

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

1. DELEGATION. Under the authority vested in me as Under 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 Assistant Secretary for Nuclear Energy 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 Nuclear Energy's assigned programs and organizational elements as the Assistant Secretary for Nuclear Energy may deem to be necessary or appropriate.
    - A. In exercising this authority, or as redelegated pursuant thereto, the Assistant Secretary for Nuclear Energy 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 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 Assistant Secretary for Nuclear Energy. 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 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) on matters related to the Office of Nuclear Energy:
  - 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.
- 1.4 On matters pertaining to the former Office of Civilian Radioactive Waste Management:
  - A. Sign all documents and take such other actions as may be necessary and appropriate for the submission for publication to the Federal Register of notices concerning actions undertaken to implement the authorities and functions provided in the Nuclear Waste Policy Act of 1982 (Public Law 97- 425). The authority delegated does not include rulemaking authority.
  - B. Assert, on a nonexclusive basis, the Federal Government's deliberative process privilege.
2. RESCISSION. Redlegation Order No. 00-006.04 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 (of Energy) 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 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 June 4, 2019

  
Mark W. Menezes  
Under Secretary (of Energy)

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