

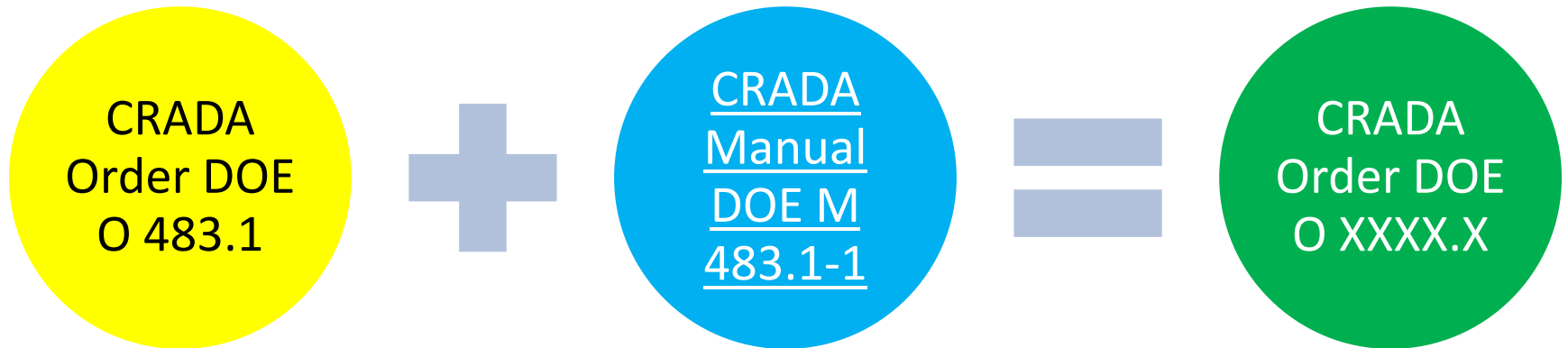
CRADA Order Revision

Linda Field

Patent Counsel

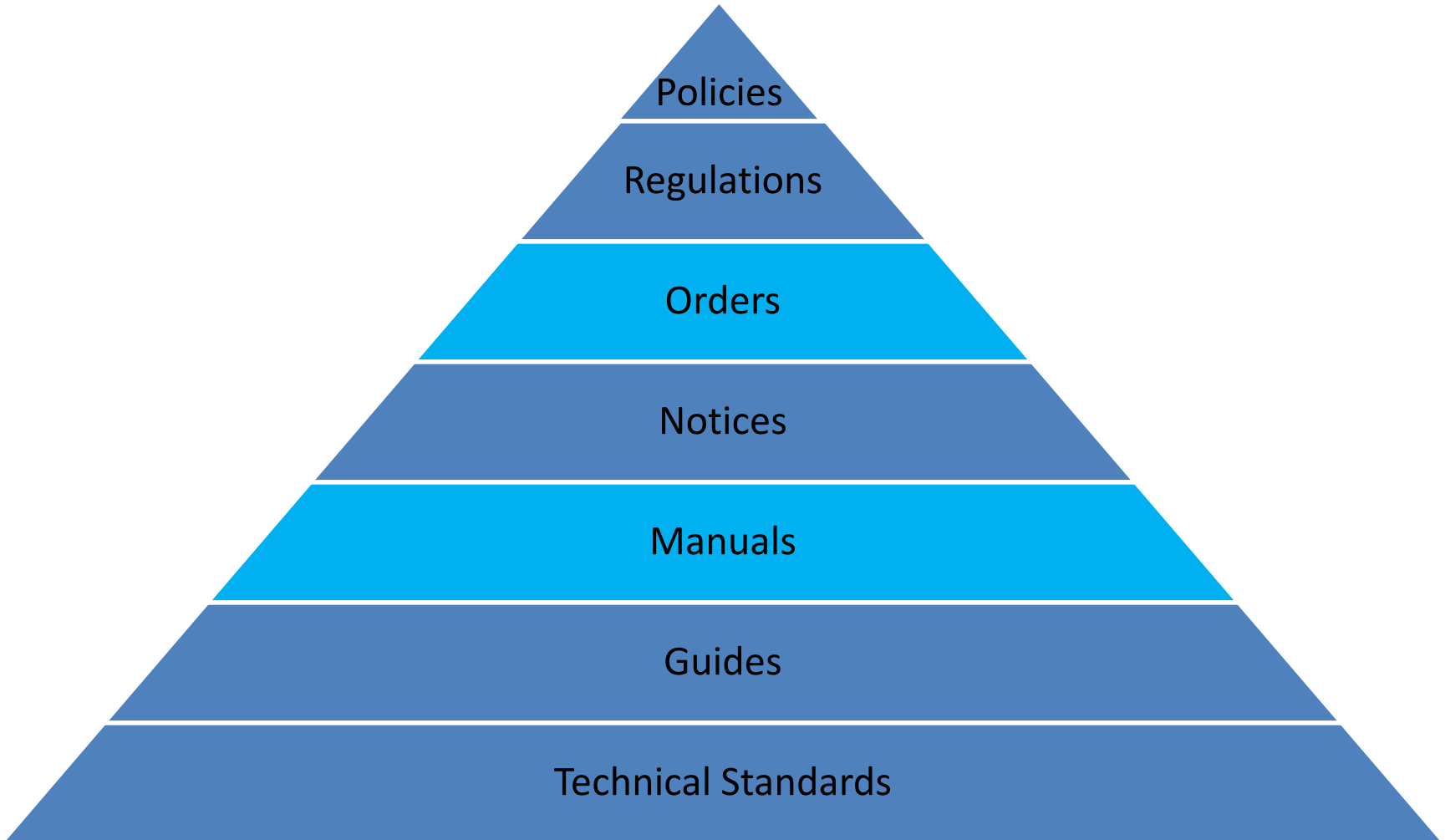
Department of Energy

Goal



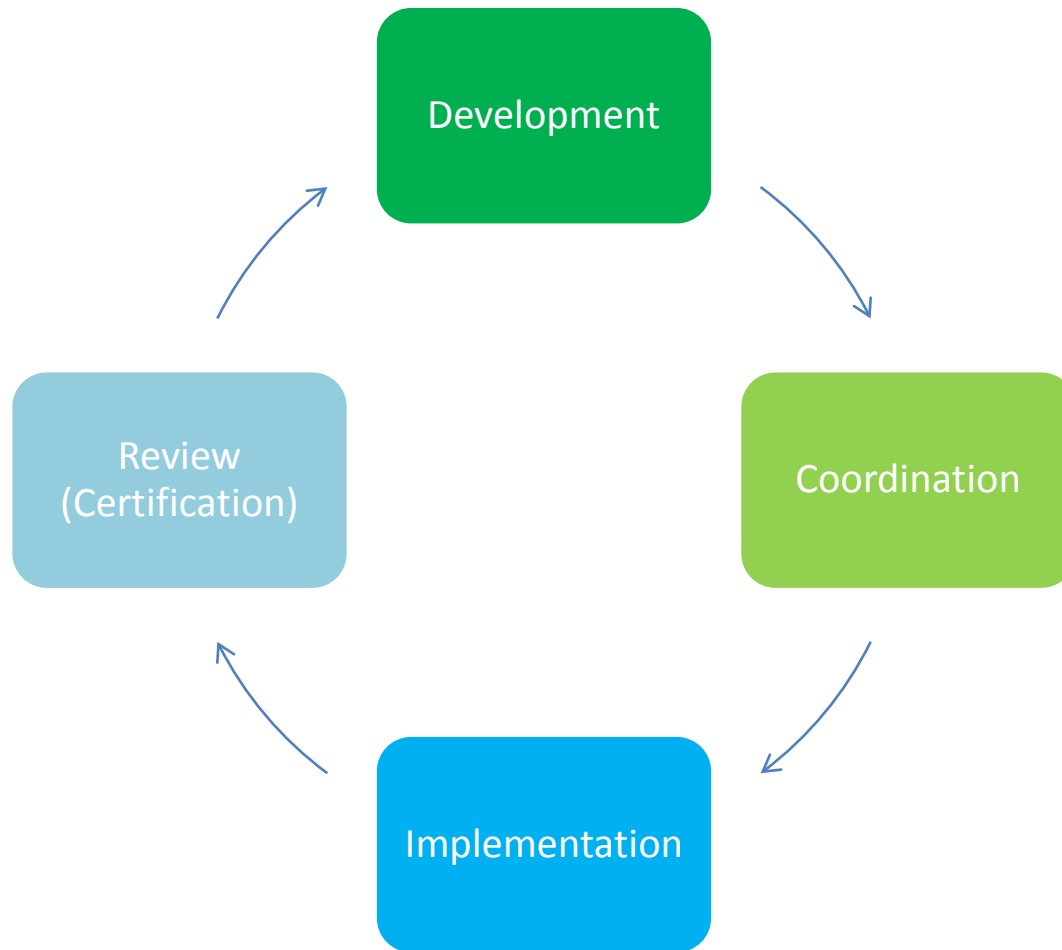
Departmental Directive Program

Types of Directives



Departmental Directive Program

Directives Life Cycle



Development Phase

- Orders are uploaded to RevCom for review and comment by all affected parties
- 60 days to develop draft & submit to MA-90
- Solicits input from stakeholders (incl. field, contractors, and/or program counsel)

Coordination Phase

- MA-90 parses directive & sets due dates for review & comment
- HQ Directives Points of Contact (DPCs)
 - Have 45 days to submit official comments on behalf of their organization
 - Consolidate comments within organization (incl. field offices)
 - Have 30 days to respond to all official comments on RevCom (Comment Resolution)
- MA-90 posts 2nd draft directive on RevCom for concurrence
- Commenters (Subject Matter Expert) concur or non-concur
- DPC have 15 days to consolidate concurrence/non-concurrence on 2nd draft
- Writer & opposing party resolve issues, inform MA-90
- Writer prepares final draft, submits to MA-90, then DRB

Coordination (Cont)

- MA-1 engages the DRB members and senior mgt of opposing organizations to facilitate resolution of unresolved issues.
- If resolution cannot be reached, then approval memo is rewritten to include the issue, contending organization, office of primary interest positions and DRB's recommendation
- Secretary or Deputy Secretary renders decision

Implementation

- HQ DPCs and Field DPCs are notified when directive is approved.
- Field DPCs notify CO/CORs
- CO/CORs determine if applicable to contractor
- If contractor agrees, impact assessment then implementation plan

Review (Certification)

- MA -90 publishes list of directives up for review
- Office of Primary Interest (OPI) reviews directive to determine if to certify, revise or cancel
- If OPI decides to certify, then submit memo to MA-90
- MA-90 submits memo to DRB for approval
- If approve, the directive in effect for 4 yrs

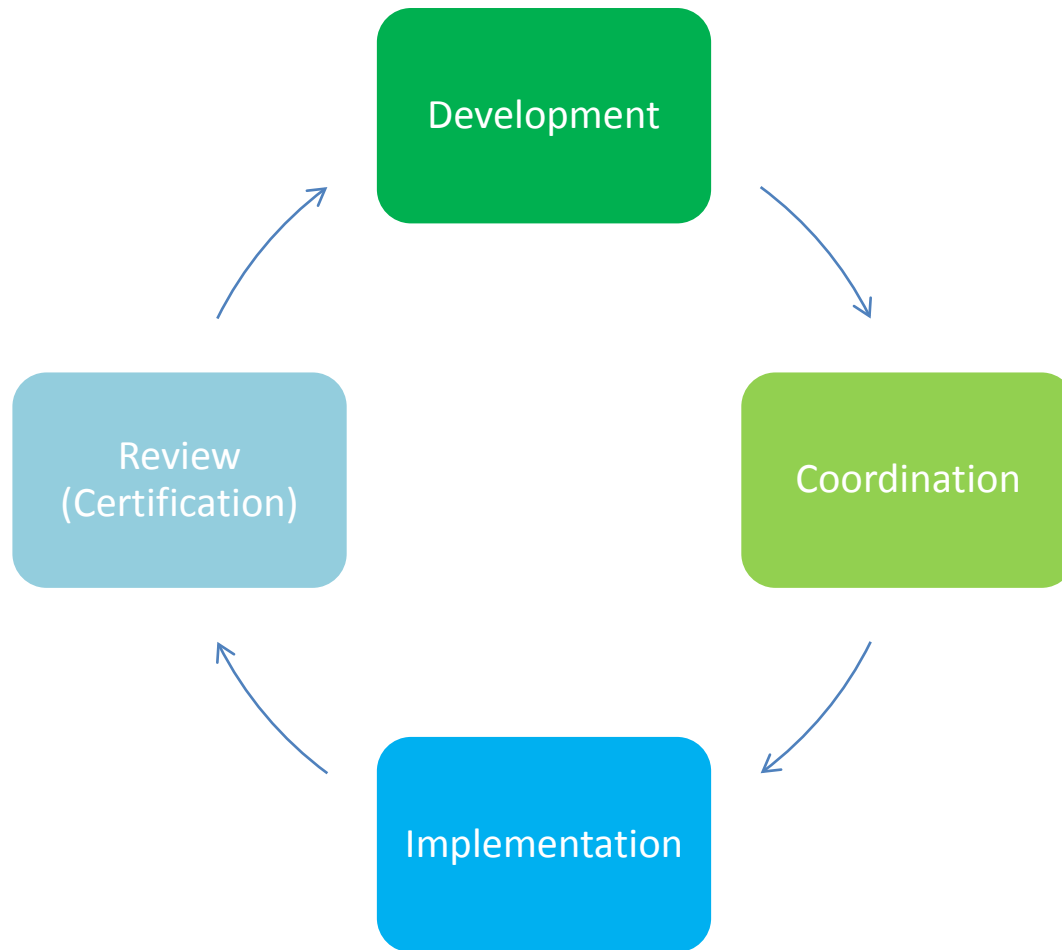
Review (Certification) cont'd

(OPI and MA-90)

- If OPI decides revise or cancel, then submit memo to MA-90
- MA-90 submits memo to DRB for approval
- If DRB agrees to cancel directive, memo is posted on RevCom for 30 days, commenters can concur or reject cancellation
- DRB makes final decision on cancellation of directive
- If DRB concurs on revising directive, then...

Departmental Directive Program

Directives Life Cycle



PRE-RevCom

- Review Order and Manual and solicit comments from field, labs and TTWG (reformatting no small task)
- Prepare new draft order and model CRADA(s) and circulate
- Prepare final draft for RevCom and submit

Issues

- CRADA Approval Process
- Short Form CRADA
- Protected Data
- Subcontractor access to proprietary data
- U.S. Competitiveness
- Advance Payment