

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. S1-DEL-S4-2022-2
TO THE UNDER SECRETARY FOR SCIENCE (AND INNOVATION)

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 Science (and Innovation) 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 Science (and Innovation)'s assigned programs and organizational elements as the Under Secretary for Science (and Innovation) may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Under Secretary for Science (and Innovation) 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 In reference to the sale or lease of real property at a Department of Energy defense nuclear facility, make the discretionary decision of whether to hold harmless and indemnify any eligible entity, pursuant to the conditions contained in 50 U.S.C. 2811. This authority may be exercised only after obtaining the concurrence of the General Counsel. This authority may be redelegated only to

Department officials who have been appointed by the President with the advice and consent of the Senate who have oversight responsibilities for defense nuclear facilities, and may not be redelegated further.

- 1.3 Under section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) and in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2), nominate, appoint, renew the term of, and terminate the service of members; convene meetings; and make the determination to close all or part of a meeting in accordance with 5 U.S.C. 552b(c) for all committees organized pursuant to the Federal Advisory Committee Act that are administratively supported by an organization reporting to the Under Secretary for Science (and Innovation). 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 an organization that reports to the Under Secretary for Science (and Innovation).
- 1.4 Direct a Head of Field Organization to curtail or suspend the operation of nuclear reactors, nuclear facilities, or related activities when, in the opinion of the Under Secretary for Science (and Innovation), continuing operations might result in an undue risk to the environment or to the safety and health of Departmental or contractor employees or to the public. This authority may not be redelegated.
- 1.5 Under section 988 of the Energy Policy Act of 2005:
 - A. Approve requests for reduction or elimination of the cost sharing requirement for a research and development activity of an applied nature in accordance with section 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 section 988(c)(2); and
 - C. Exclude research and development of a basic or fundamental nature from the cost sharing requirements, as described in section 988(b)(2).

These authorities may be exercised only after providing notification to the Office of the Secretary. Furthermore, the approval Authorities delegated in subparagraphs A and B can be exercised only in coordination with the Secretarial Policy Statement entitled, "Application of Cost Share Requirements under Section 988 of Energy Policy Act (EPACT) of 2005, Pub. L. 109-58."

- 1.6 Initiate condemnation proceedings and execute declarations of taking; sign all correspondence and other documents in connection with such proceedings; and take all other necessary and appropriate actions to acquire, in connection with the Government's power of eminent domain, real or personal property or interests therein for the Department of Energy (Department or DOE). The authority to initiate condemnation proceedings and execute declarations of taking shall not be redelegated.
- 1.7 On a nonexclusive basis, under section 4510 of the Atomic Energy Defense Act (50 U.S.C. 2661), take the actions described in subsection (b)(1) that are necessary for the development of a plan to mitigate the threat an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset. This authority may not be redelegated.

Office of Electricity

- 1.8 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.
- 1.9 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 Science (and Innovation) 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.
- 1.10 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 Under Secretary for Science (and Innovation). The exercise of this authority is subject to the concurrence of the General Counsel.

Office of Energy Efficiency and Renewable Energy

- 1.11 In light of the policy process set forth in the Memorandum on the Rulemaking Process issued to all Departmental Elements by the Deputy Secretary on September 14, 2010, approve and issue all rulemaking and rule-related documents regarding energy efficiency and renewable energy as required or authorized by applicable law. This authority does not include the authority to issue subpoenas, test notices, or other enforcement-related documents. This authority may be redelegated.

- 1.12 Under section 656 of the Department of Energy Organization Act (42 U.S.C. 7266), periodically publish a list of certain Executive Agency Conservation Officers. This authority may be redelegated only to the Assistant Secretary for Energy Efficiency and Renewable Energy.
- 1.13 Under 10 C.F.R. 451.2, serve as the Deciding Official for the Renewable Energy Production Incentive Program, as described in 10 C.F.R. Part 451. This authority may not be redelegated beyond the Manager of the Golden Field Office. In exercising the authority in this paragraph, the delegate(s) shall be governed by the rules and procedures established in 10 C.F.R. Part 451.
- 1.14 Under section 242 of the Energy Policy Act of 2005, make incentive payments to qualified owners or operators of hydroelectric facilities.
- 1.15 Pursuant to section 1007 of the Energy Policy Act of 2005 (42 U.S.C. 7256(g)), as amended by section 3118 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, Public Law 111-383, approve the award of Other Transaction Agreements and perform the other functions of the Secretary as set forth in 42 U.S.C. 7256(g)(9). This authority may be exercised only by an officer of the Department who has been appointed by the President by and with the advice and consent of the Senate, and with the concurrence of the Department's Senior Procurement Executive, on a transaction-by-transaction basis.
- 1.16 Exercise the authority of the Secretary of Energy under sections 1605(b)(1), 1605(b)(2) and 1605(b)(3) of the American Recovery and Reinvestment Act of 2009 ("Recovery Act") (Public Law 111-5) to waive, after making specific findings, the application of section 1605(a) of the Recovery Act to expenditures within the purview of responsibility of the Assistant Secretary for Energy Efficiency and Renewable Energy. Section 1605(a) requires that none of the funds appropriated or otherwise made available under the Recovery Act may be used for construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods are produced in the United States. Further, in exercising this authority, a delegate will carry out the responsibility contained in section 1605(c) to publish in the Federal Register a detailed written justification for each waiver as to why the provision is being waived.
- 1.17 Exercise all authorities vested in the Secretary of Energy under the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480), as amended by section 105(a) of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010 (Public Law 111-358) and section 401(b) of the American Innovation and Competitiveness Act (Public Law 114-329), as set forth in 15 U.S.C. 3719.

Office of Fossil Energy and Carbon Management

- 1.18 In reference to the Great Plains Coal Gasification Project, as provided by section 646(a) of the Department of Energy Organization Act (42 U.S.C. 7256(a)) (initially authorized by section 19(g)(2) of the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577, as amended by Public Law 95-238) (the Federal Nonnuclear Act) (subsequently repealed by section 1009(b)(12) of the Energy Policy Act of 2005, Public Law 109-58)):
- 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, the Dakota Gasification Company, the Dakota Coal Company, and the Basin Electric Power Cooperative, which was executed as part of the conveyance of the Department of Energy's interests in the Great Plains Coal Gasification Project in Beulah, North Dakota, to Dakota Gasification Company and Dakota Coal Company.
 - A. 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 Coal Gasification Project.
 - B. 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.
- 1.19 In reference to the Naval Petroleum Reserves:
- A. Perform all functions vested in the Secretary of Energy by Subtitle B of Title XXXIV of Division C 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. 8727 and 8728, and vested in the Secretary of Energy 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 the Secretary of Energy by law (10 U.S.C. 8720-8739, including 10 U.S.C. 8720 note) relating to the administration of and jurisdiction over the Naval Petroleum Reserves, except for condemnation proceedings 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 related 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).
- F. Perform all functions vested in the Secretary of Energy by the provisions of Section 3404(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261, 10 U.S.C. 8720 note) related to the disposition by sale of Naval Petroleum Reserve Numbered 3.

1.20 In reference to the Strategic Petroleum Reserve and the Northeast Home Heating Oil Reserve:

Exercise the authority of the Secretary, on a nonexclusive basis, to conduct emergency exchanges of petroleum products from the Strategic Petroleum Reserve pursuant to and consistent with sections 159 and 160 of the Energy Policy and Conservation Act (Public Law 94-163, 42 U.S.C. 6239 and 6240), and to conduct emergency exchanges of petroleum distillate from the Northeast Home Heating Oil Reserve pursuant to and consistent with section 182 of the Energy Policy and Conservation Act (Public Law 94-163, 42 U.S.C. 6250a). This authority may not be redelegated below the Under Secretary for Science (and Innovation).

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

- A. Perform the functions vested in the Secretary of Energy 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 (15 U.S.C. 717b), as amended by section 201 of the Energy Policy Act of 1992 (Public

Law 102-486) and section 311 of the Energy Policy Act of 2005 (Public Law 109-58):

1. Consistent with the authority delegated by this Order, the Under Secretary for Science (and Innovation) or a delegate may attach such terms and conditions to import and export authorizations as the Under Secretary for Science (and Innovation) or a delegate shall determine to be appropriate.
 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 Under Secretary for Science (and Innovation) or a delegate 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 et seq.) and 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.
- 1.22 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 (Public Law 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.
- 1.23 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.
- 1.24 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 Under Secretary for Science (and Innovation). The exercise of this authority is subject to the concurrence of the General Counsel.

Office of Nuclear Energy

- 1.25 Under section 91b of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2121), and National Security Decision Directive Number 282 (September 30, 1987) on matters related to the Office of Nuclear Energy:
 - A. Authorize the transfer of special nuclear material to the Departments of the Army, Air Force, and Navy (Navy Facilities Engineering Command only) in such quantities and at such times as necessary for cores for new military reactors and for replacement cores for existing military reactors, and for miscellaneous purposes (other than use in atomic weapons) for which material, fabrication, and new reactors the Congress shall have authorized funds.
 - B. Authorize the Departments of the Army, Air Force, and Navy to manufacture, produce, or acquire utilization facilities, other than with respect to nuclear powered ships, for which Congress shall have authorized funds.
- 1.26 On matters pertaining to the former Office of Civilian Radioactive Waste Management:
 - A. Sign all documents and take such other actions as may be necessary and appropriate for the submission for publication to the Federal Register of notices concerning actions undertaken to implement the authorities and functions provided in the Nuclear Waste Policy Act of 1982 (Public Law 97-425). The authority delegated does not include rulemaking authority.
 - B. Assert, on a nonexclusive basis, the Federal Government's deliberative process privilege.

Office of Science

- 1.27 Under section 8 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577, 42 U.S.C. 5907) carry out functions relating to identification of opportunities to accelerate the commercial applications of new energy technologies.
- 1.28 Approve determinations preceding Program Opportunity Notices (PONs).

- 1.29 Under Title IV of Public Law 106-554 in reference to the American Museum of Science and Energy (Museum):
- A. Accept and dispose of any gift, devise, or bequest of services or property, real or personal, valued at or under \$25,000, that is designated in a written document by the person making the gift, devise, or bequest as intended for the Museum, having determined that such gift, devise, or bequest is suitable and beneficial for use by the Museum. The acceptance of any such gift, devise, or bequest must be concurred on by the Office of Chief Counsel, Oak Ridge Operations Office, or the Office of the Assistant General Counsel for General Law. All donations of any gift, devise, or bequest of services or property, real or personal, valued above \$25,000 shall be approved by the Secretary of Energy.
 - B. Operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items that are relevant to the contents of the Museum and are informative, educational, and tasteful.
 - C. Collect reasonable fees, where feasible and appropriate, for admission to the Museum and use of Museum facilities for special meetings and events.
 - D. Exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place.
 - E. Approve guidelines for leasing space on the premises of the Museum, and lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines.
 - F. Recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.
 - G. Use the proceeds from the aforementioned activities to pay the costs of the Museum.
- 1.30 Operate, manage, and administer the Department of Energy Isotope Program, as authorized under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and manage and administer the Department of Energy Isotope Program Revolving Fund, established under Public Law 101-101 and Public Law 103-316. This delegated authority shall include all functions relating to, and necessary for, the production, sale, and distribution of isotopes authorized by Federal law and regulation.

2. RESCISSION. Delegation Order No. S1-DEL-S4-2022 is hereby rescinded.

3. LIMITATION.

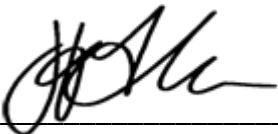
- 3.1 In exercising the authority delegated in this Order, a delegate shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary or delegate(s).
- 3.2 Nothing in this Order precludes the Secretary from exercising any of the authority 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 General Counsel.

4. AUTHORITY TO REDELEGATE.

- 4.1 Except as expressly prohibited by law, regulation, or this Order, the Under Secretary for Science (and Innovation) 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 06/13/22.



Jennifer M. Granholm
Secretary of Energy