

[RESCINDED]

DEPARTMENT OF ENERGY

Delegation Order No. 0204-75

to

The Regional Representative
of Region _____

Pursuant to the authority vested in me as Secretary of the Department of Energy (DOE) by Section 9(c) of the "Energy Conservation Plan No. 2" (the Plan) and pursuant to Section 490.3 of the Emergency Building Temperature Restrictions Regulations (44 FR 39354, July 5, 1979, extended in 45 FR 26019, April 17, 1980) (the Regulations), there is hereby delegated to each Regional Representative of Region _____ the authority within such Region to:

1. Delegate to the Governor of each State within such Region the authority to:
 - a. Assist in distributing forms and instruction packages provided by DOE to affected building owners and operators in the State;
 - b. Undertake public education activities to inform the general public and affected building owners of their obligations under the Plan and the Regulations, including the establishment of procedures for receiving complaints and responding to questions from the public;
 - c. Conduct compliance inspections and reinspections of buildings and related activities with respect to buildings located within the State which are privately owned, or owned and operated by the State or units of local government, and which are subject to the requirements of the Plan and the DOE Regulations implementing the Plan;
 - d. Conduct inspections and reinspections of the buildings described in paragraph (1c) and related activities in response to complaints of possible violations;
 - e. Prepare written reports of all inspections conducted and submit such reports to the Regional Representative.
 - f. Train inspectors pursuant to guidance provided by DOE;
 - g. Forward to DOE District Offices of Hearings and Appeals all requests for exceptions;
 - h. Further delegate these authorities in whole or in part as appropriate, including delegation to local jurisdiction as appropriate.

2. Approve exemptions to States and units of local government based upon approval of comparable plans that would save at least as much energy as would the temperature restrictions. Such approvals will occur only after consultation with DOE Headquarters, and in accordance with guidelines established by DOE Headquarters.
3. Administer the program and perform such tasks as required to effectively implement and operate the building temperature restrictions in all States not participating in the Federal program under items 1 or 2 above, including authority to:
 - a. Process complaints received by DOE Headquarters;
 - b. Complete written reports and other requirements requested by DOE Headquarters;
 - c. Assist DOE Headquarters in distributing forms and instruction packages to affected building owners and operators in the State;
 - d. Undertake public education activities to inform the general public and affected building owners of their obligations under the Plan and the Regulations, including the establishment of procedures for receiving complaints and responding to questions from the public;
 - e. Conduct compliance inspections, reinspections, and related activities with respect to buildings located within the State which are privately owned, or owned and operated by the State or units of local government, and which are subject to the requirements of the Plan and the DOE Regulations implementing the Plan;
 - f. Conduct inspections and reinspections of the buildings described in paragraph (3e) and related activities in response to complaints of possible violations and promptly forward copies of all completed inspection forms to Headquarters;
 - g. Train inspectors pursuant to guidance provided by DOE Headquarters;
 - h. Enforce the regulations with the concurrence of the Office of General Counsel and, as appropriate, the Department of Justice.
 - i. Further delegate these authorities in whole or in part as appropriate.

In exercising the authority delegated by this order, the delegatee shall be governed by the rules and regulations of DOE and policies and procedures prescribed by the Secretary. Administration of the program in Federal facilities will remain a delegated authority to the appropriate Federal Agency Head.

Nothing in this Order precludes the Secretary of Energy from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer functions vested in him.

Nothing in this order precludes the Secretary of Energy from withdrawing the authority delegated by this order at any time.

This Order is effective October 23, 1980.

Issued in Washington, D.C. 1980.

/s/
Charles W. Duncan, Jr.
Secretary of Energy



U.S. Department of Energy
Washington, D.C. 20585

February 11, 1980

Honorable Pierre S. Du Pont
Governor of Delaware
Dover, Delaware 19901

Dear Governor Du Pont:

Pursuant to your request of December 18, 1979, and the authority vested in me as Secretary of the Department of Energy under Section 9(c) of "Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions" (the Plan), there is hereby delegated to you the authority to implement provisions of the Plan within your State as set forth in the enclosed Delegation Order.

Sincerely,

/s/
Charles W. Duncan, Jr.
Secretary of Energy