

# [RESCINDED]

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 0204-139  
TO THE DIRECTOR OF SECURITY AFFAIRS

1. DELEGATION. Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) and by Executive Order 12356, entitled “National Security Information,” (“Executive Order”) and section 642 of the Department of Energy Organization Act (P.L. No. 95-91), there is hereby delegated to the Director of Security Affairs the authority to:
  - a. Act as the Senior Agency Official responsible for the direction and administration of the DOE Information Security Program, except as delineated below [Executive Order 12356, “National Security Information,” section 5.3(a)]
  - b. Originally classify information as Top Secret, Secret, and Confidential. [Executive Order 12356, section 1.2(d) (2), (3), and (4).]
  - c. 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 person. [Executive Order 12356, section 4.1(a) and (b).]
  - d. Exercise all other authorities vested in the Secretary under Executive Order 12356 and in any implementing directives issued pursuant to section 5.2(b)(1) of the Executive Order, except for:
    - (1) the authority in section 4.2(a) of the Order pertaining to creation of special access programs;
    - (2) the authority in section 4.2(b) of the Order regarding establishing and maintaining a system for administrative accounting for special access programs;
    - (3) any authority which has been or may be delegated to the Secretary by the Director of Central Intelligence in furtherance of the provisions of sections 3.3(c) and 3.4(e) of the Order regarding 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
    - (4) the authority to request of the Attorney General an interpretation of the Executive Order with respect to any question arising in the course of its administration.

[Executive Order 12356, see particularly sections 3.3(c), 4.2(a) and (b), 5.2(b)(1) and 6.2(b).]

- e. Prescribe such regulations and orders as may be necessary to prohibit the unauthorized dissemination of unclassified information pertaining to (A) the design of production facilities or utilization facilities; (B) security measures for the physical protection of production and utilization facilities or nuclear materials in transit; and (C) the design, manufacture, or utilization of such weapon or component if the design, manufacture, or utilization of such weapon or component was contained in any information declassified or remove from the Restricted Data category. (Section 148a. of the Atomic Energy Act of 1954, as amended.)
- f. Prescribe such regulations or orders as deemed necessary to protect Restricted Data. (Section 161i.(1). Of the Atomic Energy Act of 1954, amended.)
- g. Make determinations pursuant to section 145b. of the Atomic Energy Act of 1954, as amended, permitting an individual access to Restricted Data prior to review of completed investigation if such access is clearly consistent with the national interest. (Section 145b. of the Atomic Energy Act.)
- h. Issue subpoenas, in accordance with the provisions of section 161c. of the Atomic Energy Act. (Section 161c. of the Atomic Energy Act.)
- i. Classify, declassify, and transclassify Restricted Data and Formerly Restricted Data as those terms are defined in section 142 of the Atomic Energy Act. (Section 142 of the Atomic Energy Act.)
- j. Issue regulations and orders relating to the entry upon, or the carrying, transporting or otherwise introducing or causing to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property, into or upon any facility, installation, or real property subject to the jurisdiction, administration, or in the custody of DOE. (Section 229 of the Atomic Energy Act and section 662 (a) of the Department of Energy Organization Act.)
- k. Authorize Department employees and contractor employees to carry firearms and make arrests without warrant (Section 161k. of the Atomic Energy Act and section 661 of the Department of Energy Organization Act.)
- l. 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, pursuant to 10 CFR 1004.8(f). (The Freedom of Information Act, 5 U.S.C. section 552, Paragraph (a)(6)(A).)

2. RECISSION. This Order rescinds Delegation Order Nos. 0204-2, -31, -99, -100, and -101.
3. LIMITATION.
  - a. In exercising the authorities delegated by this Order or as redelegated pursuant thereto, the delegate(s) shall be governed by the rules and regulations of the DOE and the policies and procedures prescribed by the Secretary and his or her delegates.
  - b. Nothing in this Order shall preclude the Secretary from exercising any of the authorities so delegated whenever in his or her judgment exercise of such authority is necessary or appropriate.
4. AUTHORITY TO REDELEGATE.
  - a. The authority delegated to the Director of Security Affairs in paragraph 1.g. and 1.j. may not be further redelegated.
  - b. The authority delegated to the Director of Security Affairs in paragraph 1.c. of this Order may be further delegated to the Deputy Director, Office of Security Affairs, who may not further delegate such authority, except for the authority to designate Personnel Security Review Examiners as stipulated in 10 CFR 710.3(a), which may be further delegated.
  - c. The authority delegated to the Director of Security Affairs in paragraphs 1.a., b., d., e., f., h., i., k., and l. may be further delegated, consistent with the terms of the Executive Order and the Atomic Energy Act, in whole or in part, to any other official of the Department.
5. DURATION AND EFFECTIVE DATE.
  - a. 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.
  - b. This Order is effective December 20, 1991

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/s/  
James D. Watkins  
Admiral, U.S. Navy (Retired)