

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. EM1-DEL-EM2-2021
TO THE PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT

1. DELEGATION. Under the authority vested in me as the Assistant Secretary for Environmental Management, and pursuant to the authorities delegated to me under Redeflegation Order Nos. 00-006.06 and 00-040.03-13, and vested in me pursuant to 50 U.S.C. §§2622, 2750, 2773 and 2581, I delegate to the Principal Deputy 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), alter or consolidate such second tier or below organizational units or components within the Assistant Secretary for Environmental Management's assigned programs and organizational elements as the Principal Deputy Assistant Secretary for Environmental Management may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Principal Deputy 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.
 - 1.2 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.
 - 1.3 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.

1.4 Grant waivers for all employees granted an incentive under section 3136 (f)(3) of The National Defense Authorization Act for FY 2001.

1.5 Within the Office of Environmental Management:

1.5.1 Merit Staffing Functions:

- A. Approve appointment selections and ensure that the Individuals meet the qualifications standards of EJ and EK positions announced competitively;
- B. Approve reassignments without pay increases for Senior Executive Service (SES), Senior Level (SL) and Scientific or Professional (ST);
- C. Approve reassignments and promotions with up to a six percent pay increase from current salary for EJ and EK positions;
- D. Approve details of up to 240 days, in increments of 120 days, for DOE employees into SES, SL, ST, EJ and EK positions;
- E. Approve transfers without pay increases from other agencies into SES, SL and ST positions If the employees are currently SES, SL, or ST employees;
- F. Approve pay-setting for competitively announced EJ and EK positions with up to a six percent pay increase from current salary;
- G. Approve details of SES, SL, ST, EJ and EK employees into unclassified duties within Departmental element; and
- H. Approve SES, SL, ST, EJ, EK and Exceptionally Well Qualified (EWQ) recruitment, relocation and retention incentives.

1.5.2 Position/Allocation Management functions:

- A. Consistent with section II(C)(ii) of the ERB Charter, Position/ Allocation Management, and its general executive level position management and allocation authority, approve the abolishment of unencumbered SES, SL, ST, EJ, EK and EWQ positions; and
- B. Consistent with section II(C)(iii) of the ERB Charter, Position/ Allocation Management, and its general executive level position management and

allocation authority, approve backfill requests for SES, SL, ST, EJ, and EK positions vacant 365 days or less.

1.5.3 Performance Management functions:

- A. Approve performance-based pay increases and awards for EJ, EK and EWQ positions in accordance with the annual compensation guidance; and
- B. Approve proposals to grant non-performance based incentive awards of up to \$7,500 for SES, SL, ST, EJ, EK and EWQ positions.

1.5.4 Any personnel action listed above requires concurrence from the Office of Corporate Executive Management (OCEM) in the Office of the Chief Human Capital Officer prior to effectuating the action.

1.5.5 The exercise of these authorities shall be governed by applicable rules and regulations and Departmental policies and procedures, including approvals or concurrences as may be required by such entities as ERB, the Deputy Secretary and the U.S. Office of Personnel Management.

1.6 Pursuant to section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, as amended (Public Law 105-261, 50 U.S.C. §2622):

- A. Delegate in writing responsibility for the management of the River Protection Project, Richland, Washington, to the head of the Office of River Protection.
- B. Submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notification detailing any changes in the roles, responsibilities, and reporting relationships that involve the Office of River Protection.
- C. Determine in writing that termination of the Office of River Protection would disrupt effective management of the Hanford Tank Farm operations.

1.7 Pursuant to section 3629 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended (Public Law 107-314, 50 U.S.C. §2750):

- A. Notify Congress of any transfer of defense environmental cleanup funds made by the manager of a field office of the Department of Energy from a program or project under the jurisdiction of that office to another such program or project, not later than 30 days after such transfer occurs.

1.8 Pursuant to section 3111(a) of the National Defense Authorization Act for Fiscal Year 2017, as amended (Public Law 114-328, 50 U.S.C. §2773):

- A. Ensure that an independent entity conducts reviews of each capital assets acquisition project of the Office of Environmental Management, as defined in the provision, as the project moves toward the approval of each of critical decision 0, critical decision 1, and critical decision 2 in the acquisition process.
- B. Ensure that each review of a capital assets acquisition project of the Office of Environmental Management is conducted by an independent entity with the appropriate expertise with respect to the project and the stage in the acquisition process of the project.

1.9 Pursuant to section 3123 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, as amended (Public Law 116-283, 50 U.S.C. §2581 [statutory note]):

- A. In consultation with other appropriate officials of the Department of Energy, establish requirements for the classification of defense environmental cleanup projects as capital asset projects or operations activities.
- B. Not later than March 1, 2021, submit to the congressional defense committees a report (1) setting forth the requirements established under subsection (A); and (2) assessing whether any ongoing defense environmental cleanup projects should be reclassified based on those requirements.

2. RESCISSION. None.

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, the Under Secretary for Science or the Assistant Secretary for Environmental Management from exercising any of the authorities from Redelegation Order No. 00-006.06, redelegated by this Order.
- 3.3 Nothing in this delegation precludes the Secretary, the Deputy Secretary, the Assistant Secretary for Environmental Management, or the ERB from exercising

any of the authorities from Redelegation Order No. 00-040.03-13, redelegated by this Order.

- 3.4 Nothing in this delegation precludes the Assistant Secretary for Environmental Management from exercising any of the authorities from 50 U.S.C. §§2622, 2750, 2773 and 2581, redelegated by this Order.
- 3.5 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.
- 3.6 Any amendments to this Order shall be made in consultation with the Department of Energy General Counsel.

4. AUTHORITY TO REDELEGATE.

- 4.1 These authorities may not be redelegated.

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 November 5, 2021.



William I. White
Acting Assistant Secretary
for Environmental Management