

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

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 Management and Performance as my authorized representative 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 licenses SNM-2504, SNM-2508, and SNM-2512. The Under Secretary is designated as my authorized representative to take such action as is necessary and appropriate to perform the duties and responsibilities of his or her position, including, but not limited to, any responsibilities assigned by Departmental policies, standards, programs, organization and budgetary limitations, and prescribed administrative instructions.
2. RECISSION. Redesignation Order No. 00-09.01 is hereby rescinded.
3. LIMITATION.
  - a. Pursuant to this designation, the Under Secretary shall be governed by the rules and regulations of DOE or the NRC (per 3.b below), and the policies and procedures prescribed by the Secretary of Energy or the Commissioners of the Nuclear Regulatory Commission (per 3.b below), or his or her delegates.
  - b. The NRC is recognized as the legal regulatory authority with respect to the possession and management of materials under the subject licenses. 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 any facilities subject to those licenses. DOE orders, regulations, and/or guidelines will apply where the NRC 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.
  - c. The Office of the General Counsel must concur in filings and responses to NRC concerning potential enforcement actions, requests to amend, renew or terminate a license and applications for a new NRC license.
  - d. Nothing in this designation shall preclude the Secretary or Under Secretary from exercising any of his or her authority whenever in his or her judgment the exercise of such authority is necessary or appropriate to administer the functions vested in the Secretary.

4. AUTHORITY TO REDESIGNATE. The Under Secretary may redesignate the Assistant Secretary for Environmental Management as the Secretary's "authorized representative."
  
5. DURATION AND EFFECTIVE DATE.
  - a. This designation shall remain in full force and effect unless or until rescinded, amended, or superseded.
  - b. Any amendments to this designation shall be in consultation with the Office of the General Counsel.
  - c. A copy of this designation shall be provided to the Office of Management.
  - d. This designation will become effective once the NRC approves license amendments to SNM-2504, SNM-2508, and SNM-2512. These amendments will identify the changes made to the designation.



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Ernest J. Moniz  
Secretary of Energy