

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 0204-154  
TO THE DIRECTOR, OFFICE OF SECURITY AFFAIRS

1. DELEGATION. Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) by the President pursuant to Executive Order 12958 of April 17, 1995, entitled “Classified National Security Information,” section 203 of Executive Order 12829 of January 6, 1993, entitled “National Industrial Security Program,” section 6.1 of Executive Order 12968 of August 2, 1995, entitled “Access to Classified Information,” sections 301 and 642 of the Department of Energy (DOE) Organization Act (Public Law Number 95-91), and sections 141 through 148 of the Atomic Energy Act of 1954, as amended, there is hereby delegated to the Director, Office of Nonproliferation and National Security and further delegated to the Director Office of Security Affairs, the authority to:
  - a. Act as Senior Agency Official responsible for the direction and administration of the DOE information security program [Executive Order 12958, section 5.6(c)].
  - b. Make determinations of trustworthiness and establish controls to ensure that classified information is used, processed, stored, reproduced, transmitted, and destroyed only under conditions that will provide adequate protection and prevent access by unauthorized persons [Executive Order 12955, section 4.2 (a) through (h)].
  - c. Exercise all other authorities vested in the Secretary under Executive Order 12958 and in any implementing directives issued pursuant to section 5.3(b)(1), except for:
    - (1) the authority specified in section 1.4(c)(2) pertaining to delegations of “Top Secret” original classification authority;
    - (2) the authority specified in section 4.4(a) pertaining to establishment of special access programs;
    - (3) the authority specified in section 4.4(b)(2) pertaining to establishment and maintenance of a system of accounting for special access programs consistent with directives issued pursuant to the Executive Order;
    - (4) any authority which has been or may be delegated to the Secretary by the Secretary of Defense in furtherance of the provisions of section 3.5(c) of the Executive Order pertaining to establishment of special procedures for systematic review for declassification of classified cryptologic information;
    - (5) any authority which has been or may be delegated to the Secretary by the Director of Central Intelligence in furtherance of the provisions of section 3.5(c) of

the Executive Order pertaining to establishment of special procedures for systematic review for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods; and

(6) the authority specified in section 6.1(b) to request of the Attorney General an interpretation of the Executive Order with respect to any question arising in the course of its administration.

- d. Prescribe such regulations and orders as may be necessary to prohibit the unauthorized dissemination of unclassified information pertaining to; (a) the design of production facilities or utilization facilities; (b) security measures for the physical protection of production and utilization facilities or nuclear materials in transit; and (c) the design, manufacture, or utilization of any weapon or component as contained in any information declassified or removed from the Restricted Data category [section 148a of the Atomic Energy Act of 1954, as amended].
- e. Prescribe such regulations or orders as deemed necessary to protect Restricted Data [section 161i. (1) of the Atomic Energy Act of 1954, as amended].
- f. Make determinations pursuant to section 145b. of the Atomic Energy Act of 1954, as amended, permitting an individual access to Restricted Data prior to review of completed investigation if such access is clearly consistent with the national interest [section 145b. of the Atomic Energy Act of 1954, as amended].
- g. Issue subpoenas, in accordance with the provisions of section 161c. of the Atomic Energy Act [section 161c. of the Atomic Energy Act of 1954, as amended].
- h. Classify, declassify, and transclassify Restricted Data and classify and declassify Formerly Restricted Data as provided in section 142 of the Atomic Energy Act [section 142 of the Atomic Energy Act of 1954, as amended].
- i. Issue regulations and orders relating to the entry upon, or the carrying, transporting, or otherwise introducing or causing to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property into or upon any facility, installation, or real property subject to the jurisdiction, administration, or in the custody of DOE [section 229 of the Atomic Energy Act of 1954, as amended].
- j. Authorize Department employees and contractor employees to carry firearms and make arrests without warrant [section 161k. of the Atomic Energy Act of 1954, as amended].

- k. Make the final determination concerning appeals involving the denial of requests made under the Freedom of Information Act for classified information or the denial of requests for information made under the Freedom of Information Act falling within the scope of section 148 of the Atomic Energy Act of 1954, as amended, pursuant to 10 CFR 1004.8(f) [The Freedom of Information Act, 5 U.S.C., section 552, paragraph (a)(6)(A)].
  - l. Act as Senior Agency Official responsible for the direction and administration of the DOE implementation and compliance with the National Industrial Security Program [Executive Order 12829, section 203(a)].
  - m. Act as Senior Agency Official responsible for the direction and administration of the DOE personnel security program [Executive Order 12968, section 6.1(a)]
2. RESCISSION. This Order rescinds Delegation Order Number 0204-139.
3. LIMITATION.
- a. In exercising the authorities delegated by this Order or as re-delegated pursuant thereto, the delegate(s) shall be governed by the rules and regulations of the 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 exercise of such authority is necessary or appropriate.
4. AUTHORITY TO RE-DELEGATE.
- a. The authority delegated to the Director, Office of Security Affairs, in paragraphs 1.f. and 1.i. may not be further re-delegated.
  - b. The authority delegated to the Director, Office of Security Affairs, in paragraph 1.b. of this Order may be further delegated to the Deputy Director, Office of Security Affairs, who may not further delegate such authority.
  - c. The authority delegated to the Director, Office of Security Affairs, in paragraphs 1. a., c., d., e., g., h., j., k., l., and m. may be further delegated, consistent with the terms of the Executive Orders and the Atomic Energy Act of 1954, as amended.

5. DURATION AND EFFECTIVE DATE.

- a. 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.
- b. This Order is effective January 23, 1996.

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Hazel R. O'Leary  
Secretary of Energy