


DEPARTMENT OF ENERGY
DELEGATION ORDER NO. ~~00-017-00~~ S1-DEL-BCA-2001
TO THE BOARD OF CONTRACT APPEALS and
TO THE CHAIR, BOARD OF CONTRACT APPEALS

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 Energy Board of Contract Appeals (which was established in 1979 by the Secretary of Energy pursuant to authority granted to the Secretary by section 8 of the Contract Disputes Act of 1978 (Public Law 95-563)) the authority to decide appeals involving contract disputes pursuant to the Contract Disputes Act of 1978 (Public Law 95-563). Further, I delegate to the Energy Board of Contract Appeals the authority to take the following actions:
 - 1.1 Decide appeals in which, by the terms of a contract executed prior to March 1, 1979, the contractor is authorized to appeal decisions of a contracting officer to the head of the agency or the Board;
 - 1.2 Sit as the Department of Energy (DOE) Patent Compensation Board, conduct and decide any proceedings brought before it pursuant to Departmental regulations, 10 C.F.R. Part 780; declare patents affected with the public interest pursuant to section 153a (42 U.S.C. 2183a); and make the final determination to issue patent licenses pursuant to sections 153b or 153e of the Atomic Energy Act of 1954 (42 U.S.C. 2183b and 2183e);
 - 1.3 Hear and decide appeals in proceedings for the suspension, termination and debarment of contractors or financial assistance recipients pursuant to Departmental regulations;
 - 1.4 Hear and decide appeals involving liquidated damages pursuant to section 104(c) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332);
 - 1.5 Sit as the DOE Invention Licensing Appeals Board, hear and decide appeals from decisions brought before it on the licensing of inventions pursuant to Departmental regulations, 10 C.F.R. Part 781;
 - 1.6 Sit as the DOE Financial Assistance Appeals Board, hear and decide appeals involving financial assistance agreements including grant agreements, cooperative agreements, loan agreements and loan guarantees pursuant to Departmental regulations;

- 1.7 Conduct and decide any other quasi-judicial proceedings assigned by the Secretary;
 - 1.8 Exercise all power and authority necessary for the performance of the Board's duties, including but not limited to: perform customary administrative duties in accordance with applicable statutes, regulations, directives and policies; establish rules of practice and procedure subject to the approval of the Secretary; issue subpoenas under the authority of section 161(c) of the Atomic Energy Act of 1954, 42 U.S.C. 2201(c); administer oaths and affirmations; publish necessary documents in the Federal Register as appropriate; and take final Departmental actions for the Secretary with respect to all issues of fact and law in proceedings before it.
2. RESCISSION. Delegation Order 0204-162 is 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 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 in consultation with the Department of Energy General Counsel.
 4. AUTHORITY TO REDELEGATE.
 - 4.1 Except as expressly prohibited by law, regulation, or this Order, the Chair, Board of Contract Appeals 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 and Operations Support, 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 order is effective December 6, 2001.



Spencer Abraham
Secretary of Energy