u.s. Department of Energy ORDER

draft

DOE O XXX.X

Washington, DC

Approved: XX-XX-XXXX

SUBJECT: title

## PURPOSE. Define the program or subject matter and its goals/objectives. Provide the drivers that lead to the need for these requirements. Goals should be stated in simple, straightforward language that describes the results to be achieved by issuance of the directive.

## CANCELS/SUPERSEDES. DOE O XXX.X, *Title*, dated XX-XX-XX. When the Order replaces a directive currently in use, the canceled directive [i.e., Policy, Order, Notice, Manual, or Guide] is identified by number, title and date. If a canceled directive included a CRD, include the following text:

Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive. Contractor Requirements Documents (CRDs) that have been incorporated into a contract remain in effect throughout the term of the contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.

## APPLICABILITY.

### Departmental Applicability. Specify the subject matter, functions, or Departmental elements to which the Order applies. (For example: This Order applies only to sites with fixed wing aircraft.) If any part of the Order applies to NNSA, add the following text:

#### The Administrator of the National Nuclear Security Administration (NNSA) must ensure that NNSA employees comply with their responsibilities under this directive. Nothing in this directive will be construed to interfere with the NNSA Administrator’s authority under section 3212(d) of Public Law (P.L.) 106‑65 to establish Administration‑specific policies, unless disapproved by the Secretary.

### DOE Contractors. A concise set of all contractor requirements must be provided in Attachment 1, the contractor requirements document (CRD). Where appropriate, the CRD's requirements and responsibilities for contractors must be consistent with requirements and responsibilities for DOE personnel as defined in the directive. The CRD must be a stand-alone document, not simply direct a contractor to follow requirements in an Order. Sample language: Except for the equivalencies/exemptions in paragraph 3.c., the Contractor Requirements Document (CRD), Attachment 1, sets forth requirements of this Order that will apply to contracts that include the CRD or its requirements.

###### The CRD must be included in contracts that…. (Describe criteria that program offices use to identify contracts that should incorporate the CRD and assign responsibility to program offices that must identify contracts to which the CRD should apply and notify the cognizant contracting officers.)

OR

This Order does not apply to contractors.

### Equivalencies/Exemptions for DOE O XXX.X. Most Orders use the following, or similar, language to address the exemption process for that Order. Some Orders include a more strict process and/or specific approval authority. Equivalencies and exemptions to this Order are processed in accordance with DOE O 251.1, *Departmental Directives Program,* current version.

### If any part of the Order applies to the Naval Nuclear Propulsion Program, the following equivalency must be added:

Equivalency. In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 USC sections 2406 and 2511 and to ensure consistency throughout the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.

Exemption. Include a separate paragraph for each exemption or equivalency.

##### This can be accomplished using sub lists, as well.

## REQUIREMENTS.

* + - 1. List actions that must be completed to achieve the Order’s purpose. State requirements without stating who performs them (ex: “Cost impacts must be reported to the Office of Financial Quality by March 1,” versus “Heads of Departmental Elements must report cost impacts to the Office of Financial Quality by March 1”).
      2. Requirements must be stated as crisp “must” statements; other constructions—such as “will” statements, “shall” statements, “can” statements, or “is required to” statements—should be avoided where a requirement is intended).
      3. Make requirements measurable wherever possible.
      4. For clarity, Orders may specifically cite a section or requirement in an existing directive, law, or regulation, but it must not re-promulgate the requirement.
      5. Focus on the end results rather than prescribing the operations or procedures.
      6. Organize requirements into general and more specific topic areas for greater clarity.
      7. When it is necessary to include more detailed information or provide direction on how requirements are to be met, add an Appendix (if requirements are for Federal employees only) or an Attachment (if requirements are for both Federal and contractor employees).
      8. List requirements for contractors in a CRD as Attachment 1 to the Order.
      9. List requirements for including the CRD in contracts. For example, DOE O 251.1D, *Departmental Directives Program*, states:

#### The Head of the Departmental Element, or his or her designee, shall notify the Contracting Officer (CO) and other appropriate subject matter experts in the organization that the directive applies to an existing contract or to a solicitation for a future contract. For existing contracts, the Head of Departmental Element shall designate appropriate representatives to work with the CO to develop an appropriately tailored set of standards, practice, and controls.

##### For existing M&O contracts, after being notified by the Head of the Departmental Element or his or her designee, the CO shall provide the contractor the opportunity to assess the effect of incorporating the CRD on contract cost, funding, schedule, and technical performance, and to provide input on the appropriately tailored set of requirements for the contract. All associated activities will be accomplished in a timely manner and, if applicable, in accordance with the timelines established in DEAR 970.5204-2. The Contracting Officer will incorporate the CRD without alteration unless the directive permits alteration and the appropriate process is followed.

##### For existing non-M&O contracts, after being notified by the Head of the Departmental Element or his or her designee, the CO shall provide the contractor the opportunity to assess the effect of incorporating the CRD on contract cost, funding, schedule, and technical performance, and to provide input on the appropriately tailored set of requirements for the contract. Non-M&O contracts do not give the CO the unilateral right to modify them, except within the limitations established in the FAR. Therefore, the CO shall attempt to incorporate the CRD bilaterally. If attempts to negotiate the requirement into the contract bilaterally are not successful, the CO shall consult with the Head of Contracting Activity (HCA), Headquarters program office, and General Counsel. The CO shall incorporate the CRD without alteration unless the CRD or directive permits alteration and the appropriate process is followed.

## RESPONSIBILITIES.

* + - 1. List positions or offices that implement, manage, and/or oversee the requirements in the Order. List them in order of their level of authority.
      2. State responsibilities clearly and succinctly, leading off with strong action verbs (Ensures, Identifies, Requires, Makes, Advises, Establishes, Oversees, Provides, Sets, Implements, Conducts, Performs, Verifies, Coordinates, Leads, etc.).
      3. If the Order contains a CRD, indicate the positions or offices responsible for ensuring the Contracting Officer incorporates the CRD into the applicable contract(s).
      4. Every requirement in the Order should have at least one corresponding responsibility outlined. Often, several responsibilities may correspond with just one requirement.

## INVOKED STANDARDS. This section will be inserted in all Orders. The language provided is boilerplate and cannot be changed without prior approval. If the Order **does not invoke, mention, or reference** technical standards, it will state the following:

This Order does not invoke any DOE technical standards or industry standards as required methods. Note: DOE O 251.1D, Appendix J provides a definition for “invoked technical standard.”

## If the Order **does not invoke but does mention or reference** technical standards, it will state the following:

This Order does not invoke any DOE technical standards or industry standards as required methods. Any technical standard or industry standard that is mentioned in or referenced by this Order is not invoked by this Order. Note: DOE O 251.1D, Appendix J provides a definition for “invoked technical standard.”

## If the Order **does invoke** Technical Standards, it will state the following:

## The following DOE technical standards and industry standards are invoked as required methods in this Order in accordance with the applicability and conditions described within this Order. Any technical standard or industry standard that is mentioned in or referenced by this Order, but is not included in the list below, is not invoked by this Order. Note: DOE O 251.1D, Appendix J provides a definition for “invoked technical standard.” Example list:

* + - 1. DOE-STD-3009-2014, *Preparation of Nonreactor Nuclear Facility Documented Safety Analysis*. This DOE technical standard is required to be used for specified new non-reactor nuclear facilities and major modifications to non-reactor nuclear facilities, and for existing DOE non-reactor nuclear facilities that have mitigated off-site dose estimates greater than 25 rem. See Section 4 and Attachment 1 for specific requirements.
      2. DOE-STD-1104-2016, *Review and Approval of Nuclear Facility Safety Basis and Safety Design Basis Documents*. This DOE technical standard is required to be used by DOE personnel for review and approval of safety basis and safety design basis documents. See Section 4 for specific requirements.

## REFERENCES (optional). List only published directives, Secretarial memos, laws, rules and regulations cited and additional information sources to assist in implementing the Order. A short statement of relevance to the Order should be included with each reference. Provide the source [number, title, and date]. May be addressed in an attachment or appendix.

References should be listed in hierarchical order:

* + - 1. Public Law
      2. U.S.C.
      3. CFR
      4. Executive Orders
      5. National Standards
      6. Other government agencies
      7. DOE
      8. NNSA

## DEFINITIONS (optional). To be included (in alphabetical order) to help users understand terminology unique to the technical discipline addressed in the directive. May be addressed in an attachment or appendix.

## Definitions found in current directives are listed on the Directives website: <https://www.directives.doe.gov/definitions#c2=all&b_start=0>

## CONTACT. Provide the name and telephone number of the responsible organization.

BY ORDER OF THE SECRETARY OF ENERGY:

DOE Seal inserted after approval.

XXXX

Deputy Secretary

APPENDIX A  
Title

**NOTE: An appendix to an Order applies only to Federal employees.**

Provide additional mandatory implementation details for meeting requirements. Focus on actions to be completed or processes that must be followed to achieve the Order’s purpose.

Provide other information necessary for purposes of ensuring effective implementation (e.g., forms, checklists, matrices, pictures, graphs, etc.).

ATTACHMENT 1  
CONTRACTOR REQUIREMENTS DOCUMENT  
DOE O XXX.X, *Title*

Only requirements intended for contractors are listed in the CRD. The CRD must specify if and how alterations are to be determined and/or approved. The CRD cannot refer a contractor to follow the requirements in the Order. If the requirements for Federal employees are the same for contractors, the requirements must be duplicated in the CRD. Exclusive of a directive, the source can be cited. Any additional information for contractors is to be attached to the CRD in the form of an Appendix or an Attachment. Prior to listing any requirements, please add the following text:

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this CRD. The contractor is responsible for flowing down the requirements of this CRD to subcontractors at any tier to the extent necessary to ensure the contractor’s compliance with the requirements.

If any additional information for contractors is included in subsequent Attachment(s), please add the following text:

In addition to the requirements set forth in this CRD, contractors are responsible for complying with Attachment[s] [INSERT ATTACHMENT NUMBERS] to DOE O XXX.X, referenced in and made a part of this CRD, which provide[s] program requirements and/or information applicable to contracts in which this CRD is inserted.

ATTACHMENT 2  
TITLE

**NOTE: All attachments, except the CRD (Attachment 1, which applies to contractors only), may apply to both Federal and contractor employees.**

If this Attachment and any subsequent Attachment apply to contractor employees, please add the following text:

This Attachment provides information and/or requirements associated with DOE O XXX.X as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to DOE O XXX.X) is inserted.

Provide additional mandatory implementation details for meeting requirements. Focus on actions to be completed or processes that must be followed to achieve the Order’s purpose.

Provide other information necessary for purposes of ensuring effective implementation (e.g., forms, checklists, matrices, pictures, graphs, etc.).