

Order No. 3201, Amendment No. 2 *Amended material italicized*

SIGNATURE DATE: May 29, 1998

**Subject: Delegation of Authority - Superfund Implementation**

**Sec. 1 Purpose.** The purpose of this Order is to delegate part of the Secretary of the Interior's Superfund authority. Executive Order 12580, 3 C.F.R. 193 (1988) delegates to the Secretary part of the President's authority under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. ' ' 9601-9675. Since this authority has not been delegated specifically to the Bureaus, this Order will permit the Bureaus of the Department of the Interior to carry out directly their responsibilities for management of the Bureaus' land under CERCLA.

**Sec. 2 Authority.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

**Sec. 3 Delegations of Authority.**

A. Bureau Directors are delegated, through the appropriate Assistant Secretaries, the authority of the Secretary for response to, removal of, and remedial actions following the release or threatened release of contaminants on lands within their jurisdiction, custody, or control. This delegates the authority of the Secretary contained in sections 2(e)(1), 2(e)(2), 2(j), 2(k), and 3(a) of the Executive Order.

B. The Solicitor is delegated the authority of the Secretary relating to settlements, as contained in Section 4 (b) of the Executive Order.

**Sec. 4 Limitations.**

A. Limitations on authorities delegated to Bureau Directors.

(1) Where lands are subject to the jurisdiction of more than one Bureau, the authority delegated is to be exercised by the Bureau with primary management responsibility for the surface of the land. The head of that Bureau must consult with the other affected Bureau(s) on the actions proposed.

(2) The authority relating to indemnification of potentially responsible parties, contained in Section 2(e)(2) of the Executive Order, may be exercised only with the concurrence of the Solicitor.

(3) The authority to issue compliance orders, contained in

Section 2(j)(1) of the Executive Order, may be exercised only with the concurrence of the Solicitor and the Attorney General of the United States.

(4) The authority relating to emergency procurements, contained in Section 2(k) of the Executive Order, may be exercised only with the approval of the Administrator of the Office of Federal Procurement Policy.

B. Limitations on authorities delegated to the Solicitor.

(1) The authority relating to settlements, contained in Section 4(b) of the Executive Order, may be exercised only with the concurrence of the Attorney General.

(2) The authority relating to assessment of civil penalties for violations of settlements, contained in Section 4(b)(2) of the Executive Order, may be exercised only with notification to the Assistant Secretary - Policy, Management and Budget, and only with the concurrence of the Attorney General.

Sec. 5 **Authorities Not Affected By This Order.**

A. The authority of the Secretary relating to natural resource damages, contained in Section 2(e) of the Executive Order, is not delegated by this Order.

B. Nothing in this Order affects the following authorities:

(1) The authority of the Assistant Secretary - Policy, Management and Budget, as described and delegated in 109 DM 4.2(G) and 209 DM 4.1(D), to sign all Records of Decision and associated documents under section 104(c)(4) and 120(e) of CERCLA.

(2) The authorities as delegated by 296 DM 2.1 for responses to discharges of oil and releases of hazardous substances under the Clean Water Act, CERCLA, and the National Oil and Hazardous Substances Contingency Plan.

(3) Departmental policy, functions and responsibilities as set out in 910 DM 4.1.

Sec. 6 **Effective Date.** This Order is effective immediately. It is in effect until its provisions are converted to the Departmental Manual, or until it is amended, revoked or superseded, whichever occurs first. In the absence of one of the above actions, this Order is to terminate on **June 15, 2000.**

/s/ Bruce Babbitt  
Secretary of the Interior

SO#3201A2 5/29/98  
Replaces SO#3201A1 6/2/97  
Replaces SO#3201 7/23/96

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