

# [RESCINDED]

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 0204-36  
TO THE CHAIR, AND THE BOARD OF CONTRACT APPEALS

Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) by the Department of Energy Organization Act (Pub. L. 95-91) (DOE Act), by the Contract Disputes Act of 1978 (Pub. L. 95-563) by Public Law 85-804 and by Executive Order No. 10789, there is hereby delegated to the Department of Energy Board of Contract Appeals (EBCA) authority to:

1. Hear and decide appeals from decisions involving disputes related to contracts pursuant to the Contract Disputes Act of 1978 (Pub. L. 95-563) and subcontracts to the extent authorized by Departmental regulations;
2. Hear and decide appeals in proceedings for the suspension, termination and debarment of contractors or financial assistance recipients pursuant to Departmental regulations;
3. Hear and decide appeals involving liquidated damages pursuant to section 104(c) of the Contract Work Hours and Safety Standards Act (40 USC §§ 327-332);
4. Sitting as the Department of Energy Invention Licensing Appeals Board (EILAB), hear and decide appeals from decisions brought before it on the licensing of inventions pursuant to Departmental regulations, 10 CFR part 781.
5. Sitting as the Department of Energy Financial Assistance Appeals Board (EFAAB), hear and decide appeals involving financial assistance agreements including grant agreements, cooperative agreements, loan agreements and loan guarantees pursuant to Departmental regulations;
6. Sitting as the Department of Energy Contract Adjustment Board (ECAB), consider and act upon applications for extraordinary contractual relief under Public Law 85-804 pursuant to Departmental regulations and orders;
7. Conduct and decide any other quasi-judicial proceedings assigned by the Secretary;
8. Exercise all power and authority necessary for the performance of its duties, including but not limited to: establish rules of procedure; issue subpoenas, 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.

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

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 March 1, 1979.

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/s/  
James R. Schlesinger  
Secretary of Energy