

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 00-006.00D  
TO THE UNDER SECRETARY FOR SCIENCE

1. DELEGATION. Under the authority vested in me as Secretary of Energy and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), I delegate to the Under Secretary for Science authority to take the following actions:
  - 1.1 Under section 643 of the Department of Energy Organization Act (42 U.S.C. 7253), establish, alter, consolidate, or discontinue such second tier or below organizational units or components within the Under Secretary for Science's assigned programs and organizational elements as the Under Secretary for Science may deem to be necessary or appropriate.
    - A. In exercising this authority, or as redelegated pursuant thereto, the Under Secretary for Science 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 additions, deletions, or transfers of mission and functions of or between Departmental Headquarters or Field Elements, which authority is reserved to the Secretary.
    - C. The authority to alter or consolidate second tier or below organizational elements may be redelegated, in whole or in part, consistent with the terms of the Department of Energy Organization Act, to assigned Heads of Departmental Headquarters and Field Elements and to an official or officials one level below the Head of the Departmental Headquarters or Field Elements.
    - D. The authority to establish or discontinue organizational elements at the second tier or below may be redelegated only to the Head of Departmental Headquarters or Field Elements.
  - 1.2 In reference to the sale or lease of real property at a Department of Energy defense nuclear facility, make the discretionary decision of whether to hold harmless and indemnify any eligible entity, pursuant to the conditions contained in 50 U.S.C. 2811. This authority may be exercised only after obtaining the concurrence of the General Counsel. This authority may be redelegated only to

Department officials who have been appointed by the President with the advice and consent of the Senate who have oversight responsibilities for defense nuclear facilities, and may not be redelegated further.

- 1.3 Under section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) and in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2), nominate, appoint, renew the term of, and terminate the service of members; convene meetings; and make the determination to close all or part of a meeting in accordance with 5 U.S.C. 552b(c) for all committees organized pursuant to the Federal Advisory Committee Act that are administratively supported by an organization reporting to the Under Secretary for Science. 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 an organization that reports to the Under Secretary for Science.
- 1.4 Direct a Head of Field Organization to curtail or suspend the operation of nuclear reactors, nuclear facilities, or related activities when, in the opinion of the Under Secretary for Science, continuing operations might result in an undue risk to the environment or to the safety and health of Departmental or contractor employees or to the public. This authority may not be redelegated.
- 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 section 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 section 988(c)(2); and
  - C. Exclude research and development of a basic or fundamental nature from the cost sharing requirements, as described in section 988(b)(2).

These authorities may be redelegated solely to heads of Departmental elements reporting directly to the Under Secretary for Science. These authorities may be exercised only after providing notification to the Office of the Secretary. Furthermore, the approval Authorities delegated in subparagraphs A and B can be exercised only in coordination with the Secretarial Policy Statement entitled, "Application and Reduction or Elimination of Cost Share Requirements Under Section 988 of EPACT 2005, Public Law 109-58."

- 1.6 Initiate condemnation proceedings and execute declarations of taking; sign all correspondence and other documents in connection with such proceedings; and take all other necessary and appropriate actions to acquire, in connection with the Government's power of eminent domain, real or personal property or interests therein for the Department of Energy (Department or DOE). The authority to initiate condemnation proceedings and execute declarations of taking shall not be redelegated.

#### **Office of Environmental Management**

- 1.7 On a nonexclusive basis, assert the Federal Government's deliberative process privilege with respect to any Environmental Management matters arising under the Under Secretary for Science's cognizance. This delegation is intended to protect internal predecisional Department of Energy documents in judicial or administrative proceedings in situations where the court may require the claim to be formally asserted in an affidavit from an agency official.
- 1.8 Grant waivers for all employees granted an incentive under section 3136(f)(3) of the National Defense Authorization Act for FY 2001.

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- 1.9 Under section 8 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577, 42 U.S.C. 5907) carry out functions relating to identification of opportunities to accelerate the commercial applications of new energy technologies.
- 1.10 Approve determinations preceding Program Opportunity Notices (PONs).
- 1.11 Under Title IV of Public Law 106-554 in reference to the American Museum of Science and Energy (Museum):
  - A. Accept and dispose of any gift, devise, or bequest of services or property, real or personal, valued at or under \$25,000, that is designated in a written document by the person making the gift, devise, or bequest as intended for the Museum, having determined that such gift, devise, or bequest is suitable and beneficial for use by the Museum. The acceptance of any such gift, devise, or bequest must be concurred on by the Office of Chief Counsel, Oak Ridge Operations Office, or the Office of the Assistant General Counsel for General Law. All donations of any gift, devise, or bequest of services or property, real or personal, valued above \$25,000 shall be approved by the Secretary of Energy.

- B. Operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items that are relevant to the contents of the Museum and are informative, educational, and tasteful.
  - C. Collect reasonable fees, where feasible and appropriate, for admission to the Museum and use of Museum facilities for special meetings and events.
  - D. Exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place.
  - E. Approve guidelines for leasing space on the premises of the Museum, and lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines.
  - F. Recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.
  - G. Use the proceeds from the aforementioned activities to pay the costs of the Museum.
- 1.12 Operate, manage, and administer the Department of Energy Isotope Program, as authorized under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and manage and administer the Department of Energy Isotope Program Revolving Fund, established under Public Law 101-101 and Public Law 103-316. This delegated authority shall include all functions relating to, and necessary for, the production, sale, and distribution of isotopes authorized by Federal law and regulation.
2. RESCISSION. Delegation Order No. 00-006.00C 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 from exercising any of the authority delegated by this Order.
  - 3.3 Nothing in this Order shall be construed to supersede or otherwise interfere with the authorities provided to the Administrator for Nuclear Security by law or by delegation. Furthermore, nothing herein constitutes authority to exercise

authority, direction, or control of an employee of the National Nuclear Security Administration or its contractors.

3.4 The authorities delegated by this Order shall be exercised with regard to employees, contractors, or activities of the Office of Environmental Management and the Office of Legacy Management.

3.5 Any amendments to this Order shall be in consultation with the General Counsel.

4. AUTHORITY TO REDELEGATE.

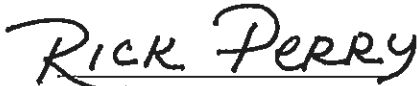
4.1 Except as expressly prohibited by law, regulation, or this Order, the Under Secretary for Science may delegate this authority further, in whole or in part.

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 OCT 12 2018.

  
Rick Perry  
Secretary of Energy