

Approved: 03-01-00
Sunset Review: 03-01-02
Expires: 03-01-04

**SUBJECT: SECURITY AND EMERGENCY MANAGEMENT INDEPENDENT
OVERSIGHT AND PERFORMANCE ASSURANCE PROGRAM**

1. OBJECTIVES. To establish the Department of Energy (DOE) Security and Emergency Management Independent Oversight and Performance Assurance Program (see Attachment 1 for a diagram describing the overall process supporting this program), which is designed to enhance the DOE safeguards and security, cyber security, and emergency management programs and to provide DOE and contractor managers, Congress, and other stakeholders with an independent evaluation of the effectiveness of DOE policy and line management performance in safeguards and security, cyber security, emergency management, and other critical functions, as directed by the Secretary.
2. CANCELLATION.
 - a. DOE O 470.2, SAFEGUARDS AND SECURITY INDEPENDENT OVERSIGHT PROGRAM, dated 12-23-98.
 - b. DOE O 231.1, ENVIRONMENT, SAFETY AND HEALTH REPORTING, dated 11-07-96, Paragraph 5b(2).
 - c. DOE M 231.1-1, ENVIRONMENT, SAFETY AND HEALTH REPORTING MANUAL, dated 11-7-96, Chapter IV.
3. APPLICABILITY.
 - a. DOE Elements. Except as noted in paragraph 3c, this Order applies to all DOE elements, including the National Nuclear Security Administration (NNSA).
 - b. Contractors. Except for the exclusion in paragraph 3c, the Contractor Requirements Document (CRD), Attachment 2, sets forth the requirements that apply to all contracts and subcontracts that the heads of field elements determine involve classified information (in any form), sensitive unclassified information (in any form), special nuclear material, or DOE property. Among other items, these requirements apply to the universe of contractors awarded contracts for the operation or integration (including, but not limited to, construction, demolition, or remediation) of DOE-owned or -leased facilities and other contractors subject to the security, classification, and/or property articles (Department of Energy Acquisition Regulation 952.204-2, 952.204-70, and 970.5204-21, respectively).

Contractor compliance with the CRD will be required to the extent set forth in a contract. Heads of field elements are to apply these requirements to all affected new contracts. Heads of field elements are to apply these requirements to all affected existing contracts as soon as possible but, in no event, later than 6 months after the effective date of this Order.

- c. Exclusion. This Order does not apply to activities conducted under the authority of the Director, Naval Nuclear Propulsion Program, as assigned by Executive Order 12344 (statutorily prescribed by 42 U.S.C. 7158, note). This Order applies only to the information protection and cyber security measures of intelligence-related activities of the Director, Office of Intelligence, pursuant to Executive Order 12333.

4. REQUIREMENTS.

- a. Program Independence. The Office of Independent Oversight and Performance Assurance reports directly to the Secretary and is independent of DOE elements that have line, program management, and/or policy development responsibilities for safeguards and security, cyber security, or emergency management programs, including secretarial offices, operations/field offices, Energy Technology Centers, Power Marketing Administrations, and the NNSA.
- b. Basis for Independent Oversight and Performance Assurance Activities.
 - (1) The Office of Independent Oversight and Performance Assurance is the DOE focal point for independent evaluation of DOE sites in the areas of safeguards and security, cyber security, and emergency management.
 - (2) The following are to be used as the baseline for independent oversight evaluations of DOE-owned or -leased facilities: DOE Orders, Notices, and Manuals; approved site safeguards and security plans and other security plans; cyber security plans; emergency management program plans; DOE threat statements; approved deviations; and applicable statutes and rules. Other DOE guidance, while not to be considered or applied as requirements, may be used to augment and strengthen the baseline by providing supplemental information about acceptable methods for implementing requirements contained in Orders, Notices, and Manuals.
 - (3) Safeguards and security, cyber security, and emergency management professionals will fully evaluate program effectiveness to determine the adequacy of DOE policy and its implementation.

- (4) Site-specific information, such as DOE-reviewed and -approved contractor procedural guides, implementation plans, memorandums of agreement and understanding, and the results of previous site-specific reviews conducted by DOE or other government agencies, must also be used as the basis for planning independent oversight activities.
- c. Licensed Facilities. Except where excluded by law or DOE policy, independent oversight activities for DOE facilities licensed by other agencies (e.g., the Nuclear Regulatory Commission) must be structured to minimize or eliminate duplication of oversight efforts while ensuring that DOE security interests and emergency management programs and associated facilities are independently evaluated. Accordingly, independent oversight activities must take into account the inspection and assessment activities of such agencies.
- d. Conduct of Security and Emergency Management Independent Oversight and Performance Assurance Appraisals. Appraisals (scheduled and short notice inspections, follow-up reviews, and special studies), which are conducted to implement the Independent Oversight and Performance Assurance Program, are used to evaluate the status of safeguards and security, cyber security, or emergency management at one DOE-owned or -leased facility/organization, at a range of DOE-owned or -leased facilities/organizations, or as directed by senior DOE managers.
 - (1) Appraisals are conducted after appropriate scheduling, notification, and planning.
 - (2) Appraisals must be conducted to evaluate management systems, adequacy of policy, and implementation of policy. Data collection activities include measurement of actual performance whenever possible, as well as interviews, document reviews, and other data collection activities. Available classified and unclassified information sources must be used to determine the effectiveness of protection afforded national security interests and the ability of protection programs to prevent the inadvertent release of such information outside established control procedures.
 - (3) The factual accuracy of appraisal results must be verified by the Office of Independent Oversight and Performance Assurance with the most qualified staff or DOE line management organization (field element/cognizant secretarial office/NNSA Deputy Administrators) personnel available. The factual accuracy process is described in detail in paragraph 4f.
 - (4) As deemed appropriate by the Director, Office of Independent Oversight and Performance Assurance, ratings (satisfactory, marginal, or

unsatisfactory) and/or findings are assigned to overall programs and/or selected topical areas.¹

- (5) When appropriate, appraisals will identify enhancements that will assist line and program managers in developing corrective actions to address findings or concerns that result from the appraisal.

e. Response to Significant Vulnerabilities.

- (1) The Office of Independent Oversight and Performance Assurance must advise appropriate site and Headquarters managers promptly (i.e., within 24 hours) when appraisal activities indicate—
 - (a) a threat to workers, public health, or the environment;
 - (b) a significant safeguards and security, cyber security, or emergency management vulnerability (e.g., unacceptable risk of special nuclear material theft or diversion, radiological or industrial sabotage, or espionage); or
 - (c) emergency management deficiencies that present an unacceptable, immediate risk to workers, the public, the environment, or national security.
- (2) When notified of a threat to workers, public health, or the environment, or a significant security or emergency management vulnerability, DOE line managers (heads of field elements/cognizant secretarial officers/NNSA Deputy Administrators) must take the following actions:
 - (a) promptly identify and implement immediate corrective actions;
 - (b) develop and implement long-term actions (including determining cost and identifying funds) to eliminate the vulnerability or reduce the level of risk to an acceptable level as soon as possible.

- f. Reporting. Senior DOE officials, including the NNSA Deputy Administrators, cognizant secretarial officers, and DOE field managers, must be informed of all appraisal results, including policy issues and implementation concerns that affect

¹ Safeguards and security and cyber security findings are formally tracked by the Office of Security and Emergency Operations. Emergency management findings are tracked by a Safety Management Implementation Team. The Office of Independent Oversight and Performance Assurance will follow up on these findings in accordance with established DOE protocols.

the effectiveness of safeguards and security, cyber security, or emergency management programs. Reports of appraisal results will include briefings, an appraisal (inspection, follow-up, or special study) report, and other written products as required.

- (1) Throughout the appraisal process, the Office of Independent Oversight and Performance Assurance must provide updates on the results of the appraisal to the Secretary, Deputy Secretary, Under Secretaries, appropriate cognizant secretarial office(s), and the Director of the Office of Security and Emergency Operations in accordance with protocols established by the Office of Independent Oversight and Performance Assurance.
- (2) Under most circumstances, inspection reports must be prepared according to the following processes and time frames. The Director, Office of Independent Oversight and Performance Assurance, may modify the prescribed time frames when appropriate (e.g., to evaluate multiple sites/organizations requiring extensive coordination among various field elements and to address special needs cases).
 - (a) During the later stages of a field inspection, the Office of Independent Oversight and Performance Assurance prepares a preliminary draft report, which is submitted to responsible DOE line management organizations for initial on-site validation and review of factual accuracy. These organizations complete their review on an accelerated basis, typically providing their response on the same day they receive the report.
 - (b) After considering the factual accuracy of comments and making revisions as appropriate, the Office of Independent Oversight and Performance Assurance distributes a final draft report for formal review and comment (typically before leaving the site). One copy of the final draft report is provided to each of the following: the DOE field element, the cognizant secretarial officer, the Director of Security and Emergency Operations, and the NNSA Administrator (when applicable).
 - (c) Formal review and comment on the final draft report is to be completed within 10 working days. A unified response is expected from the DOE line management organizations. The Director of Security and Emergency Operations is expected to provide separate comments.

- (d) The Office of Independent Oversight and Performance Assurance reviews comments on the factual accuracy of the final draft report and prepares the final report within 10 working days of receiving comments.
 - (3) DOE line management organizations and other responsible DOE organizations may provide appraisal reports (including the preliminary draft report, the final draft report, and the final report) to personnel in their organizations and to the site contractor for review. However, the Office of Independent Oversight and Performance Assurance will coordinate with the Office of the Secretary to determine, on a case-by-case basis, which other DOE organizations need to review and have copies of the final report.
 - (4) The Office of Independent Oversight and Performance Assurance will brief the following individuals on the results of appraisal activities: DOE senior managers, applicable cognizant secretarial officers, managers of the inspected DOE field element, and the NNSA Administrator (when applicable).
 - (5) The Office of Independent Oversight and Performance Assurance will coordinate with the cognizant secretarial officer, the DOE field element, and the NNSA Administrator (when applicable) prior to briefing other DOE personnel, the DOE Security Council. During such briefings, the cognizant secretarial officer and/or DOE field element manager and the NNSA Deputy Administrators (when applicable) will be requested to present their approach to implementing corrective actions.
 - (6) The Office of Independent Oversight and Performance Assurance will coordinate with Public Affairs, congressional liaison, DOE line management organizations, the Office of Security and Emergency Operations, the NNSA Administrator (when applicable), and the Office of the Secretary to develop an approach for providing appraisal results to external stakeholders.
- g. Corrective Action Development. DOE line managers are responsible for identifying corrective actions and resolving identified issues and concerns. However, when a finding addresses a deficiency in DOE policy, the Office of Security and Emergency Operations or other Headquarters policy organizations must develop and implement corrective action plans. All corrective action plans must be based on analysis of underlying causal factors to determine if systemic program weaknesses exist.
- (1) The DOE line management organizations have 10 working days after receiving the final draft report to submit *preliminary* corrective action

plans that address each of the issues identified in the final draft report. Similarly, the Office of Security and Emergency Operations or other Headquarters policy organizations also have 10 days after receiving the final draft report to develop and submit a preliminary corrective action plan for any finding that expresses a deficiency in DOE policy. All preliminary corrective action plans must be submitted to the Office of Independent Oversight and Performance Assurance, which will, as appropriate, provide informal comments on preliminary corrective action plans within 10 days after receipt.

- (2) Preliminary corrective action plans are primarily intended to describe actions that have already been taken, including compensatory measures or other interim actions.
 - (a) To the extent possible, preliminary corrective action plans should discuss plans for short-term and long-term corrective actions and identify individuals responsible for each action.
 - (b) Preliminary corrective action plans should focus on ensuring that deficient conditions receive timely attention and that compensatory measures are implemented promptly.
- (3) Within 30 working days after receiving the final draft report, DOE line management organizations must prepare and submit to the Office of Independent Oversight and Performance Assurance and the Office of Security and Emergency Operations *interim* corrective action plans. Interim corrective action plans address intermediate and long-term actions. Intended to be more comprehensive than preliminary corrective actions plans, they are used to solicit written comment from the Office of Independent Oversight and Performance Assurance and the Office Security and Emergency Operations for consideration prior to issuance of the final corrective action plan, described below. These plans are based on root cause analysis and identify any compensatory measures, describe ongoing and planned corrective actions (including milestones) for each of the identified deficiencies, and identify individuals accountable for each action. The Office of Independent Oversight and Performance Assurance and the Office of Security and Emergency Operations must review and comment on the interim corrective action plans within 15 working days of receiving it.
- (4) Within 30 working days of receiving the final report, DOE line management organizations must provide *final* corrective action plans to the Office of Independent Oversight and Performance Assurance and the Office of Security and Emergency Operations. When developing the final corrective action plans, inspected sites must consider all comments provided on the

interim plan. The final plans must include both field and Headquarters corrective actions, as appropriate, to address relevant findings. In addition to describing actions taken and compensatory measures, and discussing in detail longer-term enhancements and upgrades, final corrective action plans should indicate the following for each finding:

- the responsible individual and organizations,
 - the date the action was initiated,
 - key milestones,
 - the date the action is expected to be completed,
 - how actions will be tracked to closure,
 - steps to address root causes and generic applicability, and
 - the mechanism for verifying closure and ensuring that such actions are sufficient to prevent recurrence.
- (5) The Office of Independent Oversight and Performance Assurance and the Office of Security and Emergency Operations must discuss any part of the final corrective action plan that they feel is inadequate with the cognizant secretarial officer and with each other. Issues that cannot be resolved must be elevated to the Deputy Secretary and/or the Secretary for resolution.
- (6) The Office of Independent Oversight and Performance Assurance must conduct follow-up reviews on appraisal findings, issues, or concerns to verify and validate the effectiveness of line management's corrective actions and to confirm closure of findings.
- h. Annual Report to the Secretary. The Office of Independent Oversight and Performance Assurance must provide input on the status of safeguards and security throughout the Department for use in the Annual Report to the Secretary. The Office of Security and Emergency Operations is responsible for developing this report, as well as the Annual Report to the President.

5. RESPONSIBILITIES.

- a. Director, Independent Oversight and Performance Assurance, is supported by the Office of Safeguards and Security Evaluations, the Office of Cyber Security and Special Reviews, and the Office of Emergency Management Oversight.
- (1) Develops and maintains DOE security and emergency management independent oversight and performance assurance policies, procedures, standards, and guidelines.
- (2) Advises appropriate managers within 24 hours of any significant vulnerabilities or weaknesses at evaluated sites.

- (3) Briefs senior DOE officials, including the NNSA Administrator, cognizant secretarial officers, the Office of Security and Emergency Operations, and the managers of DOE sites, on the results of appraisal activities.
- (4) Coordinates with the DOE Inspector General when appraisal activities identify computer security concerns that may have criminal or waste/fraud/abuse considerations.
- (5) Directs, manages, and conducts the Safeguards and Security, Cyber Security, and Emergency Management Independent Oversight Programs.
- (6) Coordinates the scheduling, notification, and planning of appraisals with appropriate cognizant secretarial officers, heads of field elements, and appropriate environment, safety, and health oversight organizations.
- (7) Maintains awareness of the status of issues and ratings identified during appraisals.
- (8) Coordinates with the Office of Security and Emergency Operations to resolve security and emergency management policy issues and concerns.
- (9) Provides DOE managers with independent evaluations of security and emergency management policies, programs, and implementation; evaluations may be provided in various written formats (e.g., management evaluation reports, special study reports, and follow-up review reports).
- (10) Coordinates with the Office of Oversight in the Office of Environment, Safety and Health, on matters of environment, safety, and health that may arise in the course of security and emergency management appraisals.
- (11) Develops and maintains protocols for conducting appraisals of safeguards and security, cyber security, and emergency management, to include protocols for developing ratings, validating findings, and conducting follow-up activities.
- (12) Conducts appraisals to verify and validate the effectiveness of line management's corrective actions and to confirm closure of findings.

b. Director, Office of Security and Emergency Operations.

- (1) Coordinates resolution of safeguards and security, cyber security, and emergency management policy issues identified during appraisals.

- (2) Coordinates with cognizant secretarial officers and heads of field elements to resolve issues and concerns identified during appraisals.
- (3) Maintains a database to track findings and associated corrective actions in the areas of safeguards and security and cyber security, and coordinates with the Safety Management Implementation Team (or successor organization) to track emergency management corrective actions in the Corrective Action Tracking System.
- (4) Coordinates with the Office of Independent Oversight and Performance Assurance to review and comment on corrective action plans and to develop lessons learned.
- (5) Reviews draft appraisal reports and other reports as appropriate to ensure factual accuracy regarding policies and/or activities of the Office of Security and Emergency Operations.
- (6) Prepares corrective action plans within the prescribed time frames for findings relating to security and emergency management policy deficiencies.
- (7) Provides official DOE interpretation of requirements contained within DOE Orders, Notices and Manuals under the cognizance of the Office of Security and Emergency Operations.

c. Deputy Administrators, NNSA, and/or Cognizant Secretarial Officers.

- (1) Assume line management accountability for the operational performance of a facility or laboratory, including environment, safety, and health, safeguards and security, and emergency management.²
- (2) Take timely and appropriate corrective actions to address weaknesses identified by appraisals.
- (3) Review draft appraisal reports and other reports for factual accuracy and prepare corrective action plans within the time frames prescribed in this Order.
- (4) Ensure that corrective action plans are—

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In most but not all cases, the cognizant secretarial officer is also the lead program secretarial officer. If the cognizant secretarial officer is not also the lead program secretarial officer, the cognizant secretarial officer is responsible for coordinating with the lead program secretarial officer on any issues that require input or action from the lead program secretarial officer.

- developed to address the issues identified by the appraisal team,
- submitted within prescribed time frames,
- approved by the appropriate official at the field element, and
- implemented and tracked to completion or closure.

- (5) Provide required documentation, points of contact, and access to all DOE-owned or -leased facilities under the cognizant secretarial officer's purview, and participate in special study groups.

d. Heads of Field Elements.

- (1) Take timely and appropriate corrective actions to address the issues identified by independent oversight activities.
- (2) Review draft appraisal reports and other reports for factual accuracy, and prepare corrective action plans within the time frames prescribed in this Order.
- (3) Ensure that corrective action plans are—
- developed to address the issues identified by the appraisal team,
 - submitted within prescribed time frames,
 - approved by the appropriate official at the field element, and
 - implemented and tracked to completion or closure.
- (4) Provide points of contact, documentation, and information concerning programs under their jurisdiction, ensure necessary support, access to facilities and work space for the appraisal team, and participate in special study groups.
- (5) Decide whether this Order applies to procurement requests or existing contracts by determining if the request involves work that includes emergency management considerations or the custody of and responsibility for classified information (in any form), DOE security interests or sensitive, unclassified information (in any form), special nuclear material, or DOE property.

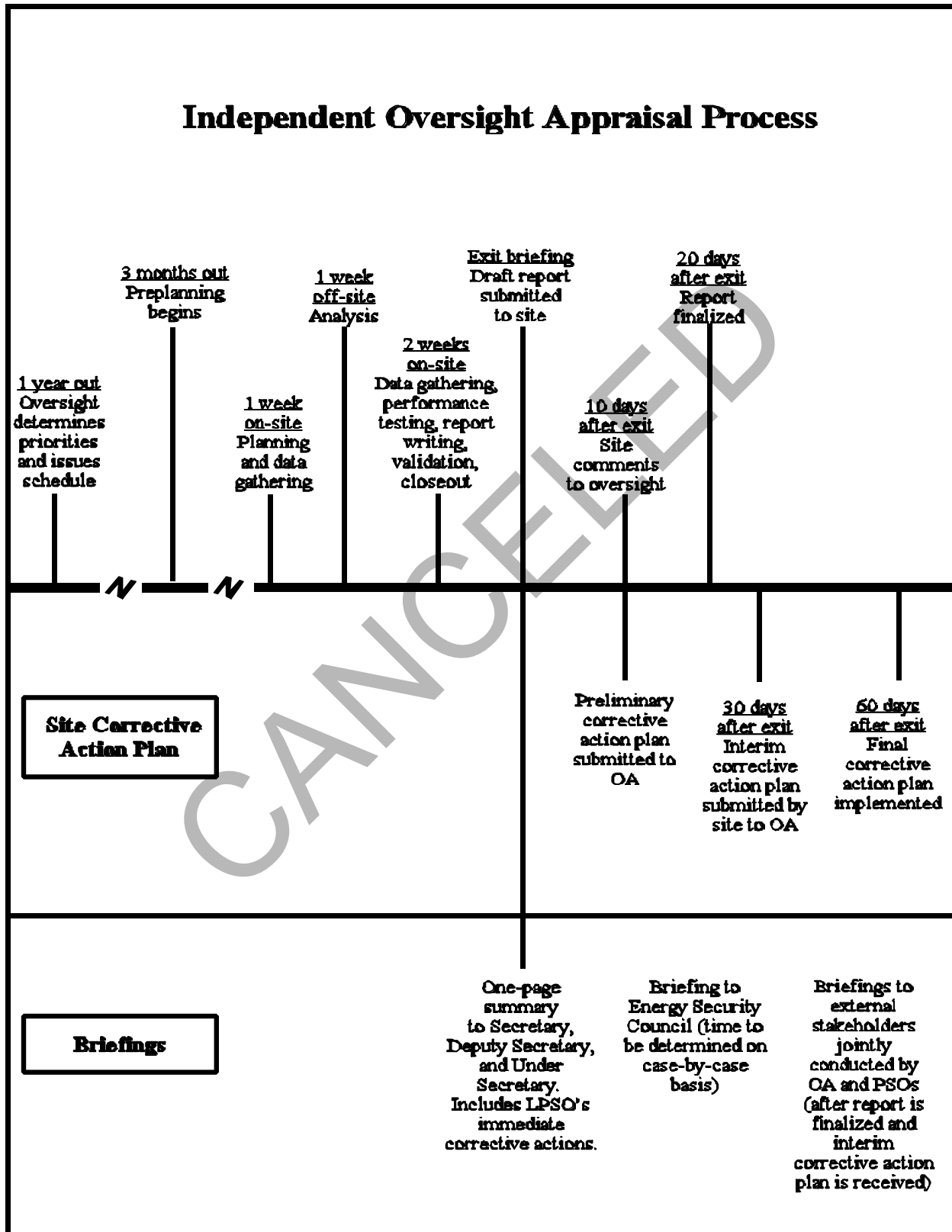
- e. Executive Secretary of the Special Access Program Oversight Committee. Assists the Office of Independent Oversight and Performance Assurance in obtaining access to special access programs as required to provide effective independent oversight of the overall DOE safeguards and security program.

- f. Director, Safety Management Implementation Team (or successor organization). Provides overall direction for the development and implementation of the Corrective Action Tracking System.
 - g. Assistant Secretary, Office of Environment, Safety and Health. In coordination with the Safety Management Implementation Team (or successor organization), maintains the Corrective Action Tracking Systems database to track unclassified findings and associated corrective actions in the area of emergency management.
6. CONTACT. Questions concerning this Order should be directed to the Office of Independent Oversight and Performance Assurance at 301-903-3777.

BY ORDER OF THE SECRETARY OF ENERGY:



T. J. GLAUTHIER
DEPUTY SECRETARY



CONTRACTOR REQUIREMENTS DOCUMENT

DOE O 470.2A, SECURITY AND EMERGENCY MANAGEMENT INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE PROGRAM

1. In the performance of this contract, contractors must support the conduct of security and emergency management Independent Oversight and Performance Assurance Program appraisals (inspections, follow-up reviews, and special studies) at sites under their cognizance. This support includes the following:
 - a. timely identification of points of contact to provide information and support;
 - b. documentation and information concerning safeguards and security programs and emergency management programs under their jurisdiction;
 - c. access to contractor facilities and personnel, as required; and
 - d. provision of work space and administrative support for the appraisal team.
2. When notified of a significant vulnerability, responsible contractor organizations must take the following actions in coordination with DOE line management organizations:
 - a. promptly identify and implement immediate corrective actions to mitigate the identified risk or vulnerability; and
 - b. develop and implement long-term actions (including determining cost and identifying funds) to eliminate the vulnerability or reduce the level of risk to an acceptable level as soon as possible.
3. Contractor organizations must assist in the preparation of appraisal reports (inspection, follow-up, and special study) by completing the following actions.
 - a. During the later stages of a field inspection, the Office of Independent Oversight and Performance Assurance prepares a preliminary draft report for initial on-site validation and factual accuracy review by responsible contractor organizations. Contractors must review the preliminary draft report on an accelerated basis and provide a response through the responsible DOE field element, typically on the same day contractor organizations receive the report.
 - b. Responsible contractor organizations must assist DOE line management organizations in reviewing the final draft report and preparing comments within the 10 working days allotted to the DOE line management organization.

- c. Contractor organizations may provide appraisal reports (including the preliminary draft report, the final draft report, and the final report) to personnel in their organizations for review. However, they may not disseminate appraisal reports further without the approval of the Office of Independent Oversight and Performance Assurance.
4. Contractors must prepare, implement, and track to completion approved preliminary, interim, and final corrective action plans that address issues and concerns identified during the appraisals that affect the effectiveness of safeguards and security, cyber security, or emergency management programs. Corrective action plans are to be based on analysis of underlying causal factors to determine if systemic program weaknesses exist.
 - a. Contractor organizations must provide timely input to the DOE field element in support of the development of preliminary corrective action plans (which DOE line management must submit within 10 working days after the issuance of the draft appraisal report); the preliminary corrective action plans must address each issue identified in the final draft report. Preliminary corrective action plans describe actions that have been taken, including compensatory measures or other initial actions. To the extent possible, preliminary corrective action plans discuss plans for short-term and long-term corrective actions and identify individuals responsible for each action. Preliminary corrective action plans should focus on ensuring that deficient conditions receive timely attention and that compensatory measures are implemented promptly.
 - b. Contractor organizations must provide timely input to the DOE field element in support of the development of interim corrective action plans (which DOE line management must submit within 30 working days after receiving the final draft report). These plans should identify any compensatory measures, describe ongoing and planned corrective actions (including milestones) for each of the identified deficiencies, and identify individuals accountable for each action.
 - c. Contractor organizations must provide timely input to the DOE field element in support of the development of final corrective action plans (which DOE line management must submit within 30 working days of receiving the final appraisal report). Contractor organizations must consider all comments provided on the interim plan when developing the final corrective action plans. In addition to describing actions taken and compensatory measures and discussing in detail longer-term enhancements and upgrades, final corrective action plans should indicate the following for each finding:
 - the responsible individual and organizations,
 - the date the action was initiated,
 - key milestones,
 - the date the action is expected to be completed,

- how actions will be tracked to closure,
 - steps to address root causes and generic applicability, and
 - the mechanism for verifying closure and ensuring that such actions are sufficient to prevent recurrence.
5. Contractors must ensure that the above provisions apply to subcontractors performing safeguards and security, cyber security, and emergency management functions.

CANCELED