

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

ORDER

DOE 1100.8

5-18-88



SUBJECT: DELEGATION OF SECRETARIAL AUTHORITY

1. PURPOSE. To establish a Departmentwide system for the preparation, issuance, and maintenance of formal delegations of Secretarial authority and to provide guidance on redelegations of the authority.
2. AUTHORITY.
 - a. The authority of the Secretary of Energy is provided in legislation or is inherent in his or her position as head of the Department. Additional sources of authority are delegations made by the President through Executive orders and regulations issued by other executive agencies, such as the Office of Management and Budget, the Office of Personnel Management, and General Services Administration. All such authority is retained by the Secretary unless specifically delegated by him or her to another official through this delegation system.
 - b. Nothing in this delegation system empowers any officer or employee of the Department to exercise authority which the Secretary, by the terms of legislation, Executive order, or other source of authority, may not redelegate.
3. EFFECTIVE DATE. This Order applies to new delegation orders or proposed revisions to current delegation orders. Existing delegation orders shall remain in full force and effect until modified, amended, superseded, or rescinded.
4. REFERENCE. Public Law 95-91, 42 United States Code (U.S.C.) 7101, Department of Energy Organization Act, specifically section 201, which creates the position of Secretary of Energy; and section 642, which provides for the delegation of authority by the Secretary.
5. DEFINITIONS.
 - a. Delegation of Authority is the transfer of authority from the vested official to an official at a lower organizational level, executed by a delegation order.
 - b. Delegation Order is the written document used to effect a formal delegation of authority.

DISTRIBUTION:
All Departmental Elements

INITIATED BY:
Office of Organization and
Management Systems

- c. Departmental Elements are the first-level organization in Headquarters and the field, except the Federal Energy Regulatory Commission. For purposes of this Order, "first-level" is defined as Office of the Secretary, Secretarial Officers, DOE Staff Officers, Managers of Operations Offices, and Administrators of Bonneville and Western Area Power Administrations.
- d. Non-Secretarial Authority includes authority received by officials, other than the Secretary of Energy, from sources outside the Department.
- e. Redelegation of Authority is the delegation of an authority by an official who obtained that authority by virtue of delegation from a higher official.
- f. Secretarial Authority includes any or all authority to act which has been vested in the Secretary of Energy by virtue of legislation, Executive order, judicial decree, administrative regulation, and delegation order.

6. RESPONSIBILITIES.

- a. Heads of Departmental Elements.
 - (1) Recommend to the Secretary areas in which formal delegation of Secretarial authority is appropriate and prepare proposed delegation orders.
 - (2) Ensure appropriate coordination of proposed delegations of Secretarial authority with the General Counsel, the Assistant Secretary, Management and Administration, and when appropriate, with any other Departmental Element having a direct interest in the delegation.
 - (3) Exercise delegated authority in conformity with any requirements which the official making the delegation would be called upon to observe and in accordance with relevant Departmental policies, standards, programs, organization and budgetary limitations, and prescribed administrative instructions.
 - (4) Review all authorities within their program area periodically to determine their continued appropriateness and to ensure consistency with program goals.
- b. General Counsel.
 - (1) Provides legal advice and guidance, as requested, with respect to delegations and redelegations.

- (2) Reviews all proposed formal delegations of Secretarial authority for legal sufficiency.
- c. Assistant Secretary, Management and Administration, through the Director of Administration (Office of Organization and Management Systems).
- (1) Reviews all proposed formal delegations of Secretarial authority to ensure consistency between the proposed action and the organizational assignment of other functions and authorities.
 - (2) Ensures that existing delegation orders are consistent with proposed organizational changes and recommends changes to delegation orders, as appropriate.
 - (3) Prescribes the format and minimum elements to be included in delegations of authority, and ensures that current and proposed delegation orders are formatted correctly.
 - (4) Assigns delegation numbers, maintains a file of all delegation orders issued by the Secretary, and ensures appropriate distribution to Departmental officials.
 - (5) Provides technical advice and guidance, as requested, with respect to delegations and redelegations.
7. PREPARATION AND ISSUANCE OF DELEGATION ORDERS. The authority to sign and issue delegations of Secretarial authority is reserved to the Secretary or an Acting Secretary. The appropriate procedure and medium for issuing such delegations is described below. Delegations of authority shall not be prepared as memorandums or included exclusively in regulations. Any statements regarding delegation of Secretarial authority contained in any directive or regulation must be cross-referenced to and have as its basis a delegation published in accordance with this Order.
- a. Clearance of Proposed Delegations.
- (1) The Secretary may execute a formal delegation of authority to the Head of any Departmental Element. Direct delegations to officials below this level will be considered only in unusual circumstances.

- (2) Where the delegate is proposing the action, an Action Memorandum and draft delegation order shall be prepared and coordinated with appropriate officials. The Action Memorandum and draft delegation order shall be submitted to the Office of the Executive Secretariat for processing and submission to the Office of the Secretary.
 - (3) Once the delegation order has been signed by the Secretary, the Office of Organization and Management Systems shall assign a number (see Attachment 1), make appropriate distribution, and maintain the official file of delegation orders.
- b. Minimum Elements. Each delegation order must as a minimum include the following:
- (1) Citation of the original source of authority.
 - (2) Description of the authority to be delegated.
 - (3) Any limitation(s) imposed, including any limitation on redelegation.
 - (4) Citation of any previous delegations which are to be revised or rescinded, if appropriate.
 - (5) The date on which the delegation is to become effective and a statement of the duration of the delegation.
- c. Format. All delegation orders should follow the format in Attachment 2.
8. REDELEGATIONS. Authority should be delegated to the lowest levels in the organization at which competence is available to exercise the delegated authority. In determining the extent to which authority should be delegated, consideration should be given to the availability of guidelines or directives, the need for centralized control, the presence of competent personnel where the authority will be exercised, and the need to coordinate programs on an officewide, Departmental, or interagency basis.
- a. Any Head of a Departmental Element to whom Secretarial authority has been delegated may, in writing, redelegate such authority unless such redelegation of authority is specifically prohibited or limited.
 - b. An official who redelegates authority does not divest the power to exercise that authority, nor does the redelegation relieve that official of the responsibility for action taken pursuant to the delegation.

- c. Redelegation orders shall contain the same minimum elements and be in the same format as delegation orders. In addition, redelegation orders shall refer to the delegation order by which the delegate received the authority.
9. OTHER FORMAL DELEGATIONS OF AUTHORITY. Any official who executes a formal redelegation of Secretarial authority or a delegation or redelegation of non-Secretarial authority is responsible for maintaining a record of delegation orders signed by that official. Copies are not required by the Office of Organization and Management Systems.

BY ORDER OF THE SECRETARY OF ENERGY:

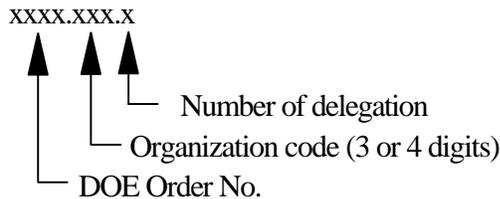


LAWRENCE F. DAVENPORT
Assistant Secretary
Management and Administration

CANCELLED

ASSIGNMENT OF DELEGATION ORDER NUMBERS

The Office of Organization and Management Systems shall assign a number to each Secretarial delegation order, using the organization codes as a basis, as follows:



Redelegations of Secretarial authority should also follow this numbering system.

Following is a list of the primary delegation order numbers:

XXXX.0102.X	Deputy Secretary
XXXX.0103.X	Under Secretary
XXXX.020.X	Assistant Secretary, Management and Administration
XXXX.030.X	General Counsel
XXXX.040.X	Inspector General
XXXX.050.X	Assistant Secretary for Congressional, Intergovernmental, and Public Affairs
XXXX.060.X	Director of Hearings and Appeals
XXXX.070.X	Assistant Secretary for International Affairs and Energy Emergencies
XXXX.080.X	Assistant Secretary for Environment, Safety, and Health
XXXX.090.X	Chairman, Board of Contract Appeals
XXXX.100.X	Director of Minority Economic Impact
XXXX.110.X	Director of Civilian Radioactive Waste Management
XXXX.120.X	Director of Policy, Planning, and Analysis
XXXX.210.X	Assistant Secretary, Conservation and Renewable Energy
XXXX.250.X	Director of Energy Research
XXXX.260.X	Assistant Secretary for Defense Programs
XXXX.270.X	Assistant Secretary for Nuclear Energy
XXXX.280.X	Assistant Secretary for Fossil Energy
XXXX.310.X	Administrator, Economic Regulatory Administration
XXXX.320.X	Administrator, Energy Information Administration
XXXX.502.X	Manager, Albuquerque Operations Office
XXXX.507.X	Manager, Chicago Operations Office
XXXX.510.X	Manager, Richland Operations Office
XXXX.512.X	Manager, Idaho Operations Office
XXXX.516.X	Manager, Oak Ridge Operations Office
XXXX.520.X	Manager, San Francisco Operations Office
XXXX.522.X	Manager, Savannah River Operations Office
XXXX.526.X	Manager, Nevada Operations Office
XXXX.820.X	Administrator, Bonneville Power Administration
XXXX.830.X	Administrator, Western Area Power Administration
XXXX.900.X	Federal Energy Regulatory Commission

DELEGATION ORDER FORMAT

DEPARTMENT OF ENERGY

DELEGATION ORDER NO. ____

TO THE _____

1. DELEGATION. Pursuant to the authority vested in me as (title) and by (cite law(s), Executive Order(s), previous delegation order(s)) there is hereby delegated to the (title) the authority to:
 - a. Take such action as is necessary and appropriate to perform the duties and responsibilities of his or her position, including, but not limited to, any responsibilities assigned by any Departmental policies, standards, programs, organization and budgetary limitations, and prescribed administrative instructions.
 - b.
 - c.
 - d.
 - e.
2. RESCISSION. (List any previous delegations of authority that are now rescinded by this delegation order.)
3. LIMITATION.
 - a. In exercising the authority delegated by this order, or as redelegated pursuant thereto, the delegate shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary and his or her delegates.
 - b. Nothing in this order shall preclude the Secretary from exercising any of the authority so delegated whenever in his or her judgment his or her exercise of such authority is necessary or appropriate to administer the functions vested in him or her.
 - c. (List any other limitation(s) being placed on this delegation, as appropriate.)

4. AUTHORITY TO REDELEGATE. The authority hereby delegated to the (title) may be delegated further, in whole or in part, as the (title) may determine to be appropriate. OR The authority hereby delegated to the (title) may not be further delegated.
5. DURATION AND EFFECTIVE DATE.
 - a. 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 hereby confirmed and ratified, and shall remain in full force and effect as if taken under this order, unless or until rescinded, amended, or superseded.
 - b. This order is effective (date).

Name
Title

CANCELED