MANUAL

DOE M 251.1-1B

Approved: 8-16-06

DEPARTMENTAL DIRECTIVES PROGRAM MANUAL

U.S. DEPARTMENT OF ENERGY

Office of Management

AVAILABLE ONLINE AT:
www.directives.doe.gov

INITIATIED BY:
Office of Management

DEPARTMENTAL DIRECTIVES PROGRAM MANUAL

1. PURPOSE. To define requirements and responsibilities for implementing the Department of Energy (DOE) Directives Program in support of DOE P 251.1A, *Departmental Directives Program Policy*, dated 8-16-06, and DOE O 251.1B, *Departmental Directives Program*, dated 8-16-06.

2. CANCELLATION. DOE M 251.1-1A, *Departmental Directives System Manual*, dated 1-30-98. Cancellation of a Manual does not by itself modify or otherwise affect any contractual obligation to comply with the Manual. Contractor requirements documents (CRDs) that have been incorporated into or attached to a contract remain in effect until the contract is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.

3. APPLICABILITY.

   a. Departmental Elements. Except for the exclusions in paragraph 3c, this Manual applies to all Departmental elements. (Go to http://www.directives.doe.gov/pdfs/reftools/org-list.pdf for the current listing of Departmental elements.) This list automatically applies to all Departmental elements created after the Manual is issued.

      Directives containing classified or unclassified controlled information (e.g., official use only or unclassified controlled nuclear information) are not excluded from following the formatting standards and conducting an appropriate review.

      The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees and contractors comply with their respective responsibilities under this Manual. Nothing in this Manual shall 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.

   b. DOE Contractors. Except for the exclusions in paragraph 3c, the CRD (Attachment 1) sets forth requirements. The CRD will apply to the extent set forth in each contract.

   c. Exclusions. This Manual does not apply to the development and issuance of DOE technical standards. (See Chapter I of this Manual for general information.)

4. REFERENCES.

   a. P.L. 106-65, Title 32, National Nuclear Security Administration Act, as amended, which established a separately organized agency within the Department of Energy.

b. P.L. 104-201, Section 3174, National Defense Authorization Act for FY 1997.

c. P.L. 104-113, National Technology Transfer and Advancement Act of 1995.

d. Title 41, Code of Federal Regulations (CFR), Part 102-193.25.

e. Office of Management and Budget Circular A-119, Federal Participation in the Development and Use of Voluntary Standards.

f. DOE P 251.1A, *Departmental Directives Program Policy*, dated 8-16-06.

g. DOE O 251.1B, *Departmental Directives Program*, dated 8-16-06.

5. CONTACT. Questions concerning this Manual should be addressed to the Office of Information Resources at 202-586-4716 or by electronic mail to DMTeam@hq.doe.gov.

SAMUEL W. BODMAN
Secretary of Energy

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FOREWORD

This Manual supplements DOE P 251.1A, *Departmental Directives Program Policy*, dated 8-16-06, and DOE O 251.1B, *Departmental Directives Program*, dated 8-16-06, and provides detailed Department of Energy requirements, responsibilities, processes, and procedures for developing, coordinating, and obtaining approval for Department-wide issuance of directives.

The ten chapters are organized as follows.

- Chapter I, Directives Program Overview—describes the DOE Directives Program and the types of directives developed and processed within the program.
- Chapter II, Directives Development—describes how to obtain approval to develop a directive and the process for submitting a draft for coordination. Directives structure (required content and format) is defined.
- Chapter III, Coordination: Review and Comment—defines requirements and responsibilities for reviewing draft directives and submitting comments to be addressed before approval.
- Chapter IV, Coordination: Comment Resolution—describes how comments from review of draft directives are addressed.
- Chapter V, Coordination: Concurrences/Nonconcurrences/Impasse—describes how conflicting comments and issues are evaluated and resolved.
- Chapter VI, Review and Certification—provides information on the review and certification process for active directives (i.e., review of a directive to determine whether it may be certified as current and necessary or must be revised or canceled).
- Chapter VII, Feedback Reporting System – provides information on how to report feedback on directives that may not adequately address or fulfill the requirements of the work performed.
- Chapter VIII, Supplemental Directives—describes supplemental directives (i.e., directives that assign responsibilities, establish procedures, or otherwise support DOE directives).
- Chapter IX, Unauthorized Directives—explains how DOE responds to directives issued outside the Directives Program.
- Chapter X, Exemptions—describes the process for requesting and obtaining exemption from directives requirements.

In addition to the CRD (Attachment 1), the Manual includes a description of requirements for assigning directives numbers (Attachment 2), and definitions of Directives Program terms (Attachment 3).

CHAPTER I. DIRECTIVES PROGRAM OVERVIEW

1. INTRODUCTION. The Directives Program is the means by which DOE policies, requirements, and responsibilities are developed and communicated throughout the Department.

   a. Directives include Policies, Orders, Notices, Manuals, Guides, and Technical Standards. Technical Standards are issued by the Office of Environment, Safety and Health and are not processed through the Directives Program. The directives hierarchy is described in paragraphs 2 and 3 of this chapter.

   b. This Manual sets forth the processes for developing, reviewing, commenting, resolving major comments, publishing, and cataloging Policies, Orders, Manuals, Notices, and Guides. Published directives are available online at http://www.directives.doe.gov.

   c. Directives promote safe, efficient, cost-effective DOE operations conducted in accordance with all applicable laws, regulations, and Executive orders and supports employees' safe, secure, effective, and efficient job performance.

   d. Directives are developed to communicate requirements, guidance, and methods for performing work to achieve DOE missions commensurate with performance based management. DOE directives must apply across at least two Departmental elements that must share responsibilities for ensuring implementation of the requirements stated in the directive.

2. DIRECTIVES ESTABLISHING REQUIREMENTS.

   a. Policies.

      (1) Are established through the Office of the Secretary and reflect the philosophies and fundamental values of the Department.

      (2) Do not contain requirements; however, Orders, Notices, and Manuals may flow from Policies and must be consistent with them.

   b. Orders.

      (1) Establish management objectives, requirements, and assignment of responsibilities for DOE Federal employees.

      (2) Establish requirements unique to DOE and avoid duplicating information from other directives or any existing legal source.

      (3) Convey requirements necessary to perform a job or requirements in a specific subject matter area.

(4) Establish intended requirements for contractors, which must be in the form of a CRD, which is attached to an Order.

NOTE: An Order template is available at http://www.directives.doe.gov/directives/writingDirective.html#templates.

c. Notices.

(1) Are similar to Orders; however, they have expiration dates that are no later than 1 year from their publication dates. There are two types of Notices.

(2) The first type is generated because of an unexpected, serious occurrence or situation requiring prompt action and is expedited through the directives process, and expires after 1 year.

(a) Notices of this nature must be converted to or incorporated into an Order or Manual within 1 year of the effective date of the Notice.

(b) An extension may be granted through issuance of another Notice provided work on converting the Notice to a draft Order or Manual is in progress or provided that the Notice is being converted to a rule.

(3) The second type is used to communicate information throughout the Department and may reference requirements from an existing directive. Notices of this nature are generally not coordinated; however, the Office of Information Resources reserves the right to place the Notice in the review and coordination process. They are issued for immediate or short-term use and expire no later than 1 year from issuance.

NOTE: A Notice template is available at http://www.directives.doe.gov/directives/writingDirective.html#templates.

d. Manuals supplement other directives, laws, regulations, or other requirements by providing more instructions or details on how the provisions of those directives or laws must be carried out throughout DOE. Manuals identify procedural requirements in more detail than Orders for DOE Federal employees and intended requirements for contractors, which must be in the form of a CRD attached to the Manual.

NOTE: A Manual template is available at http://www.directives.doe.gov/directives/writingDirective.html#templates.

3. DIRECTIVES PROVIDING GUIDANCE.

a. Guides.

(1) Provide preferred, nonmandatory, supplemental information about acceptable methods for implementing requirements, including lessons learned, suggested practices, instructions, and suggested performance measures;

(2) Do not impose requirements but may quote requirements if the sources are adequately cited; and

(3) Provide alternate methods that may be used if it can be demonstrated that they provide an equivalent or better level of performance.

b. Technical Standards are nonmandatory criteria issued under the Technical Standards Program. These standards provide possible methodology and criteria for meeting requirements and can be made mandatory under DOE regulatory or contractual provisions. Technical Standards are not processed through the Directives Program.

CHAPTER II. DIRECTIVES DEVELOPMENT

1. INTRODUCTION. This chapter gives instructions for developing DOE directives. Figure 1in this chapter is a flow diagram of the directives process.

2. DIRECTIVES DEVELOPMENT. Directives are developed in response to legislation, regulations, changes or development in Departmental policy, changes in technology, or lessons learned. The steps below must be used in the development of a directive or for major revisions or page changes to Orders and Manuals.

   a. The Office of Information Resources must be contacted for consultation and training before writing or revising a directive.

   b. A justification memorandum, signed by the Secretarial Officer (SO) or senior level designee, must be sent through the Office of Information Resources to the Office of Management before developing a new or revised directive (Policies, Orders, Notices, and Manuals).

      (1) The justification memorandum is required for all proposed directives, including revisions.

      (2) The justification memorandum must be sent to the Office of Information Resources no less than 30 days prior to development of draft directive.

      (3) A copy of the justification memorandum is in Appendix A of this chapter for non-NNSA directives and Appendix B of this chapter for NNSA directives. [See DOE O 251.1B, paragraph 4a(1)].

   c. Subject matter experts, other interested or affected parties, and stakeholders must be consulted for lessons learned from operating experience where appropriate to develop directives.

   d. Staffs of the central technical authorities must be contacted early in the development process for directives that affect nuclear safety.

   e. All forms must be coordinated with the Departmental Forms Manager in the Office of Information Resources. (For more information, see DOE G 242.1-1.)

   f. All issues must be resolved within the originating organization before submitting the draft directive to the Office of Information Resources for department-wide coordination.

   g. An editorial review will be performed to examine directive format and conformity with the directives program, determine compatibility with other directives and external regulations, and to make certain that provisions are stated clearly and succinctly.

h. Before the directive is distributed for review, the office of primary interest (OPI) will review and agree upon editorial changes. (See Chapter III of this Manual for review and comment.)

3. CONTENT AND FORMAT REQUIREMENTS.

a. Policies. These directives must address the purpose, scope, and policy. However, since the requirements flowing from Policies are placed in other directives, the information in Policies should be limited to no more than 4 pages. Additional information on formatting a Policy statement is available at http://www.directives.doe.gov/directives/writingDirective.html#templates

b. Orders, Notices and as appropriate, Manuals. The paragraphs specified below must be used unless a deviation is authorized by the Office of Information Resources or the NNSA Office of Associate Administrator for Management and Administration, after consultation with the Office of Information Resources for NNSA elements.

(1) Purpose. Use this paragraph to define the program or subject matter and its goals/objectives. Objectives should be stated in simple, straightforward language, which describes the results to be achieved by the program or subject matter.

(2) Cancellation. When a new directive replaces one currently in use, the canceled directive is identified by number, title, and date. If a canceled directive included a CRD, the following text must be added:

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

(3) Applicability. These paragraphs are used to indicate the applicability of a directive to Departmental elements and contractors and to identify any exceptions/exclusions. In the example paragraphs below, all italicized language must be used.

(a) Departmental Elements. *Except for the exclusions in paragraph 3c, this Manual applies to Departmental elements. (Go to http://www.directives.doe.gov/pdfs/reftools/org-list.pdf for the most current listing of Departmental elements. This list automatically includes Departmental elements created after the Manual is issued.)*

The Administrator of NNSA will assure that NNSA employees and contractors comply with their respective responsibilities under this directive. Nothing in this Manual shall 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.

In some situations, individual DOE organizations may determine that an exemption from requirements of a DOE Order, Manual or Notice is appropriate. A description of the process for obtaining exemptions is included in Chapter X.

(b) DOE Contractors. If requirements in a DOE Order, Manual, or Notice are to apply to contractors, the directive must have a CRD, and the following italicized text must be used.

1 *Except for the exclusions in paragraph 3c, the contractor requirements document (CRD), Attachment 1, sets forth requirements of this Order/Notice that will apply to contracts that include the CRD.*

2 *The CRD must be included in contracts that . . . .*

[Here the office of primary interest (OPI) must fill in criteria that identify to which contracts the OPI intends the Order to apply. If the OPI intends the CRD to apply to only certain types of work within a contract, the OPI must describe that work here. Here also the OPI must articulate what authority is granted to an official identified in the responsibilities paragraph to modify the CRD.]

(4) Exclusions. Identify Departmental elements or activities that are excluded from complying with the directive in this paragraph.

(5) Requirements. Actions that must be completed to achieve the directive's purpose must be written as requirements. Requirements must—

(a) be unique to DOE only (e.g., a DOE directive cannot establish requirements for other Government agencies or the public);

(b) focus on measurable or verifiable outcomes rather than methodology or procedures;

(c) allow for flexibility in implementation whenever possible to encourage the most cost-effective means of compliance and ensure an assessment of safety and risk;

(d) add value commensurate with the cost of implementation;

(e) apply to employees across organizational lines but not be written as standard operating procedures for an office, organization, or occupational group;

(f) not duplicate what is in other sources (such as laws, regulations, other directives or standards) that can easily be referenced; and

(g) not be stated as responsibilities.

(6) Responsibilities. Accountability must be assigned within DOE. Responsibilities are assigned to those who manage or enforce requirements.

(a) Responsibilities must cross at least two organizational lines.

(b) Responsibilities must be described in terms of outcome rather than methodology or procedure.

(7) References. List sources referenced in the directive and any additional information sources to assist in implementing the directive. Hyperlinks also may be included.

(8) Definitions may be included to help readers understand requirements or terminology unique to the technical discipline addressed in the directive.

(9) Critical terms required for a common understanding of the directive and definitions for health and safety terms in an Order, Notice, or Manual must be included in definition paragraphs. Glossaries of terms to be used in establishing safety and health requirements must be incorporated in CRDs explicitly or by reference.

(10) Necessity Findings Statement must appear in all Orders relating to the execution of environmental restoration, waste management, or technology development activities at a defense nuclear facility (new or revised) to justify the need and identify changes to the requirements. Use the following boilerplate text:

"In compliance with the statutory requirements in P.L. 104-201, Sec. 3174, DOE hereby finds that the subject Order is necessary for the (choose any or all of the following) (1) protection of human health and the environment or safety, (2) fulfillment of current legal requirements, and (3) conduct of critical administrative functions."

(11) Contact. Provide the name and telephone number of the responsible organization.

(12) Contractor Requirements Document. The CRD is attached to an Order, Manual, or Notice to define requirements that apply to contractors. CRDs must be incorporated into contracts without alteration and should be written with this in mind.

c. Manuals. This Manual is an example of an acceptable format.

(1) Manuals may supplement other DOE directives or other legal documents and are used to provide details or required procedures where necessary to enable fulfillment of requirements.

(2) Manuals may include some guidance but are primarily a means of communicating requirements in more detail than would be found in an Order.

(3) Requirements intended for contractors may be included in a CRD of the Order that the Manual supplements, or a CRD may be developed for the Manual.

d. Guides. Guides follow a more flexible format than what is prescribed for other directives. The format should be designed to accommodate Guide content. Guides must not impose requirements but may quote requirements if the sources are adequately cited.

4. REVISIONS. Changes to a directive may be made as a complete revision or a page change. Requests for deviations from the types of revision may be submitted in writing to the Office of Information Resources.

The NNSA Associate Administrator for Management and Administration will approve all requests from deviations submitted by NNSA elements taking into account recommendations from the Office of Information Resources.

Requirements that are added, deleted, or modified by a revised Order or Manual must be presented in the form of a crosswalk showing the disposition of existing requirements. The crosswalk must be submitted with the first draft and resubmitted with the final package. (See portal for example, http://www.directives.doe.gov/references/index.html.)

a. Revision.

(1) If the changes increase or decrease requirements or responsibilities and affect 25 percent or more of the Order or Manual, it is a complete revision.

(2) When finalized, a revision must be assigned the original number suffixed with a new capital alpha character and a new approval date.

NOTE: Revisions are not made to Notices and Policies.

b. Page Change.

(1) If proposed changes increase or decrease requirements or responsibilities and are 24 percent or less of the Order or Manual, then it is a page change.

(2) When a page change is completed, the directive's number does not change.

(3) The page-one directive identifier (upper right) will include the date for the approved change below the original approval and certification dates.

(4) The header on each page where a change has been made will be revised to show the change number (ex: Chg 1) and the date on which the page change was approved. Pages where no change has been made will retain the original date and will not list the change number.

(5) Revised or deleted text on the changed pages must be identified by vertical lines.

NOTE: Page changes are not made to Guides.

c. Erratas are cover sheets placed on top of directives to indicate corrections to names of Departmental elements, titles of officials, legal citations, simple omissions or typographical errors. Erratas are used at the discretion of the Office of Information Resources and do not require approval.

5. RESPONSIBILITIES.

a. Secretarial Officers or Senior Level Designees.

(1) Initiate and submit to the Office of Management through the Office of Information Resources a justification memorandum that describes the compelling need for a proposed directive.

(2) Ensure that writers, directives points of contact (DPCs), and others receive training on a yearly basis as appropriate.

b. DOE or NNSA Central Technical Authorities (CTAs) submit concurrence/nonconcurrence with all changes to directives affecting nuclear safety.

c. Offices of Primary Interest/Writers.

(1) Contact the Office of Information Resources for consultation and to schedule training as appropriate.

(2) Under the direction of SOs, develop justification memorandums that include cost-benefit analysis identifying impact on programs and affected entities, need for the directive, value added potential, impact on other directives, and a processing schedule (see definition in Attachment 3).

(a) For non-NNSA elements, the memorandums are submitted to and concurred on by the Office of Management (see DOE M 251.1 1B, Chapter II, Appendix A).

(b) NNSA elements will coordinate with the Office of Information Resources (within the Office of Administration, Office of Management) prior to beginning development or revision of directives. A recommendation is forwarded by the Office of Management to the NNSA Associate Administrator for Management and Administration for a decision. (See Appendix B of this chapter.)

(3) Develop draft directives in accordance with legislative, regulatory, program, and mission needs and management direction.

(4) The OPI should consult with program counsel in GC at the initiation of a directive and throughout the drafting process. NNSA elements should consult with their General Counsel at the initiation of a directive and throughout the drafting process.

(5) Identify requirements added, deleted, or modified by a revised Order or Manual. This information must be presented in the form of a crosswalk showing the disposition of existing requirements and must be submitted to the Office of Information Resources for the first draft and resubmitted with the final package.

(6) Coordinate draft directive with representatives from Headquarters, field elements, management and operating contractors (as appropriate), and stakeholders prior to submission to the Office of Information Resources.

(7) Coordinate draft directives that affect nuclear safety with the staffs of the central technical authorities prior to submission for Department-wide review and comment.

(8) Obtain approval of forms placed in draft directives through the Departmental Forms Manager, Office of Information Resources. NNSA elements must coordinate with the Departmental Forms Manager regarding forms in draft directives.

(9) Coordinate with the DOE Departmental Representative to the Defense Nuclear Facilities Safety Board on all draft directives affecting safety and health at defense nuclear facilities.

(10) Collaborate with their organizations' DPCs on draft directives to ensure that they are coordinated within their organizations and resolve any internal conflict prior to the draft being submitted to the Office of Information Resources.

(11) Attend initial training within 18 months of the publication of this Manual and annual directives refresher training.

d. Headquarters Directives Points of Contact (DPCs).

(1) Attend initial training within 18 months of the publication of this Manual and annual directives refresher training.

(2) Contact the Office of Information Resources to schedule training upon assuming the role of DPC.

(3) Collaborate with their organizations' writers to ensure that there are no internal issues on the draft directives by obtaining consensus from each office in their organization.

e. Office of Information Resources.

(1) Provides training and consultation to DPCs, OPIs, and others.

(2) Reviews and recommends concurrence or nonconcurrence and appropriate processing track for directives justification memorandums.

(3) Monitors compliance with the requirements of DOE P 251.1A, DOE O 251.1B and this Manual.

(4) Supports the OPI in the development of draft directives. This includes providing expert advice, guidance, consultation, and participation in development teams, assigning directives numbers, and providing editorial assistance.

(5) Reviews and approves for non-NNSA elements requests for deviation from the format of Orders and Notices. Reviews and coordinates NNSA requests for deviation from the format of Orders and Notices.

(6) With input from the OPI, determines the degree and extent of coordination required for page changes.

f. Director, Office of Management.

(1) Concurs/non-concurs and assigns a directives track for non-NNSA elements' justification memorandum for processing in the Directives Program.

(2) For NNSA justification memorandums, recommends approval/disapproval and suggests the directives processing track to the Associate Administrator of Management and Administration.

g. NNSA Associate Administrator for Management and Administration.

(1) Approves or disapproves all justification memorandums for the development of new or revised directives for NNSA elements taking into account recommendations from the Office of Management.

(2) Approves or disapproves NNSA elements' deviations from established processing tracks.

h. Departmental Forms Manager reviews and approves for non-NNSA elements all forms in draft directives. Reviews and coordinates use of forms in NNSA directives.

i. Office of Human Capital Management provides the Office of Information Resources an updated organization list, as appropriate.

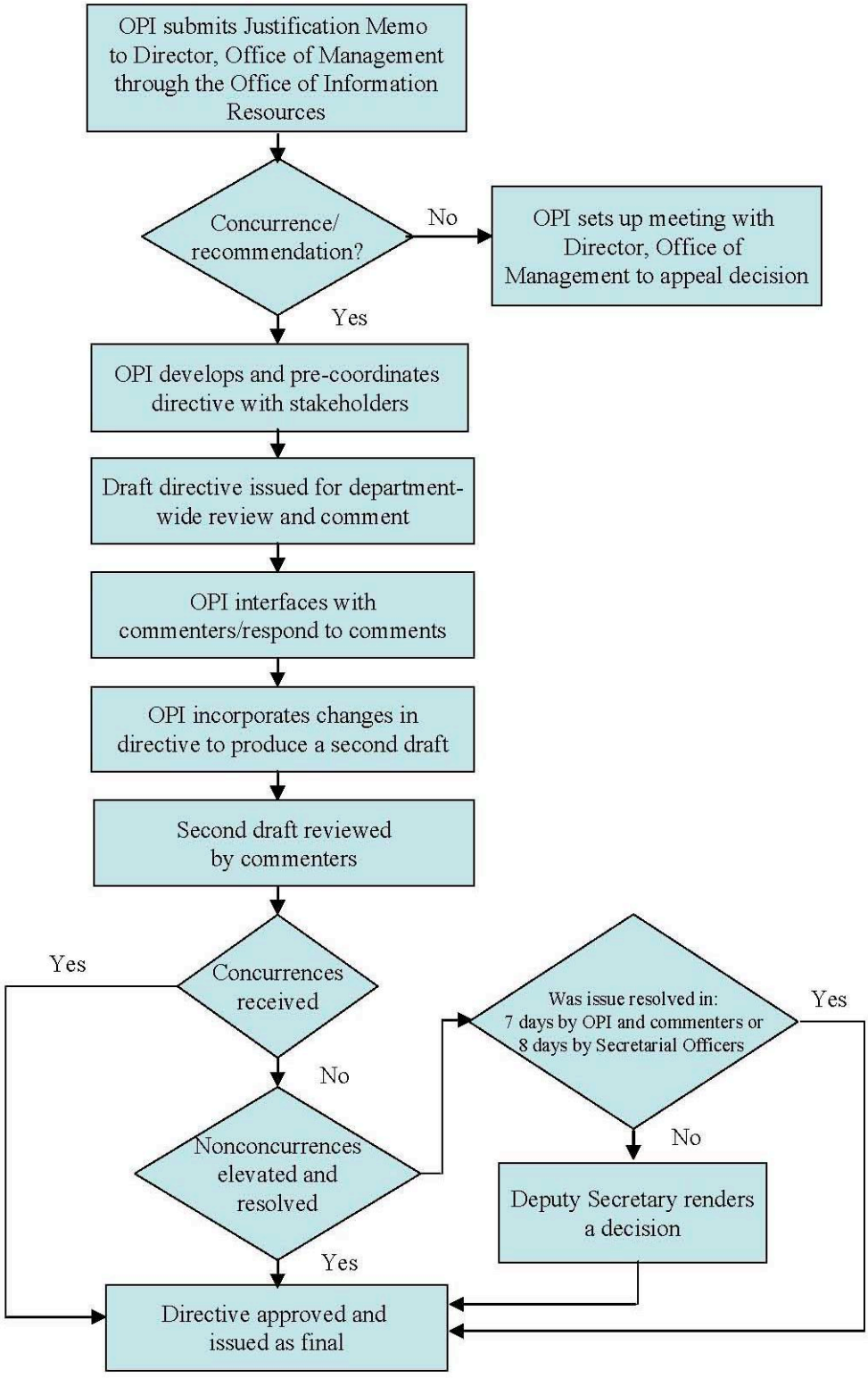

Figure 1. Flow Diagram of the Directives Process.

APPENDIX A
SAMPLE MEMORANDUM FOR NON-NNSA ELEMENTS

MEMORANDUM FOR: INGRID KOLB
DIRECTOR, OFFICE OF MANAGEMENT

THRU: ROBIN TOPOLSKI
ACTING DIRECTOR, OFFICE OF INFORMATION RESOURCES

FROM: XXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXX

SUBJECT: Notice of Intent to Develop or Revise (*identify directive's number and title)*

PURPOSE: (*Identify the basis for the directive and the expected outcomes.)*

JUSTIFICATION: (*Identify why the new or revision to the directive is required and any requirements/ obligations this directive is intended to satisfy. Identify how this directive helps to fulfill the Department's mission, vision and strategy. The goal for processing directives actions is 90 days. If you are seeking an alternative processing time of thirty, sixty, or one hundred and twenty days, explain why an alternative processing is necessary.)*

(State whether this directive action is included in your Review and Certification of your organization's directives. If it is not, please attach the proposed development schedule. If it is, does the proposed schedule need to be revised?)

IMPACT: [*Include a cost-benefit analysis identifying impact on programs and affected entities; value added potential; the technical impact (positive or negative) if appropriate, and impact on other directives, technical standards, procedures, contracts, etc.*]

CONTACT: (*Please provide name and telephone number of the point of contact.*)

DECISION:

Concur: _____

Nonconcur: _____

Timeframe: ___ 30 days ___ 60 days ___ 90 days ___ 120 days

Date: _____

APPENDIX B—SAMPLE MEMORANDUM FOR NNSA ELEMENTS

MEMORANDUM FOR: MICHAEL KANE
ASSOCIATE ADMINISTRATOR FOR
MANAGEMENT AND ADMINISTRATION

THRU: INGRID KOLB
DIRECTOR, OFFICE OF MANAGEMENT

FROM: XXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX

SUBJECT: Request to Develop or Revise (*identify directive's number and title)*

PURPOSE: (*Identify the basis for the directive and the expected outcomes.*)

JUSTIFICATION: (*Identify why the directive is required and any requirements/ obligations this directive is intended to satisfy. Identify how this directive fits with the Department's mission, vision and strategy*.)

IMPACT: [*Include a cost-benefit analysis identifying impact on programs and affected entities; value added potential; the technical impact (positive or negative) if appropriate, and impact on other directives, technical standards, procedures, contracts, etc.*]

CONTACT: (*Please provide name and telephone number of the point of contact.*)

RECOMMENDATION: That you approve the subject directive for development/revision.

OFFICE OF MANAGEMENT'S RECOMMENDATION:

Recommend Approval:_____

Recommend Disapproval:_____

Timeframe: ___ 30 days ___ 60 days ___ 90 days ___ 120 days

Date: _____

NNSA'S DECISION:

Approved: _____

Disapproved: _____

Date: _____

CHAPTER III. COORDINATION: REVIEW AND COMMENT

1. INTRODUCTION. This chapter lists requirements and responsibilities for coordination (review and comment) of draft directives. Draft directives must be coordinated using only the RevCom tool.

2. COORDINATION OF DIRECTIVES PROCESS TRACK SCHEDULE. After development approval and prior to publication, each directive must undergo a review and comment period using one of four tracks (see Table 1 of this chapter).

3. REVIEW AND COMMENT. For more information on the process, go to http://www.directives.doe.gov.

   a. Drafts of new or revised directives prepared as described in Chapter II will be submitted to the Office of Information Resources for coordination into the directives process.

   b. All affected DOE and contractor organizations must have the opportunity to review and comment on new or revised directives.

   c. All draft directives will be made available to Departmental elements and appropriate contractors for comment.

      (1) Comments for Policies, Notices, Orders, and Manuals must be categorized as either "major comments" or "suggested comments." (See Attachment 3 for a definition of major and suggested comments/issues.)

      (2) Comments for Guides will all be categorized as "suggested" and must be addressed by the OPI.

      (3) Comments on page changes must be based only on review of the changed text. Comments on other areas in the directive will be addressed at the OPI's discretion unless accompanied by the express written consent of the appropriate SO or senior level designee.

      (4) A request to limit the number of reviewing organizations for a draft directive must be included in the Justification Memorandum and agreed to by MA, GC and the OPI.

   d. Comments will be submitted at each organizational level within hierarchical families, consolidated, and filtered up as follows.

      (1) Subject matter experts will submit comments to their DPCs; contractors will submit comments to their field element DPCs; and delegates and field DPCs will eliminate duplicated comments and submit consolidated comments to Headquarters DPCs.

(2) Headquarters DPCs will eliminate duplicated comments and present consolidated comments for all organizations in their hierarchical family to their SOs or senior level designees for review and approval.

Table 1. Directives Process Tracks

Track type		Track 1	Track 2	Track 3	Track 4
Type of Directive		Policy or Notice	Policy, Order or Notice	Order, Manual or Guide	Manual or Guide
PROCESSING DAYS	Acceptance/Post into RevCom	1	2	3	3
	First Draft Review and Comment	10	20	30	35
	Comment Response/Issue Resolution	5	15	30	50
	Formatting/2nd Posting into RevCom	1	2	3	3
	Second Draft Review/Concurrence	7	10	10	10
	OPI -Finalize directive	1	4	5	10
	Nonconcurrence Resolution/Impasse	15	15	15	15
	Approval	5	7	9	9
	TOTAL	30	60	90	120
	TOTAL WITH IMPASSE	45	75	105	135
Criteria		The directive— (1) is new or (2) is accompanied by supporting documentation (i.e., direction from Secretary, change in laws, regulation, etc.) and (3) is 2-5 pages in length	The directive— (1) is new or (2) is a limited revision to a current directive, (3) does not contain complex issues, and (4) is 6-20 pages in length.	The directive— (1) is new or (2) is an extensive revision and (3) has complex issues.	The directive— (1) is new or (2) is an extensive revision and (3) has complex issues.

(3) All consolidated comment packages must be approved by the SO or senior level designee prior to submitting to the OPI and Office of Information Resources.

NOTE: Issues and comments received after the initial or extended due date may not be considered until the next change. Any deviations from comment period must be requested in writing and final decisions will be made on a case-by-case basis by the Office of Information Resources or as appropriate, the NNSA Office of the Associate Administrator for Management and Administration.

4. RESPONSIBILITIES.

a. Office of Information Resources.

(1) Manages the directives review process.

(2) Modifies established due dates as appropriate.

b. DOE or NNSA Central Technical Authorities. In cases where draft directives affect nuclear safety:

(1) Review draft directives.

(2) Provide comments and offer solutions.

(3) Meet established due dates.

c. Departmental Elements (Commenting Organizations).

(1) Review draft directives.

(2) Provide comments and offer solutions to their respective DPCs. To be considered, the comments must be approved by the SO or senior level designee and forwarded to the Office of Information Resources.

(3) Meet established due dates. Notify DPCs when extensions of due date are needed during review and comment.

d. Secretarial Officers or Senior Level Designees approve and submit through their DPCs their organizations' consolidated comments on all directives.

e. Offices of Primary Interest (Writers).

(1) Submit draft directives to the Office of Information Resources for coordination.

(2) Ensure that the Departmental Representative to the DNFSB has a copy of the draft directive when content includes safety and health in nuclear facilities.

(3) Ensure that the central technical authority has a copy of the draft directive when content includes nuclear safety.

(4) Allow flexibility for Departmental elements to negotiate extensions as long as they adhere to overall processing timeframes. Notify the Office of Information Resources to extend due date in RevCom. For NNSA elements, negotiate extensions with the Office of the NNSA Associate Administrator for Management and Administration and notify the Office of Information Resources to extend due date in RevCom.

f. Directives Points of Contact.

(1) Establish due dates for commenting on directives for all offices within their organizations.

(2) Ensure that all offices within their organizations have the opportunity to comment on draft directives as appropriate.

(3) In consultation with their organization's management, assign subject matter experts and delegates as needed for each draft directive issued for coordination in the Directives Program.

(4) Submit written requests for extension of comment due dates.

(5) Consolidate and eliminate duplication of comments from within their organizations.

(6) Obtain approval of comments and annotate the SOs or senior level designees that authorized the comment. The official file copies must be maintained and available upon request.

(7) Submit comments on behalf of their organizations.

g. Departmental Representative to the Defense Nuclear Facilities Safety Board.

(1) Ensures that the DNFSB is provided an opportunity to comment on draft directives during the comment review period.

(2) Provides comments from the DNFSB to OPI with a copy to the Office of Information Resources for resolution.

CHAPTER IV. COORDINATION: COMMENT RESOLUTION

1. INTRODUCTION. This chapter describes how comments from review of draft directives are addressed. (See Chapter III Table 1 for coordination directives process tracks schedule.)

2. COMMENT RESOLUTION.

   a. All comments authorized by the SO or senior level designee must be responded to by the scheduled due date. All other comments not authorized by the SO or senior level designee must not receive response.

   b. If the OPI's proposed resolutions package has not been submitted by the end of the due date, the directive will automatically be placed in an "on-hold" status. This will allow the OPI the opportunity to complete the resolution process.

   c. If the proposed resolution package has not been completed within a 60 day period of being on hold, then the directive is withdrawn and the OPI may have to start the coordination process over from the beginning.

      NOTE: The Office of Information Resources will coordinate with the OPI to make a determination regarding each directive on a case-by-case basis.

   d. All comments adopted during the comment resolution period must be incorporated into a second draft notated in redline/strikeout.

3. RESPONSIBILITIES.

   a. Offices of Primary Interest/Writers.

      (1) After the comment period has ended, respond to all comments forwarded under the signatures of SOs or their designees within the specified time frames.

      (2) Generate and submit second drafts to the Office of Information Resources along with the crosswalk. (See information on the portal at http://www.directives.doe.govreferences/index.html.)

      (3) Obtain approval from SO or senior level designee on responses (resolution package) prior to submitting to the Office of Information Resources.

   b. Office of Information Resources will work with the OPI/writer to respond to all comments relating to the Directives Program.

   c. OPI SO or Senior Level Designee reviews and approves all organizational responses to comments under their purview.

CHAPTER V. COORDINATION: CONCURRENCES/NONCONCURRENCES/IMPASSE

1. INTRODUCTION. This chapter describes the concurrence phase of the directives process. (See Chapter III Table 1 for coordination of directives process track schedule.)

   For purposes of this process, where the OPI is an NNSA element, the term "concurrence" will be construed as "acceptance of proposed resolution" and the term "nonconcurrence" will be construed as "objection."

2. CONCURRENCE/NONCONCURRENCE PROCESS.

   a. A second draft of the proposed changes (notated in redline/strikeout) must be made available for a final review to allow interested parties an opportunity to view the cumulative effect of changes produced during the review.

   b. Any new requirements or responsibilities added to or deleted from the draft Policy, Order, Notice, or Manual after the review of the second draft must be concurred on by NNSA or DOE General Counsel, coordinated with affected Departmental elements and approved by the Office of Information Resources and by the Office of NNSA Associate Administrator for Management and Administration, taking into account the recommendations of the Office of Information Resources.

      (1) Concurrence. If a major comment has been submitted and is incorporated satisfactorily into the second draft, then the OPI will request a written concurrence from the Departmental element (SO or senior level designee) that submitted the major comment.

      (2) Nonconcurrence.

         (a) Each Departmental element that has submitted major comments on the directive but does not agree with how the comment(s) have been incorporation must respond with a nonconcurrence and a written justification. This must be done with the written approval of their SO or senior level designee.

         (b) Departmental elements that did not comment but are concerned that the incorporation of others' comments have an adverse impact on their organizations' missions may submit nonconcurrence with the written approval of the SO or senior level designee and must provide written justification for the nonconcurrence.

         (c) A nonconcurrence must be withdrawn if opposing parties reach resolution within the review time frame for the second draft.

(d) All nonconcurrences must be resolved before approval for publication is obtained.

(e) If nonconcurrences cannot be resolved within the second draft review timeframe, then the opposing parties must follow the impasse process in paragraph 3 below.

3. IMPASSE PROCESS. This formal process is designed to assist contending Departmental elements in reaching a resolution/decision. The Office of Information Resources, as a neutral third party, will facilitate resolution of the issues between the parties during the following steps of the process.

a. By the end of the second draft review, the OPI must inform the Office of Information Resources in writing of the major issues that cannot be resolved and identify the contending Departmental elements.

b. Within 7 days after the closing period of the second draft review, the Office of Information Resources will facilitate resolution of issues between the OPI and the commenters.

c. If the issues cannot be resolved at that level, then within the next 8 days the issues will be elevated to the SOs of the contending Departmental elements for resolution.

d. If the issues cannot be resolved, the Office of Information Resources will provide the Deputy Secretary or designee a decision paper that details the contending Departmental elements' issues/concerns and their positions.

e. The Deputy Secretary or designee will render a decision based on the documentation provided.

f. Once the Deputy Secretary has rendered a decision on the issues and approved the directive for publication, an approval date will be placed on the directive.

NOTE: In cases where NNSA is one of the contending Departmental elements, only the Secretary or Deputy Secretary can render a decision.

4. SUBMISSION FOR APPROVAL.

a. Once all concurrences are received on the draft directive, it will be forwarded to the Secretary or Deputy Secretary for approval. An approval date is placed on the directive.

NOTE: Orders and Manuals must be reviewed and a determination made as to whether the directive will be revised, certified or canceled. This review will occur every 4 years after the approval date. A certification date is placed under the approval date if the Order or Manual continues without changes. (See Chapter VI, Review and Certification.)

b. Final directives must not be revised for at least 3 months unless the proposed revisions relate to safety, health, or security.

5. RESPONSIBILITIES.

a. Secretary of Energy approves Policies, Orders, Notices and Manuals or delegates approval authority to the Deputy Secretary.

b. Deputy Secretary.

(1) As the Secretary's designee, approves Policies, Orders, Notices, and Manuals.

(2) Renders a decision on issues that cannot be resolved by the OPI and opposing Departmental elements (may designate an individual or an ad hoc working group to resolve issues except when issues involve NNSA elements).

c. Secretarial Officers or Senior Level Designees.

(1) Review and approve all concurrences and nonconcurrences prior to submitting to the OPI and Office of Information Resources.

(2) Concur on final draft directives within their purview and co-sign with the Office of Management on the approval package to the Deputy Secretary.

(3) In the event of an impasse, make every attempt to resolve issues before elevating to the final level.

d. Assistant Secretary for Environment, Safety and Health works in cooperation with CTAs to resolve comments concerning directives that affect nuclear safety.

e. Director, Office of Management.

(1) Co-signs with the OPI on action/approval memorandum to the Secretary or designee, recommending approval/disapproval of final draft directives.

(2) During impasse, mediates issue resolution between SOs of contending Departmental elements. (This may be delegated to the Director, Office of Administration).

f. Director, Office of Administration.

(1) Concurs on or for NNSA elements, coordinates all final drafts of Policies, Orders, Notices and Manuals.

(2) As delegated, during impasse, mediates issue resolution between SOs of contending Departmental elements. (This may be delegated to the Director, Office of Information Resources).

g. Director, Office of Information Resources.

(1) Concurs on or for NNSA elements, coordinates all final drafts of Policies, Orders, Notices and Manuals.

(2) Approves Guides for publication.

(3) As delegated during impasse, mediates issue resolution between SOs of contending Departmental elements.

h. Office of Information Resources.

(1) Prepares and distributes second draft directives and crosswalks.

(2) Manages the impasse process.

(3) Prepares decision papers with input from contending Departmental elements.

(4) As a neutral third party, facilitates issue resolution between contending commenters.

(5) Works with OPIs to prepare approval packages for directives.

i. Offices of Primary Interest (Office Directors and Writers).

(1) Obtain from Departmental elements concurrence on second draft directives.

(2) Resolve comments with the DNFSB in coordination with the Office of the Departmental Representative to the DNFSB.

(3) Resolve comments with the CTA and in cooperation with ES&H when directives affect nuclear safety.

(4) When impasse occurs, alert the organizations' DPCs, SOs or senior level designees, and the Office of Information Resources by the end of the 10-day second draft directive review.

(5) Comply with the impasse resolution process (paragraph 3 of this chapter).

(6) Obtain the signature of the organizations SO (or senior level designee) on the approval memorandum and submit it with the final draft directive to the

Office of Information Resources for final processing. (For further details, see the portal at http://www.directives.doe.gov.)

j. Directives Points of Contact.

(1) With the approval of organizations' SOs or senior level designees, ensure that written concurrence or nonconcurrence is provided to the OPI and the Office of Information Resources within the specified time frame.

(2) Submit detailed comments justifying nonconcurrences and annotate the SOs or senior level designees that authorized the comments. Official file copies must be maintained and available upon request.

k. Departmental Representative to the Defense Nuclear Facilities Safety Board collaborates with the Office of Information Resources to ensure that all issues have been resolved between the DNFSB and OPI on all directives affecting safety and health at defense nuclear facilities [see paragraph 5i(3) of DOE O 251.1B].

l. DOE or NNSA Central Technical Authorities.

(1) In cooperation with the Assistant Secretary for Environment, Safety and Health, work with the OPI to resolve comments concerning directives that affect nuclear safety.

(2) Submit concurrence/nonconcurrence on final draft directives that affect nuclear safety prior to publication in RevCom.

CHAPTER VI. REVIEW AND CERTIFICATION

1. INTRODUCTION. It is incumbent upon Departmental elements to ensure that DOE Policies, Orders, Manuals and Guides remain current. To accomplish this, Orders and Manuals must be reviewed every 4 years to certify the accuracy and the continued relevance of the directive or to determine whether any action (i.e., revision or cancellation) is necessary.

   Policies are initiated by the Secretary of Energy; therefore, policy reviews will be at the discretion of the Secretary. Guides, which do not contain requirements, must be reviewed if the directives or regulations they supplement are revised or canceled.

   There are no cyclical review requirements associated with Notices, which expire 1 year after issuance unless they are extended (see Chapter I of this Manual).

2. REVIEW AND CERTIFICATION PROCESS. This process provides instructions on the review of directives and the procedures for certifying the accuracy and the continued relevance.

   a. Assessment of directives will be conducted by the Office of Information Resources on a yearly basis to determine which directives are due for review.

   b. By October 1 of each year, the Office of Management will notify Departmental elements in writing of the directives under their purview that are in need of action (certification, revision, or cancellation).

      NOTE: The Departmental Representative to the DNFSB must concur on cancellation of directives that affect safety and health at defense nuclear facilities and for NNSA elements, consult on cancellation of directives addressing safety and health at defense nuclear facilities. The appropriate CTA must concur on the cancellation of directives affecting nuclear safety.

   c. The OPI, under direction of the SO or designee, must review the directives to determine if there are changes in responsibilities, requirements or references and recommend revision, certification or cancellation.

   d. Under the signature of the SO or senior level designee, the DPC must submit to the Office of Information Resources by January 15 of each year—

      (1) a response to the October 1 call specifying which directives will be certified, revised, or canceled;

      (2) a letter certifying the accuracy and continued relevance of directives, and

(3) a proposed schedule for directives that are subject to revision or cancellation and new directives unless a justification memorandum has already been submitted.

NOTE: The proposed schedule must include directives numbers, titles, dates of submission of justification memorandums, proposed start and completion dates to include pre-coordination time frame for each directive and approval dates.

e. All new or revised directives must follow the requirements in Chapters II through V of this Manual.

f. All proposed schedules will be consolidated into the master DOE directives review schedule. Proposed schedules will be identified by the color yellow. After submission of the justification memoranda, a directives processing track will be assigned. Once the track is assigned, the directive schedule will be modified and notated in green to reflect acceptance for processing in the directives program. The master schedule will be available on the directives portal at http://www.directives.doe.gov and is subject to updates resulting from quarterly reviews conducted by Office of Information Resources.

g. If the schedule cannot be met, the directive in question will be subject to withdrawal, rescheduled for a later available date, and notated in red in the master DOE directives review schedule.

3. RESPONSIBILITIES.

a. Director, Office of Management reviews and approves or for NNSA elements, coordinates SOs' directives schedules for the upcoming year. This can be designated to the Director, Office of Information Resources.

b. Secretarial Officers or Senior Level Designees.

(1) By January 15 of each year, certify that directives under their purview have been reviewed for accuracy and continued relevance. (see paragraphs 1 and 2 of this chapter).

(2) Approve annual list of directives scheduled for review by January 15 of each year.

c. Office of Information Resources.

(1) By October 1 of each year, provides to the OPIs, a written list of directives under their purview that are in need of action (certification, revision, or cancellation).

(2) As designated, reviews and approves for NNSA elements, coordinates SOs' directives schedules for the upcoming year.

(3) Assists and advises the OPI in determining whether a directive needs to be certified, revised, or canceled.

(4) Collaborates with OPIs/DPCs in developing schedules for review of directives.

(5) Maintains the Department's master directives review schedule on the directives portal.

(6) Provides monthly directives status reports to the Deputy Secretary.

(7) Upon receipt of certification, enters the certification date on the directive.

d. Offices of Primary Interest (Writers).

(1) Review lists of directives received from the Office of Information Resources and recommend to their SOs whether the directives should be certified, revised, or canceled.

(2) Consult with the DOE Departmental Representative to the DNFSB when canceling directives that affect safety and health at defense nuclear facilities and consult with the CTA when canceling directives that affect nuclear safety.

(3) For those directives that will remain in effect, prepare letters of certification acknowledging their accuracy and continued relevance.

(4) Collaborate with their organizations DPC(s) and the Office of Information Resources in developing schedules for new or revised directives.

(5) Revise directives when there are significant changes to requirements and/or responsibilities in accordance with Chapters II through V of this Manual.

(6) Ensure that directives are processed through the Directives Program according to schedule.

e. Directives Points of Contact.

(1) By January 15 of each year, submits SOs' responses to the Office of Information Resources specifying which directives will be certified, revised or canceled.

(2) Collaborate with their organization SOs or senior level designees, writers, and the Office of Information Resources in developing schedules for new or revised directives.

(3) Maintain schedules of review dates for their organizations' directives.

CHAPTER VII. FEEDBACK REPORTING SYSTEM

1. INTRODUCTION. This chapter provides information on how to report feedback on suggested improvements, best practices, or lessons learned of a directive.

2. PROCESS.

   a. Report feedback on the directives portal at http://www.directives.doe.gov. A running list of the feedback will be generated and maintained at this website.

   b. Identify directives by number and title when reporting suggested improvements, best practices, or lessons learned on the directives portal. The system will generate a response that the feedback has been received.

   c. The Office of Information Resources will work with the OPI to determine if—

      (1) the directive must be revised immediately or

      (2) the changes to the directive may wait until the next revision.

   d. If the directive must be revised immediately, then the requirements in Chapters II through V of this Manual must be followed.

   e. If the changes to the directive may wait until the next revision, then documentation of identified reported deficiencies, best practices, or lessons learned will be maintained by the Office of Information Resources.

3. RESPONSIBILITIES.

   a. Departmental Elements report suggested improvements, best practices, or lessons learned to the OPI and the Office of Information Resources.

   b. Office of Primary Interest (owner of directive).

      (1) Review all feedback and work with the Office of Information Resources to determine the appropriate action.

      (2) Revise directive(s) as necessary.

   c. Office of Information Resources.

      (1) Reviews feedback in the system.

      (2) Assists the OPI in determining appropriate action.

      (3) Maintains documentation of suggested improvements, best practices, or lessons learned until next revision of subject directive.

CHAPTER VIII. SUPPLEMENTAL DIRECTIVES

Supplemental directives are issued by a Headquarters or field element for use by that organization and its contractors.

1. HEADQUARTERS DIRECTIVES.

   a. Assigns requirements, responsibilities and establishes procedures at the Headquarters level.

   b. State the relationship to DOE directives clearly.

   c. Must not contradict, delete, or duplicate provisions in any applicable Policy, regulation, Order, Notice, or Manual.

   d. Must follow the same process and format as DOE directives, except they are coordinated only Headquarters-wide.

   e. Must have a CRD if the directive contains contractor requirements.

2. FIELD ELEMENT DIRECTIVES.

   a. Assign requirements and responsibilities and establish procedures at the field level.

   b. State relationships to DOE directives clearly.

   c. Must not contradict, delete, or duplicate provisions in any applicable Policy, regulation, Order, Notice, or Manual.

   d. Must have CRDs if the directives contain contractor requirements.

CHAPTER IX. UNAUTHORIZED DIRECTIVES

1. INTRODUCTION. This chapter describes a process for handling documents that should be within the Directives Program but have been issued outside the program.

   a. Requirements that cross organizational lines (i.e., apply to more than one organization) but are not issued within the Directives Program are considered unauthorized directives.

   b. The concerns with unauthorized directives are as follows.

      (1) They may fail to receive appropriate evaluation by all affected parties.

      (2) They could be ignored or forgotten over time, due to lack of accessibility in a structured retrieval system.

      (3) The contents could result in unintended technical, financial, or legal consequences.

   c. Requirements not properly established in a DOE directive's CRD and incorporated into a contract will not be governed by specific contract terms and conditions.

2. HANDLING UNAUTHORIZED DIRECTIVES. The Office of Information Resources will review all suspected unauthorized directives to determine whether they should be in the Directives Program and work with the appropriate OPI to disposition the document in one of the following ways.

   a. The OPI may withdraw the document if it no longer requires compliance.

   b. The OPI may modify the document (e.g., restrict its applicability to one organization) so that it no longer fits the description of an unauthorized directive.

   c. The OPI may propose converting the document to a directive following the process described in Chapters II through V of this Manual.

3. RESPONSIBILITIES.

   a. Departmental Elements.

      (1) Notify the Office of Information Resources of documents that may improperly distribute information outside the Directives Program.

      (2) Provide the Office of Information Resources a copy of the suspected unauthorized document.

b. Office of Information Resources.

(1) Reviews all suspect documents received to determine whether they contain material that should be included in the Directives Program.

(2) Requests appropriate actions on handling unauthorized directives as stated in paragraph 2 of this chapter.

(3) Reports to all concerned parties as appropriate.

CHAPTER X. EXEMPTIONS

1. GENERAL PROVISIONS. An exemption under the Directives Program is a release from one or more requirements in a DOE Order, Notice, or Manual that has been granted to a DOE element or a contractor.[1]

   If the Order, Notice, or Manual includes specific provisions for exemptions, equivalencies, or other forms of relief from the requirements in the document, then those provisions must be applied.

   If the document does not include specific provisions for relief, the process in this chapter applies to granting permanent or temporary relief from the applicable requirements in those documents.

   This exemption process does not apply to requirements in regulations.

   An approved exemption must be submitted to the Office of Information Resources.

   a. Requirements for Federal Employees. When a DOE Order, Notice, or Manual is issued, the requirements in that document automatically apply to Federal elements as stated in the document. To acquire exemption from a requirement in a directive, a Federal element must use the relief process specifically included in the directive, or if there is no relief process in the directive, the exemption process in this chapter. Federal elements are required to meet all applicable directives requirements unless relief is granted through one of these processes. An exemption granted to a contractor does not relieve Federal elements from the responsibility to obtain an exemption to related requirements for Federal elements.

   b. Requirements for Contractors.

      (1) Requirements in DOE Orders, Notices, and Manuals apply to contractors to the extent that they are incorporated in the contract. Contracting officers incorporate requirements from directives by referencing or copying sections of the CRD into the contracts.

      (2) As stated in Department of Energy Acquisition Requirements (DEAR) 48 CFR 970.0470(b), the program office must identify requirements in the Directives System that are applicable to a contract, develop a list of applicable requirements, and provide the list to the contracting officer. The contracting officer must include that list in the contract. That list constitutes the list of applicable directives referred to as List B in 48 CFR 970.5204-2.

[1] There are a number of terms used for relief processes including but not limited to exemptions, equivalencies, variances, and relief. This chapter applies to all such terms.

(3) In some cases, requirements included in List B will be tailored to the specific hazards and needs of activity through a DOE-approved process. Such processes include the Standards/Requirements Identification (S/RID) Process, the Work Smart Standards Process, and the Safety Management System [See 48 CFR 970.0470(c) and (d)]. If a requirement from a directive is excluded from List B using one of these processes, then it is not a contract requirement and does not require requesting an exemption.

(4) If a requirement of a directive is included in List B of the contract and temporary or permanent relief from the requirement is sought, use this exemption process (unless there is another relief process specifically included in the directive).

2. EXEMPTION APPROVAL PROCESS.

a. NNSA Facilities and Activities.

(1) Review and Approval.

(a) The approval authority must provide copies of the exemption request, appropriate supporting documentation, and the draft exemption, and with respect to each exemption request views from the following parties before granting an exemption:

1 the CSO;

2 the OPI;

3 EH for environment, safety, and health (ES&H) requirements; and

4 the NNSA CTA for requirements listed on the NNSA Index of Baseline Nuclear Safety Requirements.

(b) The approval authority may not grant the exemption until—

1 the parties have indicated that there is no objection or

2 thirty (30) calendar days have passed without objection after providing the parties the draft exemption and associated documentation (If a party requests additional information they will be granted an additional 14 calendar days after requested additional information has been provided).

(c) If one of the parties objects, the approval authority must proceed as follows or deny the exemption.

1 Work with the objecting party to resolve any issues and withdraw the objection.

2 For unresolved objections from NNSA personnel, raise the issue to the NNSA Administrator or designee for resolution.

3 For unresolved objections from parties outside of NNSA, raise the matter through the NNSA Administrator or designee to the Deputy Secretary for resolution.

(2) Approval Authority. Unless otherwise stated in the directive, approval is as follows.

(a) Heads of Departmental NNSA elements (which include operations and field office managers) approve exemptions to requirements in DOE Orders, Notices, and Manuals for activities and facilities under their direction except as provided in paragraph 2a(2)(b).

(b) For ES&H requirements in Orders, Notices, and Manuals for hazard category 1 nuclear facilities, the Under Secretary for Nuclear Security approves exemptions. This authority may be delegated to other heads of Departmental NNSA elements.

b. ESE Facilities and Activities.

(1) Concurrence.

(a) The approval authority must provide copies of the exemption request, appropriate supporting documentation, and the draft exemption, and request concurrence on each exemption from the following parties before granting an exemption:

1 the CSO;

2 the OPI;

3 EH for environment, safety, and health (ES&H) requirements; and

4 the ESE CTA for requirements listed on the ESE Index of Baseline Nuclear Safety Requirements.

(b) The approval authority may not grant the exemption until—

1 the parties have concurred or

2 thirty (30) calendar days have passed without nonconcurrence after providing the parties the draft exemption and associated documentation (if a party requests additional information they will be granted an additional 14 calendar days after requested additional information has been provided).

(c) If one of the parties submits nonconcurrence, the approval authority must proceed as follows or deny the exemption.

1 Work with the nonconcurring party to resolve any issues and withdraw the nonconcurrence.

2 For nonconcurrences from DOE personnel, raise the issue to the Under Secretary for Energy or the Under Secretary for Science, as appropriate for resolution.

3 For nonconcurrences from parties outside of ESE, raise the matter to the Deputy Secretary for resolution.

(2) Approval Authority. Unless otherwise stated in the directive approval is as follows.

(a) Heads of Departmental elements (which include operations and field office managers) approve exemptions from requirements from DOE Orders, Notices, and Manuals for activities and facilities under their direction except as provided in Paragraph 2b(2)(b).

(b) For ES&H requirements in Orders, Notices, and Manuals for hazard category 1 nuclear facilities, the Under Secretary for Energy, Science and Environment approves exemptions to requirements in DOE Orders, Notices, and Manuals. This authority may be delegated to other heads of Departmental elements.

c. Other than NNSA or ESE Facilities and Activities.

(1) Concurrence.

(a) The approval authority must provide copies of the exemption request, appropriate supporting documentation, and the draft exemption and request concurrence on each exemption from the following parties before granting an exemption:

1 the CSO;

2 the OPI; and

3 EH, for environment, safety, and health (ES&H) requirements.

(b) The approval authority may not grant the exemption until—

1 the parties have concurred, or

2 thirty (30) calendar days have passed without nonconcurrence after providing the parties the draft exemption and associated documentation (if a party requests additional information they will be granted an additional 14 calendar days after requested additional information has been provided).

(c) If one of the parties submits nonconcurrence, the approval authority must proceed as follows or deny the exemption.

1 Work with the nonconcurring party to resolve any issues and withdraw the nonconcurrence.

2 Raise the matter to the Deputy Secretary for resolution.

(2) Approval Authority. Unless otherwise stated in the directive, heads of Departmental elements (which include operations and field office managers) approve exemptions from DOE Orders, Notices, and Manuals for activities and facilities under their direction.

3. EXEMPTION REQUESTS.

a. Requests for exemptions must include the following information.

(1) Site or facility for which an exemption is being requested.

(2) Reference to the requirements for which exemption is sought.

(3) Identification and justification of the acceptance of any additional risks that will be incurred if the exemption is granted.

(4) Benefits to be realized by providing the exemption.

(5) Whether the exemption being requested is temporary or permanent and for temporary exemptions, indication of when compliance will be achieved.

(6) Identification of other pertinent data or information used as a basis for obtaining an exemption.

b. Requests for exemptions to environment, safety, and health requirements must also address the following:

(1) A description of any special circumstances that warrant the granting of an exemption, including whether—

(a) application of the requirement in the particular circumstances would conflict with another requirement;

(b) application of the requirement in the particular circumstances would not achieve, or is not necessary to achieve its underlying purpose;

(c) application of the requirement in the particular circumstances would not be justified by any safety and health benefit;

(d) the exemption would result in a health and safety benefit that compensates for any detriment that would result from granting the exemption; or

(e) other material circumstances that exist were not considered when the requirement was adopted for which it is in the public interest to grant an exemption.

(2) Steps to be taken to provide adequate protection of health, safety, and the environment, and a statement that adequate protection will be provided.

(3) A description of any alternative or mitigating actions that have or will be taken to ensure adequate safety and health and protection of the public, the workers, and the environment for the period the exemption will be effective.

4. APPROVAL CRITERIA.

For all exemption decisions, the basis for approving the exemption must be documented in the approval and the approving authority may grant an exemption only if the exemption—

a. is not prohibited by law;

b. would not present an undue risk to public health and safety, the environment, facility workers, or security; and

c. is warranted under the circumstances.

CONTRACTOR REQUIREMENTS DOCUMENT
DOE M 251.1 1B**, *Departmental Directives Program,* dated 8-16-06**

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this contractor requirements document (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.

1. The contractor must comply with directions from the contracting officer regarding participation in DOE's directives comment and review process.

2. The contractor must comply with requirements stated in Appendix A when it believes an exemption is necessary or appropriate for a requirement in any CRD made a part of its contract.

APPENDIX A. CONTRACTOR EXEMPTION

1. GENERAL PROVISIONS.

An exemption under the Directives Program is a release from one or more requirements included in a DOE Order, Notice, or Manual that has been granted to a DOE element or a contractor.[2] Specific provisions for exemptions, equivalencies, or other forms of relief from the requirements in an Order, Notice, or Manual must be used when applying for or approving exemptions. If the document does include specific provision for relief, the contractor must use the process in this appendix to grant permanent or temporary relief from the applicable requirements in those documents. This exemption process does not apply to requirements in regulations. Requirements for contractors are as follows.

a. Requirements in DOE Orders, Notices, and Manuals apply to contractors to the extent they are incorporated in the contract. Contracting officers incorporate the requirements from applicable directives by referencing or copying sections of the contractor requirements document (CRD) into the contract.

b. As stated in Department of Energy Acquisition Requirements (DEAR) 48 CFR 970.0470(b), the program office must identify the requirements in the Directives System that are applicable to a contract, develop a list of applicable requirements, and provide the list to the contracting officer. The contracting officer must include that list in the contract. That list constitutes the list of applicable directives referred to as "List B" in 48 CFR 970.5204-2.

c. In some cases, the list of requirements included in List B will be tailored to the specific hazards and needs of activity through a DOE-approved process. Such processes include the Standards/Requirements Identification Process (S/RID), the Work Smart Standards Process, and the Safety Management System [See 48 CFR 970.0470(c) and (d)]. If a requirement from a directive is excluded from List B using one of these processes, then it is not a contract requirement and the contractor do not need to request an exemption.

d. If a CRD or set of requirements from a directive is included in List B of the contract and temporary or permanent relief from the requirement is sought, the contractor must work with DOE officials to follow the process described in this CRD (unless there is another relief process specifically included in the CRD for the directive).

2. EXEMPTION REQUESTS.

a. Requests for exemptions must include the following information.

(1) Site or facility for which an exemption is being requested.

[2] There are a number of terms used for relief processes including but not limited to exemptions, equivalencies, variances, and relief. This Chapter applies to all such terms.

(2) Reference to the requirements for which exemption is sought.

(3) Identification and justification of the acceptance of any additional risks that will be incurred if the exemption is granted.

(4) Benefits to be realized by providing the exemption.

(5) Whether the exemption being requested is temporary or permanent and, for temporary exemptions, indication of when compliance will be achieved.

(6) Identification of other pertinent data or information used as a basis for obtaining an exemption.

b. Requests for exemptions to environment, safety, and health requirements must also address the following:

(7) A description of any special circumstances that warrant the granting of an exemption, including whether—

(a) application of the requirement in the particular circumstances would conflict with another requirement;

(b) application of the requirement in the particular circumstances would not achieve, or is not necessary to achieve, the underlying purpose of the requirement;

(c) application of the requirement in the particular circumstances would not be justified by any safety and health benefit;

(d) the exemption would result in a health and safety benefit that compensates for any detriment that would result from granting the exemption; or

(e) there exists any other material circumstance that was not considered when the requirement was adopted but for which it is in the public interest to grant an exemption.

(8) Steps to be taken to provide adequate protection of health, safety, and the environment, and a statement that adequate protection will be provided.

(9) A description of any alternative or mitigating actions that have or will be taken to ensure adequate safety and health and protection of the public, the workers, and the environment for the period the exemption will be effective.

3. APPROVAL CRITERIA.

For all exemption decisions, the basis for approving the exemption must be documented in the approval and the approving authority may grant an exemption only if the exemption—

a. is not prohibited by law;

b. would not present an undue risk to public health and safety, the environment, facility workers, or security; and

c. is warranted under the circumstances.

4. EXEMPTION APPROVAL PROCESS.

a. If the contractor is the organization initiating an exemption request, the exemption request must be submitted to the contracting officer (or the contracting officer's representative if so directed).

b. DOE's concurrence process.

(1) Unless otherwise stated in the relevant directive, the Approval Authority is as follows:

(a) Heads of Departmental elements (which include operations and field office managers) approve exemptions to requirements in DOE Orders, Notices, and Manuals for activities and facilities under their direction unless otherwise provided.

(b) For ES&H requirements in Orders, Notices, and Manuals for hazard category 1 nuclear facilities, the Under Secretary for Energy, Science and Environment approves exemptions. This authority may be delegated to other heads of Departmental elements.

(2) The Approval Authority must provide copies of the exemption request, appropriate supporting documentation, and the draft exemption, and request concurrence on each exemption from the following parties before granting an exemption:

(a) the Cognizant Secretarial Officer;

(b) the office of primary interest for the specific directive;

(c) EH for environment, safety, and health (ES&H) requirements; and

(d) the Central Technical Authority, if applicable.

(3) The approval authority may not grant the exemption until—

(a) the parties have concurred or

(b) thirty (30) calendar days have passed without nonconcurrence after providing the parties the draft exemption and associated documentation (a party who requests additional information will be granted an additional 14 calendar days after requested additional information has been provided).

(4) If one of the parties submits nonconcurrence, the approval authority must do the following or deny the exemption:

(a) Work with the conflicting parties to resolve any issues and withdraw the nonconcurrence.

(b) Raise the issue to the applicable higher authority or authorities for resolution.

DIRECTIVES NUMBERING SYSTEM

1. NUMBERING DIRECTIVES.

All Policies, Orders, Notices, Manuals, and Guides have a letter identifying the type of document, a three-digit number identifying the subject matter category, a suffix showing the sequence within that subject matter category, and for revisions, a capital alpha character indicating the revision level. In the case of page changes or administrative changes, the numbering stays the same.

2. EXAMPLES. The following examples show how the numbering system works for various directives.

a. Policies. In DOE P 111.1, *Departmental Organization Management System,* "P" stands for Policy, 111 is the subject matter category (Organization and Structure), and ".1" indicates the first policy directive in this category. Subsequent revisions will be ".1A," ".1B," etc.

b. Orders. In DOE O 151.1, *Comprehensive Emergency Management System,* "O" stands for Order, "151" is the subject matter category (Public Affairs in Emergencies), and ".1" indicates that this is the first Order in this category. Subsequent revisions will be ".1A," ".1B," etc.

c. Notices. In DOE N 251.1, *Cancellation of Directives,* "N" stands for Notice, "251" is the subject matter category (Directives Program), and ".1" indicates that this is the first of sequential issuance to the Notice.

d. Manuals. In DOE M 251.1-1A, *Directives Program Manual,* "M" stands for Manual, "251" is the subject matter category (Directives), ".1" indicates that this Manual supplements DOE O 251.1, "-1" indicates that this is the first Manual supplementing that particular Order, and A indicates a revision to that Manual. If the Order is revised to be DOE O 251.1A, there is no change in the number of the Manual. If the Manual were revised, its number would become DOE M 251.1-1B.

e. Guides are numbered the same as Manuals, but the initial letter designator is "G." To accommodate circumstances in which regulations, rather than Orders, contain the requirements, the primary three-digit code would be used. For example, a quality assurance Guide might be labeled DOE G 414.1-1 because it is based on a regulation rather than an Order.

DEFINITIONS

1. Certification. Process for reviewing and certifying directives that have been in effect for 4 or more years, for accuracy and continued relevance. A certification date will be placed below the approval date on the directive.

2. Cognizant Secretarial Office (CSO). A Program Secretarial Office that has responsibility as an owner for a program-specific (programmatic) facility or area present on a site that is owned by another program office (the LSO). The CSO coordinates with the site owner (the LSO) to ensure needed infrastructure support is planned and provide for its facilities/area.

3. Contractor. For purposes of the directives system, corporate organizations under contract with DOE to perform services with the clause at DEAR 970.5204-2, laws, regulations and DOE directives, in their contract .

4. Coordination. Process of appropriate review for all draft directives involving all affected/interested organizations, including contractors, to have the opportunity to review and comment on draft directives.

5. Comment Resolution. Process of OPI responding to comments received during the review of draft directives. All major comments submitted on behalf of the SO or senior level designee must be addressed and resolved before a directive is approved.

6. Central Technical Authorities. The designated line managers in the Department and the National Nuclear Security Administration who are responsible for maintaining operational awareness, especially with respect to complex, high-hazard nuclear operations, and for ensuring that the Department's nuclear safety policies and requirements are implemented adequately and properly.

7. Decision Paper. Document prepared by the Office of Information Resources and the contending Departmental elements when an impasse occurs on a draft directive and must be referred to the Deputy Secretary for resolution. Decision papers contain opposing viewpoints representing all parties.

8. Departmental Elements. First-tier organizations reporting directly to the Secretary, Deputy Secretary, or Under Secretaries. The National Nuclear Security Administration is a Departmental element. First-tier organizations at Headquarters include the Secretary, Deputy Secretary, Under Secretaries, and Secretarial Officers (Assistant Secretaries and staff Office Directors). First-tier organizations include managers of the field offices and Administrators of the Power Marketing Administrations.

9. Directives. Official communications of policies, requirements and procedures. Directives are used to inform, direct, and guide employees in the performance of their work and to enable employees to work effectively within the Department and with other Government agencies, contractors, and the public. Directives include Policies, Orders, Notices, Manuals, and Guides.

10. Directives Point of Contact (DPC). The DPC is designated by the Departmental element and provides the liaison between his/her organization and the DOE Directives Program. (See http://www.directives.doe.gov/directives/rolesDpc.html for a comprehensive description of DPC roles and responsibilities.)

11. Deviations (from requirements). Failure to comply with the requirements.

12. Exemptions (from requirements). Formal request from appropriate parties to allow Departmental elements or contractor to be excluded from complying with the requirements of the directive.

13. Field Elements. Consist of operation offices, service centers, site offices, area offices, power marketing administrations, regional offices of federally staffed laboratories.

14. Impasse. A process to elevate the issues quickly through the management chain of contending Departmental elements when resolution cannot be obtained at staff level. Major issues are first attempted to be resolved between the OPI and commenters. If issues are not resolved then it is elevated to the office directors of contending Departmental elements for resolution. Issues that cannot be resolved at that level are elevated to the SOs of the contending Departmental elements for resolution. Issues that cannot be resolved at the SO level are elevated to the Deputy Secretary or designee to render a decision.

15. Major Issue/Comment. A category of review comments that addresses issues serious enough to preclude or significantly hamper the Department's ability to—

    a. accomplish policy objectives and missions;

    b. comply with applicable laws, rules, and regulations; and

    c. fulfill contractual obligations and formal commitments.

16. Necessity Findings Statements. A paragraph in Orders required by P.L. 104-201, Sec. 3174, to justify the need for an Order.

17. Office of Primary Interest. The author's office. The office responsible for originating the directive.

18. Page Change. When an Order or Manual is modified to affect less than 25 percent of the requirements or responsibilities.

19. Pre-coordination. Preliminary coordination of draft directives with affected stakeholders to help alleviate unanticipated issues received during the department-wide coordination process.

20. Processing schedule. The time frame in which the OPI requests that the draft directive be processed through the directives program.

21. RevCom. A web-based work-flow application used by the Department of Energy for the development and coordination of draft directives, technical standards, and regulations.

22. Review Date. The date on the directive in which the office of primary interest must complete the review of their directive to determine whether it must be revised, continued as is, or canceled.

23. Requirement. Activities that must be performed to fulfill the Department's mission, law or regulations.

24. Revision. When directives are modified to affect more than 25 percent of the requirements or responsibilities or contents.

25. Secretarial Officer. Secretarial Officers are: the Secretary, Deputy Secretary, and Under Secretaries; and the Assistant Secretaries and Program Office Directors reporting to the Secretary either directly or through the Deputy Secretary or Under Secretaries. The NNSA Administrator and Deputy Administrators are Secretarial Officers.

26. Suggested Comment. A category of review comment not related to any potentially serious, adverse effects that might devolve on an organization, through implementation of a draft directive.

27. Supplemental Directives. Directives issued by a Headquarters or field element for use by that organization and its contractors.

28. Unauthorized Directives. Documents containing information that should be within the Directives Program but has been issued outside the Program (e.g., requirements documents that cross organizational lines/apply to more than one organization). Sometimes referred to as rogue directives.

29. Variance (from requirements). The difference between what is expected and what actually occurs.