

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 00-002.23
TO THE ASSISTANT SECRETARY
FOR CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

1. DELEGATION. Under the authority vested in me as Under Secretary (of Energy) and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), I delegate to the Assistant Secretary for Cybersecurity, Energy Security, and Emergency Response authority to take the following actions:
 - 1.1 Under section 643 of the Department of Energy Organization Act (42 U.S.C. 7253), establish, alter, consolidate, or discontinue such second tier or below organizational units or components within the Assistant Secretary for Cybersecurity, Energy Security, and Emergency Response's assigned programs and organizational elements as the Assistant Secretary for Cybersecurity, Energy Security, and Emergency Response may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Assistant Secretary for Cybersecurity, Energy Security, and Emergency Response will be limited by approved budgets, staffing level allocations, and Senior Executive Service and other executive resource position allocations. Organizational changes shall not be announced or implemented until appropriate union coordination and other pre-release clearances have been obtained.
 - B. This authority does not include approval of additions, deletions, or transfers of mission and functions of or between Departmental Headquarters or Field Elements, which authority is reserved to the Secretary.
 - C. The authority to alter or consolidate second tier or below organizational elements may be redelegated, in whole or in part consistent with the terms of the Department of Energy Organization Act, to an official or officials one level below the Head of the Departmental Element.
 - D. The authority to establish or discontinue organizational elements at the second tier or below may not be redelegated.
 - 1.2 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 functions in this Redelegation.

- 1.3 Implement section 13 of the Federal Energy Administration Act of 1974 (15 U.S.C. 772), to collect, assemble, evaluate, and analyze energy information and to exercise all information gathering authorities provided in this section.
- 1.4 Implement section 11 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (Public Law 93-319, 15 U.S.C. 796), to request, acquire and collect such energy information as the Under Secretary (of Energy) determines to be necessary to assist in the formulation of energy policy or to carry out the purposes of ESECA, and to exercise all energy information reporting authorities provided in this section.
- 1.5 In reference to electric power regulations under the Federal Power Act (FPA), (16 U.S.C. 791(a)-825(r)).
 - A. After issuance of an order pursuant to section 215A(b) of the FPA, by the Secretary or Deputy Secretary, review compliance filings, and issue implementing letters and directives; and take such other actions as are necessary and appropriate to implement and administer the FPA order.
 - B. Implement paragraph (e) of section 215A of the FPA: facilitate and expedite the acquisition of security clearances by key personnel subject to the requirements of section 215A.
- 1.6 In reference to energy emergency preparedness:
 - A. Carry out the responsibilities assigned to the Secretary in section 61003(c) of the FAST Act (Public Law 114-94, 129 Stat. 1778, 6 U.S.C. 121 note); Executive Order 13800 (Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure); Executive Order 13744 (Coordinating Efforts to Prepare the Nation for Space Weather Events); Executive Order 13636 (Improving Critical Infrastructure Cybersecurity); sections 701(1)(a)-(b), (9), (10) and 702(3), (4) of Executive Order 12656 (Assignment of Emergency Preparedness Responsibilities); Presidential Policy Directive (PPD) - 41 (United States Cyber Incident Coordination); PPD-21 (Critical Infrastructure Security and Resilience), PPD-8 (National Preparedness); and Homeland Security Presidential Directive (HSPD)-5 (Management of Domestic Incidents), except insofar as those responsibilities have been assigned to the Under Secretary for Nuclear Security.
 - B. Exercise the authority under section 209(b) of the Public Utility Regulatory Policies Act (16 U.S.C. 824a-2(b)) with respect to requesting appropriate persons (including Federal agencies) to examine and report to the Secretary concerning any electric utility reliability issue.

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 or the Under Secretary (of Energy) from exercising any of the authority delegated by this Order.
- 3.3. Nothing in this Order shall be construed as to supersede or otherwise interfere with the authorities delegated 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.
- 3.4. 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 expressly prohibited by law, regulation, or this Order, the Assistant Secretary for Cybersecurity, Energy Security, and Emergency Response 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 June 4, 2019.


Mark W. Menezes
Under Secretary (of Energy)