

DATE: October 16, 2014

TO: DIRECTIVES POINTS OF CONTACT

FROM: KEVIN T. HAGERTY, DIRECTOR
OFFICE OF INFORMATION RESOURCES

SUBJECT: Draft DOE O 251.1D, *Departmental Directives Program*

The draft directive has been posted on RevCom for review and comment. The Order establishes directives as the primary means to set, communicate, and institutionalize policies, requirements, responsibilities, and procedures for Departmental elements and contractors.

INSTRUCTIONS

Headquarters DPCs have until **November 14, 2014**, to submit to the OPI consolidated comments received from subject matter experts and/or field DPCs using the Department's RevCom system (<https://www.directives.doe.gov/login.jsp>).

HQ DPCs

- may set separate deadlines for field offices using the RevCom "Version" link.
- must obtain approval from their secretarial officers or designees before submitting official organization comments.

Extensions to the commenting period will be granted only with the permission of the office of primary interest and only for the requesting organization.

Comments:

Please identify comments as "Major" or "Suggested." Major comments should be identified as addressing issues serious enough to preclude or significantly hamper the Department's ability to—

- accomplish policy objectives and missions,
- comply with applicable laws, rules, and regulations, or
- fulfill contractual obligations and formal commitments.

The first issue for consideration is whether this directive should apply to your organization. If it should not apply, enter that information with justification in the "Overall Comments."

OPI: The office of primary interest must respond to all comments submitted by Headquarters DPCs.

Please address questions on the content of the draft directive to Kevin Hagerty (MA-90) at 201-586-5955; Kevin.Hagerty@hq.doe.gov.

Questions on the directives program should be directed to Camille Beben (MA-90) at 202-586-4014; Camille.Beben@hq.doe.gov.

SUBJECT: DEPARTMENTAL DIRECTIVES PROGRAM

1. **PURPOSE.** To establish directives as the primary means to set, communicate, and institutionalize policies, requirements, responsibilities, and procedures for Departmental elements and contractors.
 - a. Directives are to facilitate achievement of DOE's strategic and operational goals. They also help ensure safe, secure, efficient, cost-effective operations and compliance with applicable legal requirements.
 - b. Directives are to promote operational consistency throughout the DOE complex and foster sound management.
2. **CANCELLATION.** DOE O 251.1C, *Departmental Directives Program*, dated 1-15-09. 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. **DEPARTMENTAL APPLICABILITY.**
 - a. **Departmental Elements.**
 - (1) With the exception of the equivalencies/exemptions listed in paragraph 3.c., this Order applies to all Departmental elements.
 - (2) 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. **Contractors.** This Order does not apply to contractors.

c. Equivalencies/Exemptions for DOE O 251.1D.

- (1) The Process for Obtaining Equivalencies and Exemptions for this Order is outlined in Appendix A.
- (2) Equivalency. In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 U.S.C. sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.
- (3) Exemption. Procurement Management System is exempt. However, DOE heads of contracting activities (HCAs) will be afforded a reasonable opportunity to review and comment on draft Acquisition Letters that provide guidance, instruction, or direction to contracting officers, where such guidance, instruction or direction significantly affects contract terms and conditions of management and operating (M&O) contracts and other site and facility management contracts. In those situations where the Senior Procurement Executives provide guidance, instruction, or direction to contracting officers, including where such guidance, instruction or direction may significantly affect contract terms and conditions of management and operating (M&O) contracts and other site and facility management contracts, the Procurement Management System will be exempt.
 - (a) DOE heads of contracting activities (HCAs) will be afforded reasonable opportunity to review and comment on any such guidance, instruction or direction, including but not limited to draft Acquisition Letters (e.g., where the draft Acquisition Letter would require the contracting officer to modify an existing contract clause or add a contract clause during an on-going contract term).
 - (b) Other examples would be instances where guidance, instruction, or direction set out in the draft Acquisition Letter would materially impact the contractor's performance, materially impact the contract funding, or change the rights and remedies of the parties. This opportunity will be provided so that the HCA's review will be conducted concurrent with any other standard internal reviews (i.e., Procurement Executives, Procurement Counsels) for a particular draft Acquisition Letter.

- (4) Exemption. The Office of the Chief Financial Officer budget calls, which provide guidance, instruction and direction to Headquarters Departmental elements and the field on the preparation of budgets.
- (5) Exemption. Guidance, direction and instruction issued by the Department's Designated Agency Ethics Official (DAEO) in carrying out the DAEO's responsibilities required by law or by the Office of Government Ethics, or as determined necessary by the DAEO in carrying out the Department's ethics and standards of conduct program.
- (6) Exemption. Guidance, direction and instruction issued by the Department's General Counsel to, or concerning the management of, the Department's attorneys and the legal services and advice they render.

4. REQUIREMENTS.

a. General.

- (1) Directives (see Appendix B for Directives Types) in the Departmental Directives Program must be used as the Department's primary means to establish, communicate, and institutionalize policies, requirements, responsibilities, and procedures impacting multiple Departmental elements.
- (2) The requirements in this Order must take precedence over all other directives with respect to their development, approval and revision or cancellation.
- (3) Directives must be written containing the standardized format and content provided in this Order (Template located at: <https://www.directives.doe.gov/development-review.>)
- (4) Directives must be written to specify the goals and requirements that must be met while refraining from mandating *how* to fulfill them to the highest extent possible. Directives that cover high risk functions, such as safety and security or areas that require consistency such as financial reporting and information technology must specify how the requirements must be met.
- (5) Requirements in directives must establish performance-based management goals that align with program mission and objectives, and define performance measures where appropriate.

- (6) Requirements in directives must not duplicate or be inconsistent with applicable laws, regulations, or national standards.
- (7) When necessary, detailed information or direction for Federal employees on how requirements are to be completed must be provided in an appendix.
- (8) Requirements for contractors must be provided in an attachment called the contractor requirements document (CRD). The CRD must contain the concise set of contractor requirements and must be consistent with requirements and responsibilities for DOE personnel contained in the directive.
- (9) Directives in the Departmental Directives Program must be processed as outlined in Appendix C.
- (10) Directives, listed in the annual agenda maintained by the Office of Information Resources, must be reviewed every four years to ensure relevancy and accuracy, see Appendix D. Directives may be randomly selected for review and subject to the process in Appendix D to determine their relevancy and accuracy.
- (11) Secretarial and Deputy Secretarial memoranda (Policy memoranda) containing requirements that cross organizational lines must be reviewed every four years for cancellation or conversion to be incorporated into the Departmental Directives Program (see process in Appendix E).
- (12) Unauthorized directives must be reported to the Office of Information Resources (see Appendix F).
- (13) The Directives Review Board (DRB) must be established and chaired by the Director, Office of Management, to address matters concerning the Departmental Directives Program. Membership is comprised of senior representatives from each of the three Under Secretarial offices, the Office of the General Counsel, and the Office of Environment, Health, Safety and Security. The senior representatives from the National Laboratories Directors Council and Field Managers Council serve as non-voting advisory members on the Board and attend meetings and other proceedings, as required. For representation of all other offices, go to <https://www.directives.doe.gov/references/references>.

b. Implementation of DOE Directives.

- (1) Six months after the directive's approval, a progress report of the communications plan and the status of the directive's implementation must be presented at a DRB meeting.
- (2) Requirements in new or revised directives must be fully implemented within twelve months of issuance, unless otherwise stated in the directive.
- (3) Equivalencies may be requested in substitution for how to implement requirements.
- (4) Exemptions may be requested when not implementing one or more requirements.
- (5) Requirements for contractors acquiring equivalencies/exemptions must be stated in the contractor requirements document.

5. RESPONSIBILITIES.

a. Secretary of Energy.

- (1) Issues, approves or cancels Policies, Orders and Notices or delegates approval authority to the Deputy Secretary.
- (2) Approves an expedited process for a directive other than the 150 calendar days or delegates to the Deputy Secretary as appropriate.
- (3) Approves the cancellation of Policy memoranda or conversion into the Departmental Directives Program or delegates authority to the Deputy Secretary.
- (4) Resolves impasses on proposed directives or delegates resolution to the Deputy Secretary as appropriate.

b. Deputy Secretary.

- (1) As the Secretary's designee, approves and cancels Policies, Orders and Notices.
- (2) Approves an expedited process for a directive other than the 150 calendar days when necessary.

- (3) Approves the cancellation of Policy memoranda or conversion into the Departmental Directives Program.
- (4) Resolves impasses on proposed directives when they occur between the office of primary interest (OPI) and opposing Departmental elements, organizations or offices, or Central Technical Authorities upon delegation of such authority from the Secretary.

c. Secretarial Officers.

- (1) Initiate development or revision of proposed directives in accordance with the requirements in Appendix C.
- (2) Sign justification memoranda requesting development or revision of directives or assign to a designee.
- (3) Participate in DRB meetings as requested or assign designee for matters concerning the development or revision of directives under their purview.
- (4) Ensure writers have the necessary support to engage in efforts to process draft directives within the prescribed timetables.
- (5) Concur on summary of issues and the organization's position when impasses occur.
- (6) Ensure organization implements requirements of new or revised directives within twelve months of issuance unless specified otherwise in the directives.
- (7) Direct contracting officers to incorporate contractor requirements documents into contracts within the timeframe stated in the directive or in paragraph 4.b. (2) of this Order.
- (8) Ensure that contracting officers work with contractors to incorporate the contractor requirements document into their contracts.
- (9) Provide to the Office of Information Resources, the names of Directives Points of Contact (DPC) possessing sufficient knowledge and capabilities to be a liaison between the organization and the Directives Program activities.
- (10) For non-NNSA elements, work with the Office of the General Counsel and the Office of Management (Office of Acquisition and Project Management) in developing requirements for contractors.

For NNSA elements, work with the Program Counsel in the NNSA Office of the General Counsel and the NNSA Office of Acquisition Management in developing requirements for contractors.

- (11) Ensure the OPI has been consulted prior to granting an equivalency or an exemption and ensure a documented process is in place.
- (12) Approve comments submitted from their organization or assign a designee.
- (13) Ensure directives under their purview are reviewed every four years to verify continuing relevance and/or whether any action (i.e., certification, revision or cancellation) is necessary.
- (14) Consult with the DRB on Policy memoranda to recommend cancellation or conversion into the Departmental Directives Program.

d. Director, Office of Management.

- (1) Administers the Departmental Directives Program.
- (2) Serves as Chairperson of the DRB, convening DRB meetings as necessary.
- (3) Notifies the Chief Financial Officer when there is significant potential for budgetary or other resources to be necessary to implement requirements of a proposed directive.
- (4) Serves as representative on the DRB for Departmental staff/support offices not already represented on the DRB. For organizations represented, reviews and reconciles submitted comments for justification memoranda and draft or final directives.
- (5) Facilitates discussion between DRB members and contending Secretarial Officers, or designees, for unresolved issues on justification memoranda, and draft or final directives.
- (6) Grants approval to develop or revise directives by signing justification memoranda.
- (7) Concurs on memoranda being forwarded to the Deputy Secretary or Secretary for approval to publish Policies, Orders and Notices.

- (8) Makes the final decision for forwarding directives for impasse decisions to the Secretary or Deputy Secretary.
 - (9) Approves and cancels Guides.
- e. Directives Review Board Members (Including the Advisory Members).
- (1) Participate in DRB meetings and advise and concur on proposed directives before department-wide coordination and approval for publication.
 - (2) Recommend timeframes for processing directives.
 - (3) Solicit, reconcile, and consolidate comments for justification memoranda and final draft submissions on behalf of organizations being represented, and submit the comments to the Office of Information Resources within the prescribed timeframes.
 - (4) Recommend to the Chair, DRB, whether a justification memorandum requesting to develop or revise a directive be approved.
 - (5) Recommend if the OPI must provide a crosswalk of requirements when revising a directive.
 - (6) Recommend after 90 days of inactivity for a directive, if the draft directive must be placed on-hold (see Appendix C).
 - (7) Determine when a proposed directive appears to involve the potential for significant budgetary or other resource impacts on the Department.
 - (8) Recommend to the DRB Chair to concur on directives for approval or forward if at an impasse.
 - (9) May select any directive to review for relevancy and accuracy.
 - (10) Recommend extension of Notices up to one year as appropriate.
 - (11) Consult with Secretarial Officers on Policy memoranda before recommending to the Deputy Secretary to cancel or convert the Policy memoranda for incorporation into the Departmental Directives Program.

- (12) Provide the implementation progress of the directive for organizations represented to discuss at a DRB meeting six months after the directive's approval.

f. Chief Financial Officer.

- (1) Participates in DRB meetings involving directives for which financial impact analyses have been completed as requested.
- (2) Develops and shares best practices with program offices regarding the creation of financial impact analyses.

g. Central Technical Authorities. Adhere to responsibilities of Central Technical Authorities related to the directives process as established in DOE O 410.1, *Central Technical Authority Responsibilities Regarding Nuclear Safety Requirements.*

h. Director, Office of Information Resources.

- (1) Manages the Departmental Directives Program processes.
- (2) Ensures justification memoranda submitted by program offices meet content criteria prior to submission to the DRB.
- (3) Disseminates justification memoranda for review to DRB members, advisory members, Directives Points of Contact (DPCs) represented by the Chair, DRB, and the Office of the Chief Financial Officer.
- (4) Provides the Chair, DRB, a consolidated list of comments on justification memoranda submitted by the DRB members and DPCs.
- (5) Distributes to DRB members and advisory members any comments related to justification memoranda, and where appropriate, draft or final directives.
- (6) Notifies OPIs to proceed in the development or revision of draft directives and informs OPIs of the processing due dates.
- (7) Provides support and advice to OPIs; and tracks progress of directives development.
- (8) After 90 days past due date of the draft directive, determines whether the draft directive must be placed on-hold or whether

the justification memoranda must be withdrawn. If further inactivity continues, communicate next steps to OPI (outlined in Appendix C).

- (9) Ensures draft or final directives and associated documents are posted or disseminated for Department-wide coordination or for information purposes as appropriate.
- (10) Disseminates copies of packages containing final draft directives and associated documents from OPIs to the DRB for final review.
- (11) Notifies OPIs of additional DRB concerns or if presence is requested at DRB meetings.
- (12) Notifies OPIs of impasses and reasons for non-concurrences during final review.
- (13) Manages the review and comment tool ensuring affected parties have the opportunity to comment on draft directives.
- (14) Manages the Directives Program website ensuring posting of all approved unclassified directives and related information. Posts a summary of directives containing classified information on the website.
- (15) Determines the type of proposed changes (revision, page change or administrative change), with OPI's consultation.
- (16) Approves administrative changes.
- (17) Coordinates with all Departmental elements on the selection of DPCs.
- (18) Publishes an annual Directives Agenda prior to the beginning of each fiscal year that includes all directives that are required to be reviewed during the upcoming fiscal year and provides a checklist to assist in determining the directive's relevance and accuracy.
- (19) Ensures DOECASTS containing lists of recently approved and cancelled directives are distributed to Departmental elements on a quarterly basis, when appropriate.
- (20) Tracks Policy memoranda issued by the current or former Secretary or Deputy Secretary for cancellation or incorporation into the Departmental Directives Program as directives.

- (21) Ensures Policy memoranda issued by the current or former Secretary or Deputy Secretary are posted to the Directives website as appropriate.
 - (22) Disseminates copies of packages of Secretarial memoranda for conversion into directives to the DRB.
 - (23) Prepares and submits, as recommended by DRB, packages for cancellation of Secretarial policy memoranda for the Secretary's or Deputy Secretary's approval.
 - (24) Notifies the Office of Acquisition and Project Management when directives with contractor requirements document are issued.
- i. Office of Primary Interest (Writer).
- (1) Follows the process in Appendix C for developing or revising directives.
 - (2) Solicits comments from Program Counsel on draft directives prior to submitting the drafts for the first review and comment.
 - (3) Works with the Office of the General Counsel and the Office of Management (Office of Acquisition and Project Management) in developing a CRD for non-NNSA elements. For NNSA elements, works with the Program Counsel in the NNSA Office of the General Counsel and the NNSA Office of Acquisition Management in developing a CRD.
 - (4) Adheres to the prescribed formats when developing or revising directives. https://www.directives.doe.gov/development-and-review-of-directives/directives_templates
 - (5) Prepares a detailed financial impact analysis, as requested by the DRB. When necessary, contacts the Office of the Chief Financial Officer for assistance.
 - (6) Leads efforts to engage organizations in order to resolve differences over comments.
 - (7) Grants approval for extensions for draft directives during review and comment, and notifies the Office of Information Resources.
 - (8) Coordinates with the DOE Departmental Representative to the Defense Nuclear Facilities Safety Board (DNFSB), as appropriate. Using the prescribed directives process, documents the basis for resolution of all comments.

- (9) Adheres to the directives processing times.
 - (10) Consults with the Office of Information Resources on determining the type of proposed changes (revision, page change or administrative change).
 - (11) Consults with offices seeking Equivalencies or Exemptions.
 - (12) Provides a progress report to the DRB on the effectiveness of the directive's communication plan six months after the directive has been approved.
 - (13) Reviews directives every four years to verify continuing relevance and/or whether any action (i.e., certification, revision or cancellation) is necessary, see Appendix C.
- j. DOE Departmental Representative to the DNFSB.
- (1) Coordinates directives reviews with the DNFSB.
 - (a) Provides the OPI with DNFSB comments through the process used by the Department.
 - (b) Facilitates communication between the OPI and DNFSB regarding DNFSB comments prior to a directive's approval.
 - (c) Informs the DNFSB when a directive is considered for cancellation.
 - (2) Informs the OPI and DRB of DNFSB recommendations impacting directives.
- k. Contracting Officers. Incorporate CRDs into contracts within 12 months or by due date established by the Secretarial Officer in contracts containing, DEAR 970.5204-2, Laws, Regulations, and DOE Directives, without alteration, unless the CRD specifies how alterations are to be determined and/or approved, or unless requirements are tailored per DEAR 970.5204-2.
- l. Directives Points of Contact.
- (1) Solicit input on justification memoranda, draft directives and cancellation of directives from subject matter experts.
 - (2) Obtain extensions on comment due dates from an OPI.

- (3) Consolidate and streamline subject matter experts' comments.
- (4) Obtain approval from Secretarial Officer before submitting comments on justification memoranda or directives into the directives review and comment tool.
- (5) Assign subject matter experts in consultation with their management as needed for each draft directive issued for review and comment by the Office of Information Resources.
- (6) Act as the liaison between their organization and the Office of Information Resources as appropriate.

6. DEFINITIONS. See Appendix G.

7. REFERENCES.

- a. Title 41, Code of Federal Regulations (CFR), Part 102-193.25, which provides agency managers with the means to convey written instructions to users and document agency policies and procedures through effective directives management.
- b. P.L. 106-65, Title XXXII National Nuclear Security Administration Act, as amended, which established a separately organized agency within the Department of Energy.
- c. National Defense Authorization Act of FY 2013

8. CONTACT. Questions concerning this Order should be addressed to the Office of Information Resources at 202-586-5955.

BY ORDER OF THE SECRETARY OF ENERGY

The DOE seal is placed here **AFTER** directives are signed.

ELIZABTH SHERWOOD-RANDALL
Deputy Secretary

EQUIVALENCY AND EXEMPTION PROCESS

When an organization seeks an equivalency or exemption, their Secretarial Officer may grant the equivalency or exemption after the requesting organization consults with the OPI.

Unless specified otherwise in the directive, the following process must be used to obtain equivalencies and exemptions.

1. After consulting with the OPI, the organization seeking the equivalency or exemption must document the request in a memorandum to their Secretarial Officer. The content of the memorandum must:
 - a. identify the requirement(s) for which the equivalency/exemption is being sought;
 - b. explain the equivalency briefly;
 - c. justify the reasons for the equivalency/exemption;
 - d. identify the offices or sites for which the equivalency/exemption is being sought;
 - e. state whether a temporary or a permanent exemption from the requirement is sought, and, indicate when compliance will be achieved for a temporary exemption; and
 - f. describe 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, when applicable.
2. The Secretarial Officer or designee 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; or
 - c. is warranted under the circumstances.
3. Organizations that grant equivalencies and exemptions to directives, including CRDs, must have a documented process in place and be able to provide that information upon request.

DIRECTIVES TYPES

1. Policies.

- a. Establish high level expectations in the conduct of the Department's mission and impact two or more Departmental elements.
- b. Establish, by memoranda issued by the Secretary or Deputy Secretary, requirements impacting more than one Departmental element.
- c. Provide the Secretary's direction for Orders, Notices, Guides, and Technical Standards.
- d. Remain in effect until cancelled by the Secretary or Deputy Secretary.

2. Orders.

- a. Establish management objectives, requirements and assignment of responsibilities for DOE Federal employees consistent with policy and regulations.
- b. If requirements for contractors (e.g., M&O contractors) are necessary, they must be included in Attachment 1 called a contractor requirements document (CRD). Contractor requirements documents can only be used in contracts that have DEAR 970.5204-2, Laws, regulations, and DOE Directives, already included.
- c. Are requirements documents developed and processed in the Departmental Directives Program, and approved by the Secretary or the Deputy Secretary.
- d. Must contain requirements unique to DOE and must not duplicate information from another directive, law, regulation or national standard.
- e. Detailed instructions for Federal employees describing how requirements are to be implemented must be included in appendices. However, if the same information is for both Federal and contractor employees, place it in an attachment subsequent to Attachment 1, the CRD.

3. Notices.

- a. Have the same effect as an Order, but are issued in response to a Departmental matter requiring prompt action to establish short-term management objectives.
- b. Expire within one year.

- c. Must be converted to or incorporated into an Order within one year of the effective date of the Notice unless an extension is granted by the DRB.
4. Manuals.
 - a. Dictate how Federal and contractor employees are to implement requirements.
 - b. Are being phased out, and revisions must be converted to or incorporated into Orders.
5. Guides.
 - a. Provide nonmandatory, supplemental information about acceptable methods for implementing directives requirements, including lessons learned, suggested practices, instructions, and suggested performance measures.
 - b. Must not impose requirements, but may quote requirements if the sources are adequately cited.
6. Technical Standards.
 - a. Are nonmandatory criteria suitable for DOE, the public and other entities usage, and issued using the process in DOE O 252.1A.
 - b. Provide DOE-approved possible methodology and criteria for meeting requirements in orders or rules.
 - c. Can be made mandatory under DOE regulatory or contractual provisions and also when invoked by an Order.

DIRECTIVES PROCESS

All directives have the same review and comment process as delineated in this Appendix. The standard timeline for processing Orders and Guides is 150 calendar days. This includes Draft Development (60 days), Review and Comment (30 days), Comment Resolution (30 days) and Final Review (30 days). The processing time for Policies and Notices will be determined by the Directives Review Board. In rare circumstances, the Secretary or Deputy Secretary may approve an expedited process for directives.

1. STAGE I. JUSTIFICATION MEMORANDUM.
 - a. The writer (OPI) must develop a justification memorandum requesting to develop or revise (complete revision or page change) a directive using the template located at: https://www.directives.doe.gov/development-and-review-of-directives/directives_templates.
 - b. The justification memorandum must be prepared for the signature of the Secretarial Officer or designee requesting the development or revision of the proposed directive, for submission to the Director, Office of Management, through the Office of Information Resources.
 - c. The content of the justification memorandum must:
 - (1) Justify why the directive is necessary, specify which Departmental elements, offices or organizations the subject directive covers, and indicate if or how those elements, offices, and organizations have been involved at this stage.
 - (2) Describe qualitatively and, where possible, quantitatively anticipated costs and beneficial impacts associated with implementation.
 - (3) Identify issues that must be resolved or addressed, all conflicts with existing directives, and any impacts to other directives or Departmental functions or operations.
 - (4) Provide a rationale for deviating from the standard processing time of 150 calendar days, if needed.
2. STAGE II. FIRST DIRECTIVES REVIEW BOARD MEETING. A senior representative from the office initiating each justification memorandum must meet with the DRB to discuss merits of the justification memorandum. DRB must reach consensus before

recommending to the Chair, DRB, to approve the justification memorandum to develop or revise a directive..

3. STAGE III. DEVELOPMENT OF THE FIRST DRAFT.

- a. The OPI must be notified in writing whether the approval has been granted to develop or revise the proposed directive by the Office of Information Resources.
- b. The OPI must adhere to the schedule sanctioned by the DRB, nominally, 60 calendar days to provide the first draft to the Office of Information Resources. No activity for more than 90 days results in the action being placed on-hold and removed from processing. The OPI must reactivate the directive through the DRB. If the OPI is unresponsive, or further inactivity continues, the action is withdrawn. Writers may also elect to withdraw an approved justification memorandum and resubmit a new justification memorandum at a later date.
- c. The OPI must collaborate with the Office of Information Resources when developing or revising the draft directive.
- d. The OPI must engage:
 - (1) the program offices being impacted;
 - (2) a representative from the National Nuclear Security Administration;
 - (3) at least one field site employee assigned by the Field Management Council, as requested;
 - (4) at least one contractor representative assigned by the National Laboratory Director Council, as requested; and
 - (5) the appropriate program counsel.
- e. After the draft directive has been developed, an electronic copy of the draft directive must be emailed to the Office of Information Resources. If revising a directive, a crosswalk of requirements must accompany the draft directive when requested by the DRB.

4. STAGE IV. REVIEW AND COMMENT.

- a. The draft directive must be coordinated Department-wide using the online review and comment tool for 30 calendar days unless otherwise sanctioned by the DRB, the Deputy Secretary or the Secretary.

- b. If a draft Order is invoking a draft Technical Standard, the draft Order and the draft Technical Standard must be coordinated simultaneously through their respective review and comment tool processes to ensure all reviewers have access to both documents.
 - c. Classified directives must not be coordinated using the review and comment tool or be transmitted by unclassified email systems at any time. Classified directives must be transmitted by paper copies that are appropriately marked and controlled or transmitted through classified email systems as directed by the Office of Information Resources or the DRB. However, an unclassified description of the classified directive can be posted on the review and comment tool.
5. STAGE V. COMMENT RESOLUTION/DEVELOPMENT OF THE FINAL DRAFT. The OPI has 30 calendar days unless otherwise directed to:
 - a. Respond to the comments and submit the comment resolution package on the review and comment tool.
 - b. Update the electronic file of the draft directive using the track change feature to produce red text for insertion and strikeouts for deletion of comments being incorporated and other changes.
 - c. Email the electronic files of the clean and updated draft directives, and the communication plan synopsis to the Office of Information Resources for presentation to the DRB.
6. STAGE VI. FINAL REVIEW. The following actions must occur within 30 calendar days:
 - a. The draft directive must be posted to the directives website for information purposes only. Comments are not accepted in the review and comment tool during the final review.
 - b. The redline and clean copies of the final draft directive and the communication plan synopsis must be reviewed by the DRB. Final draft Technical Standards invoked by Orders will be reviewed by the DRB with the applicable Order. As appropriate, any comments received during the review will be forwarded to the OPI.
 - c. The Secretarial Officer or designee representing the OPI must meet with the DRB if scheduled to address any concerns regarding the final draft directive and the communication plan synopsis as deemed necessary.

- d. The OPI must follow up with or provide updated electronic files if DRB members have additional questions or issues still requiring resolution.
- e. Once the DRB reaches consensus on the final draft directive, the OPI must prepare an approval package that includes the approval memorandum, a clean copy of the final draft directive, a synopsis, the communication plan synopsis, and any other documents mentioned in the memorandum. The Templates can be found at https://www.directives.doe.gov/development-and-review-of-directives/directives_templates.
- f. If consensus cannot be reached between the DRB members, the Chair, DRB, facilitates unresolved issues between the DRB members, the contending Secretarial Officers or designees.
- g. If the issues cannot be resolved by the Chair, DRB, then an impasse occurs. The OPI must incorporate the issue(s), their position and the contending organization position, and the DRB's recommendation in a summary paper.
- h. The approval memorandum, the summary paper, a clean copy of the final draft directive, the synopsis, the communication plan synopsis, and any other documents mentioned in the memorandum must be forwarded to the Secretary or Deputy Secretary to render a decision.

DIRECTIVES REVIEW: CERTIFICATION, CANCELLATION OR REVISION

A directive must be reviewed every four years by the OPI to verify continuing relevance and/or whether any action (i.e., certification, cancellation or revision) is necessary. An annual agenda listing directives requiring a review can be found at:

<https://www.directives.doe.gov/development-review>. (Certification memorandum, certification checklist, approval memorandum and synopsis templates can be found at: https://www.directives.doe.gov/development-and-review-of-directives/directives_templates.)

1. For Certification. The OPI must prepare and submit a certification memorandum to the Office of Information Resources, for review and approval by the DRB, attesting to the directive's continuing relevance. Once approved by the DRB, a certification date is placed under the approval date on the first page of the directive attesting that the directive is in effect for another four years. The certification memorandum will be posted on the directives website with the corresponding directive. Page changes or administrative changes to a directive are not acceptable as a certification.
2. For Cancellation.
 - (a) The OPI must prepare and submit a hardcopy cancellation justification memorandum, signed by their Secretarial Officer or designee, to the Office of Information Resources.
 - (b) Once the DRB reaches consensus on the cancellation, the directive is posted to the review and comment tool for a 30 day review.
 - (c) If no objections are received on the cancellation of the directive, the OPI is informed to provide an approval package (consisting of the approval memorandum, synopsis and the proposed cancelled directive) to the Office of Information Resources.
 - (d) If a Policy, Order or Notice is being cancelled, the Office of Information Resources transmits the approval package to the Deputy Secretary. If a Guide is being cancelled, the Office of Information Resources transmits approval package to the Director, Office of Management.
 - (e) A cancellation date will be placed under the approval date on the directive and listed among other directives in quarterly DOECASTS, when appropriate.
 - (f) If objections to the cancellation of the directive are received at either the cancellation justification memorandum or the review and comment tool phase, only then will the directive be scheduled for discussion at a DRB meeting.
3. Revision. If the OPI determines that the directive must be revised, the process delineated in Appendix C must be followed.

POLICY MEMORANDA CONVERSION PROCESS

Memoranda issued by the Secretary or Deputy Secretary must be reviewed for consideration for incorporation into the Departmental Directive Program if more than one Departmental element is impacted. The Directives Review Board, in consultation with the Secretarial Officer having purview, reviews memoranda meeting the criteria to recommend to the Secretary or Deputy Secretary for cancellation or conversion into a directive in the Departmental Directives Program.

1. DRB Recommends Cancellation of any Memorandum. The Office of Information Resources, in consultation with the OPI, prepares an approval package consisting of the action memorandum justifying the reason the memorandum should be cancelled, and submits the package to the Deputy Secretary for approval. If there is more than one memorandum to be cancelled, a consolidated list of the memoranda titles are to be included with the action memorandum.
2. DRB Recommends Conversion of any Memorandum.
 - a. The OPI must format then email the draft directive in an electronic file to the Office of Information Resources.
 - b. The draft directive will be reviewed by the DRB.
 - c. As appropriate, comments will be forwarded to the OPI.
 - d. The OPI must consider the comments, producing an electronic file with redlined text for insertions and strikeouts for deletions where comments are incorporated.
 - e. The OPI must email the electronic file containing the redlined text and strikeouts, and a clean copy of the draft directive to the Office of Information Resources.
 - f. The draft directive will be discussed at a DRB meeting.
 - g. If the DRB reaches consensus, the OPI prepares and submits to the Office of Information Resources an approval memorandum containing the former Secretarial memorandum and the proposed conversion for the Deputy Secretary's signature.

UNAUTHORIZED DIRECTIVES

With the exception of documents issued by the Secretary or Deputy Secretary (e.g., memoranda), unauthorized directives are documents that purport to apply on-going requirements (other than legal requirements) to more than one Departmental element and that have not been reviewed and promulgated through the processes described in this Order. Exceptions are allowed for unique requirements promulgated through acceptable alternative programs or processes covered by an Order, if addressed in 3.c. of this Order, or as otherwise directed in writing by the Secretary or Deputy Secretary.

1. Acceptable alternative programs or processes must have an approved and current Order outlining the methodology for promulgating unique requirements.
2. Any DOE element can identify unauthorized directives, tag and forward the requirements to the Office of Information Resources, and hold implementation until processed through the Directives Program.
3. The Office of Information Resources will notify the DRB when unauthorized directives are identified. The DRB will review the document and will make a determination of its compliance with the directives program, and will notify the OPI if it finds the directive to be unauthorized.
4. The OPI must address unauthorized directives in one of the following ways:
 - a. withdraw the document;
 - b. modify the document (e.g., restrict its applicability to one element) so that it no longer fits the description of an unauthorized directive; or
 - c. convert the document to a directive following one of the processes described in this Order.

Headquarters and field elements are authorized to publish supplemental directives for use by those organizations and their contractors, provided the supplemental directives do not contradict, delete, or duplicate provisions in any applicable Policy, regulation, Order, or Notice.

DEFINITIONS

1. Administrative Changes. Are those changes that do not alter requirements or responsibilities in the affected directive. Examples of such changes are (a) corrections of omissions up to one year of the directives' approval date; (b) typographical errors; (c) nomenclature changes such as changes to organization names or title of officials; (d) clarifications that do not alter requirements or responsibilities; or (e) changes to legal citations.
2. Certification. Process for reviewing and certifying directives that have been in effect for 4 or more years, for accuracy and continued relevance.
3. Communication Plan. A document included with the directive's final draft package that describes how training and/or any other activities will be accomplished in order to effectively implement the directive and is reviewed six months after directive approval.
4. Contractors. For purposes of the directives program, 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. [Note: This definition of contractor does not include all of the procurement contracts entered into by DOE.]
5. 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.
6. Counsel. General Counsel, Procurement Counsel, Program Counsel, etc., all refer to attorneys assigned to various parties for the purpose of providing legal advice and guidance.
7. Departmental Elements. Headquarters elements and first-tier organizations as listed in the *Correspondence Style Guide*, Office of the Executive Secretariat.
8. Directives. Official communications of policies, requirements and procedures which 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.
9. Directives Review Board. Established by DOE O 251.1C, and chaired by the Director, Office of Management. The Board advises, as well as concurs, on individual directives before their release for DOE-wide comment and final issuance. Board membership is comprised of a senior representative from each of the three Under Secretarial offices,

the Office of the General Counsel, the Office of Environment, Health, Safety and Security. Advisory members include representatives from the National Laboratory Directors Council and the Field Management Council.

10. Equivalencies. Alternatives to how a requirement in a directive is fulfilled in cases where the “how” is specified. These represent an alternative approach to achieving the goal of the directive.
11. Exemptions. The release from one or more requirements in a directive.
12. Impasse. When a resolution of directives issue(s) cannot be agreed on between Departmental elements.
13. Justification Memorandum. A document used to justify developing or revising a directive.
14. National/International Standards. Standards are developed through a process that is open to participation by representatives of all interested parties, transparent, consensus-based, and subject to due process. These might be developed by governmental organization or private sector groups such as the American Society for Testing and Materials (ASTM) or the International Organization for Standards (ISO).
15. Office of Primary Interest. The writer’s office responsible for originating the directive and maintaining its accuracy and currency.
16. Page Change. When a directive is modified to affect a limited portion of the requirements and/or responsibilities as determined by the Office of Information Resources. The review for a page change is limited to only the changed portions of the draft directive.
17. Procurement Management System. The procurement programs managed by DOE and NNSA Senior Procurement Executives that ensure the development and implementation of Department-wide policies, procedures, programs, and management systems pertaining to procurement and financial assistance.
18. Review and Comment Tool. A web-based work-flow application tool used by the Department of Energy for coordination of draft directives.
19. Revision. When a directive is modified to affect a large portion of the requirements and/or responsibilities as determined by the Office of Information Resources.
20. Requirements. Activities that must be performed to fulfill the Department’s mission, law or regulations.

21. Responsibilities. Duties and authorities assigned to a position or office to implement, manage and/or oversee directives.

22. 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.