

Please file as NOAA Directive 05-40 (Supersedes NOAA Circulars 81-19, filed as NDM 05-40 and 77-91, filed as NDM 05-41)

SUBJECT: Delegation of Authority to the Assistant Administrator for Oceanic and Atmospheric Research (GCE, 254-7512)

TO: Financial Management Centers

1. Legislation

a. As a result of legislative enactment or pursuant to Reorganization Plan No. 4 of 1970 or other authority, the Secretary of Commerce is authorized to conduct or sponsor research, development, monitoring, investigations, education and advisory services in oceanic and atmospheric matters pursuant to the following provisions:

- (1) Title 15, United States Code, Section 272(f)(12) (radio waves).
- (2) Title 15, United States Code, Section 313 note (severe storms).
- (3) Title 15, United States Code, Sections 330-330e (weather modification reporting).
- (4) Title 16, United States Code, Sections 3001-3007 (Chesapeake Bay research coordination).
- (5) Title 33, United States Code, Sections 1121-1131 (Sea Grant program).
- (6) Title 42, United States Code, Section 8902 (acid rain research).
- (7) Reorganization Plan No. 4 of 1970, Section 1(e) (Great Lakes research).
- (8) Senate Concurrent Resolution 67 of May 29, 1968 (world weather program).

b. The Clean Air Act Amendments of 1977, Public Law 95-95, Title 42, United States Code, Sections 7452-7454, vests certain responsibilities concerning research and monitoring of the stratosphere directly in the Administrator of NOAA.

c. The Acid Precipitation Act of 1980, Title VII of Public Law 96-294, Title 42, United States Code, Sections 8901-8905, vests certain responsibilities concerning acid precipitation research, development and management directly in the Administrator of NOAA.

2. Delegation to the Administrator, NOAA - By Section 3.01 of the Department Organization Order (DOO) 25-5A at subsections a, c, h, i, k, p, t, ~~mm~~, and nn, the Secretary has delegated, with certain reservations, all of the authority specified in paragraph 1.a. of this circular to the Administrator. In addition, by Section 3.02 of DOO 25-5A, the Secretary has delegated to the Administrator additional authorities of the Secretary, not enumerated, which are necessary to perform the functions assigned in the order. Section 3.04 of DOO 25-5A authorizes the Administrator to redelegate these authorities to any employee of NOAA. - Acid Rain

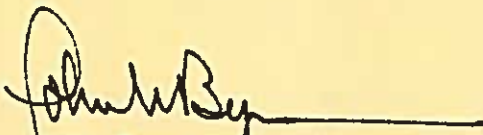
3. Reservation of Authority by the Secretary - The Secretary has reserved authority to provide general policy guidance to the Administrator and to consult with the Administrator to the extent permitted by law concerning the Administrator's functions.

4. Delegation to the Assistant Administrator for Oceanic and Atmospheric Research - With the reservations specified herein, all authority vested in the Secretary of Commerce as specified in paragraph 1.a. of this circular and delegated to the Administrator as specified in paragraph 2 of this circular is delegated to the Assistant Administrator for Oceanic and Atmospheric Research. The authority vested directly in the Administrator as specified in paragraphs 1.b. and 1.c. of this circular is hereby delegated to the Assistant Administrator for Oceanic and Atmospheric Research. The research, development, monitoring, education and information dissemination authorities of other NOAA components may be exercised by the Assistant Administrator for Oceanic and Atmospheric Research on a project basis. The authority of the Assistant Administrator for Oceanic and Atmospheric Research may be redelegated to any employee of NOAA by publication of a NOAA circular.

5. Reservation of Authority by the Administrator - The Administrator hereby reserves the right to:

a. Approve all redelegations of any authority specified herein.

b. Provide general policy guidance to, and consult with, the Assistant Administrator for Oceanic and Atmospheric Research to the extent permitted by law concerning the Assistant Administrator's functions.


John Byrne
Administrator