

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. S3-DEL-CR1-2023
TO THE DIRECTOR, OFFICE OF
CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

1. REDELEGATION. Under the authority vested in me as Under Secretary (for Infrastructure) 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 Director, Office of 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 Director, Office of Cybersecurity, Energy Security, and Emergency Response's assigned programs and organizational elements as the Director, Office of Cybersecurity, Energy Security, and Emergency Response may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Director, Office of 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 Under section 646(a) of the DOE Organization Act (Public Law 95-91, 42 U.S.C. 7256(a)), enter and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments as deemed necessary or appropriate to carry out functions delegated to the Director, Office of Cybersecurity, Energy Security, and Emergency Response.
- 1.4 Under section 988 of the Energy Policy Act of 2005(Public Law 109-58, codified at 42 U.S.C. 16352):
 - 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 not be redelegated further and 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) 2005, Pub. L. 109-58."

- 1.5 In reference to the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, 135 Stat 429):
 - A. Execute all activities necessary to enhance grid security through public-private partnerships pursuant to paragraphs (b) through (d) of section 40121 of IIJA (42 U.S.C. 18721).
 - B. Execute all activities necessary to carry out an Energy Cyber Sense Program pursuant to paragraphs (b) through (d) of section 40122 of IIJA (42 U.S.C. 18722).
 - C. Execute all activities necessary to carry out a Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program pursuant to paragraphs (b) through (e) of section 40124 of IIJA (42 U.S.C. 18723).
 - D. Execute all activities necessary to carry out a Cybersecurity for the Energy Sector Research, Development, and Demonstration Program pursuant to paragraph (b) of section 40125 of IIJA (42 U.S.C. 18724(b)).

- E. Execute all activities necessary to carry out an Energy Sector Operational Support for Cyberresilience Program pursuant to paragraph (c) of section 40125 of IIJA (42 U.S.C. 18724(c)).
 - F. Execute all activities necessary to carry out an advanced energy and security program to secure energy networks pursuant to paragraph (d) of 40125 of IIJA (42 U.S.C. 18724(d)).
 - G. Execute all activities necessary to carry out cybersecurity plan responsibilities pursuant to section 40126 of IIJA (42 U.S.C. 18725).
- 1.6 Pursuant to 42 U.S.C. 6321, et. seq., provide information, technical assistance, and other assistance in the development, implementation, or revision of a State energy security plan.
 - 1.7 Pursuant to section 3165 of the DOE Science Education Enhancement Act, 42 U.S.C. 7381b, execute all activities necessary to carry out the education activity in paragraphs (a)(17), (b), and (c).
 - 1.8 Execute all activities necessary to carry out electric transmission and distribution programs pursuant to section 925 of the Energy Policy Act of 2005, Public Law 109-58 (42 U.S.C. 16215).
 - 1.9 Execute all activities necessary to carry out sections 1304 and 1304A of the Energy Independence and Security Act of 2007 (P.L. 110-140, as amended), 42 U.S.C. 17384 and 42 U.S.C. 17384a, to promote dynamic optimization of grid operations and resources, with full cyber-security, smart grid technology research, development, and demonstration, and smart grid modeling, visualization, architecture and controls.
 - 1.10 Execute all activities necessary to establish and implement the Securing Energy Infrastructure Pilot Program pursuant to section 5726 of the National Defense Authorization Act for FY 2020, Public Law No. 116-92.
 - 1.11 Execute all activities necessary to carry out 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.
 - 1.12 Execute all activities necessary to carry out the responsibilities assigned to the Secretary in sections 5(e), 6(b)(iii), (c), (d)(i) and (d)(ii) of Executive Order 13865 (Coordinating National Resilience to Electromagnetic Pulses).
 - 1.13 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.

- 1.14 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 execute all activities necessary to acquire, place in storage, transport, or exchange 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 the procedures set forth in 10 CFR Part 626, and to execute all activities necessary to acquire by purchase, exchange, lease, or otherwise, 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).
- 1.15 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.
- 1.16 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.
- 1.17 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 Director, Office of Cybersecurity, Energy Security, and Emergency Response 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.
- 1.18 In reference to electric power regulations under the Federal Power Act (FPA), (16 U.S.C. 791a-825r).
- A. Execute all activities necessary to authorize temporary connection and exchange of facilities during emergency pursuant to section 202(c) of the FPA (16 U.S.C. 824a(c)).
 - B. After issuance of an order pursuant to section 207 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. 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.
 - D. 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.
 - E. Execute the Secretary's consultation responsibilities regarding incentives for cybersecurity investments pursuant to paragraphs (b) and (d)(1) of section 219A of the FPA (16 U.S.C. 824s-1, section 40123 of IJJA).
- 1.19 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 2215 of the Homeland Security Act of 2002 (Public Law 107-296, as added by Public Law 116-283, 6 U.S.C. 665d); and 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.

2. RESCISSION. Redlegation Order No. S4-DEL-CR1-2022 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 or the Under Secretary (for Infrastructure) 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 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 Director, Office of 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 Redelegation Order is effective April 10, 2023.



Kathleen Hogan
Acting Under Secretary
(for Infrastructure)