



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

January 4, 2010

In reply refer to: DK-7

Dan Seligman  
Attorney at Law  
Columbia Research Corporation  
P.O. Box 99249  
Seattle, WA 98139

**RE: FOIA #BPA-2010-00613-F**

Dear Mr. Seligman:

This is your final response to your request for information that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

**You requested the following:**

This FOIA request seeks to obtain additional documents regarding BPA's relationship with the U.S. Department of Energy ("DOE"):

- 1) A copy of all orders, directives, rules, regulations, standards, practices or policies of BPA or the DOE (excluding the Federal Energy Regulatory Commission) that describe under what circumstances BPA seeks permission from the Secretary or Deputy Secretary of Energy before BPA undertakes an action or makes a decision.
- 2) A copy of all requests from BPA to the Secretary or Deputy Secretary of Energy since January 1, 2000, in which BPA expressly asked in writing for the Secretary or Deputy Secretary of Energy to permit, approve or otherwise act on a proposed BPA decision before BPA went ahead. Excluded from this request are BPA personnel decisions (e.g., promotions, reprimands, etc.) and BPA decisions related to homeland security (e.g., preventing terrorist attacks).
- 3) A copy of all written responses from the Secretary or Deputy Secretary of Energy to the requests in item #2 above.

**Response:**

1) This link [http://management.energy.gov/about\\_us/Current\\_Delegations.htm](http://management.energy.gov/about_us/Current_Delegations.htm) was emailed to you on Thursday, December 31, 2009, to review information relating to your request. Included in this final response is a copy of "Department of Energy Delegation Order No. 00-033.00B to the Administrator and Chief Executive Officer of Bonneville Power Administration."

2 & 3) BPA has provided copies of all responsive documents in their entirety. As per your request, BPA has excluded from this request personnel decisions (e.g., promotions, reprimands, etc.) and BPA decisions related to Homeland Security (e.g., preventing terrorist attacks).

I appreciate the opportunity to assist you with this matter. If you have any questions regarding this letter, please contact Laura M. Atterbury, Freedom of Information Act/Privacy Act Specialist, at 503-230-7305.

Sincerely,

A handwritten signature in black ink that reads "Christina J. Brannon". The signature is written in a cursive style with a large, stylized initial "C".

Christina J. Brannon  
Freedom of Information Act/Privacy Act Officer

Enclosure(s): Responsive Documents

U.S. DEPARTMENT OF ENERGY  
BONNEVILLE POWER ADMINISTRATION

TRANSMITTAL FOR ADMINISTRATOR/CEO ACTION

2. 568 NO.

1. DATE

5/22/02

3. ADDRESSEE

Spencer Abraham  
Secretary of Energy

4. TYPE OF DOCUMENT AND BRIEF DESCRIPTION OF SUBJECT MATTER

Bonneville Power Administration and Orders and Directives

5. ORIGINATOR (Name, Phone & Org. Code).

Christy Edwards, 503-230-4795, D-7

6. TYPIST (Name, Phone & Location)

Ann Yoakum, 503-230-5106, D-7

7. BPA CONTROL NO.

8. DUE DATE

9. ES CONTROL NO. (DOE)

10. SEQUENCE/CONCURRENCE

ROUTING		TO	DATE		INITIALS	SUMMARY/SPECIAL INSTRUCTIONS
ORDER	SYMBOL		IN	OUT		
1	D	Christy Edwards		5/22	CE	Delegation of Authority re Bonneville Power Administration - Orders and Directives
2	KN	Roger Seifert		5/22	RS	
	C	Employee & Business Resources				
	CC	Shared Services				
	DF	Finance				
	KC	Communications				
	KE	Environment, Fish and Wildlife				
	KN	Washington, DC Office National Relations				
	KR	Regional Relations				
	KT	Tribal Relations				
3	L	General Counsel		5/16	SB	Sonya Baskerville
	P	Power Business Line				
	PG	Generation Supply				
	PN	Energy Efficiency				
	PS	Requirements Marketing				
	PT	Bulk Marketing				
	T	Transmission Business Line				
	TF	Transmission Field Services				
	TM	Marketing & Sales				
	TN	Engineering & Technical Svcs				
	TO	Operations & Planning				
4	D	Executive Correspondence	5/22	3:20	AMY	<p><i>There</i> It still sticks in my craw that aviation is withheld. This is otherwise great (there's nothing more to be done about aviation right now).</p> <p>I want SH to see this before I sign SW</p> <p>SH</p>
6	K	Deputy Administrator	5/22		<del>SH</del>	
5	D	Chief Operating Officer	5/22		WA	
7	A	Administrator/CEO	5/22	5/29	SW	



## Department of Energy

Washington, DC 20585

### MEMORANDUM FOR THE SECRETARY

THROUGH: KYLE MCCLARROW  
CHIEF OF STAFF

FROM: BRUCE M. CARNES  
DIRECTOR, OFFICE OF MANAGEMENT, BUDGET AND  
EVALUATION/CHIEF FINANCIAL OFFICER

SUBJECT: Bonneville Power Administration and Orders and Directives

**BACKGROUND.** In the fall of 2001, the Department updated its Delegations of Authority, many of which had not been revised for years and did not take into account the creation of the National Nuclear Security Administration.

The situation of the Bonneville Power Administration (BPA) presented a challenge, inasmuch as previous delegations of authority (the most recent dated in 1996) had provided BPA considerable discretion in determining which orders and directives were applicable to it. BPA had worked with the Department during that period to categorize DOE directives into three categories:

- Items Withheld from Delegation (binding upon BPA) – generally dealing with the IG, Security, and SES issues.
- Items Delegated to BPA (at BPA's discretion) – generally dealing with personnel, acquisition (BPA is exempt by statute from the Federal Acquisition Regulation appropriations, and safety (BPA operates under OSHA rules) issues.
- Items Not Applicable to BPA – generally dealing with nuclear weapons and research and development.

The delegations as revised in 2001 rescinded the majority of delegations to the BPA, thereby making them subject to all DOE orders and directives unless they made a successful, formal appeal on a case-by-case basis. During the revision process, BPA raised a number of concerns regarding the rescission, but Steve Wright and I agreed to operate under the new rules for six-month period and then revisit the impact of the rescission upon BPA and its customers.

You signed the revised delegations on December 6, 2001, which means that the 6-month trial period is about at its end.

**DISCUSSION.** BPA asserts that it has incurred additional salary costs (about \$250,000 annually) to administer and manage the new process. These costs are passed on to BPA's customers. In addition, BPA has incurred additional costs associated with implementing many of the new orders and directives that have been issued over the past six months. Let

to their own devices, I believe they would have found a way to implement the orders in a less costly, less disruptive manner.

BPA would argue that of more concern is the impact the rescission will have on BPA's ability to continue its progress toward meeting the goals of the President's Management Agenda. Results of the recent DOE Organizational Assessment Survey highlight BPA's success in the Human Capital and Budget and Performance Integration initiatives. BPA received the top scores in the areas of strategic planning, teamwork, performance measures, incentives and rewards of any comparably-sized Federal entity. In fact, OPM, which administered the survey, had never seen scores as high as BPA's in many areas. Much of BPA's success is attributable, at least in part, I believe, to the operational flexibility they have enjoyed, in some measure deriving from the latitude they had in implementing order and directives previously.

Moreover, I believe that we have inappropriately placed the burden on the regulated (instead of the regulator) to make the case that a regulation (i.e., order or directive) did not apply to it. The burden should rather be on us to make the case that it does.

RECOMMENDATION. That you sign the attached delegation, which has been modified to account for the need for increased security post-September 11, 2001. This modification means that previously delegated security directives will now be transferred to the "Withheld from Delegation" category.

Further, I plan to institute an administrative change that would require as a matter of course that the any new or revised order or directive explicitly specify the entities in the Department to which it applies, rather than compelling the various Departmental components to review and submit formal appeals to be excluded from directives that clearly are not applicable to them.

Concur \_\_\_\_\_  
Non-Concur \_\_\_\_\_  
Other \_\_\_\_\_

COORDINATION:

DOE-GC \_\_\_\_\_  
BPA Sf

200200553  
2002-009062

## DEPARTMENT OF ENERGY

DELEGATION ORDER NO. \_\_\_\_\_

TO THE

ADMINISTRATOR AND CHIEF EXECUTIVE OFFICER  
BONNEVILLE POWER ADMINISTRATION

1. **DELEGATION.** Pursuant to the authority vested in me as the Secretary of Energy and by Section 642 of the Department of Energy Organization Act (Public Law 95-91), there is hereby delegated to the Administrator and Chief Executive Officer of the Bonneville Power Administration (BPA):
  - a. The authority to implement, oversee, and enforce the Department of Energy directives specified in the list in Appendix A of items "Delegated to the BPA," insofar as such directives or elements thereof apply to the BPA.

Appendix B, "Items Withheld from Delegation," contains those directives that are expressly withheld from delegation to the BPA.

Appendix C, "Not Applicable to the BPA," lists those directives that are not affected by this delegation because they do not by their terms or subject matter apply to the BPA.
  - b. Authority under paragraph a) includes the authority to determine which of the delegated Department of Energy directives, or elements thereof, are applicable to BPA and to exempt BPA from such directives or elements thereof. The BPA shall have the authority to require that officers, employees, and contractors and subcontractors of the BPA comply with local BPA directives in lieu of otherwise applicable DOE directives listed in Appendix A.
2. **LIMITATION.**
  - a. Nothing in this delegation is intended to change the Secretary or the Deputy Secretary's oversight and supervision of the BPA. The Secretary or Deputy Secretary may direct the Administrator, BPA to take specific actions to comply with delegated Department of Energy directives or may withdraw a delegation or exemption at any time.
  - b. All Department of Energy directives issued between December 6, 2001, and the date that this delegation is effected will be realigned into one of the following categories (Appendix D):

- Withheld from Delegation
- Delegated to the BPA
- Not Applicable to the BPA

- c. Any future Department of Energy directive shall not apply to the BPA, unless the directive by its terms specifically so provides.
- d. Any amendment to this Order shall be in consultation with the Department of Energy General Counsel.

3. AUTHORITY TO REDELEGATE. The authority hereby delegated may be further delegated, in whole or in part, as the Administrator or Chief Executive Officer determines.

4. EFFECTIVE DATE. This Order is effective upon my signature.

\_\_\_\_\_  
Spencer Abraham  
Secretary

\_\_\_\_\_  
Date

**APPENDIX A  
DIRECTIVES DELEGATED TO THE BPA**

Directive	Title	Originating Office
O 130.1	Budget Formulation	ME
O 135.1	Budget Execution – Funds Distribution and Control	ME
M 135.1-1	Budget Execution Manual	ME
P 1210.1	Guidance on Implementation of the Department's Public Participation Policy	PA
1220.1A	Congressional and Intergovernmental Affairs	CI
1230.2	American Indian Tribal Government Policy	CI
2100.12A	Payment for Special Burdens and in Lieu of Taxes	ME
O 210.1	Performance Indicators Programs	EH
O 413.1A	Management Control Program	ME
O 225.1A	Accident Investigation	EH
O 231.1	Environment, Safety and Health Reporting Requirements	EH
M 231.1-1	Environment, Safety and Health Reporting Manual	EH
O 241.1A	Scientific and Technical Information Management	SC
1340.1B	Management of Public Communications Publications and Scientific, Technical, and Engineering Publications	CI
1350.1	Audiovisual Exhibits Management	CI
O 252.1	Technical Standards Program	EH
O 311.1A	Equal Employment Opportunity Program	ED
3300.3	Employment	ME
3304.1A	Employment of Experts and Consultants	ME
O 322.1A	Pay Administration and Hours of Duty	ME
3335.1C	Merit Promotion	ME
O 325.1	Position Classification	ME
3731.1	Suitability, Position Sensitivity Designations, and Related Personnel Matters	ME
O 331.1B	Employee Performance Management	ME
3450.1B	Incentive Awards	ME
3750.1	Work Force Discipline	ME
G 3710.1	Department of Energy Labor-Management Relations	ME
O 322.1A	Pay and Leave Administration and Hours of Duty	ME
3771.1	Grievance Policy and Procedures	ME
O 350.1	Contractor Human Resource Management Programs	ME
3220.6A	Federal Labor Standards	ME
O 360.1B	Federal Employee Training	ME
O 412.1	Work Authorization System	FM
O 414.1A	Quality Assurance	EH
O 420.1	Facility Safety	EH
O 430.1A	Life Cycle Asset Management	ME
O 430.2A	Departmental Energy and Utilities Management	EE

Directive	Title	Originating Office
O 440.1A	Worker Protection Management for DOE Federal & Contractor Employees	EH
P 450.1	Environment, Safety and Health Policy for the Department of Energy Complex	EH
P 450.2A	Identification, Implementation, and Compliance with Environment, Safety and Health Requirements	EH
SEN-22-90	DOE Policy on Signatures of RCRA Permit Applications	S-1
O 451.1B	National Environmental Policy Act Compliance Program	EH
O 460.1A	Packaging and Transportation Safety	EH
O 460.2	Department Materials Transportation and Packaging Management	EH
O 481.1B	Non-Department of Energy Funded Work (Work for Others)	ME
2110.1A	Pricing of Departmental Materials and Service	ME
3600.1B	Time and Attendance Reporting	ME
O 540.1	Departmental Business Instrument Numbering System	ME
O 542.1	Competition in Contracting	ME
O 542.2A	Unsolicited Proposals	ME
5560.1A	Priorities and Allocations Programs	ME
1500.2A	Travel Policy and Procedures	ME
O 551.1A	Official Foreign Travel	SO
3790.1B	Federal Employee Occupational Safety & Health Program	ME
O 5480.19	Conduct of Operations Requirements for DOE Facilities	EH
5400.1	General Environmental Protection Program	EH
2200.2B	Collection from Current and Former Employees for Indebtedness to the United States	ME
2200.11	Processing Garnishment Orders for Child Support and/or Alimony	ME
P 141.1	DOE Management of Cultural Resources	EH
P 310.1	Maximum Entry and Mandatory Separation Ages for Certain Security Employees	ME
P 411.1	Safety Management Functions, Responsibilities, and Authorities Policy	EH
P 413.1	Program and Project Management Policy for the Planning, Programming, Budgeting and Acquisition of Capital Assets	CR
P 450.4	Safety Management System Policy	EH
P 450.5	Line Environment, Safety and Health Oversight	DP
P 450.6	Environment, Safety and Health	EH
O 110.3	Conference Management	ME
O 224.1	Contractor Performance-Based Business Management Process	FM
O 413.3	Program and Project Management for the Acquisition of Capital Assets	ME
O 442.1A	DOE Employee Concerns Program	ED
O 482.1	DOE Facilities Technology Partnering Programs	PO
O 483.1	DOE Cooperative Research and Development Agreements	PO
M 321.1-1	Intergovernmental Personnel Act Assignments	ME

Directive	Title	Originating Office
M 360.1-1B	Federal Employee Training Manual	ME
M 452.4-1	Protection of Use Control Vulnerabilities and Designs	DP
M 471.2-3	Special Access Program Policies, Responsibilities and Procedures	SO
M 472.1-1B	Personnel Security Program Manual	SO
M 473.2-2	Protective Force Program Manual	SO
M481.1-1A	Reimbursable Work for Non-Federal Sponsors Process Manual	ME
M483.1-1	DOE Cooperative Research and Developments Agreements Manual	PO
M573.1-1	Mail Services User's Manual	ME
N 135.1	Extension of DOE O 135.1, Budget Execution-Funds Distribution and Control	ME
N 153.1	Connectivity to Atmospheric Release Advisory Capability	SO
N 203.1	Software Quality Assurance	SO
N 205.1	Unclassified Cyber Security Program	SO
N 205.2	Foreign National Access to DOE Cyber Systems	SO
N 205.3	Password Generation, Protection, and Use	SO
N 311.1	Extension of DOE O 311.1A, Equal Employment Opportunity and Diversity Program	ED
N350.6	Acceptance of Valid Workers' Compensation Claims	EH
N 450.4	Assignment of Responsibilities for Executive Order 13148, Greening the Government Through Leadership in Environmental Management	ME
N 450.5	Extension of DOE N 450.4	EH
N 471.3	Reporting Incidents of Security Concern	SO
N 473.4	Department of Energy Badges	SO
N 473.5	Security Area Vouching and Piggybacking	SO
N 473.6	Security Conditions	SO
N 473.7	Explosive Detection Program	SO
G 151.1-1	Emergency Management Guide	SO
G200.1-1	Software Engineering Methodology	SO
G205.1-1	Cyber Security Architecture Guidelines	SO
G 205.2-1	Guide to Preventing Computer Software Piracy	SO
G205.3-1	Password Guide	SO
G225.1A-1	Implementation Guide for Use with DOE O 225.1A, Accident Investigations	EH
G 241.1-1A	Guide to the Management of Scientific and Technical Information	SC
G 242.1-1	Forms Management Guide For Use with DOE O 200.1	SO
G 252.1-1	Technical Standards Program Guide	EH
G 414.1-1A	Management Assessment and Independent Assessment Guide	EH
G 414.1-2	Quality Assurance Management System for Use with 10 CFR Part 830.120 and DOE 0414.1A, Quality Assurance	EH
G 421.1-2	Implementation Guide for Use in Developing Documented Safety Analyses to Meet Subpart B of 10 CFR 830	EH

Directive	Title	Originating Office
G 423.1-1	Implementation Guide for Use in Developing Technical Safety Requirements	EH
G 424.1-1	Implementation Guide for Use in Addressing Unreviewed Safety Question Requirements	EH
G 426.1-1	Recruiting, Hiring, and Retaining High Quality Technical Staff	ME
G 430.1-1	Cost Estimating Guide	ME
G 430.1-2	Implementation Guide for Surveillance and Maintenance During Facility Transition and Disposition	EM
G 430.1-3	Deactivation Implementation Guide	EM
G 430.1-4	Decommissioning Implementation Guide	EM
G 430.1-5	Transition Implementation Guide	EM
G435.1-1	Implementation Guide for Use with DOE M 435.1-1	EM
G440.1-1	Worker Protection Management for DOE Federal and Contractor Employees Guide for Use with DOE 440.1	EH
G 440.1-3	Occupational Exposure Assessment	EH
G440.1-4	Contractor Occupational Medical Program Guide for Use with DOE O 440.1	EH
G 440.1-6	Implementation Guide for Use with Suspect/Counterfeit Items Requirements	EH
G 442.1-1	Department of Energy Employee Concerns Program	ED
G 450.3-1	Documentation for Work Smart Standards Applications; Characteristics and Considerations	EH
G 450.3-2	Attributes of Effective Implementation	EH
G 450.3-3	Tailoring for Integrated Safety Management Applications	EH
G460.1-1	Packaging and Transportation Safety	EM
G481.1-1	DOE Work for Others Guide	ME
O 580.1A	Government Personal Property Asset Management	ME
O534.1A	Accounting	ME
O 520.1	Office of Chief Financial Officer	ME

**APPENDIX B  
ITEMS WITHHELD FROM DELEGATION**

Directive	Title
SEN-19A-92	Department of Energy Executive Committee
5500.11	Power Marketing Administration Emergency Management Program
O 221.1	Reporting Fraud, Waste, and Abuse to the Office of the Inspector General
N 221.7	Reporting Fraud, Waste, and Abuse
O 221.2	Cooperation with the Office of the Inspector General
O 221.3	Establishment of Departmental Position on Inspector General Reports
O 224.2	Auditing of Programs and Operations
2300.1B	Audit Resolution and Follow Up
P 142.1	Unclassified Visits by Foreign Nationals
2340.1C	Coordination of General Accounting Office Activities
P 251.1	Directives System Policy
O 251.1A	DOE Directives System Order
M 251.1-1A	Directives System Manual
G 3305.1-1	Senior Executive Service Personnel Guide
N 326.8	Annual Confidential Financial Disclosure Report (SF 450)
3350.1	Furlough in the Senior Executive Service
3351.2	Reduction in Force in the Senior Executive Service
3792.3	Drug-Free Federal Workplace Testing Implementation Program
M 440.1-1	DOE Explosives Safety Manual
O 440.2A	Aviation
5480.4	Environmental Protection, Safety and Health Protection Standards
O 470.1	Safeguards and Security Program
O 470.2A	Safeguards and Security Inspection and Assessment Program
O 471.2A	Information Security Program
M 471.2-1B	Manual for Classified Matter Protection and Control
O 472.1B	Personnel Security Activities
5632.1C	Protection and Control of Safeguards and Security Interests
M 5632.1C-1	Manual for Protection and Control of Safeguards and Security Interests (except Chapter III and IX)
O 473.2	Protective Force Program
M 473.2-1A	Firearms Qualification Courses Manual
M 471.2-2	Manual of Security Requirements for the Classified Automated Information System Security Program
M 475.1-1A	Identification of Classified Information
O 151.1A	Comprehensive Emergency Management System
P 205.1	Departmental Cyber Security Management Program
P 470.1	Integrated Safeguards and Security (ISMS) Policy
M 200.1-1	Telecommunications Security Manual
N 251.40	Extension of DOE Directives on Security
1500.4A	Travel Charge Card Program

**APPENDIX C  
NOT APPLICABLE TO THE BPA**

Directive	Title
SEN-17-90	Coordination of Global Climate Change Activities
1270.2B	Safeguards Agreement with IAEA
5530.1A	Accident Response Group
5530.2	Nuclear Emergency Search Team
5530.3	Radiological Assistance Program
5530.4	Aerial Measuring System
O 232.1A	Occurrence Reporting and Processing of Operations Info
5480.20A	Personnel Selection, Qualification, Training and Staffing Requirements at DOE Reactor and Non-Reactor Nuclear Facilities
M 232.1-1A	Occurrence Reporting and Processing of Operations Info
P 410.1A	Developing Nuclear Safety Requirements
M 411.1-1B	Manual of Functions, Assignments and Responsibilities for Nuclear Safety
O 413.2	Laboratory Directed Research and Development
5610.13	Joint Department of Energy/Department of Defense Nuclear Weapons System Safety, Security, and Control Activities
5660.1B	Management of Nuclear Materials
SEN-35-91	Nuclear Safety Policy
O 420.2A	Safety of Accelerator Facilities
O 452.2B	Nuclear Explosive Safety
O 425.1A	Startup and Restart of Nuclear Facilities
O 443.1	Policy on the Protection of Human Subjects
5400.5	Radiation Protection for the Public and the Environment
M 450.3-1	DOE Closure Process for Necessary and Sufficient Sets of Standards
P 450.3	Authorizing Use of Necessary and Sufficient Process
O 461.1	Packaging and Offsite Transportation of Nuclear Components and Special Assemblies Associated with Nuclear Explosives
O 471.1A	Identification and Protection of Unclassified Controlled Nuclear Information
5610.2	Control of Weapon Data
O 474.1A	Control and Accountability of Nuclear Materials
5670.1A	Management and Control of Foreign Intelligence
5639.8A	Security of Foreign Intelligence Information and Sensitive Compartmented Information Facilities
5670.3	Counterintelligence Program
2100.8A	Cost Accounting, Cost Recovery and Interagency Sharing of Technology Facilities
O 344.1A	Parking at DOE HQ
5530.5	Federal Radiological Monitoring and Assessment Center
O 435.1	Radioactive Waste Management
O 541.1A	Selection, Appointment and Termination of Appointment of Contracting Officers

P 426.1	Federal Technical Capability Policy for Defense Nuclear Facilities
P 443.1	Protection of Human Subjects
O 350.2	Use of Facility Employees for Services to DOE in the Washington, D.C. Area
O 452.1B	Nuclear Explosive and Weapon Surety Program
M 140.1-1B	Interface with the Defense Nuclear Facilities Safety Board
M 426.1-1	Federal Technical Capability Manual
M 435.1-1	Radioactive Waste Management Manual
M 461.1-1	Packaging and Transfer of Materials of National Security Interest Manual
M 471.1-1	Identification and Protection of Unclassified Controlled Nuclear Information Manual
M474.1-1A	Manual for Control and Accountability of Nuclear Materials
M542.2-1	Manual for Processing Unsolicited Proposals
N 450.7	The Safe Handling, Transfer, and Receipt of Biological Etiologic Agents at Department of Energy Facilities
G 420.1-1	Nonreactor Nuclear Safety Design Criteria and Explosives Safety Criteria Guide for Use with DOE O 420.1, Facility Safety for Use with 10 CFR Part 830 and DOE 0414.1
G 420.1-2	Guide for the Mitigation of Natural Phenomena Hazards for Nuclear Facilities and Nonnuclear Facilities
G 421.1-1	DOE Good Practices Guide Criticality Safety Good Practices Program Guide for DOE Nonreactor Nuclear Facilities
G 433.1-1	Nuclear Facility Maintenance Management Program Guide for Use with DOE O 433.1
G 440.1-7A	Implementation Guide for Use with 10 CFR Part 850, Chronic Beryllium Disease Prevention Program
G 441.1-1	Management and Administration of Radiation Protection Programs Guide for Use with Title 10 CFR, Part 835, Occupational Radiation Protection
G 441.1-2	Occupational Alara Program Guide Radiation Protection Programs Guide for Use with Title 10 CFR, Part 835, Occupational Radiation Protection
G 441.1-3	Internal Dosimetry Program Guide for Use with Title 10 CFR, Part 835, Occupational Radiation Protection
G 441.1-4	External Dosimetry Program Guide for Use with Title 10 CFR, Part 835, Occupational Radiation Protection
G 441.1-5	Radiation-Generating Devices Guide for Use with Title 10 CFR, Part 835, Occupational Radiation Protection
G441.1-6	Evaluation and Control of Radiation Dose to the Embryo/Fetus Guide for use with Title 10 CFR, Part 835, Occupational Radiation Protection
G441.1-7	Portable Monitoring Instrument Calibration Guide for use with Title 10 CFR, Part 835, Occupational Radiation Protection
G441.1-8	Air Monitoring Guide for Use with Title 10 CFR, Part 835, Occupational Radiation Protection
G 441.1-9	Radioactive Contamination Control Guide for Use with Title 10 CFR Part 835, Occupational Radiation Protection
G441.1-10	Posting and Labeling for Radiological Control Guide for Use with Title 10 CFR, Part 835, Occupational Radiation Protection
G441.1-11	Occupational Radiation Protection Record-Keeping and Reporting Guide

	For Use with Title 10 CFR, Part 835, Occupational Radiation Protection
G 441.1-12	Radiation Safety Training Guide for Use with Title 10 CFR, Part 835, Occupational Radiation Protection
G441.1-13	Sealed Radioactive Source Accountability and Control Guide for use with title 10 CFR, Part 835, Occupational Radiation Protection
G452.2A-1A	Implementation Guide for DOE Order 452.2A Safety of Nuclear Explosive Operations
G460.2-1	Implementation Guide for Use with DOE O 460.2, Departmental Materials Transportation and Packaging Management
O 250.1	Civilian Radioactive Waste Management Facilities—Exemption from Departmental Directives
O 442.1	Headquarters Occupational Safety and Health Program
O137.1A	Plan for Operating in the Event of a Lapse in Appropriations

**APPENDIX D  
ALIGNMENT OF DIRECTIVES/ORDERS ISSUED  
BETWEEN DECEMBER 6, 2001, AND MAY 15, 2002**

**Withheld from Delegation**

Directive	Title
O 100.1	Secretarial Succession
O 221.3	Establishment of Management Decisions on Office of Inspector General Reports
N 142.1	Unclassified Foreign Visits and Assignments
N 205.4	Handling Cyber Security Alerts and Advisories and Reporting Cyber Security Incidents
N 251.43	Extension of DOE Directives on Security

**Items Delegated to the BPA**

Directive	Title
N 231.1	Environmental, Safety and Health Reporting Notice

**Items Not Applicable to the BPA**

Directive	Title
O 452.4A	Security and Control of Nuclear Explosives and Nuclear Weapons
M 474.1-2	Nuclear Materials Management and Safeguards System Reporting and Data Submission
N 474.1	Extension of M 474.1-2 until further notice



DEPARTMENT OF ENERGY  
Washington, DC 20585

TO: 5-16-02 | FROM: S CAMPBELL  
FOR ME-1  
202/586-4632

Bonneville Power Admin Hon. Stephen Wright

PHONE: \_\_\_\_\_ | PHONE: (202) \_\_\_\_\_

FAX: 503/230-4018 | FAX: (202) \_\_\_\_\_

NUMBER OF PAGES (INCLUDING COVER SHEET): 13

DATE: \_\_\_\_\_

SUBJECT: REVISED ATTACHMENTS FOR YOUR  
REVIEW

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## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

EXECUTIVE OFFICE

2007-000641

January 30, 2007

In reply refer to: A-7

### MEMORANDUM FOR THE DEPUTY SECRETARY

THROUGH: DAVID R. HILL, GENERAL COUNSEL *David R. Hill*

FROM: STEPHEN J. WRIGHT *Stephen J. Wright*  
ADMINISTRATOR AND CHIEF EXECUTIVE OFFICER

SUBJECT: Approval of 2007 Non-Federal Financing

**ACTION:** Review and approve the use by the Bonneville Power Administration (BPA) of non-Federal financing in the form of the Master Lease Program for approximately \$100 million in Fiscal Year (FY) 2007 transmission-related projects.

### ISSUE:

BPA has substantial capital requirements to maintain the reliability of Federal Columbia River Power System (FCRPS) assets, in particular under BPA's Transmission Infrastructure Program. BPA currently is authorized to borrow up to \$4.45 billion from the U.S. Treasury to carry out BPA's mission. BPA forecasts that its available Treasury borrowing authority will be adequate until about FY 2012, assuming no further actions to conserve such borrowing authority, and until about FY 2015 assuming that planned actions with respect to BPA's Debt Optimization Program are achieved. BPA can obtain a substantial amount of additional capital access, and thereby further extend into the future the date when it would become necessary to seek an increase in the statutory cap on BPA's Treasury borrowing authority, by expanding the use of a transmission asset lease-purchase financing mechanism that BPA used in FY 2004 following review by the Department of Energy (Department) and the Office of Management and Budget (OMB).

This expanded, non-Federal lease-purchase financing mechanism is known as the Master Lease Program. Under the Master Lease Program, BPA will lease a number of different transmission assets from different asset or project owners. For each asset, BPA and the owner will enter into a separate lease commitment under which BPA will agree to make fixed lease payments regardless of whether the related asset is operable or operating. BPA will have the right to acquire the related asset at the end of the lease period for a nominal payment. It is expected that BPA and each owner will enter into a master lease agreement that will govern the individual lease commitments that are made subject to the master lease. A master lease simply supplies general

terms and conditions applicable to lease commitments. Thus, BPA may enter into several master leases, with one or more asset or project owners.

The lease payments for the various assets will be used as security for loans or other debt that the various project owners will incur to finance the purchase and/or construction of the assets.

BPA has identified approximately \$100 million in transmission assets that are suited for lease purchase financing under the Master Lease Program in FY 2007. Construction or installation of such projects will commence in FY 2007 and should be completed within three years, depending on the project. In order to utilize this form of financing for an asset, BPA must execute a master lease and related lease commitment with the project owner before construction or installation of the asset commences.

The President's FY 2007 Budget Appendix states: "BPA has also started seeking non-Federal participation and joint financing and ownership of its transmission system upgrades and other investments. *BPA will submit for approval by the Secretary of Energy or his designee such alternative financing opportunities.*" The Secretary's delegation of authority to the Deputy Secretary for all matters pertaining to the Power Marketing Administrations allows you to make this determination.

A detailed briefing of this arrangement was provided to you on November 6, 2006. This arrangement also has been reviewed by OMB.

BPA will score the arrangements under the Master Lease Program as capital leases and consistent with the requirements of applicable OMB circulars. Because the lease arrangements will be scored as capital leases, they do not present any of the difficult scoring questions that have arisen in the context of other Department elements that have sought to score certain arrangements as operating leases.

A number of non-Federal parties will participate in the proposed Master Lease Program in FY 2007. In view of the President's FY 2007 Budget direction described above, certain participants in the proposed Master Lease Program have indicated that they will need some form of written Departmental policy approval of the use by BPA of lease-purchase financing for approximately \$100 million in transmission assets whose construction will begin in FY 2007. This memorandum seeks that written approval. While your approval of the general transaction itself is being sought, the actual transactions and agreements will be executed by the BPA Administrator, who is responsible for negotiating and approving all of the details of these transactions. All of the costs of these transactions will be borne by BPA ratepayers.

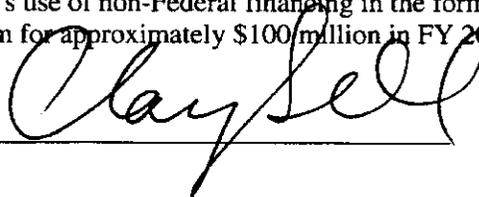
**POLICY IMPACT:**

- Consistent with the draft Department of Energy 2006 Strategic Plan:
  - Strategic Theme 1, Energy Security: Promoting America's energy security through reliable, clean, and affordable energy.
  - Strategic Goal 1.3 Energy Infrastructure: Create a more flexible, more reliable, and higher capacity U.S. energy infrastructure.

**RECOMMENDATION:**

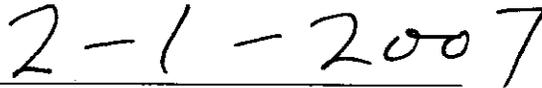
Consistent with the President's FY 2007 Budget, BPA recommends that the Deputy Secretary approve BPA's use of non-Federal financing in the form of lease purchases under the Master Lease Program for approximately \$100 million in FY 2007 transmission-related projects.

Approve: \_\_\_\_\_



Disapprove: \_\_\_\_\_

Date: \_\_\_\_\_



cc:

J. Campbell - CF -1

K. Kolevar - OE-1

**U.S. DEPARTMENT OF ENERGY  
BONNEVILLE POWER ADMINISTRATION  
TRANSMITTAL FOR ADMINISTRATOR/CEO ACTION**

1. DATE <b>02/25/09</b>	2. 568 NO <b>DG - 012-09</b>
3. ADDRESSEE <b>Administrators Office</b>	4. TYPE OF DOCUMENT AND BRIEF DESCRIPTION OF SUBJECT MATTER <b>Secretary's delegation of authority to the BPA Administrator for waiving the Buy American requirements under and pursuant to the American Recovery and Reinvestment Act of 2009.</b>
5. ORIGINATOR (Name, Phone & Org. Code). <b>David Rubin, 503.230.3997, DG-7</b>	6. TYPIST (Name, Phone, Location and FAX Number) <b>Lashell Coke, 503.230.3370</b>
7. BPA CONTROL NO.	8. DUE DATE <del>04/17/09</del> <b>04/13/09</b>
9. ES CONTROL NO. (DOE)	

**10. SEQUENCE/CONCURRENCE**

ROUTING		TO	DATE		INITIALS	SUMMARY/SPECIAL INSTRUCTIONS
ORDER	SYMBOL		IN	OUT		
1	LC	Kevin Bell	4/13	4/14	KBS	<p>Section 1605(c) of the Recovery Act grants the Secretary the authority to waive application of the Buy American provisions of 1605(a) upon finding that (1) applying subsection (a) would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.</p> <p>The attached is the proposed Secretary's delegation of authority to the BPA Administrator for waiving Buy American requirements under and pursuant to the American Recovery and Reinvestment Act of 2009.</p> <p>Thank you, Lashell Coke</p> <p>Note: Please contact Lashell Coke, 503.230.3370, after signing.</p> <p>X = Simultaneous after #5 and before #6.</p> <p><i>5/17 DOE OSC has reviewed the Memo to the Secretary.</i></p>
2	F	Nancy Mitman	4/10/09	4/10/09	NM	
3	DGP	Damain Kelly	4-10-09	4-10-09	DK	
	DB	Risk Management				
5	DG	Agency Compliance & Governance	4/14/09	4/14/09	AK	
	DK	Public Affairs				
4	DKN	National Relations	4-14-09	4-14-09	RES	
	DKR	Regional Relations				
X	F	Finance	4/10/09	4/13/09	bg	
	KE	Environment, Fish & Wildlife				
X	KL	Energy Efficiency	4-14-09	4-15-09	ML	
X	L	General Counsel	4/13/09	4/14/09	RR	
X	N	Internal Business Services	4-14-09	4-16-09	KAL	
	P	Power Services				
	PF	Power Policy & Rates				
	PG	Generation Asset				
	PS	NW Requirements Marketing				
	PT	Bulk Marketing				
X	S	Corporate Strategy	4/14/09	04/15/09	EE	
X	T	Transmission Services	4-14-09	04-15-09	HSJ	
	TE	Engineering & Technical Services				
	TF	Transmission Field Services				
	TP	Planning & Asset Management				
	TS	Transmission Marketing & Sales				
6	A	Executive Correspondence	4/16	2:00	amy	
7	K	Chief Operating Officer	4/16	5:20	AK	
8	D	Deputy Administrator	4/17		AK	
9	A	Administrator/CEO	4/17	5/21	SW	



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

EXECUTIVE OFFICE

MAY 21 2009

In reply refer to: L-7

### MEMORANDUM FOR THE SECRETARY

FROM:

STEPHEN J. WRIGHT *Stephen J. Wright*  
ADMINISTRATOR AND CHIEF EXECUTIVE OFFICER  
BONNEVILLE POWER ADMINISTRATION

SUBJECT:

**ACTION:** Secretary's delegation of certain authorities to waive Buy American requirements under and pursuant to the American Recovery and Reinvestment Act of 2009 to the Bonneville Power Administrator.

ISSUE:

Section 1605(a) of the American Recovery and Reinvestment Act of 2009 ("Recovery Act") (Public Law 111-5) prohibits the use of funds appropriated or otherwise made available by the Recovery Act for any project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. Section 1605(b) of the Recovery Act grants the Secretary the authority to waive application of the Buy American provisions of 1605(a) upon finding that: (1) applying subsection (a) would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent. BPA is requesting that the authorities under section 1605(b) (2), where sufficient and reasonably available quantities and satisfactory qualities are lacking, and section 1605(b) (3), where the cost of the project would be increased by more than 25 percent, be delegated to the Administrator. Section 1605(c) requires that the Secretary publish in the Federal Register a detailed written justification why the provision is being waived.

BACKGROUND:

One of the purposes of the Recovery Act is to invest in infrastructure that will provide long-term economic benefits. Recovery Act funds

must be spent in an expeditious manner and consistent with prudent management. As part of its mandate, BPA is charged with the construction, acquisition and replacement of the transmission infrastructure in the Pacific Northwest. Although BPA is part of DOE, it operates under its own independent procurement authority (the Bonneville Purchasing Instructions) for acquiring goods and services. In order to meet the goals of the Recovery Act and to timely implement BPA's responsibilities in a sound and businesslike manner, the BPA Administrator must be able to waive the requirements of section 1605(a) in the situations specified by sections 1605(b)(2) and 1605(b)(3). As an example, BPA will be constructing, maintaining and operating a new 79-mile, 500 kV electrical transmission line from the McNary Substation to the John Day Substation. This project is critical to maintaining sufficient transmission capacity in the Pacific Northwest. Due to the criticality of the project and the narrow time line for major construction projects in the region, it is imperative that the project proceed in a timely and cost effective manner. In order to ensure a successful outcome for the project, the BPA Administrator must have the ability to waive the requirements of section 1605(a) if BPA determines there is a shortage of domestically produced iron, steel or manufactured goods, or the overall cost of the project is 25 percent higher by virtue of using domestic suppliers..

**SENSITIVITIES:** None

**POLICY IMPACT:** None.

**RECOMMENDATION:** Delegate waiver authority under sections 1605(b) (2) and 1605(b) (3) of the Recovery Act to the Bonneville Power Administrator.

**APPROVE:** \_\_\_\_\_

**DISAPPROVE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**Concurrence:** GC/General Counsel/Fygi/ / /09

**Attachment(s)** 1

bcc:

Adm. Chron File - A-7  
R. Roach - L-7  
J. Margeson - LC-7  
K. Bell - LC-7  
K. Black - LC-7  
A. Scholl - NS-DITT-2  
J. Hairston - DG-7  
C. Maichel - KS-4  
D. Kelly - DGB-7  
Official File - LP-7 (LW-26)

WKBell:05/20/09 (W:\Bell\Recovery Act\Buy American Waiver\Sec Memo.doc)

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 00-033.00B  
TO THE ADMINISTRATOR AND CHIEF EXECUTIVE OFFICER  
OF BONNEVILLE POWER ADMINISTRATION

1. DELEGATION.

- 1.1 Under the authority vested in me as Secretary of Energy and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), and pursuant to the authority delegated to me as the Secretary of Energy by the Assistant Attorney General, Land and Natural Resources Division, on December 1, 1980, I delegate to the Administrator and Chief Executive Officer of the Bonneville Power Administration (BPA) the authority and responsibility to approve the sufficiency of the title to land being acquired by purchase or condemnation by the United States for the use of the Department of Energy in connection with acquisition of lands by the Bonneville Power Administration.

This delegation of authority is limited to: (a) the acquisition of land for which the title evidence consists of a certificate of title, title insurance policy, or an owner's duplicate Torrens certificate of title; and (b) the acquisition of lands valued at \$100,000 or less, for which the title evidence consists of abstracts of title or other types of title evidence prepared in compliance with the Assistant Attorney General's October 2, 1970 regulations, promulgated in accordance with the provisions of Public Law 91-393, as amended.

- 1.2 Pursuant to the authority vested in me as the Secretary of Energy and by section 642 of the Department of Energy Organization Act (Public Law 95-91), there is hereby delegated to the Administrator and Chief Executive Officer of the BPA the authority to determine, for all Department of Energy directives, which directives, or elements thereof, are applicable to the BPA, with the following exceptions: (1) Those directives specified in the Appendix to this Order, which will be fully applicable to BPA; and (2) those directives issued after the effective date of this Order that by their terms specifically state that they are applicable to BPA. The Administrator and Chief Executive Officer shall have the authority to require that officers, employees, and contractors and subcontractors of the BPA comply with local BPA directives.
- 1.3 Under the authority vested in me as 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 Administrator and Chief Executive Officer of BPA the authority granted to me under sections 1605(b)(2) and 1605(b)(3) of the American Recovery and Reinvestment Act of 2009 ("Recovery Act")(Public Law 111-5) to waive, after making the specified findings, the application of section 1605(a) of the Recovery Act to BPA expenditures. Section 1605(a) requires that none of the funds appropriated or otherwise made available under the Recovery Act may be used for construction, alteration, maintenance or repair of a public building or

public work unless all of the iron, steel and manufactured goods are produced in the United States. I further delegate the responsibility contained in section 1605(c) to publish in the Federal Register a detailed written justification for each waiver as to why the provision is being waived.

2. RESCISSION. Delegation Order No. 00-033.00A 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 delegates(s).

3.2 Nothing in this Order precludes the Secretary from exercising any of the authority delegated by this Order.

3.3 Nothing in paragraph 1.2 is intended to change the Secretary or the Deputy Secretary's oversight and supervision of the BPA. The Secretary or Deputy Secretary may direct the Administrator of the BPA to take specific actions to comply with any Department of Energy directive at any time.

4. AUTHORITY TO REDELEGATE.

4.1 The authority delegated in paragraph 1.1 may be redelegated, as the Administrator of the BPA deems appropriate. The delegate(s) shall be governed by the applicable regulations and requirements of the Department of Justice.

4.2 The authority hereby delegated in paragraph 1.2 may be further delegated, in whole or in part, as the Administrator of the BPA determines.

4.3 The authority delegated in paragraph 1.3 may be further delegated, in whole or in part, as the Administrator of the BPA determines, provided that advanced notification of any use of the redelegated authority shall be provided to the Administrator.

4.4 Any amendments to this Order shall be in consultation with the Department of Energy General Counsel.

5. 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 \_\_\_\_\_.

---

Dr. Steven Chu  
Secretary of Energy

**APPENDIX TO DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 00-033.00A  
Directives Applicable to BPA as of the Effective Date of this Order**

Directive	Title
SEN-19A-92	Department of Energy Executive Committee
5500.11	Power Marketing Administration Emergency Management Program
O 221.1	Reporting Fraud, Waste, and Abuse to the Office of the Inspector General
N 221.8	Reporting Fraud, Waste, and Abuse
O 221.2	Cooperation with the Office of the Inspector General
O 221.3	Establishment of Departmental Position on Inspector General Reports
O 224.2	Auditing of Programs and Operations
2300.1B	Audit Resolution and Follow Up
P 142.1	Unclassified Visits by Foreign Nationals
2340.1C	Coordination of General Accounting Office Activities
P 251.1	Directives System
O 251.1A	DOE Directives System
M 251.1-1A	Directives System Manual
N 326.8	Annual Confidential Financial Disclosure Report (OGE 450)
3350.1	Furlough in the Senior Executive Service
3351.2	Reduction in Force in the Senior Executive Service
3792.3	Drug-Free Federal Workplace Testing Implementation Program
M 440.1-1	DOE Explosives Safety Manual
O 440.2A	Aviation Management and Safety
5480.4	Environmental Protection, Safety and Health Protection Standards
O 470.1	Safeguards and Security Program
O 470.2A	Security and Emergency Management Independent Oversight and Performance Assurance Program
O 471.2A	Information Security Program
M 471.2-1B	Classified Matter Protection and Control Manual
O 472.1B	Personnel Security Activities
5632.1C	Protection and Control of Safeguards and Security Interests
M 5632.1C-1	Manual for Protection and Control of Safeguards and Security Interests (except Chapter III and IX)
O 473.2	Protective Force Program
M 473.2-1A	Firearms Qualification Courses Manual
M 471.2-2	Classified Information System Security Manual
M 475.1-1A	Identifying Classified Information
O 151.1A	Comprehensive Emergency Management System
P 205.1	Departmental Cyber Security Management Program
P 470.1	Integrated Safeguards and Security (ISMS) Policy
M 200.1-1	Telecommunications Security Manual

N 251.44	Extension of DOE Directives on Security
1500.4A	Travel Charge Card Program
O 551.1A	Official Foreign Travel
M 472.1-1B	Personnel Security Program Manual
M 473.2-2	Protective Force Program Manual
N 471.3	Reporting Incidents of Security Concern
N 473.8	Security Conditions

RECEIVED BY BPA ADMINISTRATOR'S OFC-LOG #: 09. 0069
RECEIPT DATE: 7.21.09
DUE DATE: Info Only

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 00-033.00B  
TO THE ADMINISTRATOR AND CHIEF EXECUTIVE OFFICER  
OF BONNEVILLE POWER ADMINISTRATION

1. DELEGATION.

- 1.1 Under the authority vested in me as Secretary of Energy and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), and pursuant to the authority delegated to me as the Secretary of Energy by the Assistant Attorney General, Land and Natural Resources Division, on December 1, 1980, I delegate to the Administrator and Chief Executive Officer of the Bonneville Power Administration (BPA) the authority and responsibility to approve the sufficiency of the title to land being acquired by purchase or condemnation by the United States for the use of the Department of Energy in connection with acquisition of lands by the Bonneville Power Administration.

This delegation of authority is limited to: (a) the acquisition of land for which the title evidence consists of a certificate of title, title insurance policy, or an owner's duplicate Torrens certificate of title; and (b) the acquisition of lands valued at \$100,000 or less, for which the title evidence consists of abstracts of title or other types of title evidence prepared in compliance with the Assistant Attorney General's October 2, 1970 regulations, promulgated in accordance with the provisions of Public Law 91-393, as amended.

- 1.2 Pursuant to the authority vested in me as the Secretary of Energy and by section 642 of the Department of Energy Organization Act (Public Law 95-91), there is hereby delegated to the Administrator and Chief Executive Officer of the BPA the authority to determine, for all Department of Energy directives, which directives, or elements thereof, are applicable to the BPA, with the following exceptions: (1) Those directives specified in the Appendix to this Order, which will be fully applicable to BPA; and (2) those directives issued after the effective date of this Order that by their terms specifically state that they are applicable to BPA. The Administrator and Chief Executive Officer shall have the authority to require that officers, employees, and contractors and subcontractors of the BPA comply with local BPA directives.

- 1.3 Under the authority vested in me as 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 Administrator and Chief Executive Officer of BPA the authority granted to me under sections 1605(b)(2) and 1605(b)(3) of the American Recovery and Reinvestment Act of 2009 ("Recovery Act") (Public Law 111-5) to waive, after making the specified findings, the application of section 1605(a) of the Recovery Act to BPA expenditures. Section 1605(a) requires that none of the funds appropriated or otherwise made available under the Recovery Act may be used for construction, alteration, maintenance or repair of a public building or public work unless all of the iron, steel and manufactured goods are produced in the United States. The Administrator and Chief Executive Officer of BPA shall consult with the Deputy Secretary prior to issuance of a waiver pursuant to 1605(b)(2) or 1605(b)(3). I further delegate the responsibility contained in section 1605(c) to publish in the Federal Register a detailed written

INFO ONLY: ~~Debi Smiley-DGC-7~~  
cc: DKN/Wash, RSeifert-DKN/Wash,  
TMcDonald-DGC-7

justification for each waiver as to why the provision is being waived.

2. RESCISSION. Delegation Order No. 00-033.00A 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 delegates(s).

3.2 Nothing in this Order precludes the Secretary from exercising any of the authority delegated by this Order.

3.3 Nothing in paragraph 1.2 is intended to change the Secretary or the Deputy Secretary's oversight and supervision of the BPA. The Secretary or Deputy Secretary may direct the Administrator of the BPA to take specific actions to comply with any Department of Energy directive at any time.

4. AUTHORITY TO REDELEGATE.

4.1 The authority delegated in paragraph 1.1 may be redelegated, as the Administrator of the BPA deems appropriate. The delegate(s) shall be governed by the applicable regulations and requirements of the Department of Justice.

4.2 The authority hereby delegated in paragraph 1.2 may be further delegated, in whole or in part, as the Administrator of the BPA determines.

4.3 The authority delegated in paragraph 1.3 may be further delegated, in whole or in part, as the Administrator of the BPA determines, provided that advanced notification of any use of the redelegated authority shall be provided to the Administrator, and shall comply with the terms of paragraph 1.3.

4.4 Any amendments to this Order shall be in consultation with the Department of Energy General Counsel.

5. 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 suspended.

5.2 This Order is effective JUL 20 2009.

  
\_\_\_\_\_  
Steven Chu  
Secretary of Energy

**APPENDIX TO DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 00-033.00A  
Directives Applicable to BPA as of the Effective Date of this Order**

Directive	Title
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N 221.8	Reporting Fraud, Waste, and Abuse
O 221.2	Cooperation with the Office of the Inspector General
O 221.3	Establishment of Departmental Position on Inspector General Reports
O 224.2	Auditing of Programs and Operations
2300.1B	Audit Resolution and Follow Up
P 142.1	Unclassified Visits by Foreign Nationals
2340.1C	Coordination of General Accounting Office Activities
P 251.1	Directives System
O 251.1A	DOE Directives System
M 251.1-1A	Directives System Manual
N 326.8	Annual Confidential Financial Disclosure Report (OGE 450)
3350.1	Furlough in the Senior Executive Service
3351.2	Reduction in Force in the Senior Executive Service
3792.3	Drug-Free Federal Workplace Testing Implementation Program
M 440.1-1	DOE Explosives Safety Manual
O 440.2A	Aviation Management and Safety
5480.4	Environmental Protection, Safety and Health Protection Standards
O 470.1	Safeguards and Security Program
O 470.2A	Security and Emergency Management Independent Oversight and Performance Assurance Program
O 471.2A	Information Security Program
M 471.2-1B	Classified Matter Protection and Control Manual
O 472.1B	Personnel Security Activities
5632.1C	Protection and Control of Safeguards and Security Interests
M 5632.1C-1	Manual for Protection and Control of Safeguards and Security Interests (except Chapter III and IX)
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M 473.2-1A	Firearms Qualification Courses Manual
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M 475.1-1A	Identifying Classified Information
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P 470.1	Integrated Safeguards and Security (ISMS) Policy
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M 472.1-1B	Personnel Security Program Manual
M 473.2-2	Protective Force Program Manual
N 471.3	Reporting Incidents of Security Concern
N 473.8	Security Conditions

**Yoakum,Ann M - DKT-7**

---

**From:** Jones,Sheron M - DKN-WASH  
**Sent:** Tuesday, July 21, 2009 8:28 AM  
**To:** Wright,Stephen J - A-7; Stauffer,Nicki - A-7; Armstrong,David J - F-2; Mitman,Nancy M - F-2;  
Baskerville,Sonya L - DKN-WASH; Seifert,Roger E - DKN-WASH; Bell,Kevin - LC-7;  
Tyer,Katherine M - DKN-WASH  
**Cc:** Yoakum,Ann M - DKT-7  
**Subject:** EXEC-2009-009085 Secretary's Delegation to Waive Buy American Requirements  
**Attachments:** Signed BPA Waiver Buy American.pdf

Attached is a signed copy of the Secretary's delegation of certain authorities to waive Buy American requirements under and pursuant to the American Recovery Reinvestment Act of 2009 to the Bonneville Power Administrator.



Signed BPA Waiver  
Buy American...

*Thank you*

***Sheron M. Jones***  
***Bonneville Power Administration***  
***Telephone: (202) 586-5640***  
***Fax: (202) 586-6762 or 6763***