

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 0204-169  
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 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 12958, entitled “Classified National Security Information,” Executive Order 12968, “Access to Classified Information,” and by Presidential Decision Directive/NSC-61, “U.S. Department of Energy Counterintelligence Program,” there is hereby delegated to the Director of 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; and exercise the Secretary’s delegable authorities and responsibilities under Executive Order 12333. [Executive Order 12333, sections 1.6, 1.7 and 1.13.]
  - b. Exercise those authorities pertaining to intelligence activities vested in the Secretary under Executive Order 12958 (the Order) and implementing directives, including:
    - (i) section 3.5(c) of the 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 3.6(e) of the 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; and
    - (iii) section 4.4(a) of the 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. [Executive Order 12958, sections 1.4(a), (b), (c), 3.5(c), 3.6(e), and 4.4(a).]
  - 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 12958, section 4.4(a); Executive Order 12968, section 2.2; Executive Order 12333, section 1.7(e).]

- d. Exercise the authority vested in the Secretary by Executive Order 12333 and implementing directives to adjudicate, grant, deny and revoke access to intelligence information, including Sensitive Compartmented Information (SCI). [Executive Order 12333, section 1.7(e).]
- e. Overtly collect intelligence information with respect to foreign energy matters. [Executive Order 12333, section 1.13(a).]
- 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, in coordination with the Director of the Office of Counterintelligence (CN), as appropriate. [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. Coordinate all counterintelligence matters with the Director, CN, and with other intelligence community agencies as appropriate. [Executive Order 12333, sections 1.4(c) and 1.7(b); Presidential Decision Directive/NSC-61.]
- j. 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 1.5(g) and (h), and 1.7(e).]
- k. Prepare, formulate, coordinate and sponsor, within the Intelligence Community, foreign intelligence collection and analysis requirements. [Executive Order 12333, section 1.13(c).]

- l. 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).]
  - m. Provide expert technical, analytical and research assistance to other agencies within the Intelligence Community. [Executive Order 12333, section 1.13(d).]
  - n. Provide intelligence assistance and support to law enforcement authorities, including specialized equipment, technical knowledge and expert personnel. Expert personnel shall be approved in each case by the General Counsel. [Executive Order 12333, section 2.6.]
  - o. 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).]
  - p. 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).]
  - q. Provide the Intelligence Oversight Board with all information necessary to carry out its responsibilities pursuant to Executive Order 12863, “President’s Foreign Intelligence Advisory Board.” [Executive Order 12333, section 1.7(d); Executive Order 12863, section 2.4.]
2. RESCISSION. This Delegation Order rescinds and supersedes Delegation Order No. 0204-146.
3. 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 delegees.
  - 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.

4. 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, k, n and o, may not be further redelegated.
5. RATIFICATION AND 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.
6. EFFECTIVE DATE. This Order is effective May 6, 1999.

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Bill Richardson  
Secretary of Energy