

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. 00-002.05D
TO THE ASSISTANT SECRETARY FOR NUCLEAR ENERGY

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 the Secretary of Energy's Delegation Order to the Under Secretary, I delegate to the Assistant Secretary for Nuclear Energy, 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 and appropriated 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 and appropriated funds.
 - 1.2 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 Federal Advisory Committees that are administratively supported by the Office of the Assistant Secretary for Nuclear Energy.
 - 1.3 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.
 - F. This authority shall be exercised in accordance with, and shall be subject to the requirements of, the Secretary of Energy's Memorandum to All Department of Energy Employees relating to functional accountability, dated May 23, 2006.
- 1.4 Assert, on a nonexclusive basis, the Federal Government's deliberative process privilege with respect to any matters arising under his or her cognizance and involving or pertaining to the functions of the Office of Civilian Radioactive Waste Management.
- 1.5 Under section 988 of the Energy Policy Act of 2005:
- A. Approve requests for reduction or elimination of the cost sharing requirement for a research and development activity of an applied nature in accordance with 988(b)(3);
 - B. Approve requests for reduction of the cost sharing requirement for the non-federal share of demonstration and commercial application activities in accordance with 988(c)(2); and
 - C. Exclude research and development of a basic or fundamental nature from the cost sharing requirements, as described in 988(b)(1).

These authorities may not be redelegated further and may only be exercised after providing notification to the Office of the Secretary. Furthermore, the approval Authorities delegated in subparagraphs A and B can only be exercised in coordination with the Secretarial Policy Statement entitled, "Application and

Reduction or Elimination of Cost Share Requirements Under Section 988 of
EPACT 2005, Pub. L. 109-58."

2. RESCISSION. Redelelegation Order No. 00-002.05C 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 from exercising any of the authority delegated by this Order.

3.3 Any amendments to this Order shall be made 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 Assistant Secretary for Nuclear Energy 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 Management, 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 NOV 29 2011.



Steven Chu
Secretary of Energy