

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. S4-DEL-FE1-2023
TO THE ASSISTANT SECRETARY
FOR FOSSIL ENERGY AND CARBON MANAGEMENT

1. REDELEGATION. Under the authority vested in me as Under Secretary for Science (and Innovation) 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 Assistant Secretary for Fossil Energy and Carbon Management, 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 Assistant Secretary for Fossil Energy and Carbon Management's assigned programs and organizational elements as the Assistant Secretary for Fossil Energy and Carbon Management may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Assistant Secretary for Fossil Energy and Carbon Management 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 assigned Heads of Departmental Field Elements and 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 be redelegated only to the Head of Departmental Field Elements.
 - 1.2 Under section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) and in accordance with the Federal Advisory Committee Act (5 U.S.C.

10, et seq.), nominate, appoint, renew the term of, and terminate the service of members; convene meetings; and make the determination to close all or part of a meeting in accordance with 5 U.S.C. 552b(c) for all committees organized pursuant to the Federal Advisory Committee Act that are administratively supported by an organization reporting to the Assistant Secretary for Fossil Energy and Carbon Management. Pursuant to 18 U.S.C. 208(b)(3), after consultation with the Department's Designated Agency Ethics Official, issue conflict-of-interest waivers for special Government employees serving on a Federal Advisory Committee that is administratively supported by an organization that reports to the Assistant Secretary for Fossil Energy and Carbon Management.

- 1.3 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.
- 1.4 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) of 2005, Pub. L. 109-58."

- 1.5 In reference to the regulation of imports and exports of natural gas:
 - A. Perform the functions vested in the Secretary of Energy by sections 301(b) and 402(f) of the Department of Energy Organization Act to regulate natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b), as amended by section 201 of the Energy Policy Act of 1992

(Public Law 102-486) and section 311 of the Energy Policy Act of 2005 (Public Law 109-58):

1. Consistent with the authority delegated by this Order, the Assistant Secretary for Fossil Energy and Carbon Management or a delegate may attach such terms and conditions to import and export authorizations as the Assistant Secretary for Fossil Energy and Carbon Management or a delegate shall determine to be appropriate.
 2. The authority delegated by this Order does not include the authority to approve the construction and operation of particular facilities, the site at which such facilities shall be located, and, with respect to natural gas that involves the construction of new domestic facilities, the place of entry for imports or exit for exports, except the Assistant Secretary for Fossil Energy and Carbon Management or a delegate is authorized to disapprove the construction and operation of particular facilities, the site at which such facilities shall be located, and, with respect to natural gas that involves the construction of new domestic facilities, the place of entry for imports or exit for exports.
- B. Establish and review priorities for the curtailment of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717 et seq.) and sections 401, 402, and 403 of the Natural Gas Policy Act of 1978 (Public Law 95-621, 15 U.S.C. 3391-3393); and consult with the Deputy Secretary concerning energy emergency-related curtailment policy guidance, as necessary or appropriate.
- 1.6 For all programs funded by Fossil Energy appropriations, exercise the authority of the Secretary of Energy under the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85), Title III, Department of Energy, Energy Programs, Fossil Energy Research and Development, to vest fee title or other property interests acquired in any entity, including the United States.
 - 1.7 Participate in any proceeding before the Federal Energy Regulatory Commission, pursuant to the provisions of section 405 of the Department of Energy Organization Act (42 U.S.C. 7175), or in any proceeding before any Federal or State agency or commission whenever such participation is related to the exercise of authority delegated to the Assistant Secretary for Fossil Energy. The exercise of this authority is subject to the concurrence of the General Counsel.

1.8 Under the Energy Policy Act of 2005 (Public Law 109-58):

- A. Execute all activities necessary to carry out the Secretary's responsibilities in section 349 (42 U.S.C. 15907) related to orphaned well site plugging, remediation, and restoration.
- B. Exercise the authority of the Secretary of Energy under Title IV, Subtitle A, Section 402(f) (42 U.S.C. 15962) with respect to scheduled completion of selected Clean Coal Power Initiative projects.
- C. Execute all activities necessary to carry out under section 961 (42 U.S.C. 16291) a research, development, demonstration, and commercial application programs in fossil energy.
- D. Execute all activities necessary to carry out under section 962 (42 U.S.C. 16292) a carbon capture technology program in coordination with the Office of Clean Energy Demonstrations.
- E. Execute all activities necessary to carry out under section 963 (42 U.S.C. 16293) carbon storage validation and testing program.
- F. Execute all activities necessary to carry out under section 964 (42 U.S.C. 16294) a program for research and development on coal mining technologies.
- G. Execute all activities necessary to carry out under section 965 (42 U.S.C. 16295) oil and gas research, development, demonstration, and commercial application programs.
- H. Execute all activities necessary to carry out under section 966 (42 U.S.C. 16296) a program of research, development, demonstration, and commercial application to maximize the productive capacity of marginal wells and reservoirs.
- I. Execute all activities necessary to establish and carry out under section 967 (42 U.S.C. 16297) a Complex Well Technology Testing Facility at the Rocky Mountain Oilfield Testing Center to increase the range of extended drilling technologies.
- J. Execute all activities necessary to carry out under section 969 (42 U.S.C. 16298) a program of research, development, demonstration, and commercialization related to carbon utilization.
- K. Execute all activities necessary to carry out under section 969A (42 U.S.C. 16298a) a program of research, development, and demonstration for carbon utilization.

- L. Execute all activities necessary to carry out under section 969B (42 U.S.C. 16298b) a multiyear, multiphase program of research, development, and technology demonstration to improve the efficiency of gas turbines used in power generation systems and aviation.
- M. Execute all activities necessary to carry out under section 969D (42 U.S.C. 16298d) a research, development, and demonstration program to test, validate, or improve technologies and strategies to remove carbon dioxide from the atmosphere on a large scale in coordination with other DOE offices and Federal agencies as appropriate.
- N. Execute all activities necessary to carry out under Subtitle J (42 U.S.C. 16371-78) a carbon dioxide transportation infrastructure finance and innovation program, in coordination with the Loan Programs Office.

1.9 Under the Energy Act of 2020 (Public Law 116-260, Div. Z):

- A. Execute all activities necessary to carry out under section 4007 a study to examine opportunities for research and development in integrating blue hydrogen technology in the industrial power sector and to submit a report that describes the results of that study.
- B. Execute all activities necessary to carry out under section 4008 (42 U.S.C. 10310) a research and development program on produced water.
- C. Execute all activities necessary to carry out under section 7001 (42 U.S.C. 13344) a program of research and development on advanced separation technologies for the extraction and recovery of rare earth elements and other critical materials from coal and coal byproducts and to fund a full-scale integrated rare earth element extraction and separation demonstration facility and refinery, in coordination with the Office of Manufacturing and Energy Supply Chains.
- D. Execute all activities necessary to carry out under section 7002(g) (30 U.S.C. 1606(g)) a program of research, development, demonstration, and commercialization-- (A) to develop alternatives to critical materials that do not occur in significant abundance in the United States; (B) to promote the efficient production, use, and recycling of critical materials, with special consideration for domestic critical materials, throughout the supply chain; (C) to ensure the long-term, secure, and sustainable supply of critical materials; and (D) to prioritize work in areas that the private sector by itself is not likely to undertake due to financial or technical limitations.

- E. Execute all activities necessary to support under section 7002(h) (30 U.S.C. 1606(h)) construction of a Critical Materials Supply Chain Research Facility.
 - F. Execute all activities necessary to carry out under section 7002(i) (30 U.S.C. 1606(i)), in coordination with the Department of the Interior, and in consultation with the Director of the National Science Foundation, a Critical Materials Information Portal to collect, catalogue, disseminate, and archive information on critical materials.
- 1.10 Under the Energy Policy Act of 1992 (Public Law 102-486), execute all activities necessary to carry out under subtitles A and B of Title XIII (42 U.S.C. 13331-13343, 13351) coal research, development, demonstration, and commercial application program.
 - 1.11 Under the DOE Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007 (Public Law 110-140, Title VII, Subtitle A), execute all activities necessary to carry out under section 703 (42 U.S.C. 17251) a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources.
 - 1.12 Under the Methane Hydrate Research and Development Act of 2000 (Public Law 106-193, 30 U.S.C. 2001 et seq.), execute all activities necessary to carry out a methane hydrate research and development program.
 - 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 Under the Infrastructure Investment and Jobs Act (Public Law 117-58), execute all activities necessary to carry out under section 40207(b) (42 U.S.C. 18741(b)) a Battery Material Processing Grant Program, in coordination with the Office of Manufacturing and Energy Supply Chains.
- 2. RESCISSION. Redelelegation Orders No. S4-DEL-FE1-2022 and S4-DEL-FE1-2022-2 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 Science (and Innovation) 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 made in consultation with the Department of Energy General Counsel.

4. AUTHORITY TO REDELEGATE.

- 4.1 Except as prohibited by law, regulation, or this Order, the Assistant Secretary for Fossil Energy and Carbon Management 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.



Geraldine Richmond
Under Secretary for Science
(and Innovation)