

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. ~~00-006-06~~ S4-DEL-EM1-2019
TO THE ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT

1. DELEGATION. Under the authority vested in me as Under Secretary for Science 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 Assistant Secretary for Environmental Management 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 Assistant Secretary for Environmental Management's assigned programs and organizational elements as the Assistant Secretary for Environmental Management may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Assistant Secretary for Environmental Management 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 Field Elements and to an official or officials one level below the Head of the Departmental Element.
 - D. The authority to establish or discontinue organizational elements at the second tier or below may be redelegated only to the Heads of Departmental 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 Department of Energy's General Counsel. This authority may not be redelegated.

- 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 of the Environmental Management Site Specific Advisory Board. In addition, 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 Environmental Management.
 - 1.4 On a nonexclusive basis, assert the Federal Government's deliberative process privilege with respect to any matters arising under his or her cognizance. This delegation is made 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 by an affidavit from an agency official.
 - 1.5 Grant waivers for all employees granted an incentive under section 3136 (f)(3) of the National Defense Authorization Act for FY 2001.
2. RESCISSION. DOE Redlegation Order 00-002.03C 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 Science 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 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 Assistant Secretary for Environmental Management 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 MAR 19 2019.



Paul M. Dabbar
Under Secretary for Science