

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. S1-DEL-S3-2022
TO THE UNDER SECRETARY (FOR INFRASTRUCTURE)

1. DELEGATION. Under the authority vested in me as 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 Under Secretary (for Infrastructure) 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 Under Secretary (for Infrastructure)'s assigned programs and organizational elements as the Under Secretary (for Infrastructure) may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Under Secretary (for Infrastructure) 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 assigned Heads of Departmental Headquarters and Field Elements and to an official or officials one level below the Head of the Departmental Headquarters or Field Elements.
 - D. The authority to establish or discontinue organizational elements at the second tier or below may be redelegated only to the Head of Departmental Headquarters or Field Elements.
 - 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 Delegation.

Office of Cybersecurity, Energy Security, and Emergency Response

- 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 (for Infrastructure) 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 202(c) or 207 of the FPA, by the Secretary or Deputy Secretary, review compliance filings, and issue implementing letters or directives; and take such other actions as are necessary and appropriate to implement and administer the FPA order.
 - B. 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.
 - C. Implement paragraphs (c) through (e) of section 215A of the FPA: designate critical defense facilities; designate, protect, and share critical electric infrastructure information; and 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. Exercise the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) authorities under sections 201 – 203 and section 701 of Executive Order 13603 (National Defense Resources Preparedness); or section 4 of Executive Order 11790 (Providing for the effectuation of the Federal Energy Administration Act of 1974), as amended, except insofar as those responsibilities have been assigned to the Under Secretary for Nuclear Security. Exercise the authority under titles I and VII of the Defense Production Act of 1950, delegated to the Secretary in Department of Commerce Defense Priorities and Allocations System (DPAS) Delegation 2, as amended, which authorizes action pursuant to the Department of

Commerce DPAS regulation at 15 C.F.R. Part 700. The exercise of any of these authorities is subject to the concurrence of the General Counsel.

- B. Carry out the responsibilities assigned to the Secretary in section 61003(c) of the FAST Act (Public Law 114-94, 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)-(c), (2), (5), (7), (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.
- C. Carry out the responsibilities assigned to the Secretary under section 211(c) of the Clean Air Act to provide concurrence on an action by the Environmental Protection Agency to waive a fuel or fuel additive requirement if doing so will alleviate a fuel supply emergency.

Office of Loan Programs

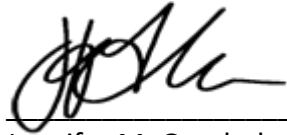
- 1.7 For the Loan Programs Office, serve as the Contracting Officer to enter into, administer, and terminate:
 - A. Loan guarantees and loan guarantee agreements and all related nonprocurement documents associated with loan guarantees issued pursuant to Title XVII of the Energy Policy Act of 2005, as amended (42 U.S.C. 16511-16514) ("Title XVII") (such agreements and documents, collectively, "Title XVII Loan Guarantee Agreements");
 - B. Loan guarantees and loan guarantee agreements and all related nonprocurement documents associated with loan guarantees issued pursuant to Title XXVI of the Energy Policy Act of 1992, as amended (25 U.S.C. 3502(c)) ("TELGP") (such agreements and documents, collectively "TELGP Loan Guarantee Agreements" and, together with Title XVII Loan Guarantee Agreements, "Loan Guarantee Agreements");
 - C. Loan agreements and related nonprocurement documents associated with loans issued pursuant to section 136(d) of the Energy Independence

and Security Act, 42 U.S.C. 17013(d) (the “ATVM Statute”) (such agreements and documents, collectively “ATVM Loan Agreements”); and

- D. Term sheets and conditional commitments related to Loan Guarantee Agreements and ATVM Loan Agreements (the “Conditional Commitments”).
- E. The foregoing authority (under subparagraphs A through D above) to administer Loan Guarantee Agreements, ATVM Loan Agreements and Conditional Commitments shall include, without limitation, the authority to:
 - 1. Extend the date by which an offer of a Conditional Commitment must be accepted;
 - 2. Extend the expiration date of a Conditional Commitment;
 - 3. Enter into amendments to, or waivers and consents respecting the provisions of, Loan Guarantee Agreements, ATVM Loan Agreements, and Conditional Commitments, including in connection with the work out or restructuring plan approved in accordance with the clause below (4);
 - 4. Authorize and implement work-out or restructuring plans for loan and loan guarantee transactions under Title XVII, TELGP, and the ATVM Statute;
 - 5. After consultation with the Chief Financial Officer of the Department of Energy, authorize write-offs for loan and loan guarantee transactions under Title XVII, TELGP, and the ATVM Statute, upon the recommendation of the Director, Portfolio Management Division of the Loan Programs Office; and
 - 6. Subject to available budget authority, authorize additional loans or loan guarantees to borrowers party to an existing Loan Guarantee Agreement or ATVM Loan Agreement for the project(s) financed by such agreements and in an aggregate amount not to exceed the lesser of:
 - (A) Ten percent (10%) of the aggregate principal amount of the original loan or, in the case of a loan guarantee, the guaranteed portion of the original loan; or
 - (B) \$50,000,000.

- 1.8 The foregoing authority under Paragraph 1.7 shall be exercised only after the Secretary, the Under Secretary (for Infrastructure), or their delegate has:
 - A. With respect to a Loan Guarantee Agreement or ATVM Loan Agreement, granted final approval of such agreement; or
 - B. With respect to a Conditional Commitment, granted approval of such Conditional Commitment.
2. RESCISSION. Delegation Order No. S1-DEL-S3-2021 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 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 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.
 - 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 Under Secretary (for Infrastructure) 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 03/14/22.

A handwritten signature in black ink, appearing to read 'J. Granholm', written over a horizontal line.

Jennifer M. Granholm
Secretary of Energy