U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 251.1E

Approved: 06-10-2024
Chg 1 (LtdChg): 12-18-2024

SUBJECT: DEPARTMENTAL DIRECTIVES PROGRAM

1. PURPOSE. Establishes directives as the primary means to set, communicate, and institutionalize policies, requirements, responsibilities, guidance, and procedures for Departmental Elements and contractors.

   a. Directives facilitate achievement of the Department of Energy's (DOE's) strategic and operational goals. They also help to ensure safe, secure, efficient, cost-effective operations and compliance with applicable legal requirements.

   b. Directives promote operational consistency throughout the DOE complex and foster sound management.

   c. Directives establish requirements or guidance for two or more organizations.

2. CANCELS/SUPERSEDES.

   a. DOE O 251.1D Chg 1 (Admin Chg), *Departmental Directives Program,* dated 11-8-2019. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive.

   b. Secretarial Memo, *Improving Departmental Directives Process,* dated 3-31-2023.

3. APPLICABILITY.

   a. Departmental Elements.

      (1) With the exception of the equivalencies/exemptions listed in paragraph 3.c., this Order applies to all Departmental Elements. Nothing in this order restricts a Departmental Element from seeking an exemption or equivalency to a new directive or revision to existing directive during the directives development process described in this Order, using the process in section 4.e, below. Departmental Elements with non-delegated statutory authorities may be more likely to request an exemption or equivalency.

      (2) The Administrator of the National Nuclear Security Administration (NNSA) must ensure 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. Financial Assistance. Directives do not apply to financial assistance awards or the management of financial assistance programs, including the administration, oversight, or awarding of financial assistance agreements, unless the directive specifies and defines such applicability.

d. Equivalencies/Exemptions for DOE O 251.1E.

Requests for Equivalencies and Exemptions to this Order not listed below must be sent in memorandum form to the Director, Office of Management, for advice. The Deputy Secretary must approve all requests for Exemptions or Equivalencies to this Order.

Equivalences and exemptions developed outside of the directives system must not conflict with Departmental Directives. In instances where a conflict exists, the directive takes precedence. The following are approved equivalencies and exemptions for this directive:

(1) 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.

(2) Exemption. The Procurement Management System is exempt from this Order when not in conflict with a Departmental Directive. DOE heads of contracting activities (HCAs) will have an opportunity to review and comment on draft Acquisition Letters (AL) that would significantly affect the contract terms and conditions of management and operating contracts or other site and facility management contracts or would materially affect contractor performance.

(3) Exemption. The Office of the Chief Financial Officer (CFO) is exempt from this Order when developing and issuing the CFO’s Financial Management Handbook. However, Designated Financial Officers will be afforded a reasonable opportunity to review and comment on draft handbook chapters that provide guidance, instruction, or direction to Field CFOs.

(4) Exemption. CFO budget guidance, 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, legal interpretation, and instruction issued by the Department's General Counsel (to include the General Counsel for NNSA or any Power Marketing Administration) to, or concerning the management of, the Department's (or NNSA's or any Power Marketing Administration's) attorneys and the legal services and advice they render. Legal guidance, direction, interpretation, or instruction issued by an attorney of the Office of the General Counsel, NNSA General Counsel, or any Power Marketing Administration Office of General Counsel is within this exemption.

(7) Exemption. Guidance, direction, and instruction issued by the Office of the Chief Human Capital Officer (CHCO) (when not in conflict with a Departmental Directive) related to the proper execution of human resources authorities and processes within the Department. However, DOE organizations will be afforded a reasonable opportunity to review and comment on draft guidance, instruction, or direction.

4. REQUIREMENTS.

a. General.

(1) The Directives Review Board (DRB). The DRB must ensure the Departmental Directives Program contains directives that enhance DOE's ability to achieve its mission goals in a safe, secure, and cost-effective- manner.

(a) The DRB is chaired by the Director, Office of Management.

(b) DRB membership is comprised of one senior executive selected by the following organizations:

1 The Office of the Under Secretary (for Infrastructure);

2 The Office of Science representing the Office of the Under Secretary for Science (and Innovation);

3 The National Nuclear Security Administration (NNSA);

4 The Office of Environment, Health, Safety and Security (EHSS);

5 The Office of Environmental Management (EM); and

6 The Office of General Counsel (GC).

(2) A senior representative from the National Laboratories Directors Council (NLDC) may serve as an advisory member on the Board and attend meetings and other proceedings.

(3) Organizations not listed above are represented by the Chair of the DRB. A list of DRB members and the organizations they represent is available on the DOE Directives website.

(4) The Departmental Directives Program. The Departmental Directives Program must provide and maintain processes for creating, reviewing, and distributing DOE-wide requirements for Federal staff and extending related requirements to applicable contracts. The Directives Program must develop DRB approved processes for implementing the requirements within this Order and make them available on the DOE Directives Website. These processes include the standard development process, expedited development process, cancelation process, prioritization process, and the process for making administrative changes.

b. Directives Development.

(1) Requirements established by this Order for directives development, revision, approval, and cancellation must take precedence over all other directives.

(2) Except in urgent situations, Departmental Elements must use the directives process, rather than memoranda or other documents, to promulgate requirements.

(3) New directives and revisions to existing directives must be processed using a DRB approved process and timeline. Directives that do not adhere to the approved timeline or process may be removed from the development process and will be required to submit a new request memo to the DRB. Flexibility may be provided by the DRB on a case-by-case basis.

(4) Expedited processing of directives is available for limited changes proposed by the OPR for undisputed changes in requirements. The DRB makes the final determination to process an expedited revision request.

(5) The directives development processes must be transparent and inclusive to program offices and entities with equity, to the greatest extent possible.

(6) Process automation, through the use of an information system, must be used to the greatest extent practical to support efficiency in the directives

development process. To ensure collaboration on directives, concurrence from each organization will also be documented through an information system.

(7) To start the development, revision, or cancelation of a directive, the Office of Primary Responsibility (OPR) must provide a memorandum, signed by the Head of their Departmental Element, to the DRB chair verifying the need for the update/cancelation. If approved the DRB and the OPR must commit to a timeline and process for completing the action.

(8) In the case of classified directives, the OPR must consult with the Directives Program on how to tailor the directives development process to meet security requirements.

(9) Directives must be written following the standardized format provided by the Departmental Directives Program and include any content required by the DRB. The Departmental Directives Program will ensure all processes and templates are accessible to employees.

(10) Directives must be written to clearly and concisely specify the goals and requirements that must be met while refraining from mandating how to fulfill them to the greatest 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, may specify how the requirements must be met, when necessary.

(11) If any part of a directive applies to the NNSA, the following language must be added to the Departmental Applicability section:

The Administrator of NNSA will assure that NNSA employees and contractors comply with their respective responsibilities under this directive. Nothing in this Order/Notice 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.

(12) If any part of a directive applies to the Naval Nuclear Propulsion Program (NNPP), the following language must be added to the Equivalencies/Exemptions section. If the directive is not applicable to the NNPP, then the NNPP is exempted from the directive.

Equivalency. In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 USC 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.*

(13) Directives may cite a section or requirement in an existing directive, law, regulation, or standard but must not rewrite or repeat the same requirement. To the extent possible, directives should be written so they are consistent with, or invoke, voluntary consensus standards.

(14) DOE Technical Standards may be invoked, in part or in whole, as required methods by a DOE Order using a clear requirement statement and included in the Invoked Technical Standards section of the Order. The DRB must review and concur on the invoking of a technical standard.

(15) To invoke an existing technical standard in a DOE Order, the technical standard must be identified during the directive's development process.

(16) Directives may use appendices or attachments when providing more detailed information, direction, or requirements, when appropriate.

(a) An appendix must be used when the information, direction, or requirements apply only to Federal employees.

(b) An attachment must be used when the information, direction, or requirements apply to contractors, or both Federal employees and contractors.

(17) When an Order contains requirements for contractors, the Contractor Requirements Document (CRD) must be Attachment 1 to that Order. See 4.d., below, for further CRD requirements.

(18) Changes to directives that only affect a portion of the document will be processed as Limited Changes. Comments on proposed Limited Changes must be restricted to the sections of the directive that are within the scope of the Limited Change.

(19) All comments within the scope of an effort must be addressed and resolved before the directive is approved, when possible. Comments not resolved during comment resolution or concurrence must be resolved through the impasse process.

(20) If at impasse, the OPR and dissenting organization(s) must each develop a summary paper outlining their respective position(s) on the issue. The summary papers and any DRB recommendations must be included in the approval package for the Deputy Secretary for decision.

(21) When conflicts exist between directives, the Departmental Element that identifies the conflict must notify the DRB in writing. If the DRB

confirms a conflict exists, the conflict must be resolved by revising one or more of the subject directives or by other means approved by the DRB.

(22) Departmental 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, or Order.

c. Contractor Requirements in Directives. Contractor requirements in a directive must be provided in attachments. Attachment 1 will be the primary contractor requirements document (CRD). Where appropriate, the CRD's requirements and responsibilities for contractors must be consistent with requirements and responsibilities for DOE personnel as defined in the directive. The CRD must be a stand-alone document, not simply direct a contractor to follow requirements in an Order. The CRD may reference and include additional attachments containing further requirements or information applicable to contracts. Those additional attachments are a part of the CRD.

d. Implementation of DOE Directives.

(1) Requirements for Federal employees in new or revised directives must be fully implemented within twelve months of issuance, unless otherwise stated in the directive or an implementation plan with a different timeframe is established by the Head of Departmental Element.

(2) For directives with CRDs, the Departmental Element must establish an implementation timeline for a contract modification to take place in the implementation plan.

(3) The Head of the Departmental Element, or their designee, shall establish a process to notify the Contracting Officer (CO) and other appropriate subject matter experts in the organization that the directive applies to an existing contract or to a solicitation for a future contract. For existing contracts, the Head of the Departmental Element shall designate appropriate representatives to work with the CO to develop an appropriately tailored set of standards, practices, and controls.

(a) For existing M&O contracts, after notification by the Head of the Departmental Element or their designee, the CO shall provide the contractor the opportunity to assess the effect of incorporating the CRD on contract cost, funding, schedule, and technical performance, and to provide input on the tailored set of requirements for the contract. All associated activities will be accomplished in a timely manner and, if applicable, in accordance with the timelines established in Department of Energy Acquisition Regulation (DEAR) 970.5204-2. To the greatest extent possible, the Contracting Officer will incorporate the CRD without alteration unless the directive permits alteration, and the appropriate process is followed.

(b) For existing non-M&O contracts, after notification by the Head of the Departmental Element or their designee, the CO shall provide the contractor the opportunity to assess the effect of incorporating the CRD on contract cost, funding, schedule, and technical performance, and to provide input on the tailored set of requirements for the contract. Non-M&O contracts do not give the CO the unilateral right to modify them. Therefore, the CO shall attempt to incorporate the CRD bilaterally. If attempts to negotiate the requirement into the contract bilaterally are not successful, the CO shall consult with the Head of Contracting Activity (HCA), Headquarters program office, and General Counsel. To the greatest extent possible, the CO shall incorporate the CRD without alteration unless the CRD or directive permits alteration, and the appropriate process is followed.

(4) The CRD must include instructions for contractors seeking equivalencies or exemptions, as applicable.

e. <u>Equivalencies and Exemptions</u>.

(1) Equivalencies must be obtained when substituting another method for accomplishing the goal of a requirement (see Appendix A).

(2) Exemptions must be obtained when not implementing one or more requirements (see Appendix A).

(3) Equivalencies and Exemptions must:

(a) remain consistent with the primary goal and purpose of the directive;

(b) ensure adequate protection of the public, workers, and the environment; and

(c) comply with laws or regulations.

(4) The CHCO must approve exemptions and equivalencies to CHCO directives for non NNSA organizations.

(5) The CHCO must review and comment on all NNSA exemptions or equivalencies to CHCO directives. If the CHCO has any unresolved comments, the CHCO and the NNSA Administrator must jointly submit the dispute to the Deputy Secretary or the Secretary for resolution.

f. <u>Secretarial Memoranda</u>.

(1) Secretarial and Deputy Secretarial policy memoranda that contain requirements affecting more than one Departmental Element must identify the OPR; must be converted or incorporated into a directive; and must include a timeline for the conversion and incorporation of the memoranda requirements. Once incorporated, memos are canceled by the updated directive.

(2) Policy memoranda not identified for cancellation or conversion or incorporation into a directive must be reviewed upon departure of the Secretary/Deputy Secretary for possible integration into DOE's business practices.

(3) Secretarial and Deputy Secretarial policy memoranda may require changes to directives; however, they do not directly amend directives.

g. Unauthorized Directives.

(1) Documents with requirements or responsibilities for two or more Departmental Elements developed and processed outside DRB approved processes are unauthorized and must not be considered Departmental directives.

(2) DOE employees must report unauthorized directives to the Departmental Directives Program and must not be implemented until the DRB determines if a directive is needed.

(3) Unauthorized directives must be either:

(a) withdrawn;

(b) modified so it no longer fits the description of an unauthorized directive (e.g., restrict the applicability to one Departmental Element or remove requirements); or

(c) converted to a directive following the processes described in this Order.

h. Prioritization.

When recommending the directives to review or develop for the coming year, organizations with responsibility for directives must:

(1) Recognize updates needed regarding national security, nuclear safety and security as well as changes to laws, regulations, and senior leadership direction.

(2) Take into account feedback provided from implementing organizations.

(3) Ensure directives under their purview remain technically accurate, up to date, and relevant.

5. RESPONSIBILITIES.

a. Secretary of Energy.

(1) Approves and cancels Orders, Notices, and Policies or delegates approval authority to the Deputy Secretary.

(2) Approves cancellation of policy memoranda or conversion into a directive, or delegates approval authority to the Deputy Secretary.

(3) Adjudicates any remaining impasse on proposed directives when they occur between the OPR and/or other Departmental Elements, organizations, or offices, or delegates resolution to the Deputy Secretary, as appropriate.

b. Heads of Departmental Elements.

(1) Approve proposals to develop or revise directives under their purview to DRB.

(2) Designate a participant(s) for the development of directives, as appropriate.

(3) Ensure sufficient support and engagement in efforts to process draft directives within agreed-upon timetables.

(4) Review and concur on the organization's position on directives, including when impasses occur.

(5) Ensure the organization develops a timeline to implement new or revised directives in a timely manner, including incorporation into contracts, as appropriate.

(6) Establish a process to ensure contracting officers, in conjunction with Heads of Field Elements, work with contractors to incorporate CRDs into contracts, as appropriate.

(a) For non-NNSA elements, work with the Office of the General Counsel and the Office of Management (Office of Acquisition Management) in developing requirements for contractors.

(b) For NNSA elements, work with the NNSA Office of the General Counsel and the NNSA Office of Partnership and Acquisition Services in developing requirements for contractors.

(7) Establish a process to ensure requirements have been implemented by Federal employees and contractors.

(8) Provide feedback, as necessary, pertaining to any challenges or issues caused by the directive to the Office of Primary Responsibility for that directive.

(9) Assign a Directives Point of Contact who possesses sufficient knowledge and capabilities to be liaisons between their organization and the Departmental Directives Program. Provide the names and contact information to the Departmental Directives Program.

(10) Establish a documented process for evaluating requests for exemptions and equivalencies. Submit all approved exemptions and equivalencies to the Departmental Directives Program for appropriate publication.

(11) Consult with the Director, Office of Management on Secretarial or Deputy Secretarial policy memoranda to recommend cancellation or conversion into the Departmental Directives Program.

(12) Approve equivalencies and exemptions to DOE directives for their organization.

(13) Provide the Directives Program with planned directives actions for the coming year, when requested.

c. Director, Office of Management.

(1) Administers the Departmental Directives Program.

(2) Serves as Chair of the DRB, and makes the final determination on directives process matters, unless otherwise specified.

(3) Serves as the representative for Departmental staff and support offices not represented on the DRB.

(4) Establishes standard processes and timelines for all directives actions.

(5) Moderates discussion between DRB members and Heads of Departmental Elements, or their designees, for unresolved issues.

(6) Approves and cancels DOE Guides.

(7) Coordinates with relevant organizations to incorporate requirements from Secretarial Memoranda in appropriate directives.

(8) Approves changes to the directives process after DRB review.

(9) Hosts information sessions on the status of directives on a quarterly basis.

d. Directives Review Board Members.

(1) Participate in DRB meetings and concur on proposed directives actions.

(2) Communicate the results of DRB meetings and changes to the Departmental Directives Program to the organizations they represent.

(3) Advise the DRB Chair when changes to standard processes, timeline, or templates may be necessary.

(4) Assign members of the organizations they represent to Integrated Project Teams, as needed.

(5) Solicit, reconcile, and submit comments on documents on behalf of represented organizations.

(6) Approve extension requests for those the organizations they represent.

(7) Concur on final drafts of directives for approval.

(8) Consult with Heads of Departmental Elements on policy memoranda before recommending to the DRB Chair that the Deputy Secretary either cancel or convert Secretarial or Deputy Secretarial policy memoranda into Departmental directives, as appropriate.

(9) When at impasse, prepare position paper for Secretary or Deputy Secretary review.

e. Departmental Directives Program Manager.

(1) Manages Departmental Directives Program processes, to include processes to develop, revise, or cancel directives.

(2) Serves as Executive Secretariat to the DRB.

(3) Ensures documents submitted to the DRB by program offices meet established criteria prior to submission to the DRB for review.

(4) Manages the Departmental Directives Program website and associated information systems.

(5) Ensures the most up-to-date processes and templates are accessible through the Departmental Directives Program website.

(6) Approves administrative changes to existing directives.

(7) Notifies the Office of Acquisition Management when directives with CRDs are issued.

(8) Provides Department-wide education and training regarding the Departmental Directives Program and its processes.

(9) Maintains the list of Directives Points of Contact for each organization.

(10) Hosts Departmental Directives Program meetings with Directives Points of Contact, as needed.

f. Offices of Primary Responsibility.

(1) Propose directives actions as needed.

(2) Follow the process for developing or revising directives under their purview.

(3) For non-NNSA elements, work with the Office of the General Counsel and the Office of Management (Office of Acquisition Management) in developing a CRD.

(4) For NNSA elements, work with the NNSA Office of the General Counsel and the NNSA Office of Partnership and Acquisition Services in developing a CRD.

(5) Adhere to the prescribed formats when developing or revising directives, maintained on the DOE Directives website.

(6) Respond to all non-editorial comments and works with commenters to resolve concerns.

(7) Support efforts to engage organizations in resolving differences over comments.

(8) Coordinate with the DOE Departmental Representative to the Defense Nuclear Facility Safety Board (DNFSB), for all directives of interest to the DNFSB.

(9) Provide advice to offices seeking Equivalencies or Exemptions from directives under their purview.

(10) Ensure directives under their purview remain technically accurate, up to date, and relevant.

(11) Develop a crosswalk of changes to a directive, when requested.

(12) Develop effective communication plans and training when revising or creating a directive.

(13) Collect feedback pertaining to any challenges or issues caused by a directive. Feedback will be used to assist with annual prioritization and support future updates to a directive.

g. Directives Point of Contact (DPC).

(1) In consultation with the Head of their Departmental Element, the Headquarters DPC determines their organization's official policy position on directives.

(2) Ensures timely organizational input on directives actions.

(3) Assigns subordinate DPCs as needed to execute DPC duties at lower or localized levels, to include SME comment resolution and adjudication at those levels.

(4) Assigns SMEs to review draft directives as needed.

(5) Obtains extensions on comment due dates from the DRB Representative.

(6) Consolidates and resolves SME comments--eliminating conflicting, redundant, or out of scope comments. Assures SMEs are informed when their comments are not forwarded.

(7) Acts as the liaison between the organization and the Departmental Directives Program.

(8) Ensures organizational awareness of significant concerns and issues.

(9) Manages their organization's review and comment process for directives actions.

(10) Attends meetings and information sessions hosted by the Departmental Directives Program.

h. Heads of Field Elements, or their designee. Serve as the DPC of the Field Element.

i. Director, Office of Environment, Health, Safety and Security.

(1) Ensures transmission of draft directives, invoked standards, and other relevant, approved documents through the DOE Departmental Representative to the DNFSB, for directives of interest to the DNFSB.

(2) Ensures the DOE Technical Standards Program coordinates with the DRB and the Departmental Directives Program regarding the development of any invoked Technical Standards.

j. DOE Departmental Representative to the DNFSB.

(1) Coordinates with the EHSS DRB member.

(2) Coordinates relevant directives reviews, including the creation, revision, or cancelation of appropriate directives, with the DNFSB.

(3) Provides DNFSB comments on directives actions.

(4) Moderates communication between the OPR and DNFSB regarding DNFSB comments prior to a directive's approval.

(5) Provides the DNFSB with approved copy of directives and related documents, for directives of interest to the DNFSB.

(6) Informs the Departmental Directives Program when the DNFSB has questions, concerns, or comments on directives or other relevant documents.

(7) Informs the DRB and OPR about DOE implementation plan provisions and Secretarial commitments to the DNFSB that impact directives of interest to the DNFSB.

k. Administrator, National Nuclear Security Administration. In coordination with the CHCO and per sections 3.c.(8) and 4.f.(2) of this Order, submits disputes regarding CHCO comments that are not resolved to the satisfaction of NNSA and the CHCO to the Deputy Secretary for resolution.

l. Chief Human Capital Officer (CHCO).

(1) Concurs on non-NNSA exemptions and equivalencies for CHCO directives.

(2) Comments on NNSA requests for exemptions or equivalencies from CHCO directives.

(3) In coordination with the NNSA Administrator, submits unresolved disputes regarding CHCO comments described in 3.c.(8) and 4.f.(2), to the Deputy Secretary for resolution.

m. Central Technical Authorities (CTAs).

(1) Provide concurrence or non-concurrence on all directives affecting nuclear safety as defined in the current version of DOE O 410.1, Central Technical Authority Responsibilities Regarding Nuclear Safety Requirements. CTAs must provide concurrence through their relevant DRB member or DPC.

(2) In the case of major safety or security concerns, CTAs will be provided the opportunity to brief the DRB on their concerns.

n. Contracting Officers (CO).

(1) For M&O contracts, after receiving notification from the Head of the Departmental Element or their designee, must incorporate the CRD into the contract by the due date established by the Head of the Departmental Element. To the greatest extent possible, the Contracting Officer must incorporate the CRD without alteration unless the CRD permits alteration and the appropriate process is followed, or unless requirements are tailored per DEAR 970.5204-2.

(2) For non-M&O contracts, after receiving notification from the Head of the Departmental Element or their designee, must attempt to incorporate the CRD into the contract by the due date established by the Head of the Departmental Element. Non-M&O contracts do not give the CO the unilateral right to modify the contract, except within the limitations established in the Federal Acquisition Regulation. Therefore, the CO must attempt to incorporate the CRD bilaterally. If unsuccessful, the CO must consult with Head of the Departmental Element or appropriate program official. To the greatest extent possible, the CO must incorporate the CRD without alteration unless the appropriate process for exemption/equivalency is followed.

6. INVOKED STANDARDS. This Order does not invoke any DOE technical standards or industry standards as required methods. Any technical standard or voluntary consensus standard mentioned in or referenced by this Order is not invoked by this Order.

7. REFERENCES.

a. Title 41, Code of Federal Regulations (CFR), Parts 102-193.25(c), which provides agency managers with the means to convey written instructions to users and document agency policies and procedures through effective directives management.

b. Public Law (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 for FY 2013, Section 3120. Improvement and Streamlining of the Missions and Operations of the Department of Energy and National Nuclear Security Administration.

d. DOE O 252.1, *Technical Standards Program*, current version.

e. DOE O 410.1, *Central Technical Authority Responsibilities Regarding Nuclear Safety Requirements,* current version.

f. DOE O 471.6, *Information Security*, current version.

8. DEFINITIONS. See Appendix D.

9. CONTACT. Questions concerning this Order should be addressed to the Departmental Directives Program at DOEdirectives@hq.doe.gov

BY ORDER OF THE SECRETARY OF ENERGY

DAVID M. TURK
Deputy Secretary

APPENDIX A: EQUIVALENCY AND EXEMPTION PROCESS

When an organization seeks an equivalency or exemption, the responsible Head of the Departmental Element or designee may grant an equivalency or exemption to the requirements in a DOE directive after seeking advice from the OPR. Organizations should make full use of exemptions and equivalencies, as appropriate, to avoid unnecessary burden. CTA concurrence, through their relevant DRB member, is required prior to the granting of equivalencies or exemptions for nuclear safety directives identified in the current version of DOE O 410.1, *Central Technical Authority Responsibilities Regarding Nuclear Safety Requirements.*

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

1. The organization seeking the equivalency or exemption must include the following information in the exemption/equivalency request and obtain advice from the OPR and their relevant Federal GC[1] office before submitting the request to the Head of the Departmental Element for approval. The content of the memorandum must:

    a. identify the requirement(s) for which the equivalency/exemption is being sought;

    b. explain the equivalency/exemption;

    c. justify the reasons for the equivalency/exemption;

    d. identify the offices or sites for which the equivalency/exemption is being sought;

    e. confirm the application of the exemption or equivalency does not conflict with applicable federal law or regulations;

    f. indicate when compliance will be achieved in cases of an equivalency;

    g. describe any alternative or mitigating actions, to include associated risks, that have been or will be taken to ensure adequate protection of the public, workers, and the environment for the period during which the exemption will be effective, when applicable; and

    h. describe conclusions and recommendations from the OPR review of the exemption/equivalency and resolution of recommendations.

---

[1] Topics and issues pertaining to the National Nuclear Security Administration and/or the Power Marketing Administrations must include consultation with the General Counsel offices for those organizations.

2. The Head of the Departmental Element or designee may grant an exemption only if the exemption:

   a. complies with laws or regulations;

   b. ensures adequate protection of the public, workers, and the environment;

   c. remains consistent with the primary goal and purpose of the directive; and

   d. applies to an office within their organization.

3. HDEs are prohibited from granting an exemption or equivalency to their own organization for a published directive for which they serve as the OPR. In instances where an exemption is necessary, exemption requests must be approved by the appropriate Under Secretary, or the Deputy Secretary for offices that do not report to an Under Secretary.

4. Exemptions or Equivalencies must not be used in place of revising a directive. OPRs are prohibited from applying exemptions or equivalencies where an update to a directive is appropriate or needed.

5. Heads of Departmental Elements who grant equivalencies and exemptions to directives, including CRDs, must have a documented process for performing evaluation of proposed equivalencies and exemptions in place and disseminated to their organization, and be able to provide that process and its results upon request.

6. The OPR has 15 working days to respond to a request for advice.

7. Directives involving high-risk activities (e.g., nuclear safety) specify that a proposed exemption or equivalency be concurred on by the responsible organization. These directives will be revised to include a timeframe (e.g., 45 days) for the responsible organization to provide concurrence.

APPENDIX B: PRINCIPLES FOR DIRECTIVES DEVELOPMENT

New directives and revisions to existing directives must be developed following the Department's Principles for Directives Development.

1. ESTABLISH LINE ORGANIZATION NEED. The need for a new or revision to a Directive must be affirmed by the responsible line organization(s). This may be done through the Directives Review Board.

2. EMPOWER FIELD OFFICES. Any new or modified Federal requirements should assign decision authorities and responsibilities at the lowest, appropriate level.

3. PROMOTE INCLUSIVENESS. Although the development of new or modified requirements is led by an office of primary responsibility, organizations responsible for development must include participation by impacted entities, when requested.

4. AVOID UNNECESSARY DUPLICATION. Directives must not duplicate or be inconsistent with laws or regulations and should be consistent with or incorporate widely accepted national standards.

5. REFLECT IMPROVED PLANNING AND COORDINATION. Directives should be written and developed in coordination with subject matter experts, responsible line organization personnel, and impacted DOE, plant, and laboratory personnel.

6. CONTAIN PERFORMANCE-BASED CONTRACT REQUIREMENTS. Contract requirements contained in directives should specify only performance goals and outcome-based requirements when possible. Model contract requirements should avoid mandating process or approach for meeting those goals or requirements when possible.

7. BE TAILORABLE. Writers developing directives will determine which organizations need to be covered by the requirements rather than using a one-size–fits-all approach. Where possible, directives will reflect a tailored approach based on risk or will provide flexibility to Under Secretaries to determine the extent to which requirements are implemented in their organizations.

8. INCORPORATE A RISK MANAGEMENT STRATEGY. Writers will assess risk in determining the degree of required prescription for both Federal and contract requirements. For Federal requirements, writers may also consider the need for consistency and integration within DOE. The working group will include implementation costs and impacts, as well as the effectiveness of the overall risk mitigation strategy, into the development process for each requirement. Proposed Federal and contract requirements should be necessary for mission accomplishment or should reflect a strategy for risk management that is integrated with other related laws, regulations, Directives, etc.

APPENDIX C: DIRECTIVE TYPES

1. POLICY.

   a. Establishes high level expectations in the conduct of the Department's mission and impact two or more Departmental Elements.

   b. Provides the Secretary's direction for Orders, Guides, and Technical Standards.

   c. Remains in effect until canceled by the Secretary or Deputy Secretary.

2. ORDER.

   a. A requirements documents developed and processed in the Departmental Directives Program and approved by the Secretary or the Deputy Secretary.

   b. Establishes management objectives, requirements, and assignment of responsibilities for DOE Federal employees consistent with the law, policy, and regulations applicable to DOE.

   c. If requirements for contractors are necessary, they are included in the contractor requirements document (CRD).

3. MANUAL.

   a. Dictates how Federal and contractor employees are to implement requirements.

   b. Manuals are being phased out and canceled, or converted to or incorporated into Orders, as appropriate. Manuals will not be revised, and no new Manuals will be created.

4. GUIDE.

   a. Provides acceptable, but not mandatory, means for complying with requirements included in a directive or a rule.

   b. A guide does not impose requirements. A guide may quote or refer to requirements if the sources are adequately cited.

APPENDIX D: DEFINITIONS

1. Administrative Change. A change that does not alter requirements or responsibilities in the affected directive. Examples of such changes include typographical errors; nomenclature changes such as changes to organization names or titles of officials; clarifications that do not alter requirements or responsibilities; or changes to legal citations or references. Administrative Changes are approved by the Departmental Directives Program Manager.

2. Cancelation. The process of reviewing and seeking approval from the Secretary or Deputy Secretary to cancel an approved directive.

3. Comment Resolution. Process in which the OPR responds to comments received during the review of draft directives. OPR works with commenting organizations to ensure comments or concerns are addressed.

4. Contractor. For purposes of the Directives Program:

   a. An organization under contract with DOE to perform services with the clause at DEAR 970.5204-2, Laws, Regulations and DOE Directives, in their contracts; or

   b. An organization under contract with DOE requiring the incorporation of a CRD in their contract to implement an Order.

   Note: This definition of contractor does not include all of the procurement contracts entered into by DOE.

5. Contractor Requirements Document (CRD). An attachment to a directive that states the parts of the directive that apply to contractors. Where required, a CRD is included as Attachment 1 to a directive (additional attachments are considered an extension of the CRD). CRDs can be unilaterally inserted into contracts that include DEAR 970.5204-2, Laws, regulations, and DOE Directives, in accordance with that clause. The clause requires the Government to give the contractor time to identify the effect on the contract, including any increased costs or need for revision to the contract's incentives. For contracts not subject to DEAR 970.5204-2, the CRD may be bilaterally (with the contractor's agreement) incorporated into the contract.

6. Directive. A document in which DOE sets, communicates, and institutionalizes policies, requirements, responsibilities, and procedures for Departmental Elements and contractors. This term applies to the types of directives listed in Appendix C.

7. Directives Point of Contact (DPC). Primary point of contact designated to lead efforts to solicit, review, and resolve comments from within their organizations.

8. Directives Review Board (DRB). The group of senior executives charged with ensuring the Departmental Directives Program contains directives that enhance DOE's ability to achieve its mission goals in a safe, secure, and cost-effective manner. The DRB advises,

as well as concurs, on individual directives before their approval by the Deputy Secretary for final issuance.

9. DOE Technical Standard. DOE standards, handbooks, and specifications established, approved, and maintained in accordance with the DOE Technical Standards Program (see the current version of DOE O 252.1, *Technical Standards Program*).

10. Equivalency. An alternative to how a requirement in a directive is met.

11. Exemption. A release from compliance with a requirement in a directive.

12. Expedited Process. A process available for limited changes proposed by the OPR for undisputed changes in requirements. The DRB makes the final determination to process an expedited revision request.

13. Head of Departmental Element. For the purposes of this Order, Heads of Departmental Elements include the Assistant Secretaries and Office Directors reporting to the Secretary either directly or through the Deputy Secretary or Under Secretaries. The NNSA Administrator is the only NNSA Head of the Departmental Element. For the purposes of this Order, Power Marketing Administrators are Heads of their Departmental Elements.

14. Impasse. When the resolution of directives issues cannot be agreed upon between one or more Heads of Departmental Elements.

15. Integrated Project Team (IPT). A group of DOE Federal and contractor employees – including, but not limited to, OPR representatives; senior-level program and National Laboratory executives; SMEs; and DOE general oversight representatives, as applicable – convened to work on the revision or development of a specific directive.

16. Invoked Technical Standard. A DOE or other Technical Standard that becomes a required method, in part or in whole, based on a clear requirement statement in a DOE Directive. When an Order invokes Technical Standards, a list of those invoked Technical Standards will be provided within the Order.

17. Limited Change. A directive modification restricted to a limited portion of the requirements or responsibilities established in the directive. Previously known as the Page Change or the Minor Change.

18. Office of Primary Responsibility (OPR). The office responsible for originating a directive and maintaining its accuracy and currency.

19. Prioritization. The process of determining planned directives activities for the coming year.

20. Procurement Management System. The Procurement Management System encompasses the integration of the procurement process (acquisition of supplies, services, and property), the professional development of procurement personnel, development of DOE procurement regulations and policies, and the management structure for carrying out the

procurement function. 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.

21. Requirement. An activity that must be performed pursuant to a directive to fulfill the Department’s mission.

22. Responsibility. A duty or authority assigned to a position or office to implement, manage, or oversee.

23. Revision. A proposed modification to a directive that will affect a large portion of its requirements or responsibilities. Changes not considered as a limited change to a directive are considered full revisions to the directive.

24. Stakeholder. A person or organization affected by or with an interest or concern in a directive, and therefore an interest or concern in changes made to that directive.

25. Unauthorized Directive. A document with requirements or responsibilities for two or more Departmental Elements not developed and processed as outlined in this Order.

26. Voluntary Consensus Standard. A standard developed through a process that is open to participation by representatives of all interested parties, transparent, consensus-based, and subject to due process. It 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 Standardization (ISO).