DEPARTMENT OF ENERGY
DESIGNATION ORDER NO. 00-09.00A
TO THE UNDER SECRETARY FOR SCIENCE

1. DESIGNATION. Pursuant to the authority vested in me as Secretary of Energy under the Department of Energy Organization Act, as amended, I hereby designate the Under Secretary for Science to perform on my behalf as my "authorized representative," as that term is used in the Nuclear Regulatory Commission (NRC) regulations at 10 CFR 72.16(b) (entitled "Oath or affirmation"), and as named holder of the NRC license under 10 CFR Part 72 for the Idaho Spent Fuel Facility Independent Spent Fuel Storage Installation. The Under Secretary for Science is designated as my authorized representative to apply for a transfer or an appropriate amendment of the existing license (Materials License SNM-2512, Docket 72-25), or to apply for renewal or termination of the above-referenced existing license and to apply for a new license from the NRC under 10 CFR Part 72. The Under Secretary for Science shall comply with any applicable DOE policies, standards, programs, organization and budgetary limitations, DOE legal interpretations, and administrative instructions.

2. RESCISSION. DOE Designation Order 00-09.00 is hereby rescinded.

3. LIMITATION.

3.1 Pursuant to this Designation, the Under Secretary for Science shall be governed by the rules and regulations of DOE or the NRC (per 3.2 below), and the policies and procedures prescribed by the Secretary of Energy or the Commissioners of the Nuclear Regulatory Commission (per 3.2 below), or his or her delegates.

3.2 The NRC is recognized as the legal regulatory authority with respect to the Idaho Spent Fuel Facility Independent Spent Fuel Storage Installation to the extent the facility is used primarily for the receipt and storage of spent nuclear fuel resulting from activities licensed by the NRC. Therefore, the NRC requirements that are within NRC's jurisdiction under section 202 of the Energy Reorganization Act of 1974 will apply to the licensing, design, construction, operations, and decommissioning of the Idaho Spent Fuel Facility Independent Spent Fuel Storage Installation that is used primarily for the receipt and storage of spent nuclear fuel resulting from activities licensed by the NRC. DOE orders, regulations, and/or guidelines will apply where the Nuclear Regulatory Commission defers to DOE or does not exercise regulatory authority, or where the NRC does not have jurisdiction under section 202 of the Energy Reorganization Act of 1974.

3.3 Nothing in this Order shall preclude the Secretary from exercising any of his or her authority whenever in his or her judgment his or her exercise of such

authority is necessary or appropriate to administer the functions vested in him or her.

4. AUTHORITY TO REDESIGNATE. The Under Secretary for Science may redesignate the Assistant Secretary for Environmental Management as the Secretary's "authorized representative."

5. DURATION AND EFFECTIVE DATE.

5.1 This Designation Order shall remain in full force and effect unless or until rescinded, amended, or superseded.

5.2 A copy of this Designation Order shall be provided to DOE's Office of Management, which manages the Secretarial Delegations of Authority System.

5.3 This Designation Order is effective Mar 28, 2019.

Rick Perry

Rick Perry
Secretary of Energy