DEPARTMENT OF ENERGY DELEGATION ORDER NO. 0204-20 TO THE ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS

Pursuant to the authority vested in me as Secretary of Energy and by Section 642 of the Department of Energy Organization Act (Pub. L. 95-91) (the "DOE Act"), there is hereby delegated to the Assistant Secretary for International Affairs the authority to:

- 1. Take the following actions under the referenced sections of the Atomic Energy Act of 1954 (Pub. L. 703, 83rd Cong., 2d Sess.), as amended:
 - A. Distribute special nuclear material under Section 54, except where that authority has been delegated to another Assistant Secretary;
 - B. Make any determination under Section 54.d. (2);
 - C. Distribute source and byproduct material under Sections 64 and 82, except where that authority has been delegated to another Assistant Secretary;
 - D. Apply to the Nuclear Regulatory Commission for export licenses as contemplated by Section 111.a.;
 - E. Obtain the necessary concurrence and carry out the consultations required in Section 111.b.;
 - F. Make the findings, other than the "not inimical" determination, specified in Section 111.b.;
 - G. Establish the administrative procedures required by Sections 111.b. and 131;
 - H. Assist the Secretary of State as appropriate under Section 123.a.;
 - I. Exercise, with the concurrence of the Assistant Secretary for Defense Programs, the function of agreeing to the procedures contemplated in Section 126 for preparation of the Executive Branch judgment on export applications;
 - J. Submit to the Congress any reports and accompanying documentation pursuant to Section 128.b.(1);
 - K. Obtain the concurrence of the Secretary of State (or his delegate) and consult the Director of the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission and the Secretary of Defense, (or their delegates) prior to entering into any proposed subsequent arrangements, as defined by Section 131.a.(2).

- L. Submit any proposed subsequent arrangement, following the concurrence and consultation described in Paragraph K above, to the <u>Federal Register</u> for publication, along with any required written determination that the arrangement will not be inimical to the common defense and security;
- M. Report to Congressional committees as required by Section 131.b.(1);
- N. Accomplish the actions provided for in Section 131.b.3.;
- 2. Determine whether any additional commitments are necessary in accordance with the provisions of Section 402(a) of the Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242).

The authority delegated herein to the Assistant Secretary for International Affairs may be further delegated, in whole or in part, as may be appropriate.

In exercising the authority delegated by this Order or as redelegated pursuant thereto, the delegate(s) shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the Secretary or his delegate(s).

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.

This Order is effective May 8, 1978.

James R. Schlesinger Secretary of Energy