

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. S1-DEL-S3-2021  
TO THE UNDER SECRETARY

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 Under Secretary authority to take the following actions:
  - 1.1 Under section 643 of the Department of Energy Organization Act (42 U.S.C. 7253), establish, alter, consolidate, or discontinue such second tier or below organizational units or components within the Under Secretary's assigned programs and organizational elements as the Under Secretary may deem to be necessary or appropriate.
    - A. In exercising this authority, or as redelegated pursuant thereto, the Under Secretary will be limited by approved budgets, staffing level allocations, and Senior Executive Service and other executive resource position allocations. Organizational changes shall not be announced or implemented until appropriate union coordination and other pre-release clearances have been obtained.
    - B. This authority does not include approval of additions, deletions, or transfers of mission and functions of or between Departmental Headquarters or Field Elements, which authority is reserved to the Secretary.
    - C. The authority to alter or consolidate second tier or below organizational elements may be redelegated, in whole or in part consistent with the terms of the Department of Energy Organization Act, to assigned Heads of Departmental Headquarters and Field Elements and to an official or officials one level below the Head of the Departmental Headquarters or Field Elements.
    - D. The authority to establish or discontinue organizational elements at the second tier or below may be redelegated only to the Head of Departmental Headquarters or Field Elements.
  - 1.2 Formulate and establish enforcement policy; initiate and conduct investigations; conduct conferences, administrative hearings, and public hearings; prepare required reports; issue orders; and take such other action as may be necessary or appropriate to perform any of the functions in this Delegation.

## **Office of Environment, Health, Safety and Security**

- 1.3 Act as the Senior Agency Official responsible for the direction and administration of the Department of Energy (DOE or Department) information security program pursuant to section 5.4(d) of Executive Order 13526 of December 29, 2009, "Classified National Security Information."
- 1.4 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 pursuant to Executive Order 13526, section 4.1(g). This authority may be delegated to the Associate Under Secretary for Environment, Health, Safety and Security; the Deputy Associate Under Secretary for Environment, Health, Safety and Security; the Director, Office of Departmental Personnel Security; or the Director, Office of Security.
- 1.5 Originally classify information as Top Secret, Secret, or Confidential as provided in section 1.3(c) of Executive Order 13526. This authority is also delegated to (or, in their absence, those persons acting in their stead):
  - A. The Associate Under Secretary for Environment, Health, Safety, and Security;
  - B. The Deputy Associate Under Secretary for Environment, Health, Safety and Security; or
  - C. The Director, Office of Classification.

This authority may not be redelegated, with the exception of the authority to classify information originally as Secret or Confidential, which authority may be redelegated by the Associate Under Secretary for Environment, Health, Safety and Security, consistent with the terms of Executive Order 13526.

- 1.6 Exercise all other authorities vested in the Secretary under Executive Order 13526 and in any implementing directives issued pursuant to section 5.2(b)(1), except for:
  - A. the authority specified in section 1.3(c)(2), pertaining to delegations of "Top Secret" original classification authority;
  - B. the authority specified in section 1.7(c)(1), pertaining to reclassification of information after it has been declassified and released to the public;

- C. the authority specified in section 4.3(a) pertaining to the establishment of special access programs;
  - D. the authority specified in section 4.3(b)(4) requiring the annual review of each special access program to determine whether it continues to meet the requirements of the Executive Order;
  - E. any authority which has been or may be delegated to me by the Secretary of Defense in furtherance of the provisions of section 3.5(f) pertaining to the establishment of special procedures for systematic review for declassification of classified cryptologic information; and
  - F. the authority specified in section 6.2(c) to request of the Attorney General an interpretation of the Executive Order with respect to any questions arising in the course of its administration.
- 1.7 Act as the Senior Agency Official responsible for the direction and administration of the DOE personnel security program pursuant to section 6.1(a) of Executive Order 12968 of August 2, 1995, "Access to Classified Information."
  - 1.8 Act as the Senior Agency Official responsible for the direction and administration of the DOE implementation of and compliance with the National Industrial Security Program pursuant to section 203(a) of Executive Order 12829 of January 6, 1993, "National Industrial Security Program."
  - 1.9 Exercise all authorities vested in the Secretary under section 145 of the Atomic Energy Act of 1954, as amended, including the authority to make determinations pursuant to section 145b permitting an individual access to Restricted Data prior to completion of the background investigation required by section 145b, if such access is clearly consistent with the national interest. This authority may be delegated to the Associate Under Secretary for Environment, Health, Safety and Security; the Deputy Associate Under Secretary for Environment, Health, Safety and Security; the Director, Office of Departmental Personnel Security; or the Director, Office of Security Operations. This authority may not be redelegated.
  - 1.10 Issue subpoenas in accordance with the provisions of section 161c of the Atomic Energy Act of 1954, as amended.
  - 1.11 Classify, declassify, and transclassify Restricted Data; classify, declassify, and transclassify Formerly Restricted Data; and classify, declassify, and transclassify Transclassified Foreign Nuclear Information as provided in section 142 of the Atomic Energy Act of 1954, as amended, and section 3.3(g) of Executive Order 13526. This authority may be delegated to the Associate Under Secretary for

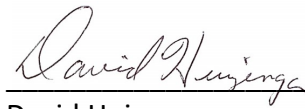
Environment, Health, Safety and Security; the Deputy Associate Under Secretary for Environment, Health, Safety and Security; or the Director, Office of Classification. This authority may not be redelegated.

- 1.12 For Headquarters and all non-National Nuclear Security Administration Field activities, authorize Department employees and contractor employees to carry firearms and make arrests without warrant pursuant to section 161k of the Atomic Energy Act of 1954, as amended.
  - 1.13 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. The authority to make the initial denial of classified information may be delegated to the Associate Under Secretary for Environment, Health, Safety and Security; the Deputy Associate Under Secretary for Environment, Health, Safety and Security; or the Director, Office of Classification.
2. RESCISSION. Delegation Order No. 00-002.00S 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 Under Secretary 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, 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 02/25/21.

A handwritten signature in cursive script, reading "David Huizenga", written in black ink.

David Huizenga  
Acting Secretary of Energy