

**DEPARTMENT OF ENERGY DELEGATION ORDER NO. 00-038.00B TO  
THE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY – ENERGY**

1. **DELEGATION.** Under the authority vested in me as Secretary of Energy 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 Director, Advanced Research Projects Agency – Energy (ARPA-E) authority to take the following actions:
    - 1.1 Pursuant to section 1007 of the Energy Policy Act of 2005 (42 U.S.C. 7256(g)) and 10 CFR 603.115, approve the award of Technology Investment Agreements within the ARPA-E programmatic area. This authority may only be exercised with the concurrence of the Department’s Senior Procurement Executive, on a transaction-by-transaction basis. This authority may not be delegated.
    - 1.2 Under section 988 of the Energy Policy Act of 2005 (EPACT 2005), Pub.L. 109-58:
      - a. Approve requests for the reduction or elimination of the cost share requirement for research and development activities of an applied nature in accordance with section 988(b)(3); and
      - b. Approve requests for the reduction of the cost share requirement for demonstration and commercial application activities in accordance with section 988(c)(2).

These authorities under EPACT 2005 may not be redelegated, and may only be exercised after providing notification to the Office of the Secretary. Furthermore, the approval authorities delegated in subparagraphs A and B may only be exercised subject to the guidelines established in the Secretarial Policy Statement entitled “Application of Cost Share Requirements Under Section 988 of Energy Policy Act of 2005 (EPACT 2005), Pub.L. 109-58.”

  - 1.3 In accordance with section 9 of the Small Business Act (15 U.S.C. 631 et seq.), establish and administer a Small Business Innovation Research (SBIR) program and a Small Business Technology Transfer (STTR) program for ARPA-E that is separate from the DOE-wide SBIR/STTR programs.
2. **RESCISSION.** Delegation Order No. 00-038.00A is hereby repealed.

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 of delegate(s).
- 3.2. Nothing in this Order precludes the Secretary 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 of the National Nuclear Security Administration 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. DURATION AND EFFECTIVE DATE.

- 4.1. 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.
- 4.2. This Order is effective JAN 6 2012.



Steven Chu  
Secretary of Energy