

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 00-024.00B
TO THE CHIEF HEALTH, SAFETY AND SECURITY OFFICER

1. **DELEGATION.** Under the authority vested in me as Secretary of Energy by the President pursuant to Executive Order 12958 of April 17, 1995, "Classified National Security Information," as amended; section 203 of Executive Order 12829 of January 6, 1993, "National Industrial Security Program;" section 6.1 of Executive Order 12968 of August 2, 1995, "Access to Classified Information;" section 642 of the Department of Energy Organization Act (42 U.S.C. 7252); and sections 141 through 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2161 – 2168), I delegate to the Chief Health, Safety and Security Officer, the authority to:
 - 1.1 Act as Senior Agency Official responsible for the direction and administration of the Department of Energy (DOE or Department) information security program pursuant to Executive Order 12958, section 5.4(d).
 - 1.2 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 pursuant to Executive Order 12958, section 4.1(a) through (i). This authority may be delegated to the Deputy Chief for Operations; the Director, Office of Departmental Personnel Security; or the Director, Office of Security Operations.
 - 1.3 Originally classify information as Top Secret, Secret, and Confidential (which also includes the authority to derivatively classify documents or material based on classification guides or source documents) as provided in section 1.3(c) of Executive Order 12958. This authority is also delegated to (or, in their absence, those persons acting in their stead):

(1) Deputy Chief for Operations

(2) Director, Office of Classification

This authority may not be further delegated, with the exception of the authority to classify information originally as Secret or Confidential which may be delegated by the Chief Health, Safety and Security Officer, consistent with the terms of Executive Order 12958.

- 1.4 Exercise all other authorities vested in the Secretary under Executive Order 12958 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 establishment of special access programs;
 - D. the authority specified in section 4.3(b)(2) 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 3.4(c) pertaining to establishment of special procedures for systematic review for declassification of classified cryptologic information;
 - F. any authority which has been or may be delegated to me by the Director of National Intelligence in furtherance of the provisions of section 3.4(c) 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
 - G. the authority specified in section 6.2(b) to request of the Attorney General an interpretation of the Executive Order with respect to any questions arising in the course of its administration.
- 1.5 Act as Senior Agency Official responsible for the direction and administration of the DOE personnel security program pursuant to Executive Order 12968, section 6.1(a).

- 1.6 Act as Senior Agency Official responsible for the direction and administration of the DOE implementation and compliance with the National Industrial Security Program pursuant to Executive Order 12829, section 203(a).
- 1.7 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 review of completed investigation if such access is clearly consistent with the national interest. This authority may be delegated to the Deputy Chief for Operations; the Director, Office of Departmental Personnel Security; or the Director, Office of Security Operations, who may not further delegate such authority.
- 1.8 Issue subpoenas in accordance with the provision of section 161c. of the Atomic Energy Act of 1954, as amended.
- 1.9 Classify, declassify, and transclassify Restricted Data and classify and declassify Formerly Restricted Data as provided in section 142 of the Atomic Energy Act of 1954, as amended.
- 1.10 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.
- 1.11 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.
2. RECISSION. Delegation Order No. 00-024.00A is hereby rescinded.
3. LIMITATION.
 - 3.1 In exercising the authorities 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 of the National Nuclear Security Administration 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 Chief Health, Safety and Security Officer, may delegate this authority further, in whole or in part, consistent with the terms of the Executive Orders and the Atomic Energy Act of 1954, as amended.

4.2 Copies of re-delegations and any subsequent re-delegations shall be provided to the Office of Management which manages the Secretarial Delegations of Authorities 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 June 9, 2009.



Steven Chu
Secretary of Energy