(b)(3), Executive Order 12123 (natural resources trustee: outer continental shelf);

(13) Title 42, United States Code, Sections 9601-9657, Executive Order 12316, National Contingency Plan (47 F.R. 31180) (pollution response; natural resources trustee);

(14) Title 16, United States Code, Sections 3371-3378 (Lacey Act); and

(15) Title 15, United States Code, Section 313, Title 49, United States Code, Section 1463 and Title 7, United States Code, Section 450b (weather services).

b. As a result of legislative enactment, the following authorities relating to ocean and coastal matters are vested directly in the Administrator of NOAA:

(1) Title 30, United States Code, Sections 1401 et seq. (deep seabed hard mineral resources program);

(2) Title 33, United States Code, Sections 1504-1505 (deepwater ports);

(3) Title 33, United States Code, Sections 1701 et seq. (ocean pollution planning);

(4) Title 42, United States Code, Sections 9001-9009 (ocean thermal energy conversion research and development); and

(5) Title 42, United States Code, Sections 9101 et seq. (ocean thermal energy conversion program).

2. Delegation to the Administrator of NOAA

By section 3.01 of the Department Organizational Order (DOO) 25-5A (May 20, 1981) as amended, at subsections a, d, e, g, i, k, n, p, q, r, w, z, ii, oo and pp, the Secretary has delegated, with certain reservations, all of the authority specified in paragraph A.1(a) of this circular to the Administrator. By section 3.02 of DOO 25-5A, the Secretary has delegated to the Administrator additional authorities of the Secretary, not enumerated, which are necessary to perform the functions assigned

by the Order. Section 3.04 of DOO 25-5A authorizes the Administrator to delegate these authorities to any employee of NOAA subject to such conditions in the exercise of such authority as the Administrator may prescribe or as may be prescribed in DOO 25-5A.

3. Reservation of Authority by the Secretary

The Secretary has reserved authority to:

- a. provide general policy guidance to the Administrator and to consult with the Administrator to the extent permitted by law concerning the functions delegated to the Administrator;
- b. carry out the mediation function under section 307(h) and to make the findings pursuant to subsections 307(c)(3) and 307(d) of the Coastal Zone Management Act of 1972, as amended' (16 U.S.C. 1456(c)(3), (d) and (h)); and to
- c. consult, pursuant to the reservation by the Assistant Secretary for Economic Affairs (DOO 25-5A.0100), with regard to economic policy matters, concerning the functions prescribed by Executive Order 12316.

4. Delegation by the Administrator to the Assistant Administrator for Ocean Services and Coastal Zone Management

With the reservations specified in paragraphs A.3 and A.5 of this circular, the following authorities are hereby delegated to the Assistant Administrator for Ocean Services and Coastal Zone Management (Assistant Administrator):

a. all authority vested in the Secretary of Commerce as specified in subsections (1) through (10) of paragraph A.1(a) of this circular and delegated to the Administrator as specified in paragraph A.2 of this circular;

b. lead responsibility for coordinating NOAA planning, response, trusteeship and all other activities conducted pursuant to the authorities specified in subsections (11), (12) and (13) of paragraph A.1(a) of this circular, including:

(1) authority to represent NOAA on the National Response Team, on the Interagency Budget Task Force and regarding State/Federal and interagency regulatory and other policy matters; and

(2) concurrence authority in proposed actions (except conduct of litigation and presentation of claims) by other NOAA components to implement, pursuant to delegations other than this circular, the authorities specified in subsections (11), (12) and (13) of paragraph A.1(a) of this circular;

c. the authority specified in subsection (14) of paragraph A.1(a), of this circular as that authority relates to matters arising in connection with Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, as amended);

d. the oceanographic functions of the authorities specified in subsection (15) of paragraph A.1(a) of this circular as necessary to carry out NOS functions as prescribed by DOO 25-5B;

e. the authority vested directly in the Administrator as specified in paragraph A.1(b) of this circular; and

f. the incidental authorities of the Secretary of Commerce referred to in section 3.02 of DOO 25-5A may be exercised by the Assistant Administrator to the extent necessary to perform the functions assigned in this circular. These incidental authorities include provision of general services for employees at remote locations pursuant to Title 15, United States Code, Section 1514 and authority to conduct special or joint projects pursuant to Title 15, United States Code, Section 1525. The authority of the Assistant Administrator may be redelegated to any employee of NOAA by publication of a NOAA circular.

5. Reservation of Authority by the Administrator

The Administrator reserves authority to:

a. consider and approve or disapprove proposals to designate a reciprocating state or to revoke a reciprocating state designation pursuant to 30 U.S.C. 1428 (deep seabed hard minerals);

b. review, when requested by an applicant, permittee or licensee, denials of issuance or transfer of a license or permit pursuant to 30 U.S.C. 1416(b) or review, after hearing, objections to license terms, conditions or restrictions based on issues of material fact pursuant to 30 U.S.C. 1415(b)(3) (deep seabed hard minerals);

c. review on a case-by-case basis any approval by the Assistant Administrator of proposed and final regulations.

d. establish positions, make appointments and exercise other appropriate authority to carry out the provisions of Section 15(c) of Public Law 94-370;

e. provide general policy guidance to, and consult with the Assistant Administrator to the extent permitted by law concerning the Assistant Administrator's functions; and

f. consider and approve or disapprove all annual or biennial reports prepared by NOS for submission to Congress pursuant to the authorities specified in paragraph A.1 of this circular.

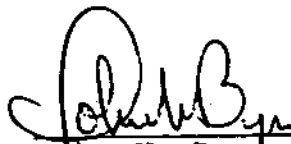
6. Effect on Other NOAA Circulars

a. This circular supersedes:

- (1) NOAA Circular 78-14 (Feb. 28, 1978, NDM 05-50);
- (2) NOAA Circular 77-85 (Nov. 4, 1977, NDM 05-70);
- (3) NOAA Circular 77-90 (Nov. 6, 1977, NDM 05-71);
- (4) NOAA Circular 82-6 (Feb. 5, 1982, NDM 05-12);
- (5) Those portions of NOAA Circular 79-31 (Nov. 30, 1979, NDM 05-30) delegating any of the authorities delegated by this circular;
- (6) NOAA Circular 78-15 (Feb. 28, 1987, NDM 05-50A);
- (7) NOAA Circular 77-89 (Nov. 6, 1977, NDM 05-31); and
- (8) NOAA Circular ~~77~~-83 (Nov. 30, 1979, NDM 05-10), paragraphs 4.a and 4.c. 79-83

b. This circular amends NOAA Circular 82-34 (July 21, 1982, NDM 05-60), paragraph 3, to substitute the phrase "Ocean Services and Coastal Zone Management" for "Coastal Zone Management" wherever appearing.

c. The delegations in this circular do not modify provisions of other DOO's or NOAA circulars containing clearance requirements or delegating to other DOC or NOAA components specific functions pursuant to the authorities specified in paragraph 1. (For example, NOAA Circulars 82-3 and 82-13 (NDM 05-85), delegating to NOAA General Counsel, with reservations, enforcement case processing and/or prosecutorial authority with respect to certain statutes specified in paragraph 1 of this circular, are not modified by this circular.)


 John V. Byrne
 Administrator

B. Redelegation by the Assistant Administrator to NOS Office Directors and Division Chiefs

1. Delegation by the Assistant Administrator to the Chief, NOS Management and Budget Staff.

With the reservations specified in paragraph A.5 and B.9 of this circular, the Assistant Administrator hereby delegates to the Chief, NOS Management and Budget Staff the authority specified in Executive Order 11490, sections 901(3)(b) and 905(2) relating to provisions of geodetic, hydrographic and oceanic data during emergencies.

2. Delegation by the Assistant Administrator to the Chief Scientist for Ocean Services

With the reservations specified in paragraph A.5 and B.9 of this circular, the Assistant Administrator hereby delegates to the Chief Scientist for Ocean Services, the authority specified in Section 1(c) of Reorganization Plan No. 4 of 1970 relating to the functions of the Marine Minerals Technology Center of the Bureau of Mines, and the authorities specified in 33 U.S.C. 883a-f, to the extent necessary to carry out the functions of Chief Scientist.

3. Delegation by the Assistant Administrator to the Director, National Marine Pollution Program Office

With the reservations specified in paragraph A.5 and B.9 of this circular, the Assistant Administrator hereby delegates to the Director, National Marine Pollution Program Office the authorities and functions specified in 33 U.S.C. 1703 and 1707, relating to preparation and development of the Federal ocean pollution research; development and monitoring plan, and dissemination of results, findings and information regarding federal ocean pollution research, development and monitoring programs.

4. Delegation by the Assistant Administrator to the Director, System Planning and Development Staff

With the reservations specified in paragraph A.5 and B.9 of this circular, the Assistant Administrator hereby delegates to the Director, System Planning and Development Staff:

(1) the authorities specified in Executive Order 11564, section 1(a)(1), relating to the functions of the National Oceanographic Instrumentation Center; and

(2) the authorities specified in 33 U.S.C. 883a-f and 883i to the extent necessary to carry out the functions prescribed for the System Planning and Development Staff by DOO 25-5B.

5. Delegation by the Assistant Administrator to the Director, Charting and Geodetic Services

With the reservations specified in paragraphs A.5 and B.9 of this circular, the Assistant Administrator hereby delegates to the Director, Charting and Geodetic Services, the following authorities:

(a) the authority specified in 33 U.S.C. 883 a-f and 883i, relating to coast and geodetic surveys, research and development, and production and dissemination of nautical and aeronautical charts and related information;

(b) the authority specified in OMB Circular A-16 relating to a national network of geodetic control and a national survey program;

(c) the authority specified in section 1(e) of Reorganization Plan No. 4 of 1970 relating to Great Lakes research; and

(d) the incidental authority of the Secretary to provide general services for employees at remote locations (15 U.S.C. 1514).

6. Delegation by the Assistant Administrator to the Director, Office of Oceanography and Marine Services

With the reservations specified in paragraphs A.5 and B.9 of this circular, the Assistant Administrator hereby delegates to the Director, Office of Oceanography and Marine Services (OMS), the following authorities:

(a) the authorities specified in 33 U.S.C. 883a-f and 883i to the extent necessary to perform the functions of OMS prescribed by DOO 25-5B;

(b) the functions of scientific support coordinator and NOAA regional response team representative for coastal areas, and of assessing damages to natural resources resulting from oil and hazardous substance pollution incidents, as prescribed by Executive Orders 12123 and 12316, and the National Contingency Plan (47 F.R. 31180);

(c) the authority specified in 33 U.S.C. 1441 and 1442 relating to research and monitoring of the effects of ocean dumping, overfishing and man-induced changes in the ocean environment;

(d) the authority specified in 33 U.S.C. 1704 and 1705 relating to administration of an ocean pollution policy program and a financial assistance program to further pollution plan priorities;

(e) the authority specified in section 1(e) of Reorganization Plan No. 4 of 1970 relating to Great Lakes research; and

(f) the oceanographic functions prescribed by 15 U.S.C. 313, 49 U.S.C. 1463 and 7 U.S.C. 450b to the extent necessary to fulfill OMS responsibilities described in DOO 25-5B.

7. Delegation by the Assistant Administrator to the Director, Office of Ocean and Coastal Resources Management

With the reservations prescribed in paragraphs A.3, A.5 and B.9 of this circular, the Assistant Administrator hereby delegates to the Director, Office of Ocean and Coastal Resources Management, the following authorities:

(a) the authorities specified in 16 U.S.C. 1451 through 1464 relating to the coastal zone management and estuarine sanctuary programs;

(b) lead responsibility, as specified in paragraph A.4(b) of this circular, for coordinating NOAA planning, response, trusteeship and other activities conducted pursuant to the authorities specified in subsections (11), (12) and (13) of paragraph A.1(a) of this circular;

(c) the authority specified in 30 U.S.C. 1401-1473 relating to deep seabed hard mineral resources;

(d) the authority specified in 33 U.S.C. 1504(b) and 1505(a) relating to deepwater ports;

(e) the authority specified in 16 U.S.C. 3371-3378 (Lacey Act) in regard to matters arising in connection with Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, as amended);

(f) the authority specified in 16 U.S.C. 1431 through 1434, relating to the marine sanctuaries program;

(g) the authority specified in 42 U.S.C. 9001-9009 relating to ocean thermal energy conversion research and development;

(h) the authority specified in 42 U.S.C. 9101-9167 relating to the ocean thermal energy conversion program; and

(i) the authority specified in section 1(c) of Reorganization Plan No. 4 of 1970 relating to the functions of the Marine Minerals Technology Center of the Bureau of Mines.

8. Delegation by the Assistant Administrator to the Director, Office of Marine Operations

With the reservations specified in paragraphs A.5 and B.9 of this circular, the Assistant Administrator hereby delegates to the Director, Office of Marine Operations (OMO), the following authorities:

- (a) the authority specified in 33 U.S.C. 883a-f, and 883i to the extent necessary to carry out the OMO functions described in DOO 25-5B;
- (b) the authority specified in 33 U.S.C. 883h, relating to employment of public vessels;
- (c) the authority specified in 43 U.S.C. 1347(e) relating to diving studies;
- (d) the authority specified in section 1(e) of Reorganization Plan No. 4 of 1970 relating to Great Lakes research;
- (e) the oceanographic functions prescribed by 15 U.S.C. 313, 49 U.S.C. 1463 and 7 U.S.C. 450b to the extent necessary to perform the OMO functions described in DOO 25-5B; and
- (f) the incidental authority of the Secretary to provide general services for employees at remote locations as specified in 15 U.S.C. 1514.

9. Reservations by the Assistant Administrator

The Assistant Administrator reserves authority to:

- (a) consider and approve or disapprove all regulations developed by NOS pursuant to the authorities specified in paragraph A.1 of this circular;
- (b) consider and approve or disapprove, pursuant to 16 U.S.C. 1455, state coastal zone management programs;
- (c) consider and approve or disapprove proposals to designate a marine sanctuary or to withdraw a marine sanctuary designation pursuant to 16 U.S.C. 1432;
- (d) consider and approve or disapprove proposals to grant or deny issuance or transfer of a license or permit pursuant to 30 U.S.C. 1416(b) (deep seabed hard minerals) and 42 U.S.C. 9111 (ocean thermal energy conversion);
- (e) consider and approve or disapprove objections to license or permit terms, conditions or restrictions pursuant to 30 U.S.C. 1415(b)(3);

(f) continue to recognize licenses issued by a former reciprocating state, pursuant to 30 U.S.C. 1428 (deep seabed hard minerals);

(g) make the foreign license compatibility findings pursuant to 42 U.S.C. 9111(a) (ocean thermal energy conversion);

(h) review, when requested by the applicant, permittee or licensee, proposals to deny certification pursuant to 30 U.S.C. 1416(b) (deep seabed minerals);

(i) consider and approve or disapprove all budget requests to be submitted by NOS to the Environmental Protection Administration pursuant to Executive Order 12316 (hazardous materials response and trusteeship);

(j) consider and approve or disapprove proposals relating to user fees or charges for NOS information products, including the amount of those charges; and

(k) provide general policy guidance to Office and Staff Directors and to consult with Office and Staff Directors to the extent permitted by law concerning their functions.

10. Incidental Authorities

The incidental authorities of the Secretary, not enumerated, which are delegated to the Assistant Administrator in paragraph A.4(f) of this circular may be exercised by Office and Staff Directors to the extent necessary to perform the functions assigned in this circular.



K. E. Taggart
Acting Assistant Administrator