DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 00-015.00A
TO THE GENERAL COUNSEL

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, 42 U.S.C. 7252), there is hereby delegated to the General Counsel of the Department of Energy (DOE) the authority to:

1.1 Pursuant to section 645 of the Department of Energy Organization Act (42 U.S.C. 7255), sign, issue and serve subpoenas; administer oaths and affirmations; take sworn testimony; control dissemination of any record of such testimony; compel attendance of and sequester witnesses; subpoena and reproduce books, papers, correspondence, memoranda, contracts, agreements, or other relevant records or tangible evidence including, but not limited to, information retained in computerized or other automated systems.

1.2 Pursuant to 42 U.S.C. 7136 and 7194, issue Special Report Orders requiring persons subject to the jurisdiction of the Economic Regulatory Administration to file special reports, including but not limited to written answers to specific questions.

1.3 On a nonexclusive basis, pursuant to 5 U.S.C. 2903, administer the oath of office and execute appointment affidavits for all Presidential appointments to DOE. In exercising the authority delegated by this order, the General Counsel shall be governed by the rules and regulations of title 5, U.S.C., pertaining to oaths and appointment affidavits, DOE regulations, and any other pertinent policies and procedures prescribed by the Secretary.

1.4 Under the Congressional Review Act (5 U.S.C. 801-804), notify Congress, after consultation with the Office of Management and Budget, of the issuance of a "rule" as defined by 5 U.S.C. 804.

1.5 Under the Equal Access to Justice Act (Public Law 96-481), determine which administrative proceedings fall within the Equal Access to Justice Act.

1.6 Under section 5(c)(2) of the Voluntary Agreement and Plan of Action to Implement the International Energy Program ("Voluntary Agreement"), waive the requirement that notice of meetings of bodies created by the International Energy Agency be provided to the Secretary by or on behalf of Voluntary Agreement participants attending such meetings at least fourteen calendar days in advance of the meeting date. This authority may be exercised whenever emergency circumstances, requirements of the Agreement on an International Energy Program, or other unanticipated circumstances require shorter notice.

1.7 Pursuant to sections 202(b) and 642 of the Department of Energy Organization Act (Public Law 95-91), utilize the Economic Regulatory Administration and the personnel thereof to administer such of the General Counsel's functions as the General Counsel considers necessary or appropriate to carry out the functions of Office of the General Counsel. The authority so delegated includes all authority of the Secretary of Energy to provide for continuity in performance of functions of the Economic Regulatory Administration during any period in which there is a vacancy in the Office of Administrator of the Economic Regulatory Administration.

1.8 On a nonexclusive basis, exercise all the authority available to me, including that under the Emergency Petroleum Allocation Act of 1973, as amended, to approve consent orders settling regulatory disputes arising under the Emergency Petroleum Allocation Act of 1973, as amended, and its implementing regulations. This authority shall not be further delegated.

1.9 Pursuant to section 202(b) of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7132), determine the Department's authoritative position on any question of law not within the jurisdiction of the Federal Energy Regulatory Commission, including the issuance of such opinions as may be necessary or appropriate for the guidance of the Department.

1.10 On a nonexclusive basis, assert in litigation the deliberative process privilege and other legally-recognized privileges. The General Counsel is specifically authorized to further delegate this authority.

1.11 Oversee DOE's compliance with the National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.), and exercise the authority under 10 CFR § 1021.343 to grant appropriate variances from the DOE NEPA regulations.

2. RESCISSION. Delegation Order 00-015.00 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 DOE and the policies and procedures prescribed by the Secretary or delegate(s).

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

3.3 Nothing in this Order shall be construed to supersede or otherwise interfere with the authorities provided to the Administrator for Nuclear Security by law or by delegation. Furthermore, nothing herein constitutes authority to exercise authority, direction, or control of an employee of the National Nuclear Security Administration or its contractors.

4. AUTHORITY TO REDELEGATE.

4.1 Except as expressly prohibited by law, regulation, or this Order, the General Counsel may delegate this authority further, in whole or in part.

4.2 Copies of redelegations and any subsequent redelegations shall be provided to the Office of Management and Operations Support, which manages the Secretarial Delegations of Authority system.

5. DURATION AND 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 DEC - 3 2008.

Samuel W. Bodman
Secretary of Energy