

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 00-039.00
TO HEADS OF DEPARTMENTAL HEADQUARTERS ELEMENTS

1. DELEGATION. Under the authority vested in me as Secretary of Energy and pursuant to sections 642 and 643 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252 and 7253), I delegate to Heads of Departmental Headquarters Elements the authority to establish, alter, consolidate or discontinue such organizational units or components within their assigned organizational elements as she/he may deem to be necessary or appropriate. Organizational elements assigned to the Under Secretary for Energy, Science and Environment are excluded from this Order. In addition, in accordance with section 3159 of the Floyd D. Spence National Defense Authorization Act for FY 2001, the Administrator for Nuclear Security and the organizational elements under the National Nuclear Security Administration are excluded from this Order.
 - A. In exercising the authorities delegated by this Order or as redelegated pursuant thereto, the delegate(s) 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. The authorities delegated by this Order do 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 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 element.
 - D. The authority to establish or discontinue organizational elements at the first or second level below the Head of the Headquarters element may not be redelegated.
2. RESCISSION. Delegation Order 0204-153 is hereby rescinded.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 Any amendments to this Order shall be 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 Heads of Departmental Headquarters Elements 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. 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 December 6, 2001.



Spencer Abraham
Secretary of Energy