

U.S. Department of Energy

Washington, D.C.

ORDER

DOE 5670.1A

01-15-92

SUBJECT: MANAGEMENT AND CONTROL OF FOREIGN INTELLIGENCE

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1. PURPOSE. To provide for the management of, and assign responsibilities for, the foreign intelligence activities of the Department of Energy (DOE). Foreign intelligence information is National Security Information (NSI) relating to the capabilities, intentions, and activities of foreign powers, organizations, or persons that would impact United States national security or foreign relations.
 2. CANCELLATION. DOE 5670.1, MANAGEMENT AND CONTROL OF FOREIGN INTELLIGENCE, of 8-22-86.
 3. R E F E R E N C E S.
 - a. Executive Order 12333, "United States (U.S.) Intelligence Activities," of 12-4-81, which provides for the organization and control of U.S. foreign intelligence activities.
 - b. Executive Order 12334, "President's Intelligence Oversight Board," of 12-4-81, which provides for oversight of intelligence activities to ensure their legality.
 - c. SEN-6D-91, DEPARTMENTAL ORGANIZATIONAL AND MANAGEMENT ARRANGEMENTS, of 5-16-91, which establishes the Office of Intelligence which is responsible for coordination of all DOE intelligence-related activities.
 - d. DOE 5670.2, SECURITY OF FOREIGN INTELLIGENCE INFORMATION AND SENSITIVE COMPARTMENTED INFORMATION FACILITIES," of 10-28-88, which establishes the responsibilities and authorities for the protection of Foreign Intelligence Information and Sensitive Compartmented Information Facilities within the Department of Energy.
 4. POLICY. It is Departmental policy that all DOE intelligence activities, including foreign intelligence activities, shall conform to the applicable provisions contained in Executive Order 12333, "United States Intelligence Activities," of 12-4-81; such Executive Orders as may supersede it; the National Security Act of 1947, as amended; and all other applicable laws, Executive Orders, and regulations.
 5. R E S P O N S I B I L I T I E S A N D A U T H O R I T I E S.
 - a. Secretary of Energy (S-1).
 - (1) Is the Senior Official of the Intelligence Community (SOIC) for the Department of Energy.

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Office of Intelligence

- (2) Designates the Director, Office of Intelligence (IN-1), to be:
 - (a) Responsible for the management oversight of all the Department's intelligence activities; and,
 - (b) The Senior Intelligence Officer (SIO) for the Department and, as such, be responsible for the implementation of Executive Order 12333, except for those authorities and responsibilities of the Inspector General, the General Counsel, and of the Secretary which cannot be delegated.
- b. Director of Intelligence (IN-1). As the Senior Intelligence Officer (SIO) for the Department and the Secretary's executive agent for implementing and monitoring the provisions of Executive Order 12333, as stated in paragraph 5a(2)(b) above, shall:
 - (1) Manage the Department's foreign intelligence and counterintelligence programs.
 - (2) Manage the Department's intelligence organizations which shall:
 - (a) Prepare and coordinate the Department's foreign intelligence program budget, to include the DOE portion of the National Foreign Intelligence Program (NFIP), and submit appropriate DOE inputs to the Director of Central Intelligence (DCI), the Office of Management and Budget, and the Congress.
 - (b) Produce foreign political, economic, military, or facility threat-related intelligence and counterintelligence information responsive to requirements of Departmental Managers.
 - (c) Manage, coordinate, and oversee the production of foreign scientific and technical intelligence relating to nuclear proliferation, weapons, energy, threat-related, and emerging nuclear technologies in support of DOE and the Intelligence Community.
 - (d) Provide for DOE representation at DCI fora where matters and issues involving foreign intelligence and counterintelligence are concerned, including the National Foreign Intelligence Board (NFIB) and the National Foreign Intelligence Council (NFIC).
 - (e) Establish policies, plans, and procedures for the protection of all foreign intelligence and counterintelligence information in possession of DOE and its contractors.
 - (f) Control access to and use of Sensitive Compartmented Information (SCI) and other classified intelligence information bearing the Director, Central Intelligence (DCI) authorized control markings.

- (g) Approve access to SCI in compliance with DCI directives.
 - (h) Approve requests for construction/modification of Sensitive Compartmented Information Facilities (SCIF) and formally accredit all DOE and DOE contractor SCIFs in accordance with DCI policies and procedures.
 - (i) Prepare, coordinate, and sponsor, within the Intelligence Community, DOE requirements for foreign intelligence information.
 - (j) Provide the primary channel into the intelligence community for DOE and its contractors who request intelligence and counterintelligence support.
 - (k) Oversee, as the Senior Intelligence Officer, the intelligence and intelligence-related reimbursable work program within the Department and its contractors to include compliance with all applicable DOE environment, safety, and health directives as they relate to acceptance and conduct of intelligence-related reimbursable work.
 - (l) Establish policy and procedures for controlling contacts between DOE and its contractor personnel and foreign governments where the purpose of the contacts involve the exchange of foreign intelligence information.
 - (m) Develop professional and specialized training programs for persons involved in intelligence or intelligence related activities.
- c. Director, Naval Nuclear Propulsion Program shall, in accordance with the responsibilities and authorities assigned by Executive Order 12344 (statutorily prescribed by 42 United States Code (U. S. C.) 7158, note) and to ensure consistency throughout the joint Navy/DOE organization of the Naval Nuclear Propulsion Program, implement and oversee all policy and practices pertaining to this DOE Order for activities under the Director's cognizance.
- d. General Counsel shall provide legal guidance to Departmental organizations participating in intelligence activities and exercise those responsibilities assigned by Executive Orders 12333 and 12334 respectively.
- e. Inspector General, in accordance with Executive Order 12334, reports, to the extent permitted by law, to the President's Intelligence Oversight Board concerning intelligence activities that he/she has reason to believe may be unlawful or contrary to Executive Order or Presidential directive.

- f. Director of Administration and Human Resource Management (AD-1), through the Director of Information Resources Management (AD-20) and the:
- (1) Director of Scientific and Technical Information (AD-21), shall maintain a system for the centralized collection, management, announcement, and dissemination, as appropriate, and reference to scientific and technical publications of unclassified energy-related and nuclear research and development. In addition to U.S. publications, this includes information obtained from DOE approved scientific and technical information exchange agreements with foreign governments. This information will be made available to assist in carrying out the responsibilities outlined in this Order.
 - (2) Director of Information Resources Management Policy, Plans and Oversight (AD-24), shall be responsible for developing the TEMPEST countermeasures criteria and using the criteria to perform inspections, and certifications of compliance of the DOE SCIFs with Department and DCI requirements, and for providing Communications Security (COMSEC) and Protected Distribution Systems (PDS) criteria to ensure compliance with national directives.
- g. Heads of Departmental Elements shall ensure that all intelligence-related efforts are coordinated with the Office of Intelligence.
- h. Field Office Managers shall exercise responsibility for the physical, technical, and information security of foreign intelligence information under their jurisdiction categorized as classified information, in accordance with established DOE policies and practices and in compliance with environment safety, and health regulations.

BY ORDER OF THE SECRETARY OF ENERGY:



JOHN J. NETTLES, JR.
Director of Administration
and Human Resource Management