

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-164
TO THE ASSISTANT SECRETARY FOR FOSSIL ENERGY

Pursuant to the authority vested in me as Secretary of Energy and by Section 19(g)(2) of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. No. 93-577, as amended by Pub. L. No. 95-238)(the Federal Nonnuclear Act) and as provided by Sections 642 and 646(a) of the Department of Energy Organization Act (Public L. No. 95-91), there is hereby delegated to the Assistant Secretary for Fossil Energy the authority:

1. To 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, and February 16, 1994, between the United States of America, Dakota Gasification Company, Dakota Coal Company and Basin Electric Power Cooperative, which was executed as part of the conveyance of the Department's interests in the Great Plains Coal Gasification Project in Beulah, North Dakota, to Dakota Gasification Company and Dakota Coal Company.
2. To carry out all functions of the Contracting Officer, as that term is defined in the Great Plains Project Trust Agreement dated as of October 31, 1988, and amended February 16, 1994.
3. To 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 project.

The authority delegated herein to the Assistant Secretary for Fossil Energy may be redelegated in whole or in part.

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, supra.

This Delegation Order supersedes the delegation authority conveyed to the Assistant Secretary for Management and Administration in Delegation Order No. 0204-131. Delegation Order No. 0204-131 is hereby rescinded.

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.

Nothing in this Order shall preclude the Secretary from exercising any of the authority so delegated whenever, in her judgement, her exercise of such authority is necessary or proper to administer functions vested in her.

This Order is effective November 20, 1996.

_____/s/_____
Hazel R. O'Leary
Secretary of Energy