DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. 00-002.01
TO THE ASSISTANT SECRETARY FOR
ENERGY EFFICIENCY AND RENEWABLE ENERGY

1.   DELEGATION. Pursuant to section 202(b) of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7132(b)) and Secretary of Energy Delegation Order 00-002 provided to the Under Secretary for Energy, Science and Environment to perform the function and duties related to Energy Efficiency and Renewable Energy, I delegate, on a non-exclusive basis, to the Assistant Secretary for Energy Efficiency and Renewable Energy authority to take the following actions:

  1.1   Under the National Energy Conservation Policy Act (NECPA) Public Law 95-619, as amended:

      A.   Make determinations pursuant to sections 216(d)(1) and (2).

      B.   Grant waivers pursuant to section 216(e).

      C.   Exercise authorities vested in me pursuant to Title III, Parts 1 and 2, except the authority to suspend grants pursuant to sections 395(e) and 400(d) of the Energy Policy and Conservation Act, as amended.

      D.   Exercise authorities vested in me pursuant to Title V, Part 3 of NECPA, amended by the Federal Energy Management Improvement Act of 1988 (42 U.S.C. sections 8251-8261) except the authority to report annually to the Congress as required by section 548(b) of NECPA.

  1.2   Under section 656 of the Department of Energy Organization Act, periodically publish a list of certain Executive Agency Conservation Officers (Public Law 95-91, 42 U.S.C. 7266). This authority may not be redelegated.

  1.3   Establish, alter, consolidate or discontinue such organizational units or components within assigned organizational elements as deemed to be necessary or appropriate.

      A.   In exercising this authority, or as redelegated pursuant thereto, delegates 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 additional, deletion, or transfer of mission and functions of or between Departmental Headquarters or Field Elements, which authority is reserved to the Secretary.

C.   Heads of Departmental Headquarters and Field Elements may delegate the authority to alter or consolidate organizational elements further, 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 Headquarters or Field Element.

D.   The authority to establish or discontinue organizational elements at the first or second level below the Head of Departmental or Field Element may not be redelegated.

E.   Acting Heads of Departmental Headquarters or Field Elements may not redelegate these authorities and may only establish, alter, consolidate or discontinue organizational units at the third level and below. During the tenure of an acting Head of a Departmental Headquarters or Field Element, organizational units below the Head of Departmental Headquarters and Field Elements may not exercise redelegations granting the authority to alter or consolidate units.

1.4   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 be delegated to the Manager of the Golden Field Office, but may not be further delegated. 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.

1.5   With the concurrence of the General Counsel, request from the General Services Administration (GSA) that the Secretary of Energy be authorized to intervene in proceedings relating to utility matters before any Federal or State regulatory agency or commission in order to represent the consumer interests of executive agencies of the Federal Government in such proceedings and to intervene in such proceedings pursuant to an authorization received from GSA, subject to the concurrence and with the assistance of the General Counsel.

2.   RECISSION. Delegation Order Nos. 0204-67, 0204-72, 0204-103, 0204-109, 0204-134, 0204-145 paragraph 1.j, 0204-153, and 0204-159 are 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 Energy, Science and Environment 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 in consultation with the Department of Energy General Counsel.

4. <u>AUTHORITY TO REDELEGATE</u>.

4.1 Except as expressly prohibited by law, regulation, or this Order, the Assistant Secretary for Energy Efficiency and Renewable Energy 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 and Operations Support, which manages the Secretarial Delegations of Authority system.

5. <u>DURATION AND EFFECTIVE DATE</u>.

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 January 8, 2002.

_____
Robert G. Card
Under Secretary for Energy,
Science and Environment