

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. S4-DEL-NE1-2023
TO THE ASSISTANT SECRETARY FOR NUCLEAR ENERGY

1. DELEGATION. Under the authority vested in me as Under Secretary for Science (and Innovation) 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. 10, et seq.), 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 988 of the Energy Policy Act of 2005 (Public Law 109-58, codified at 42 U.S.C. 16352):

- 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 not be redelegated further and 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 of Cost Share Requirements under Section 988 of Energy Policy Act (EPACT) 2005, Pub. L. 109-58."

1.4 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 with respect to nuclear powered ships, for which Congress shall have authorized funds.

- 1.5 Execute all activities necessary to provide research and development assistance under section 31(a) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2051(a)).
- 1.6 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.
- 1.7 Execute all activities necessary to carry out the HALEU Availability Program under section 2001(a) of the Energy Act of 2020 (42 U.S.C. 16281(a)), which mandates establishing and carrying out a program to support the availability of HALEU for civilian domestic research, development, demonstration, and commercial use.
- 1.8 Execute all activities necessary to offer financial and technical assistance to entities to conduct feasibility studies for the purpose of identifying suitable locations for the deployment of micro-reactors, small modular reactors, and advanced nuclear reactors in isolated communities, as directed by section 40321(d) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18751(d)).
- 1.9 Under the Energy Policy Act of 2005 (Public Law 109-58):
 - A. Execute all activities under section 951 (42 U.S.C. 16271) necessary to carry out programs of civilian nuclear research, development, demonstration, and commercial application, including activities under this subtitle.
 - B. Execute all activities under section 953 (42 U.S.C. 16273) necessary to conduct an advanced fuel cycle research, development, demonstration, and commercial application program to support the goals described in this section.
 - C. Execute all activities under section 954, as amended (42 U.S.C. 16274(5)), necessary to carry out the Advanced Nuclear Research Infrastructure Enhancement Subprogram.
 - D. Execute all activities under section 955 (42 U.S.C. 16275) necessary to operate and maintain infrastructure and facilities to support the nuclear

energy research, development, demonstration, and commercial application programs, including radiological facilities management, isotope production, and facilities management.

- E. Execute all activities under section 957, as amended (42 U.S.C. 16277), to carry out a program to enhance the capabilities of the U.S. to develop new reactor technologies through high-performance computation modeling and simulation techniques.
 - F. Under section 959A (42 U.S.C. 16279a), establish and carry out the Advanced Reactor Demonstration Program.
 - G. Execute all activities necessary to carry out section 959C, as amended (42 U.S.C. 16279c), in the organization and administration of nuclear energy programs.
- 1.10 Pursuant to section 107(a) of the Energy Reorganization Act of 1974 (42 U.S.C. 5817(a)), take such steps as the Assistant Secretary for Nuclear Energy deems necessary to ensure the continued conduct of research and development and related activities in areas or fields the Assistant Secretary for Nuclear Energy deems to be pertinent to the acquisition of an expanded fund of scientific, technical, and practical knowledge in energy matters.
- 1.11 Under section 646(a) of the Department of Energy Organization Act (42 U.S.C. 7256(a)), enter and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and make such payments as deemed necessary or appropriate to carry out functions delegated to the Assistant Secretary for Nuclear Energy.
- 1.12 Perform activities related to international energy cooperation:
- A. Execute all activities necessary to carry out a program for international nuclear energy cooperation under section 959B of the Energy Policy Act of 2005 (42 U.S.C. 16279b).
 - B. Execute all activities necessary to encourage and participate in international cooperation in energy and related environmental research and development, as permitted by section 103(9) of the Energy Reorganization Act of 1974 (42 U.S.C. 5813(9)).
 - C. Execute all activities necessary to carry out a program under section 985(a) of the Energy Policy Act of 2005, as amended (42 U.S.C. 16341(a)) to promote cooperation on energy issues with countries of the Western Hemisphere.

- 1.13 Under Section 2(a) of Presidential Proclamation 10371, pursuant to the instructions at 87 FR 25629 (May 2, 2022), in consultation with the Secretaries of State and Commerce, or their delegates, make determinations that no viable source of supply of source material, special nuclear material, and nuclear byproduct material is available that would not require transport by Russian-affiliated vessels.
2. RESCISSION. Redlegation Order No. S4-DEL-NE1-2021 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 (and Innovation) 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 Redefegation Order is effective April 10, 2023.

A handwritten signature in dark ink, reading "Geraldine Richmond". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Geraldine Richmond
Under Secretary for Science
(and Innovation)