

BUSINESS OPERATING PROCEDURE

BOP ~~110.100.03~~

Approved: 5-28-14

Delegation and Designation of Authority



NATIONAL NUCLEAR SECURITY ADMINISTRATION Office of Management and Budget

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OFFICE OF PRIMARY INTEREST (OPI):
Office of Business Operations

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DELEGATION AND DESIGNATION OF AUTHORITY

1. **PURPOSE.** The purpose of this Business Operating Procedure (BOP) is to define the process for the preparation, issuance, and maintenance of Delegations and Designations of Authority within the NNSA, including Redelegations of Authority following DOE guidance on the DOE Delegations website, www.directives.doe.gov.
2. **CANCELLATION.** None.
3. **APPLICABILITY.**
 - a. **NNSA Applicability.** The provisions of this BOP apply to all the NNSA's Federal organizations. This policy is not applicable to contractor organizations or personnel. This policy does not apply to Nuclear Safety Authorities, which are covered under BOP-10.002, Delegations of Nuclear Safety Authority.
 - b. **Contractors.** Does not apply to contractors.
 - c. **Exemption.** A Delegation of Authority is not required in the following instances:
 - (1) Memoranda designating an individual to serve in an "acting" capacity during the temporary and brief absence of an NNSA official, e.g., vacation, travel, etc.
 - (2) Delegation of routine office-management and/or administrative responsibilities from one official to another within a particular office.
 - (3) Specific actions assigned by law, regulation, or Executive Order to the NNSA, rather than a specific official(s). Requirements of this type are generally addressed through the DOE's or NNSA's directives system.
4. **BACKGROUND.**
 - a. The authority of the Administrator and the Under Secretary for Nuclear Security are provided in legislation or are inherent in the position as head of the organization. Another source of authority is the Secretarial Order of Delegation to the Under Secretary for Nuclear Security. Additional sources of authority are delegations made by the President through Executive Orders and regulations issued by other executive agencies, such as the Office of Management and Budget, the Office of Personnel Management, and the General Services Administration. All such authority is retained by the Administrator/Under Secretary unless specifically delegated to another official through this delegation system.
 - b. Nothing in this BOP empowers any officer or employee of the NNSA to exercise authority which the Administrator/Under Secretary may not re-delegate by the terms of legislation, Executive Order, or other source of authority.

- c. Designations of Authority are legal instruments used when law or regulation requires the designation of an individual within the DOE or NNSA as the Agency Official or focal point for a specific program or activity. For example, the Secretary is required by law to designate an individual as the Designated Agency Ethics Official. This is accomplished through a Designation of Authority.

5. REQUIREMENTS.

- a. PROPOSING DELEGATIONS. The authority to sign and issue delegations of authority is reserved to the Under Secretary for Nuclear Security or the Administrator. The appropriate procedure and medium for issuing such delegations is described below. Delegations of Authority shall not be prepared as memorandums or included exclusively in regulations. Any statements regarding Delegation of Authority contained in any directive or regulation must be cross-referenced to and have as its basis a delegation published in accordance with this BOP or DOE guidance.

- (1) Minimum Elements. Each delegation order must *as a minimum* include the following:
 - (a) Citation of the original source of authority (e.g., statute, Executive Order or proclamation, Secretarial delegation order or regulations issued by other Executive Branch agencies);
 - (b) Description of the authority to be delegated;
 - (c) Any limitation(s) imposed, including restrictions on redelegation;
 - (d) Citation of any previous delegation of authority which is to be amended or rescinded, if applicable;
 - (e) A signature block; and,
 - (f) Standard Departmental boilerplate language and format is shown in Appendix 1.
- (2) The proposing element shall:
 - (a) Develop an accompanying action memorandum to the person authorized to delegate the authority stating the issue, discussion, and recommendation.
 - (b) Submit the action memorandum and draft delegation order to the Policy and Analysis Division (NA-MB-22) for processing and submission to the NNSA General Counsel.
 - (c) Ensure that the NNSA General Counsel and NNSA Elements having direct interest in the delegation concur.

- (d) NA-MB-22 will provide the original signed and dated Delegation and email a Microsoft Word file of the final Delegation to the Office of Information Resources (MA-90) for publication on the DOE website.
- b. REDELEGATING EXISTING DELEGATIONS. When proposing a redelegation of an existing Delegation of Authority, there may be limitations or additional stipulations to the redelegation. The redelegation does not relinquish the delegant's power to exercise that authority, nor does the redelegation relieve the delegant from responsibility for action(s) taken pursuant to the Delegation. The redelegation must as a minimum include the same information listed in 5.a.
- c. PROPOSING AMENDMENTS. When proposing an amendment to an existing Delegation of Authority, the proposed amendment must be incorporated into the existing Delegation of Authority, and where applicable, the existing Redelegation of Authority. Procedures for effecting such amendments are as follows:
- (1) Use an electronic copy of the existing Delegation of Authority [obtained from the Policy and Analysis Division (NA-MB-22)] as a base, incorporate and highlight the proposed amendment(s).
 - (2) Develop an action memorandum to the Under Secretary of Nuclear Security/Administrator stating the proposed amendment(s), justification, and recommendation, along with the draft delegation containing the highlighted change(s).
 - (3) Provide the proposed amendment and accompanying memorandum to the Policy and Analysis Division (NA-MB-22) and identify any other NNSA Elements having direct interest in the Delegation of Authority for coordination.
 - (4) Ensure that NNSA General Counsel and NNSA Element(s) having a direct interest in the delegation concur.
 - (5) NA-MB-22 will provide the original signed and dated amendment and email a Microsoft Word file of the final amendment to the Office of Information Resources (MA-90) for publication on the [DOE website](#).
- d. RESCINDING DELEGATIONS. When rescinding a Delegation of Authority, normally, old Delegations of Authority are rescinded as new delegations replace them by citing the old Delegation of Authority's assigned number. Occasionally, an entire Delegation of Authority may need to be rescinded. Delegations of Authority may be rescinded by a memorandum signed by the Delegant. Coordinate with NA-MB-22 when rescinding a delegation.
- e. PROPOSING DESIGNATIONS. Most Designations of Authority originate in DOE. When NNSA is specifically required by law or regulation to designate an

individual as an Agency Official or focal point, the same processes will be used as stated above for Delegations of Authority.

6. RESPONSIBILITIES.

- a. Under Secretary for Nuclear Security/Administrator sign Delegations/Designations of Authority coming from that position.
- b. Deputy Administrators, Associate Administrators
 - (1) Recommends to the Administrator/Under Secretary for Nuclear Security areas in which formal Delegation of Authority is appropriate and draft proposed delegation orders.
 - (2) Ensures appropriate coordination of proposed Delegations of Authority with the NNSA General Counsel, the Director of the Office of Human Capital Management, and when appropriate, with any other NNSA or Departmental Element having a direct interest in the delegation.
 - (3) Exercises delegated authority in conformity with any requirements which the official making the delegation would be called upon to observe and in accordance with relevant Departmental policies, standards, programs, organization and budgetary limitations, and prescribed administrative instructions.
 - (4) Reviews all delegated authorities within their program area periodically to determine their continued appropriateness and to ensure consistency with program goals.
- c. NNSA General Counsel (NA-GC)
 - (1) Provides legal advice and guidance, as requested, with respect to delegations, redelegations, amendments, rescinding delegations, and Designations of Authority.
 - (2) Reviews and concurs on all proposed formal delegations, redelegations, amendments, rescinding delegations, and Designations of Authority for legal sufficiency.
- d. Office of Human Capital Management, Workforce Planning and Outreach Branch (NA-MB-171)
 - (1) Reviews all proposed formal Delegations of Authority to ensure consistency between the proposed action and the organizational assignment of other functions and authorities.

- (2) Ensures that existing delegation orders are consistent with proposed organizational changes and recommends changes to delegation orders, as appropriate.

e. Office of Business Operations, Policy and Analysis Division (NA-MB-22)

- (1) Prescribes the format and minimum elements to be included in Delegations of Authority, redelegations, amendment, rescinding delegation, and designations and ensures proposed delegation orders are formatted correctly.
- (2) Assigns delegation numbers, maintains a file of all delegation orders issued by the Administrator/Under Secretary for Nuclear Security, and ensures appropriate distribution to DOE and NNSA organizations.
- (3) Provides technical advice and guidance, as requested, with respect to delegations, redelegations, amendment, rescinding delegation, and designations.

7. REFERENCES.

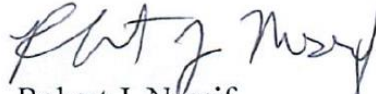
- a. Public Law 95-91, 42 U.S.C. 7101, Department of Energy Organization Act, specifically section 201, which creates the position of Secretary of Energy; and section 642, which provides for the delegation of authority by the Secretary.
- b. Title XXXII of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106-65, as amended (otherwise known as the NNSA Act)

8. DEFINITIONS.

- a. Delegation of Authority is the transfer of authority from the vested official to another official, usually at a lower organizational level, executed by a delegation order.
- b. Delegation Order is the written document used to effect a formal Delegation of Authority.
- c. Redelegation of Authority is the delegation of an authority by an official who obtained that authority by virtue of delegation from another official.
- d. Designation of Authority is the legal instrument used when law or regulation requires the designation of an individual as the Agency Official or focal point for a specific program or activity.

9. CONTACT, Office of Business Operations Policy and Analysis Division, 202-586- 3857, NNSAPolicyLetters@nnsa.doe.gov.

BY ORDER OF THE ADMINISTRATOR:



Robert J. Nassif
Acting Associate Administrator
for Management and Budget

Appendix:

1. Delegation Order Format
2. Flowchart

APPENDIX 1: DELEGATION ORDER FORMAT

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DELEGATION ORDER NO. 00-0XX.00 *(If amending, insert alpha character behind number)*

TO THE *(INSERT DELEGATEE'S TITLE AND OFFICE)*

1. **DELEGATION.** Under the authority vested in me as *(insert Delegant's Title)* and pursuant to section *(insert section number)* of the National Nuclear Security Administration Act (Public Law 106-65, 50 U.S.C. 2401 et seq) [or Delegation Order xx-xx], and the authority pursuant to my delegation, I delegate to the *(insert Delegate's Title)* authority to take the following actions:

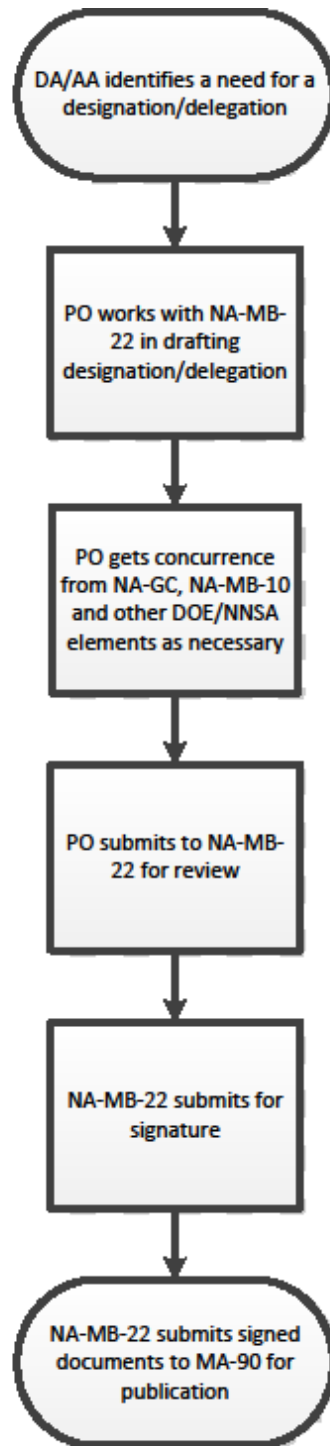
(When appropriate, list Functional Areas)

- 1.1 Under section *(insert section number)* of the [NNSA Act, executive order, Secretarial Delegation Order No. 00-003.xxxx or another Act, as applicable] *(insert code no. U.S.C. xxxx)*. *(Where applicable, insert "This authority may not be redelegated.")*
 - A.
 - B.
 - C.
- 1.2 Under section *(insert section number)* of the [NNSA Act, executive order, Secretarial Delegation Order No. 00-003.xxxx or another Act, as applicable] *(insert code no. U.S.C. xxxx)*. *(Where applicable, insert "This authority may not be redelegated.")*
 - A.
 - B.
 - C.
- 1.3 Under section *(insert section number)* of the [NNSA Act, executive order, Secretarial Delegation Order No. 00-003.xxxx or another Act, as applicable] *(insert code no. U.S.C. xxxx)*. *(Where applicable, insert "This authority may not be redelegated.")*
 - A.
 - B.
 - C.

2. RESCISSION. Delegation Order No. 00-0XX.OX is hereby rescinded. *(If the delegation does not supersede an existing delegation, then insert the word "None." in this paragraph.)*
3. LIMITATION.
 - 3.1 In exercising the authority delegated in this Order, the delegate shall be governed by the rules and regulations of the Department of Energy, the National Nuclear Security Administration, and the policies and procedures prescribed by the Secretary and Under Secretary for Nuclear Security/Administrator.
 - 3.2 Nothing in this Order precludes the Under Secretary for Nuclear Security/Administrator 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 NNSA Administrator by law or delegation.
 - 3.4 Any amendments to this Order shall be made in consultation with the NNSA General Counsel.
4. AUTHORITY TO REDELEGATE. Except as expressly prohibited by law, regulation, or this Order, the Delegate may delegate this authority further, in whole or in part. Copies of redelegations and any subsequent redelegations shall be provided to the Office of Business Operations through the Policy and Analysis Division, which manages the Delegations of Authority system for NNSA.
5. DURATION AND EFFECTIVE DATE.
 - 5.1 All actions pursuant to any authority delegated prior to this Order or 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 *(insert date)*.

Delegant's Name
Delegant's Title

APPENDIX 2: FLOWCHART



Acronyms
AA – Associate Administrator
DA – Deputy Administrator
MA-90 – Office of Information Resources
NA-GC – Office of General Counsel
NA-MB-10 – Office of Human Capital Management
NA-MB-22 – Policy and Analysis Division
PO – Program Office