

RM RESPONSIBILITIES

DATE: 01/05/2009

SUBJECT: DELEGATIONS AND AGREEMENTS

1. PURPOSE. This document delineates and addresses responsibility and accountability and describes the methodology within Oak Ridge Office (ORO) to appropriately track and provide web access to Secretarial Delegations of Authority (SDOAs), Delegations of Authority (DOAs) (external to Department of Energy [DOE]), Oak Ridge Office Delegations of Authority (ORODs), Memorandums of Understanding (MOUs), Memorandums of Agreement (MOAs), and Authorization Agreements (AAs). This document also provides guidance for developing and formatting ORO Delegations.
2. APPLICABILITY. This document applies to the Federal Staff at ORO.
3. RESPONSIBILITIES.
 - a. Manager.
 - (1) Receives a SDOA or a DOA from a DOE Headquarters (HQ) senior management official. If so stated within the Delegation, this authority may be further delegated by memo to an ORO Assistant Manager and/or to a lower-level managerial position.
 - (2) Provides copies of SDOAs and DOAs, ORODs, MOUs, MOAs, AAs, and other Agreements to Directives Management Group (DMG) no later than five working days after the document is signed and approved.
 - b. Assistant Managers.
 - (1) Receive SDOA or DOA from the ORO Manager or DOE HQ Senior Management Official, and if stated, delegates further by memo.
 - (2) Provide copies of SDOAs, DOAs, ORODs, MOUs, MOAs, AAs, and other Agreements to DMG no later than five working days after the document is signed and approved.
 - c. Divisions of Primary Interest (DPIs) and Principal Staff provide copies of SDOAs, DOAs, ORODs, MOUs, MOAs, AAs, and other Agreements to DMG no later than five working days after the document is signed and approved.
 - d. Team Leader, Directives Management Group develops and maintains web access to Delegations of Authority and MOUs, MOAs, and other Agreements, which are readily accessible to ORO Staff and contractors through the DMG Home Page and provides links to web pages for AAs and other Agreements.
4. REFERENCES.
 - a. Public Law 95-91, DEPARTMENT OF ENERGY ORGANIZATION ACT, Section 642.
 - b. Public Law 98-216, REVISIONS, TITLE 31 AND 49, U.S.C. MISCELLANEOUS AMENDMENTS.

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- c. U.S. Code Title 5, Part I, Chapter 3, Section 301, DEPARTMENTAL REGULATIONS.
- d. U.S. Code Title 5, Part I, Chapter 3, Section 302, DELEGATION OF AUTHORITY.
- e. U.S. Code Title 31, Subtitle II, Chapter 15, Subchapter III, Part 1535, AGENCY AGREEMENTS (originally titled, ECONOMY ACT OF 1932), as amended by Public Law 98-216.
- f. U.S. Code Title 42, Chapter 23, Division A, Subchapter III, Part 2051, RESEARCH AND DEVELOPMENT ASSISTANCE.
- g. U.S. Code Title 42, Chapter 84, Subchapter VI, Part C, Section 7252, DELEGATION.
- h. Office of Management and Budget (OMB) Circular A-97, RULES AND REGULATIONS, dated August 29, 1968.
- i. DOE-HDBK-1188-2006, GLOSSARY OF ENVIRONMENT, SAFETY AND HEALTH TERMS, dated January 2006 (available online at <http://www.eh.doe.gov/techstds/standard/hdbk1188/doe-hdbk-1188-2006.pdf>).

5. DEFINITIONS.

- (1) **ACCOUNTABILITY.** The state of being liable for explanation to a superior DOE official for the exercise of authority. Ultimate accountability is to the Secretary, who may delegate authority or share responsibility for specified actions. The delegate of an authority is accountable to the delegating responsible authority for the proper and diligent exercise of that authority. Responsibility differs from accountability in that a responsible official "owns" the function for which he or she is responsible; it is an integral part of his or her duties to see that the function is properly executed, to establish criteria for the judgment of excellence in its execution, and to strive for continuous improvement in that execution. A responsible official is associated with the outcomes of the exercise of authority regardless of whether it was delegated, and regardless of whether the designee properly followed guidance. Accountability, on the other hand, involves the acceptance of the authority for execution (or for further delegation of components of execution), by using guidance and criteria established by the responsible authority.
- (2) **AUTHORITY.** The basis under which a DOE employee is empowered to take an action. Such actions include approval of a proposal, stopping work, or directing a contractor to perform work. The basis for an authority may be a public law, a DOE directive, or the written delegation of the responsible authority empowered by such a basis.
- (3) **AUTHORITY HAVING JURISDICTION (AHJ).** The decision making authority in matters concerning fire protection. The DOE Head of Field Organization or designee is the final AHJ unless otherwise directed by the Cognizant Secretarial Officer.
- (4) **ORDER.** DOE Orders, part of the DOE directives system, are the prevailing means by which DOE identifies management objectives which are requirements for DOE personnel and, when incorporated into contracts, requirements for DOE contractors. Most DOE

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nuclear safety Orders are in the process of being superseded by regulations. Orders on nuclear safety will continue to be upgraded and issued on an interim basis since the rulemaking process can be lengthy.

- (5) **RESPONSIBILITY.** The state of being liable for the outcome of the exercise of an authority granted by law, regulation, or directive. Responsibility cannot be delegated although the associated authority may be.
- (6) **DOE SECRETARIAL DELEGATIONS.** At the Department of Energy, the Secretarial Delegation of Authority is the legal instrument used to transfer authority granted to the Secretary of Energy by statute, executive order or proclamation, or regulations issued by other executive branch agencies (such as the Office of Management and Budget, the Office of Personnel Management, and the General Services Administration), to an official within the Department. The Secretary may authorize successive re-delegations of authority within the Department as he or she may deem to be necessary or appropriate. The authority to delegate is provided to the Secretary by statute (including Section 642 of Public Law 95-91, DEPARTMENT OF ENERGY ORGANIZATION ACT [42 U.S.C. 7252, DELEGATION]; and 5 U.S.C. Section 301, DEPARTMENTAL REGULATIONS). (Source: DOE Secretarial Delegations Home Page [<http://www.directives.doe.gov/delegations/index.html>])
- (7) **OAK RIDGE OFFICE DELEGATIONS.** Delegations of Authority from the Head of the Field Element (or Manager) to an Assistant Manager of the Field Element who, if it is found necessary and feasible, can then in turn re-delegate to ORO staff or contractor staff at the field level, as appropriate.
- (8) **REQUIREMENT.** Activities that must be performed to fulfill the Department's mission, law, or regulations. (Source: DOE M 251.1-1B)

6. ATTACHMENTS.

- a. Attachment 1 – Example of Oak Ridge Office Delegation of Authority Memo [Memo From ORO Manager To ORO Assistant Manager]
- b. Attachment 2 – Example of Oak Ridge Office Delegation of Authority Memo [Memo From ORO Assistant Manager To ORO Division Director]

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Attachment 1

DATE: 01/05/2009

EXAMPLE OF OAK RIDGE OFFICE DELEGATION OF AUTHORITY MEMO [MEMO FROM ORO MANAGER TO ORO ASSISTANT MANAGER]

DATE: August 28, 2006

TO: John T. Dough, Assistant Manager for Facilities Management, FM-70

FROM: Fred R. Jones, Manager, ORO, M-1

SUBJECT: DELEGATION OF AUTHORITY FOR BETHEL VALLEY ACCESS PROPERTY MANAGEMENT

REFERENCE: Memorandum from James Boulder to Fred Jones, "Bethel Valley Access Property Management," dated August 17, 2006.

In accordance with the provisions of James Boulder's memorandum dated August 17, 2006, subject as above, you are delegated authorities for property management as contained in the referenced Headquarters Delegation memorandum. This delegation covers authority to take such actions necessary for appropriate maintenance and management of the Bethel Valley Access Property, subject to limitations contained in the attached Delegation Order. These authorities may be carried out by you in accordance with assigned duties and responsibilities.

EFFECTIVE DATE: August 30, 2006

TERMINATION DATE: August 30, 2007

Fred R. Jones
Manager

Attachment(s)
Memo Boulder to Jones, dtd 8/17/2006

cc w/attachment(s):
DOE-HQ, Office of Facilities and Property Management, FM-80
James A. Boulder, FM-80
Wayne Albaugh, AD-440

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Attachment 2

DATE: 01/05/2009

EXAMPLE OF OAK RIDGE OFFICE DELEGATION OF AUTHORITY MEMO [MEMO FROM ORO ASSISTANT MANAGER TO ORO DIVISION DIRECTOR]

DATE: August 29, 2006

TO: Maria K. Cortez, Director, Facilities and Property Management Division, FM-71

FROM: John T. Dough, Assistant Manager for Facilities Management, FM-70

SUBJECT: DELEGATION OF AUTHORITY FOR BETHEL VALLEY ACCESS PROPERTY
MANAGEMENT

REFERENCE: (1) Memorandum from James Boulder to Fred Jones, "Bethel Valley Access Property Management," dated August 17, 2006.
(2) Memorandum from Fred Jones to John Dough, "Delegation of Authority for Bethel Valley Access Property Management, dated August 28, 2006.

In accordance with the provisions of James Boulder's memorandum dated August 17, 2006, and the Fred Jones' memorandum dated August 28, 2006, both referenced above, you are delegated authorities for property management as contained in those memorandums. These delegations cover authority to take such actions necessary for appropriate maintenance and management of the Bethel Valley Access Property, subject to limitations contained in the attached Delegation Orders. These authorities may be carried out by you in accordance with assigned duties and responsibilities.

EFFECTIVE DATE: August 30, 2006

TERMINATION DATE: August 30, 2007

John T. Dough
Assistant Manager for Facilities Management

Attachment(s)

- (1) Memo Boulder to Jones, dtd 8/17/2006
- (2) Memo Jones to Dough, dtd 8/30/2006

cc w/attachment(s):

DOE-HQ, Office of Facilities and Property Management, FM-80
James A. Boulder, FM-80
Wayne Albaugh, AD-440