

U.S. Department of Energy
Washington, D.C.

ORDER

HQ 1321.1

12-22-93

SUBJECT: CIVILIAN RADIOACTIVE WASTE MANAGEMENT FACILITIES--EXEMPTION
FROM DEPARTMENTAL DIRECTIVES

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1. PURPOSE. To provide exemptions in certain Department of Energy (DOE) directives for Office of Civilian Radioactive Waste Management (RW) facilities. Exemptions apply to requirements in directives that overlap or duplicate requirements of the Nuclear Regulatory Commission (NRC) to assure precedence of NRC requirements. Implementation of this Order will avoid the potential for unnecessary dual requirements.
 2. APPLICABILITY. This Order applies to Headquarters elements responsible for issuing directives that affect RW facilities.
 3. BACKGROUND/AUTHORITY. The Nuclear Waste Policy Act of 1982 requires that RW facilities be subject to licensing and regulatory oversight of the NRC. The issuance of an NRC license is dependent on the design, construction, and operation of a facility in accordance with NRC requirements.
 4. REQUIREMENTS.
 - a. DOE directives that contain requirements applicable to RW facilities that overlap or duplicate NRC regulations shall contain the following exemption statement.

"Requirements in this Order that overlap or duplicate requirements of the Nuclear Regulatory Commission (NRC) related to radiation protection, nuclear safety (including quality assurance), and safeguards and security of nuclear material, do not apply to the design, construction, operation, and decommissioning of Office of Civilian Radioactive Waste Management (RW) facilities."
 - b. This exemption does not apply to requirements for which the NRC defers to DOE or does not exercise regulatory jurisdiction.
 5. RESPONSIBILITIES.
 - a. The Secretary has sole jurisdiction to approve the imposition of requirements on RW programs and activities that are more stringent and/or comprehensive than those imposed by the NRC.
 - b. Director, Office of Civilian Radioactive Waste Management, shall identify current DOE directives that require this exemption statement and notify the appropriate Headquarters element.

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All Headquarters Elements

INITIATED BY:
Office of Civilian Radioactive
Waste Management

- c. Heads of Headquarters Elements shall revise all applicable directives to include this exemption statement.
6. ASSISTANCE. For information on this Order and a listing of applicable NRC regulations contact: John Vlahakis, Office of Systems and Compliance (RW-30), (202) 586-1464.

BY ORDER OF THE SECRETARY OF ENERGY:



Archer L. Durham
Assistant Secretary for Human
Resources and Administration