

DEPARTMENT OF ENERGY
REDESIGNATION ORDER NO. ~~00-09.01~~ S3-DES-EM1-2006
TO THE ASSISTANT SECRETARY FOR
ENVIRONMENTAL MANAGEMENT

1. REDESIGNATION. Pursuant to the authority vested in me as Under Secretary under the Designation Order 00-09.00, I hereby redesignate the Assistant Secretary for Environmental Management of the Department of Energy as my authorized representative to perform on my behalf as the Secretary's "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 Assistant Secretary is designated as the Secretary's authorized representative to apply for such license either by transfer and appropriate amendment of the existing license (Materials License SNM-2512, Docket 72-25) held by DOE's contractor, Foster Wheeler Environmental Corporation, or by termination of the above-referenced existing license and application for a new license from the NRC under 10 CFR Part 72. The Assistant Secretary shall comply with any applicable DOE policies, standards, programs, organization and budgetary limitations, DOE legal interpretations, and administrative instructions.
2. RECISSION. None applicable
3. LIMITATION.
 - a. Pursuant to this redesignation, the Assistant 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 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.

- c. Nothing in this order shall preclude the Secretary or the Under 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 Assistant Secretary for Environmental Management may redesignate the Manager of the Idaho Operations Office as the Secretary's "authorized representative."
5. DURATION AND EFFECTIVE DATE.
 - a. This Redesignation shall remain in full force and effect unless or until rescinded, amended, or superseded.
 - b. This Redesignation is effective May 12, 2006.



David K. Garman
Under Secretary