



Department of Energy
Washington, DC 20585

MEMORANDUM FOR: INGRID KOLB
DIRECTOR
OFFICE OF MANAGEMENT

THROUGH: KEVIN T. HAGERTY
DIRECTOR
OFFICE OF INFORMATION RESOURCES

FROM: GLENN S. PODONSKY
CHIEF HEALTH, SAFETY AND SECURITY OFFICER
OFFICE OF HEALTH, SAFETY AND SECURITY

SUBJECT: DIRECTIVES CERTIFICATION STATEMENT

JM CHRONOLOGY

JM RECEIVED 1/14/11
OUT FOR REVIEW 1/14/11
DRB DISCUSSION 1/27/11

The following directives have been reviewed by my organization and deemed to be in compliance with related Departmental Directives, Secretarial Delegations, organizational structure, budget guidelines, regulations, standards, OMB guidance, relevant memoranda of understanding and public laws:

- DOE Policy (P) 141.1, *DOE Management of Cultural Resources* (May 2, 2001),
- DOE P 454.1, *Use of Institutional Controls* (April 9, 2003), and
- DOE Guide (G) 454.1-1, *Institutional Controls Implementation Guide for Use with DOE P 454.1, Use of Institutional Controls*, (October 14, 2005).

In addition, these directives are not found to cause undue burden (i.e., significant cost impacts, overly prescriptive, redundancy, or excessive reporting requirements) on Departmental elements and contractors. No relevant consensus standards exist that can take the place of these directives.

DOE P 141.1 establishes Departmental policy for management of cultural resources. Neither external requirements nor Department policy has changed, and this Policy remains appropriate.

DOE P 454.1 establishes Department policy for the use of institutional controls in situations where unrestricted use or unrestricted release of property is not desirable, practical, or possible. This policy remains appropriate in support of the Department's missions, including remediation and legacy management.

DOE G 454.1-1 provides Departmental organizations with non-mandatory information to assist with appropriate implementation of DOE P 454.1, *Use of Institutional Controls*



and identifies issues to be considered when addressing the effective and efficient use of institutional controls in support of the Department's diverse, multi-tiered missions.

On March 29, 2010, cancellation of the associated DOE Guide 454.1-1, *Institutional Controls Implementation Guide for Use with DOE P 454.1, Use of Institutional Controls*, was entered into RevCom for review and comment. The Office of Environmental Management non-concurred on the cancellation of DOE G 454.1-1, noting that situations involving institutional controls must be addressed as a critical part of its mission. The Defense Nuclear Facilities Safety Board staff also expressed concern regarding the proposed cancellation of this Guide, and suggested not canceling this directive until the key principles for implementing DOE P 454.1 were migrated to other DOE documents or standards, as appropriate.

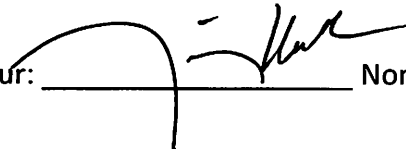
My office is currently revising and consolidating several Environment, Safety and Health policies, including:

- DOE P 450.4, *Safety Management System Policy* (October 15, 1996);
- DOE P 411.1, *Safety Management Functions, Responsibilities, and Authorities Policy* (January 28, 1997); and
- DOE P 450.7, *Department of Energy Environment, Safety and Health (ES&H) Goals* (August 2, 2004).

Each of these policies includes environmental components. In addition, the Department is presently reviewing the scope and content of a potential Sustainability Policy. When these activities are completed, my office plans to again review the need for a revised and consolidated Environmental Policy, to ensure that no gaps or redundancies have been created.

I certify that these three directives are accurate and continue to be relevant and appropriate for use by the Department.

Please contact Thomas Traceski, at (202) 586-2481 of my staff for additional information.

Concur:  Nonconcur: _____ Date: 1-28-11