

[RESCINDED]

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-86
TO THE ADMINISTRATOR OF THE
ECONOMIC REGULATORY ADMINISTRATION

Pursuant to the authority vested in me as Secretary of Energy ("Secretary") and by Section 642 of the Department of Energy Organization Act (Pub. L. 95-91), the Administrator of the Economic Regulatory Administration ("Administrator") is hereby delegated, on a nonexclusive basis, the authority to assert the deliberative process privilege in situations where courts may require the claim to be formally made by an affidavit from an agency official in order to protect Department of Energy documents in judicial or administrative proceedings. The authority delegated to the Administrator by this Order may be further delegated, in whole or in part, as may be appropriate. Additionally, in exercising the authority delegated by this Order 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hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

Nothing in this Order shall preclude the Secretary from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

This Order is effective April 24, 1981.

_____/s/
James B. Edwards
Secretary of Energy