

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 0204-146  
TO THE DIRECTOR OF INTELLIGENCE

1. DELEGATION. Pursuant to the authority vested in me as Secretary of Energy (the “Secretary”) and by section 642 of the Department of Energy Organization Act (Pub. L. No. 95-91), and the authority vested in me as a Senior Official of the Intelligence Community (“SOIC”) by Executive Order 12333, entitled “United States Intelligence Activities,” and the authority vested in me by Executive Order 12356, entitled “National Security Information,” there is hereby delegated to the Director of the Intelligence the authority to :
  - a. Act as the Senior Intelligence Officer (the “SIO”) for the Department responsible for the management, implementation and oversight of the Department's intelligence activities pursuant to Executive Order 12333, except for those authorities and responsibilities of the Inspector General and the General Counsel. [Executive Order 12333, “United States Intelligence Activities,” sections 1.6, 1.7 and 1.13.]
  - b. Exercise those authorities vested in the Secretary under Executive Order 12356 and implementing directives, including:
    - (i) section 3.3(c) of the Executive Order providing for the systematic review, in accordance with procedures established by the Director of Central Intelligence (the “DCI”), for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods;
    - (ii) section 3.4(e) of the Executive Order providing, in accordance with procedures established by the DCI, for the mandatory review of information pertaining to intelligence activities (including special activities), or intelligence sources or methods;
    - (iii) section 4.2(a) of the Executive Order pertaining to the creation and continuation of special access programs (including special activities) pertaining to intelligence activities or intelligence sources or methods, consistent with Departmental security policy; and
    - (iv) section 4.2(b) of the Executive Order regarding establishing and maintaining a system for administrative accounting for special access programs pertaining to intelligence activities or intelligence sources or methods. [Executive Order 12356, “National Security Information,” sections 3.3(c), 3.4(e), 4.2(a) and 4.2(b).]

- c. Act as the final authority for the determination of access to special access programs pertaining to intelligence, including the denial and revocation of access and the resolution of all appeals from such denials or revocations, in accordance with guidance from the DCI. [Executive Order 12356, section 4.2(a); Executive Order 12333, section 1.7(e).]
- d. Overtly collect intelligence information with respect to foreign energy matters. [Executive Order 12333, section 1.13(a).]
- e. Provide overall management and guidance to the Department's counterintelligence programs, and coordinate all counterintelligence matters with the FBI or other intelligence community agencies as appropriate. [Executive Order 12333, section 1.4(c).]
- f. Prepare and coordinate the Department's foreign intelligence program budget, to include the DOE portion of the National Foreign Intelligence Program ("NFIP"), and submit appropriate DOE inputs to the DCI, the Office of Management and Budget, and the Congress. [Executive Order 12333, section 1.6(b).]
- g. Produce and disseminate foreign political, economic, military or facility threat-related intelligence and counterintelligence information responsive to requirements of Departmental managers. [Executive Order 12333, section 1.13(b).]
- h. Manage, coordinate, and oversee the production of foreign scientific and technical intelligence relating to nuclear proliferation, weapons, energy, and threat related and emerging nuclear technologies, in support of DOE and the Intelligence Community. [Executive Order 12333, sections 1.6(a), 1.7(c), and 1.13(b) and (d).]
- i. In coordination with the Office of Security Affairs, approve all policies, plans and procedures for the protection of intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the DCI. [Executive Order 12333, section 1.7(e).]
- j. Prepare, coordinate and sponsor, within the Intelligence Community, DOE requirements for foreign intelligence information. [Executive Order 12333, section 1.13(c).]
- k. Oversee and coordinate, as the cognizant Secretarial Officer, the intelligence and intelligence-related reimbursable work-for-others program within the Department and its contractors, and the development of special technologies in support of the intelligence community. [Executive Order 12333, section 1.13(d).]

- l. Provide technical, analytical and research assistance to other agencies within the intelligence community. [Executive Order 12333, section 1.13.(d).]
  - m. Provide intelligence assistance and support to law enforcement authorities, including specialized equipment, technical knowledge and expert personnel. [Executive Order 12333, section 2.6.]
  - n. Approve all requests from other intelligence community agencies for assistance or support in the collection of foreign intelligence or counterintelligence information. [Executive Order 12333, sections 1.6(a) and 1.13(d).]
  - o. Establish policy and procedures for the exchange of foreign intelligence information regarding energy related matters between DOE and its contractor personnel and foreign governments. [Executive Order 12333, sections 1.7(f) and 1.13(a).]
  - p. Provide the President's Intelligence Oversight Board with all information necessary to carry out its responsibilities pursuant to Executive Order 12334, "President's Intelligence Oversight Board," dated December 4, 1981. [Executive Order 12333, section 1.7(d); Executive Order 12334, section 4.]
2. LIMITATION.
- a. In exercising the authorities delegated by this Order or as redelegated pursuant thereto, the delegatee(s) shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the Secretary and his or her delegates.
  - b. Nothing in this Order shall preclude the Secretary from exercising any of the authorities so delegated whenever in his or her judgment the exercise of such authority is necessary or appropriate to administer the functions vested in the Secretary.
3. AUTHORITY TO REDELEGATE. The authority delegated to the Director of Intelligence may be further delegated, in whole or in part, as may be appropriate, provided that the authority delegated to him in paragraphs b.iii, h, j, and m may not be further delegated.
4. DURATION. 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.

5. EFFECTIVE DATE. This Order is effective January 21, 1993.

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Linda G. Stuntz  
Acting Secretary of Energy