

# (Rescinded by 00-002.05B)

DEPARTMENT OF ENERGY  
REDELEGATION ORDER NO. 00-002.05A  
TO THE DIRECTOR FOR NUCLEAR ENERGY,  
SCIENCE AND TECHNOLOGY

1. DELEGATION. Pursuant to section 202(b) of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7132(b)) and Secretary of Energy Delegation Order 00-002 provided to the Under Secretary for Energy, Science and Environment to perform the function and duties related to the Nuclear Energy, Science and Technology, I delegate to the Director for Nuclear Energy, Science and Technology authority to take the following actions:
  - 1.1 Under section 91.b. of the Atomic Energy Act of 1954, as amended (42 U.S.C 2121), and National Security Decision Directive Number 282 (September 30, 1987):
    - A. Authorize the transfer of special nuclear material to the Departments of the Army, Air Force, and Navy (Navy Facilities Engineering Command only) in such quantities and at such times as necessary for cores for new military reactors and for replacement cores for existing military reactors, and for miscellaneous purposes (other than use in atomic weapons) for which material, fabrication and new reactors the Congress shall have authorized funds.
    - B. Authorize the Departments of the Army, Air Force, and Navy to manufacture, produce or acquire utilization facilities, other than nuclear powered ships, for which Congress shall have authorized funds.
  - 1.2 Establish, alter, consolidate or discontinue such organizational units or components within assigned organizational elements as deemed to be necessary or appropriate.
    - A. In exercising this authority, or as redelegated pursuant thereto, delegates will be limited by approved budgets, staffing level allocations, and Senior Executive Service and other executive resource position allocations. Organizational changes shall not be announced or implemented until appropriate union coordination and other pre-release clearances have been obtained.
    - B. This authority does not include approval of additional, deletion, or transfer of mission and functions of or between Departmental Headquarters and Field Elements, which authority is reserved to the Secretary.
    - C. Heads of Departmental Headquarters may delegate the authority to alter or consolidate organizational elements further, in whole or in part, consistent with the terms of the Department of Energy Organization Act, to an official or officials one level below the Head of the Departmental Headquarters.

- D. The authority to establish or discontinue organizational elements at the first or second level below the Headquarters may not be redelegated.
- E. Acting Heads of Departmental Headquarters may not redelegate these authorities and may only establish, alter, consolidate or discontinue organizational units at the third level and below. During the tenure of an acting Head of a Departmental Headquarters, organizational units below the Head of Departmental Headquarters may not exercise redelegations granting the authority to alter or consolidate units.

1.3 Pursuant to 18 U.S.C. 208(b)(3), after consultation with the Department's Designated Agency Ethics Official, issue conflict-of-interest waivers for special Government employees serving on a Federal Advisory Committee that is administratively supported by the Office of Nuclear Energy, Science and Technology.

2. RESCISSION. Redelegation Order No. 00-002.05 is hereby rescinded.

3. LIMITATION.

- 3.1 In exercising the authority delegated in this Order, a delegate shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary or delegate(s).
- 3.2 Nothing in this Order precludes the Secretary or the Under Secretary for Energy, Science and Environment from exercising any of the authority delegated by this Order.
- 3.3 Any amendments to this Order shall be in consultation with the Department of Energy General Counsel.

4. AUTHORITY TO REDELEGATE.

- 4.1 Except as expressly prohibited by law, regulation, or this Order, the Director for Nuclear Energy, Science and Technology may delegate this authority further, in whole or in part.
- 4.2 Copies of redelegations and any subsequent redelegations shall be provided to the Office of Information Resources, which manages the Secretarial Delegations of Authority system.

5. DURATION AND EFFECTIVE DATE.

- 5.1 All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are ratified and remain in force as if taken under this Order, unless or until rescinded, amended or superseded.
- 5.2 This Order is effective September 23, 2005.

A handwritten signature in blue ink, appearing to read 'D. Garman', with a horizontal line drawn underneath it.

David K. Garman  
Under Secretary for Energy,  
Science and Environment