

ORDER

**DRAFT
DOE O 140.1**

Approved: XX-XX-XXXX

INTERFACE WITH THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD



U.S. DEPARTMENT OF ENERGY
Office of Departmental Representative to the Defense Nuclear
Facilities Safety Board

TITLE

1. PURPOSE. This Order specifies the process that the Department of Energy (DOE) uses for interfacing with the Defense Nuclear Facilities Safety Board (Board) and its staff. This process includes DOE's full cooperation with the Board as the Board and DOE meet their requirements and fulfill their respective responsibilities under the Atomic Energy Act, as amended. These interactions ensure the effective development and implementation of actions to address Board recommendations and other Board actions regarding complex technical issues, with thorough consideration of the information and advice provided by the Board.
2. CANCELLATION. DOE M 140.1-1B, Interface with the Defense Nuclear Facilities Safety Board, dated 03-30-01.

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contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.

3. APPLICABILITY.
 - a. Departmental Applicability. Except for the equivalencies/exemptions in paragraph 3.c., this Order applies to Departmental elements that perform activities related to DOE defense nuclear facility operations. The Administrator of the National Nuclear Security Administration (NNSA) must assure that NNSA employees comply with their responsibilities under this directive. Nothing in this directive will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106 65 to establish Administration specific policies, unless disapproved by the Secretary.
 - b. DOE Contractors. Except for the equivalencies/exemptions in Paragraph 3.c., the Contractor Requirements Document (CRD) sets forth requirements of this Order that will apply to contracts that include the CRD. The CRD must be included in contracts that manage or involve defense nuclear facilities. Once notified, the contracting officers are responsible for incorporating the CRD into each affected contract via the laws, regulations and DOE directives clause (48 CFR 970.5204-2) of the contract.
 - c. Equivalency/Exemption. Consistent with Secretarial Delegation Order Number 00-033.00B to the Administrator and Chief Executive Office of Bonneville Power Administration (BPA), this Order does not apply to BPA.

4. REQUIREMENTS.

To ensure adequate protection of the health and safety of the workers, public, and environment at Departmental defense nuclear facilities and successful completion of DOE and Board missions, Departmental Elements shall fully cooperate with the Board and its staff. This is accomplished through the following activities:

- a. Meets all commitments to the Board or working with the Board and its staff to determine a feasible schedule for meeting commitments in a timely manner. In those circumstances where a completion date requested by the Board cannot be met, a letter must be transmitted to the Board that includes an expected date of response. Only the Secretary, a Secretarial Officer, or a properly designated representative may make commitments.
- b. Responds to each Board recommendation within 45 days after its publication in the *Federal Register* with a statement on whether the Secretary accepts or rejects the recommendation, in whole or in part; a description of actions to be taken; and the Secretary's views on the recommendation. If additional time is needed, the Secretary or Deputy Secretary must formally request an extension for up to an additional 45 days. This request may be granted by the Board. Responses to Board recommendations must be published in the *Federal Register* for public comment. Figure 3, *DNFSB Interaction Process – Recommendation* illustrates the process involving receipt of and subsequent activities associated with a Board recommendation.
- c. Considers the recommendations and other information provided by the Board and its staff, with the understanding that the ultimate determination for program implementation and responsibility for the operation of the Department is with line management.
- d. Evaluates safety issues identified in Board letters and staff reports, notifying the Board of any commitments that the Department is undertaking to address the issues, and keep the Board apprised of progress on the described commitments. Figure 1, *DNFSB Interaction – Correspondence Activities* illustrates the process of receiving, reviewing, and responding to an issue(s) raised by the Board and transmitted to DOE Headquarters or Field Element.
- e. Provides Departmental directives and standards related to health and safety at defense nuclear facilities or proposed changes to those directives or standards to the Board. The Board may submit comments on these directives and standards of interest through the Department's review and comment (RevCom) process.
- f. Utilizes the Departmental Representative as the liaison to facilitate communication and cooperation between Departmental elements and the Board and its staff regarding commitment status and issues of concern.

1. Provides to the Departmental Representative all correspondence, written requests, and other written interactions with the Board or its staff to facilitate open communication and cooperation.
 2. Establishes a point of contact in each Secretarial Office and Field Element to represent these entities on day-to-day Board-related issues and interactions with the Board and its staff, the Departmental Representative and its staff, and other Departmental elements.
- g. Establishes a Response Team for each Board recommendation. Each Response Team is led by a Responsible Manager selected by, and operating under the authority of, a Lead Secretarial Officer. Figure 2, *DOE Response Team Activities*, indicates the selection process of Response Team members and the interactions in response to recommendations.
1. For Board recommendations involving imminent or severe threat to public health and safety, convenes a Response Team within 24 hours of receipt of the recommendation and submit DOE's recommendation to the President.
 2. Provides Response Teams with sufficient resources.
 3. Maintains records of information provided to the Board for three years, or in accordance with prescribed records retention requirements, whichever is longer.
- h. Makes available sufficient resources to fulfill commitments in response to identified issues raised by the Board through letters and staff reports.
- i. Provides a final decision, including the Secretary's reasoning, if the Board re-affirms or revises any previously rejected recommendations. The Secretary shall make a final decision on whether to implement all or part of the Board's recommendations within 30 days after receiving notice of the Board's action. The Secretary's final decision and its basis must be published in the *Federal Register*, and a report on that decision must be provided to the Senate Armed Services and Appropriations Committees and to the Speaker of the House of Representatives.
- j. Tracks and documents all Board commitments to completion using Safety Issues Management System (SIMS), the Department's system for tracking the status of Board-related commitments, milestones, and action items.

- k. Transmits an Implementation Plan to the Board, within 90 days from the date of publication of the recommendation in the *Federal Register*, of the Secretary's final decision on a recommendation if any part of that recommendation is accepted. If additional time is needed, the Secretary may have an additional 45 days if the Secretary provides notice to the Board, the Senate Armed Services and Appropriations Committees, and the Speaker of the House of Representatives.
 - 1. All revisions to the Implementation Plan must be provided by letter to the Board.
 - 2. Completes all activities described in Implementation Plans within one year of their transmittal to the Board or submit a report to Congress explaining the reasons for the delay and when implementation will be completed.
 - 3. Makes available sufficient resources to fulfill commitments and complete corrective actions contained in Implementation Plans.
 - 4. Notifies the President and Congress if it is determined that the implementation of any portion of an accepted recommendation is impracticable because of budgetary considerations, or if it would adversely affect the Department's ability to meet its annual nuclear weapon stockpile requirements.
- l. For a recommendation related to imminent or severe threat to public health and safety, immediately convenes a Response Team consisting of the appropriate Under Secretary; the affected Assistance Secretaries; the Chief Health, Safety and Security Officer; the General Counsel (and NNSA General Counsel, if appropriate); the affected Field Element Managers; and the Departmental Representative, who serves as executive secretary for the Response Team.
- m. Provides the Board with access to facilities, personnel and information which the Board considers necessary to carry out its responsibilities under its enabling legislation, with the exception of circumstances in which the Secretary may deny access to information. The reasons for denial of access include, but are not limited to:
 - 1. The individual requesting the information has not been granted and/or does not possess an appropriate security clearance or access authorization by the Secretary.
 - 2. The individual requesting the information does not need such access in the performance of duties.

3. The request is for pre-decisional or privileged records (such as, but not limited to, attorney-client, attorney work product, procurement-sensitive, or deliberative process draft documents not approved for release). (The term deliberative process draft refers to internal communications regarding a DOE policy issue and may include technical and scientific discussions used to formulate responses to Board communications.) Release of the requested information would violate the Privacy Act (5 U.S.C. § 552a).
4. The requested information does not have a pertinent relationship to the authorities of the Board through its enabling legislation.

Note: Refer legal questions regarding the appropriateness of releasing information requested by the Board or its staff to the Office of General Counsel or the NNSA Office of General Counsel, as appropriate.

- n. Evaluates issues identified in the Board's periodic reports to Congress on ongoing Departmental projects and develop plans for resolving these issues, as appropriate.
- o. Submits an Annual Report to Congress that describes Departmental actions taken in response to Board activities.
- p. For Board recommendations involving imminent or severe threat to public health and safety, convenes a Response Team within 24 hours of receipt of the recommendation and submit DOE's recommendation to the President (see paragraph 5.k.(4) of this Order for information regarding the membership of such Response Teams).
- q. Responds to Board reporting requirements; in cases where a completion date requested by the Board cannot be met, inform the Board with inclusion of a revised date for submission.
- r. Provides the Board, upon request, information regarding the design of any new DOE defense nuclear facility early enough before construction begins to allow Board review of such information prior to beginning construction, if feasible. In addition, the Board must be permitted to periodically review and monitor construction of any new DOE defense nuclear facility. Although Board recommendations regarding the design and construction of new DOE defense nuclear facilities deemed by the Board to be necessary to ensure adequate protection of public health and safety must be considered by DOE elements, such actions by the Board may not delay or prevent the construction from being carried out.

5. RESPONSIBILITIES.

a. Secretary of Energy.

1. Responds to Board recommendations in accordance with the Board's enabling statute.
2. Prepares and provides the Board an Implementation Plan for each accepted recommendation, or part of a recommendation, within 90 days of publishing the final decision in the Federal Register, or 135 days, if a notification of need for additional time is provided to Congress and the Board.
3. For any Board recommendation that is impracticable to implement because of budgetary considerations or would affect his or her ability to meet the annual weapons stockpile requirements, submits a report containing the recommendation and his or her determination to the President, the Speaker of the House of Representatives, and the Senate Committees on Armed Services and Appropriations.
4. Completes all activities described in an Implementation Plan within one year of its transmittal to the Board or, where an Implementation Plan requires more than one year to complete, submits a report to the Speaker of the House of Representatives, and the Senate Committees on Armed Services and Appropriations, stating the reason for the delay and when implementation will be complete.
5. Submits an Annual Report to Congress concerning DOE's Board-related activities when the President submits the budget to Congress.
6. For Board recommendations regarding an imminent or severe threat to public health and safety, submits Departmental recommendation to the President.

b. Deputy Secretary of Energy.

1. Designates a Lead Secretarial Officer to respond to a Board recommendation or correspondence involving multiple programs.
 - a) Where a Board recommendation or correspondence requires the collection of data, changes to facility operations, or other activities where the response requires

the expenditure of budgetary resources, assigns lead responsibility to the Program Secretarial Office most impacted by the Board's request.

- b) Where the primary focus of a Board recommendation or correspondence requires a change to a DOE directive, assigns lead responsibility to the Chief Health, Safety and Security Officer. Where such a change is deemed secondary to the overall implementation of DOE's response, directs HSS to play a support role to the Lead Secretarial Officer.
2. Directs all Program Secretarial Offices impacted by the recommendation or correspondence involving multiple program offices to provide budgetary resources and needed support to meet commitments the Department deems necessary to respond to Board requests.
 3. Resolves disagreements that cannot be otherwise resolved among Departmental elements on relative priorities and approaches for addressing Board-related safety issues.
 4. Leads the Department's efforts in responding to Board recommendations regarding an imminent or severe threat to public health and safety. Assigns the appropriate Under Secretary to manage the Implementation Plan developed as a result of these efforts.
- c. Central Technical Authorities.
1. Participates as Responsible Managers or members of Response Teams as necessary. As appropriate, participates as members of Response Teams for Board recommendations relating to an imminent or severe threat to public health and safety.
 2. When Secretarial Officers within their organizations make a determination(s) that the CRD contained in this Order must be incorporated into their organizations' prime contracts, the CTAs must be informed and concur on the determination.
- d. Lead Secretarial Officer.
1. Designates and empowers a single point of contact (POC) within their organization to represent their organization and work with the Departmental Representative and the Departmental Representative's staff in Board-related matters.

2. Assures the heads of NNSA and the Offices of Environmental Management (EM), Science (SC), Health, Safety and Security (HS), General Counsel (GC), and other appropriate organizations are invited to designate members to the Response Team.
3. Designates a Responsible Manager to manage the development and implementation of an adequate response and, if necessary, an implementation plan for resolving the Board recommendation. Selection of the Responsible Manager should reflect the individual's technical knowledge, ability to apply resources to the response, and understanding of the current Department systems used to conduct work within the respective organization.
4. Appoints members to Response Teams who have sufficient authority and skill to develop Implementation Plans. As appropriate, participates as members of Response Teams for Board recommendations relating to an imminent or severe threat to public health and safety.
5. Supports organizations to resolve Board-related issues. Programs and budgets the funds necessary to fulfill the commitments, actions, and milestones in the Implementation Plans.
6. Oversees resolution of issues to realize the ultimate closure of recommendations or other Board issues.
7. In coordination with the appropriate CTA, informs the Field Element Managers and Contracting Officers within their organizations when the CRD from this Order must be incorporated into prime contracts.
8. Assures the Board has ready access to information concerning the design and construction of DOE defense nuclear facilities and access to the construction site, as appropriate.
9. Supports the Departmental Representative in preparing the DOE Annual Report to Congress.
10. Prepares the Secretary's report to the President and the Senate Committees on Armed Services and Appropriations and the

Speaker of the House of Representatives in those circumstances where implementation of a recommendation is impracticable due to budgetary considerations or would affect the Secretary's ability to meet the annual nuclear weapons stockpile requirements.

e. General Counsel, including the NNSA General Counsel.

1. Appoints a GC member to Response Teams, as applicable. In matters relating to the Department's interactions with the Board, provides legal interpretations and guidance on relevant statutes, regulations, DOE directives, and other legal matters. The NNSA General Counsel or their designee has this responsibility for issues relating to the NNSA.
2. As requested, reviews and approves/disapproves the release of DOE information requested by the Board or its staff, as appropriate.
3. Participates as member of Response Teams for Board recommendations relating to an imminent or severe threat to public health and safety.

f. Field Element Managers with Responsibility for Defense Nuclear Facilities.

1. Designates a single POC with the authority to represent the organization and work with the Departmental Representative and staff to resolve Board-related matters.
2. Supports Responsible Managers in responding to Board recommendations.
3. Participates on the Response Team as necessary. As appropriate, participates as members of Response Teams for Board recommendations relating to an imminent or severe threat to public health and safety.
4. Facilitates resolution of conflicts between Field Element personnel and Board representatives. Notifies the Departmental Representative in the event conflicts cannot be resolved at their level.

5. As directed by the Secretarial Officer, assures the inclusion of the CRD contained in this Order in prime contracts. Oversees contract performance under the CRD.
 6. Supports the Departmental Representative in preparing the DOE Annual Report to Congress.
- g. Departmental Representative to the Board.
1. Engages in routine and regular interactions with the Board, facilitating communication between the Board and DOE.
 2. Coordinates DOE Headquarters and Field and Operations Offices interface activities with the Board or its staff, such as information requests, requests for briefings, extension requests, or testimony at public hearings with the Secretarial Officer's designated point of contact.
 3. Manages Departmental interface activities and provides procedural advice to line management on Board-related matters.
 4. Receives and reviews incoming correspondence from the Board for action and determines Departmental impacts. Transmits the correspondence to the appropriate Departmental elements for review and action.
 5. For all correspondence from DOE to the Board, reviews correspondence and supporting documents for response completeness and provides concurrence as requested, provides advice to the Lead Secretarial Office staff to resolve any issues with the correspondence package.
 6. Provides timely dissemination of Board-related correspondence that contains time-sensitive or high-interest information.
 7. Provides a weekly summary of Board-related correspondence to interested parties.
 8. Facilitates the Board's review of and comment resolution on Departmental commitments and relevant directives, regulations, and requirements.

9. As needed, recommends a Lead Secretarial Officer to be designated by the Deputy Secretary to respond to a Board recommendation, correspondence, or other Board issue. HSS, line management, and the CTAs may also be consulted in this process, as appropriate.
10. Designates a member of the Departmental Representative's staff as an Issue Lead to support the Responsible Manager as a member of the Response Team, when necessary, to respond to a Board action.
11. Serves in a coordinating capacity on the Response Team for Board recommendations relating to an imminent or severe threat to public health and safety, as appropriate.
12. Informs the Secretary, Deputy Secretary, Secretarial Officers, and other Departmental officials regarding Board priorities, concerns, actions, and plans.
13. Assures the Secretary's letters accepting or rejecting Board recommendations are published in the *Federal Register*, and final decisions on recommendations are published in the *Federal Register* and transmitted to the Speaker of the House of Representatives and the Senate Committees on Armed Services and Appropriations.
14. Provides, maintains, and manages SIMS.
15. Maintains and publishes, on the Departmental Representative website, a list of key Departmental personnel for Board-related activities.
16. Maintains the Departmental Representative's website and information archive, which represent the Department's central repository of unclassified Board-Department communications.
17. Prepares reports on Board-related activities for senior Departmental management, Congress, and the President, as appropriate.
18. Prepares the DOE Annual Report to Congress on Board-related Activities.
19. Assures statutory requirements are met by the Secretary and the Deputy Secretary.

h. Responsible Managers.

1. Provides the necessary leadership to ensure that technical issues are resolved, funding issues are identified, and any programmatic issues are addressed and resolved.
2. Establishes Response Teams to support the development and implementation of the Department's response to Board recommendations.
3. Prepares, coordinates concurrences, and assures timely completion of each commitment in the Implementation Plan.
4. May identify Technical Leads to assist in coordinating response development and implementation planning.
5. Assures that all statutory time requirements for the response and Implementation Plan developed in response to Board recommendations are met.
6. Notifies the Departmental Representative and Lead Secretarial Officer when the due date to meet a formal reporting requirement from the Board cannot be met; and prepares a letter to the Board explaining the circumstances causing the delay and providing the expected completion date.
7. Informs the Lead Secretarial Officer of any issues requiring senior management attention.
8. Drafts all necessary related documents addressed to the Board for the Secretary's signature.
9. For cross-organizational issues, coordinates with the appropriate Headquarters and Field Element Managers to plan for and implement resolutions to safety issues, and develops agreements on the budgeting process, commitments, or organizational Memoranda of Agreement.
10. Provides status updates regarding commitments and milestones to the Departmental Representative's office to enter in SIMS, as required.
11. Provides monthly implementation progress updates to the POCs, Secretarial Offices, Departmental Representative, and other interested Departmental elements.

12. Develops cost estimates to complete the work required to develop and execute Implementation Plans. Provides these estimates to the appropriate Secretarial Office to obtain funding. Supports the Secretarial Offices in budget formulation and execution. Works with the Secretarial Offices and other organizations, as appropriate, to obtain funding to execute the Implementation Plan.
 13. Retains commitment and milestone completion packages in accordance with approved DOE record retention procedures.
 14. Provides support to the Departmental Representative in preparing the DOE Annual Report to Congress.
- i. Response Teams.
1. In response to Board recommendations or other correspondence, identifies an imminent threat to the public or worker safety and near term actions needed to achieve a safe condition.
 2. Prepares a preliminary technical evaluation that addresses:
 - a) Evaluation of the improvement in the overall protection of health and safety expected to be derived from the DOE efforts to address the Board recommendation.
 - b) Estimate of direct and indirect costs of implementation for the facilities and programs affected.
 - c) Detailed explanation of why current requirements, management systems, ongoing management plans, or existing commitments to the Board do not provide sufficient protection.
 - d) Recommended actions to address the Board recommendation, including alternatives and options where applicable.
 - e) Whether the estimated costs and impacts are congruent with mitigating overall risk.
 3. Develops the Department's response to the recommendation and the associated implementation plan. Seek clarification of the recommendation or its underlying safety issues, as necessary.
 4. Conducts independent analyses of Board recommendations and supporting evidence that includes the following:

- a) Determination of the extent of the condition of identified safety issues (including possible broader applicability for DOE's internal consideration).
 - b) Identification of the causes of the condition utilizing appropriate methodology, including human performance improvement considerations as applicable.
 - c) Identification of a set of reasonable alternatives or approaches to address the recommendation. The alternatives must consider the potential to build on existing programs and activities.
 - d) Assessment of the identified alternatives or approaches to characterize their benefits (e.g., public or worker risk reduction) and impacts (e.g., additional cost or radiological exposure). As appropriate, the Response Team must assess the impact on affected priorities and resources of the Department. The assessment should include characterization of the uncertainties associated with technical solutions, the overall risk mitigation benefits, and resource implications.
 - e) Assessment of input from affected Departmental elements.
 - f) Assessment of public comments forwarded from the Board.
 - g) Consideration of Board's conclusions regarding the underlying safety issues and potential resolution approaches.
5. For a recommendation related to an imminent or severe threat to public health and safety, the Response Team consists of the appropriate Under Secretary; the affected Assistant Secretaries; the Chief Health, Safety and Security Officer; the General Counsel (and NNSA General Counsel, if appropriate); the affected Field Element Managers; and the Departmental Representative, who serves as executive secretary for the Response Team. The Response Team for such a recommendation:
- a) Ensures that any immediate emergency actions necessary are identified and executed. Develops a proposed recommendation for the Secretary to provide to the President.

- b) Establishes the groundwork for developing an Implementation Plan to address the systemic and long-term issues and solutions, if needed.
 - c) Notifies any affected state, local, and tribal governments, as appropriate.
- j. Issue Leads.
- 1. Supports the Responsible Manager in meetings with senior Departmental management for the purpose of developing the Department's strategy, resolving conflicts, and conducting briefings.
 - 2. Facilitates communications between the Response Team and Board representatives.
 - 3. Works with the Responsible Manager to ensure that the Departmental Representative's office manages in SIMS.
- k. Technical Leads.
- 1. Supports the Responsible Manager in meetings with senior Departmental management for the purpose of developing the Department's response.
 - 2. Supports the Responsible Manager in meetings and communication with Board representatives.
- l. Points of Contact.
- 1. Represents their Secretarial Offices or Field Element Managers on day-to-day Board-related issues and interactions with the Departmental Representative and its staff, other Departmental elements, and Board representatives.
 - 2. Monitors for their Secretarial Office the progress on resolving assigned issues identified in the Board's periodic reports to Congress.
 - 3. Supports the Responsible Managers in their organizations in responding to Board recommendations and completing the actions associated with Implementation Plans and commitments.
- m. Departmental Personnel with Responsibilities Related to Defense Nuclear Facilities. Cooperate with the Board to include the following:

1. Provides ready access to the facilities, personnel, and information as necessary for the Board to carry out its responsibilities.
 2. Takes appropriate action only within their immediate level of authority.
 3. Notifies the appropriate POC of any substantive information and actions discussed following informal discussions or interactions with the Board or its staff.
 4. Refers legal questions relating to Board requests, including Board or Board staff requests for information, to the Office of General Counsel or the NNSA Office of General Counsel, as appropriate.
- n. Contracting Officers. Ensures the CRD is included in the contract when notified by the appropriate Secretarial Officer or Field Element Manager that this Order is applicable to contract activities under their purview.

6. REFERENCES.

- a. Title XXXII of P.L. 106-65, *National Nuclear Security Administration Act*, as amended, which established the NNSA as a separately organized agency within DOE.
- b. Atomic Energy Act of 1954, as amended, §§ 311-321 (42 U.S.C. §§ 2286–2286i), *Defense Nuclear Facilities Safety Board*. This legislation established the DNFSB.
- c. Secretarial Memorandum, *Revised Safety Functions, Responsibilities and Authorities*, dated 6-22-07. This memorandum established the CTA responsibilities.
- d. Secretarial Memorandum, *Relations with the Defense Nuclear Facilities Safety Board*, dated 5-9-06. This memorandum provides the Secretary's guidance that was used in developing this Order.
- e. Deputy Secretary of Energy Memorandum, *Correspondence to the Defense Nuclear Facilities Safety Board*, dated 3-27-06. This memorandum provides guidance from the Deputy Secretary and was used in developing this Order.
- f. Deputy Secretary of Energy Memorandum, *Correspondence with the Defense Nuclear Facilities Safety Board*, dated 8-6-03. This memorandum provides the Deputy Secretary's guidance that was used in developing this Order.

- g. Letter from the Director, Office of Security, to the Board Chairman regarding review of classified and unclassified sensitive information, dated 2-27-02. This memorandum is related to reviewing Board documents for operational security issues.

7. DEFINITIONS.

- a. Action Item. An informal agreement to provide documents or other information to the Board or Board staff made by other than the Secretary or the Secretary's designee to a Board member or Board staff member.
- b. Board. The Defense Nuclear Facilities Safety Board members appointed by the President and confirmed by the Senate.
- c. Board Representatives. The Board, its staff, and its outside experts.
- d. Central Technical Authority. The Department has established three CTAs, for the NNSA (Principal Deputy Administrator), for Energy including the Offices of Environmental Management and Nuclear Energy (Under Secretary of Energy), and for Science (Under Secretary for Science). Each CTA is a line management executive who is responsible for core nuclear safety functions for their respective organizations and facilities. [DOE M 450.4-1]
- e. Commitment. For this Order, a commitment is an informational deliverable that is to be provided to the Board within a specified schedule.
- f. Defense Nuclear Facilities Safety Board. An organization established by Congress in 1988 to review and evaluate the content and implementation of standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities and to make recommendations to the Secretary of Energy to ensure that public health and safety are adequately protected. See the Atomic Energy Act of 1954, as amended, § 312(a) (codified at 42 U.S.C. § 2286a(a)).
- g. Defense Nuclear Facility.
 - 1. A production facility or utilization facility, as defined in the Atomic Energy Act, that is under the control or jurisdiction of the Secretary operated for national security purposes, excluding: the Naval Nuclear Propulsion Program; any facility or activity involved with the transportation of nuclear materials or nuclear explosives; facilities that do not conduct atomic energy defense activities; and any facility owned by the United States Enrichment Corporation.

2. A nuclear waste storage facility under the control or jurisdiction of the Secretary, excluding facilities developed pursuant to the Nuclear Waste Policy Act of 1982 and licensed by the Nuclear Regulatory Commission. [42 USC 2286g]
- h. Departmental Elements. First-tier organizations reporting directly to the Secretary, Deputy Secretary, or Under Secretaries. The NNSA is a Departmental element. First-tier organizations at Headquarters include the Offices of the Secretary, Deputy Secretary, Under Secretaries, and Secretarial Officers (Assistant Secretaries and Office Directors). First-tier organizations also include Field Element Managers. [DOE M 450.4-1]
- i. Departmental Representative to the DNFSB. Designated and functioning within the HSS organization, the Departmental Representative acts as the liaison between the various Departmental Elements and the Board.
- j. Field Element. A non-Headquarters DOE organization that is geographically distinct. Field Elements can be area offices, support offices, operations offices, site offices, field offices, regional offices, or offices located at environmental restoration, construction, or termination sites. [DOE M 450.4-1]
- k. Government-Owned/Government-Operated Facility. A Government-owned /government-operated facility where the government owns and operates all regulated activity.
- l. Implementation Plan. A plan developed by the Department, approved by the Secretary, and provided to the Board in response to a Board recommendation. Implementation Plans may contain commitments, internal Department milestones and activities, and other information determined necessary by the Responsible Manager and the Response Team.
- m. Issue Lead. Member of the Departmental Representative's staff designated by the Departmental Representative to support the Responsible Manager as a member of the Response Team, when necessary, to respond to a Board action.
- n. Lead Secretarial Officer. The individual designated from among the Secretarial Officers affected by a Board recommendation or issue that crosses program lines, who is responsible for responding to a Board recommendation, correspondence, or other Board issue. The Lead Secretarial Officer designates and empowers a Responsible Manager to manage the associated planning, response, and implementation activities, consistent with provided direction and guidance.
- o. Line Management. Any management level within the line organization, including contractor management, that is responsible and accountable for directing and conducting work. [DOE M 450.4-1]

- p. Milestone. For this Order, indicates a significant and measurable point of development within an Implementation Plan.
- q. Point of Contact. The DOE person assigned by the Secretarial Officer or Field Element Manager to represent him or her on day-to-day Board-related issues and interactions with the Departmental Representative, other Departmental elements, and the Board.
- r. Production Facility. (1) Any equipment or device determined by rule of the [Department of Energy] to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the [Department of Energy]. [see 42 U.S.C. § 2014(v)]
- s. Responsible Manager. The individual assigned to manage and develop the Implementation Plan in response to a Board recommendation. The position is normally assigned to a Deputy Assistant Secretary or Field Element Manager. A Responsible Manager is also assigned to manage the Departmental response to an issue identified by the Board in a communication other than a Board recommendation (e.g., a Board letter).
- t. Safety Issues Management System. Managed by the Office of the Departmental Representative to the DNFSB, this is the Department of Energy's system for tracking the status of Board-related commitments, milestones, and action items. The Safety Issues Management System is designed to facilitate line management efforts in managing and closing safety issues
- u. Secretarial Officer. An individual who is appointed to a position in the Department by the President with the advice and consent of the Senate or the head of a Departmental element who is primarily responsible for the conduct of an activity under the Atomic Energy Act. For this Order, the Secretarial Officers are the Secretary, Deputy Secretary, 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 also Secretarial Officers.
- v. Technical Lead. An individual designated by the Responsible Manager to serve on the Response Team with a focus on complex technical issues.
- w. Utilization Facility. (1) Any equipment or device, except an atomic weapon, determined by rule of the [Department of Energy] to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the

public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the [Department of Energy]. [see 42 U.S.C. §2014(cc)]

8. CONTACT. Questions concerning this Order should be addressed to the Departmental Representative at 301-903-7053.

BY ORDER OF THE SECRETARY OF ENERGY:

Logo
inserted
here after
approval

NAME
Deputy Secretary

CONTRACTOR REQUIREMENTS DOCUMENT
DOE O 140.1, *INTERFACE WITH THE DEFENSE NUCLEAR FACILITIES*
SAFETY BOARD

This Contractor Requirements Document (CRD) establishes the requirements for Department of Energy (DOE) contractors whose contracts involve defense nuclear facilities.

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

The contractor must perform the following:

1. Assign coordinators or designees to ensure adequate interface with their Departmental points of contact (POCs) on Board-related matters, including the following, as requested by their local Departmental POC:
 - a. Represent their company on day-to-day Board-related issues and interactions with the Departmental POC on Board-related matters.
 - b. Be cognizant of, and coordinate, day-to-day Board-related activities as requested by their local Departmental POC, such as:
 - (1) Arranging briefings and coordinating site visits by the Board and its staff;
 - (2) Coordinating input, developing draft deliverables, and formulating proposed responses for resolution of Board-related issues;
 - (3) Conducting activities consistent with Departmental commitments that are contained in approved Implementation Plans and other formal Departmental correspondence to the Board;
 - (4) Providing 30 calendar days advance notice to the Departmental POC of any schedule slippages in planned contractor deliverables related to Departmental commitments to the Board; and
 - (5) Providing completion documentation for Departmental commitments.
 - c. Establish training and procedures necessary for clear communication of the contractor requirements contained in this Order.
2. Notify their Departmental counterparts and the local Departmental POC of any planned or proposed briefings or direct contact with the Board or its staff.

3. Obtain approval from the authorized Departmental official before making a commitment to the Board or its staff.
4. Have a mechanism in place to review and release contractor documents to the Board. Work with the local Departmental POC when the material is not readily available.
5. Ensure contractor personnel contacted by the Board or its staff are aware of their responsibility to:
 - a. Agree to no action items outside their immediate level of authority; and
 - b. Notify the appropriate Departmental POC of the interaction and describe any substantive information and actions discussed following any informal discussions and interactions.
6. Provide a representative at any entrance or exit briefings arranged for a site visit by Board representatives and prepare briefing minutes, as requested by the Department.
7. Ensure activities conducted by Board representatives during a site visit do not compromise safety, as determined by DOE or contractor personnel.
8. If Board representatives identify any unsafe condition, immediately evaluate the condition and implement the applicable approved facility procedures. Inform the Departmental POC as soon as practical.