



THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

JAN - 7 2010

MEMORANDUM FOR OUSD(AT&L) COMPONENT HEADS

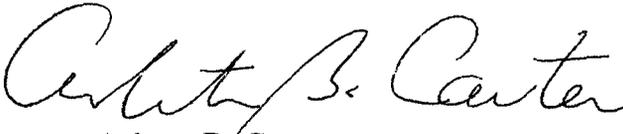
SUBJECT: Office of the Director of Operational Energy Plans and Programs

Section 902 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 added a new section 139b to Title 10, United States Code, to provide for the position of the Director of Operational Energy Plans and Programs (DOEP&P). On October 19, 2009, the Deputy Secretary of Defense provided implementation guidance, establishing the Office of the DOEP&P under the authority, direction and control of the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)).

Effective immediately, Mr. Alan Shaffer is designated as the Acting Principal Deputy Director of Operational Energy Plans and Programs and, as such, is authorized to perform the duties of the DOEP&P and may discharge all of the duties of the DOEP&P except those duties, if any, that qualify as "statutory" for purposes of the Federal Vacancies Reform Act of 1998, as amended. Mr. Shaffer will continue to serve as the Principal Deputy Director, Defense Research and Engineering.

A "statutory" duty is one that by law or regulation may only be performed by the DOEP&P. Should there be any questions about whether a specific matter is a "statutory" duty, the Office of the DoD General Counsel should be consulted. In addition, until someone is confirmed by the Senate and appointed by the President to serve as the first DOEP&P, no one should use the title or assume the role of Acting DOEP&P. Mr. Shaffer shall use his title of Acting Principal Deputy DOEP&P and may add the following phrase to his signature block: "Performing the duties of the DOEP&P." He may use Office of the DOEP&P but not DOEP&P stationary.

Finally, to the extent that any duty is required by statute, regulation or other applicable guidance to be performed by an officer of the United States appointed by the President with the advice and consent of the Senate, Mr. Shaffer shall refer matters relating to such duty to the USD(AT&L) or the Principal Deputy USD(AT&L) with a recommended course of action.



Ashton B. Carter

cc:
GC, DoD
Dir., A&M