



**Department of Energy**  
Washington, DC 20585

DEPARTMENT OF ENERGY  
REDELEGATION ORDER NO. 00-002.04-02  
TO THE PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR FOSSIL ENERGY

1. DELEGATION. Pursuant to section 202(b) of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7132(b)), I delegate to the Principal Deputy Assistant Secretary for Fossil Energy, authority to take the following actions:
  - 1.1 In reference to the Great Plains project under section 19(g)(2) of the Federal Non nuclear Energy Research and Development Act of 1974 (Public Law 93-577, as amended by Public Law 95-238)(the Federal Nonnuclear Act) and as provided by section 646(a) of the Department of Energy Organization Act (Public Law 95-91):
    - A. Carry out all functions of the Contracting Officer as that term is defined in the Asset Purchase Agreement dated as of October 7, 1988, and amended as of October 31, 1988, February 16, 1994, and December 21, 1998, between the United States of America, Dakota Gasification Company, Dakota Coal Company and Basin Electric Power Cooperative, which was executed as part of the conveyance of the Department of Energy's (Department or DOE) interests in the Great Plains Coal Gasification Project in Beulah, North Dakota, to Dakota Gasification Company and Dakota Coal Company.
    - B. Undertake all actions that are necessary and proper, on behalf of the United States of America, acting by and through the Secretary of Energy, to administer all agreements and contracts entered into by the Department of Energy in connection with the conveyance of the Department's interests in the Great Plains project.

In exercising the authority delegated by this order, the delegate may act without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, except section 207 of that Act (40 U. S. C. 5488), or any other law, as specifically provided for by section 19(g)(2) of the Federal Nonnuclear Act, supra.
  - 1.2 In reference to the Naval Petroleum Reserves:



- A. Perform all functions vested in me by Subtitle B of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) relating to the sale of Naval Petroleum Reserve Numbered 1, including the finalization of equity.
- B. Perform the functions specified in 10 U.S.C. 7427 and 7428, and vested in me by the President of the United States in Executive Order No. 12929, in order to meet the goals and objectives of the Naval Petroleum Reserves.
- C. Perform all functions vested in me by law (10 U.S.C. 7420-7439, including 10 U.S.C. 7420 note) relating to the administration of and jurisdiction over the Naval Petroleum Reserves, except for condemnation proceedings and the execution of procurement contracts with non-Governmental entities affecting such Reserves.
- D. Perform all duties and responsibilities required by the Unit Plan Contract between the United States of America and Chevron U.S.A., Inc., numbered Nod-4219, dated June 19, 1944, as amended; the Amendatory and Supplemental Agreement, between the same parties, numbered Nod-8477, dated December 22, 1948, as amended; and the Agreement to Terminate the Unit Plan Contract, between the same parties, dated February 5, 1998.
- E. Perform all duties and responsibilities relative to the disposition of the United States share of petroleum produced from the Naval Petroleum Reserves to or for the Department of Defense and the Strategic Petroleum Reserve pursuant to 10 U.S.C. 7430(k) and (l).

1.3 In reference to the regulation of imports and exports of natural gas:

- A. Perform the functions vested in me by sections 301(b) and 402(f) of the Department of Energy Organization Act to regulate natural gas under section 3 of the Natural Gas Act, as amended by section 201 of the Energy Policy Act of 1992 (15 U.S.C. 717b):
  - 1. Consistent with the authority delegated by this Order, the Principal Deputy Assistant Secretary may attach such terms and conditions to import and export authorizations as the Principal Deputy Assistant Secretary shall determine to be appropriate. The following orders, including all terms and conditions, are ratified by the attached memorandum on Operations of the Office of the Assistant Secretary for Fossil Energy (Attachment 1): Order 3331, dated Sept. 11, 2013, Dominion Cove Point LNG, LP Order 3357, dated

Nov. 15, 2013, Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC.

2. The authority delegated by this Order does not include the authority to approve the construction and operation of particular facilities, the site at which such facilities shall be located, and, with respect to natural gas that involves the construction of new domestic facilities, the place of entry for imports or exit for exports, except the Principal Deputy Assistant Secretary is authorized to disapprove the construction and operation of particular facilities, the site at which such facilities shall be located, and, with respect to natural gas that involves the construction of new domestic facilities, the place of entry for imports or exit for exports.
- B. Establish and review priorities for the curtailment of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717), sections 401, 402, and 403 of the Natural Gas Policy Act of 1978 (Public Law 95-621, 15 U.S.C. 3391-3393); and consult with the Deputy Secretary concerning energy emergency-related curtailment policy guidance, as necessary or appropriate.
- 1.4 Exercise the authority of the Secretary of Energy under Subtitle J of the Energy Policy Act of 2005 (Public Law 109-58, 42 U.S.C. 16371 to 16378). The authority specifically provided to the National Energy Technology Laboratory pursuant to Subtitle J of the Energy Policy Act of 2005 shall not be affected by this Order.
  - 1.5 Participate in any proceeding before the Federal Energy Regulatory Commission, pursuant to the provisions of section 405 of the Department of Energy Organization Act (42 U.S.C. 7175), or in any proceeding before any Federal or State agency or commission whenever such participation is related to the exercise of authority delegated to the Assistant Secretary and redelegated to the Principal Deputy Assistant Secretary.
  - 1.6 Formulate and establish enforcement policy, initiate and conduct investigations, conduct conferences, administrative hearings and public hearings, prepare required reports, issue orders, and take such other action as may be necessary or appropriate to perform any of the above functions.
  - 1.7 Under section 988 of the Energy Policy Act of 2005:
    - A. Approve requests for reduction or elimination of the cost sharing requirement for research and development activity of an applied nature in accordance with 988(b)(3);

- B. Approve requests for reduction of the cost sharing requirement for the non-federal share of demonstration and commercial application activities in accordance with 988(c)(2); and
- C. Exclude research and development of a basic or fundamental nature from the cost sharing requirements, as described in 988(b)(2).

These authorities may only be exercised after providing notification to the Office of the Secretary. Furthermore, the approval Authorities delegated in subparagraphs A and B can only be exercised in coordination with the Secretarial Policy Statement entitled, "Application and Reduction or Elimination of Cost Share Requirements Under Section 988 of EPACT 2005, Pub.L. 109-58." The authorities of this paragraph may be redelegated to the Chief Operating Office and no further.

- 1.8 Pursuant to 18 U.S.C. 208(b)(3), after consultation with the Department's Designated Agency Ethics Official, issue conflict-of-interest waivers for special Government employees serving on a Federal Advisory Committee that is administratively supported by the Office of Fossil Energy.
- 1.9 For all programs funded by Fossil Energy appropriations, exercise the authority of the Secretary of Energy under the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Pub. L. 111-85), Title III, Department of Energy, Energy Programs, Fossil Energy Research and Development, to vest fee title or other property interests acquired in any entity, including the United States.
- 1.10 Exercise the authority of the Secretary of Energy under Title IV, Subtitle A, Section 402(f) of the Energy Policy Act of 2005 (Public Law 109-58, 42 U.S.C. 15962) with respect to scheduled completion of selected Clean Coal Power Initiative projects.
- 2. RESCISSION. None.
- 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 delegate(s).

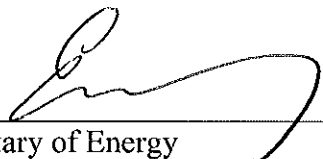
- 3.2 Nothing in this Order precludes the Secretary, the Under Secretary for Science or the Assistant Secretary for Fossil Energy from exercising any of the authority delegated by this Order.
- 3.3 Any amendments to this Order shall be made in consultation with the Department of Energy General Counsel.

4. AUTHORITY TO REDELEGATE.

- 4.1 Except as prohibited by law, regulation, or this Order, the Principal Deputy Assistant Secretary for Fossil Energy 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, 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 February 10, 2014.

  
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Secretary of Energy

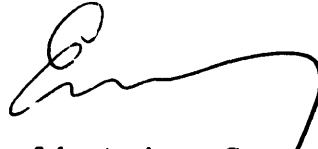
## ATTACHMENT 1



**The Secretary of Energy**  
Washington, DC 20585

January 16, 2014

MEMORANDUM FOR CHRISTOPHER A. SMITH  
PRINCIPAL DEPTUY ASSISTANT SECRETARY FOR FOSSIL  
ENERGY

FROM: ERNEST J. MONIZ 

Subject: Operations of the Office of the Assistant Secretary for Fossil  
Energy

The purpose of this memorandum is to assign responsibilities and tasks of the position of Assistant Secretary for Fossil Energy (FE) to you in order to ensure continuity of operations and to ratify certain actions you have taken under the title Acting Assistant Secretary for FE.

Pursuant to the Vacancies Reform Act, upon the President's nomination of you to serve as the Assistant Secretary for FE you may no longer serve as the Acting Assistant Secretary for FE but will continue to serve as Principal Deputy Assistant Secretary for FE.

You are hereby directed to continue to perform the tasks routinely performed by the Assistant Secretary for FE, including the day-to-day management of FE, except such functions and duties that must be performed exclusively by the Assistant Secretary for FE. Those exclusive functions and duties are found in the Methane Hydrate Research and Development Act of 2000; I must perform those functions and duties. I am also authorizing you to perform all of the functions that have been delegated to the Assistant Secretary for Fossil Energy by Redelegation Order No. 00-002.04F and am hereby granting you the authority to redelegate those authorities, with the exception of section 1.7, which may not be redelegated. This assignment of responsibilities will remain in effect until you have been appointed to serve as the Assistant Secretary for Fossil Energy.

In addition, this memorandum will constitute ratification of any and all actions taken by you which you signed using the title Acting Assistant Secretary for FE when your nomination was pending before the Senate. These actions include, but are not limited to, to approving and signing the following: Order 3331, dated Sept. 11, 2013, Dominion Cove Point LNG, LP Order 3357, dated Nov. 15, 2013, Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC.

To the extent that any actions you took under the title Acting Assistant Secretary for FE after your nomination were to be performed exclusively as a function or duty of the Assistant Secretary for FE, this memorandum constitutes ratification of those actions such that they have the same force and effect as if I personally had performed such functions and duties.

