

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. S4-DEL-NE1-2025
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 below the position of Principal Deputy Assistant Secretary 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 On a nonexclusive basis, under section 4510 of the Atomic Energy Defense Act (50 U.S.C. 2661), take the actions described in subsection (b)(1) that are necessary for the development and implementation of a counter unmanned aircraft system (CUAS) program with respect to Idaho National Laboratory. This authority may not be redelegated.

1.5 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.
- 1.6 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)).
- 1.7 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.
- 1.8 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.
- 1.9 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)).
- 1.10 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.
- 1.11 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.
- 1.12 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.
- 1.13 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.
- 1.14 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.
- 1.15 Pursuant to section 3002(d)(1) of the Native American Graves Protection and Repatriation Act (NAGPRA; Pub. L. 101-601; 25 U.S.C. 3002), perform all duties necessary to certify receipt of written notification of inadvertent discovery of Native American human remains and objects.
- 1.16 Perform the Federal land manager's duties as required by, and relating to, the Archaeological Resources Protection Act (ARPA; 16 U.S.C. 470aa et seq.), except for promulgation of rules and regulations under 16 U.S.C. 470ii(b) which is reserved for the Secretary. The following duties may not be redelegated below the site or field office manager:
 - A. Determination by the Federal land manager before issuance of an ARPA permit, as required by 16 U.S.C. 470cc.(b);
 - B. Notification to an Indian tribe under 16 U.S.C. 470cc.(c); and
 - C. Assessment of civil penalties, requests for collection of civil penalties, and hearings related to civil penalties by the Federal land manager under 16
 - D. U.S.C. 470ff.(a), (b), and (c).
- 1.17 Pursuant to Section 309 of Title III of Division D of the Consolidated Appropriations Act, 2023 (Public Law 117-328) ("Section 309") and Section 40322 of the Investment, Infrastructure, and Jobs Act (Public Law 117-58) ("Section 40322"):
 - A. Vest unconditional title or other property interests acquired under energy development, demonstration, and deployment programs funded under Department of Energy appropriations (other than those for the National Nuclear Security Administration and Office of Environmental Management) in an award recipient, subrecipient, or successor in

interest, including the United States, at the conclusion of the award period for projects receiving an initial award in fiscal year 2022 or later. This authority cannot be redelegated.

- B. Assign to any entity, including the United States, fee title or any other property interest acquired by the Secretary under an agreement entered into with respect to projects under the Department's Advanced Reactor Demonstration programs or any other advanced nuclear reactor project for which federal funding is provided for development and demonstration as described in Section 40322. This authority cannot be redelegated.

- 1.18 Under Sections 3131(e)(1) and (f) of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118-31, 42 U.S.C. 16282(e)(1) and (f)), execute all activities necessary to establish and implement the Nuclear Fuel Security Program to increase the quantity of high-assay, low-enriched uranium (HALEU) and, if determined to be necessary, low-enriched uranium (LEU) produced by United States nuclear energy companies.
- 1.19 Under Sections 3131(e)(3) and (h) of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118-31, 42 U.S.C. 16282(e)(3) and (h)), execute all activities necessary to establish and implement the HALEU for Advanced Nuclear Reactor Demonstration Projects Program to: (i) meet the needs and schedules of advanced nuclear reactor developers until such time that commercial enrichment and deconversion capability for HALEU exists in the United States at a scale sufficient to meet future needs; and (ii) where practicable, partner with countries that are allies or partners of the United States to meet those needs and schedules until that time.
- 1.20 Under the Prohibiting Russian Uranium Imports Act (Public Law 118-62, 42 U.S.C. 2297h-10a(d)(2)), execute all activities necessary to waive the prohibition on the importation of Russian LEU, in consultation with the Secretary of State and the Secretary of Commerce, upon determining that: (i) no alternative viable source of LEU is available to sustain the continued operation of a nuclear reactor or a United States nuclear energy company; or (ii) importation of Russian LEU is in the national interest.
- 1.21 Exercise the Defense Production Act of 1950 (Public Law 81-774; 50 U.S.C. 4558), as amended, authorities delegated to the Secretary of Energy under Part IV of Executive Order 13603 (National Defense Resources Preparedness) to develop voluntary agreements and plans of action to help provide for the national defense, in consultation with the Attorney General, the Chairman of the Federal Trade Commission, and their respective delegates.

- 2. RESCISSION. Redlegation Order No. S4-DEL-NE1-2024-2 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.

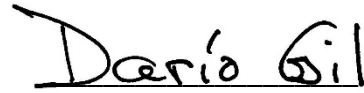
4. AUTHORITY TO REDELEGATE.

- 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 Redelegation Order is effective October 22, 2025.

A handwritten signature in black ink that reads "Dario Gil". The signature is written in a cursive style with a horizontal line underneath the text.

Dario Gil

Under Secretary for Science