

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. CANCELS/SUPERSEDES. 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.
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 ensure 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) Requests for Equivalencies and Exemptions to this Order must be in memorandum form and sent to the Office of Information Resources for concurrence.
 - (a) The memorandum must briefly justify the reasons for the equivalencies or exemptions.
 - (b) The memorandum must reference the offices, or localities, and requirements for which the equivalency or exemption is sought.

- (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 (AL) that would significantly affect the contract terms and conditions of management and operating contracts or other site and facility management contracts or materially impact the contractor's performance.
- (2) Exemption. The Chief Financial Officer's Accounting Handbook. However, DOE Field Chief Financial Officers (CFOs) will be afforded a reasonable opportunity to review and comment on draft handbook chapters that provide guidance, instruction or direction to Field CFOs.
- (3) 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.
- (4) 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.
- (5) Exemption. Guidance, direction and instruction issued by the Department's General Counsel (or NNSA's General Counsel) to, or concerning the management of, the Department's (or NNSA's) attorneys and the legal services and advice they render.
- (6) Exemption. Guidance, direction and instruction issued by the Office of the Chief Human Capital Officer (CHCO) related to the proper execution of human resources authorities and processes within the Department.
- (7) Exemption. Exemption from Appendix A for human resources related Orders. For non-NNSA organizations, an exemption or equivalency must be approved by the CHCO. For NNSA, concurrence must be obtained from the CHCO before an exemption or equivalency can be approved.

4. REQUIREMENTS.

a. General.

- (1) 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 Office of Enterprise Assessments, 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>.
- (2) Directives in the Departmental Directives Program (see Appendix B for Directives Types) must be used as the Department's primary means to establish, communicate, and institutionalize policies, requirements, responsibilities, and procedures impacting multiple Departmental elements. The Directives Program is the single methodology for creating and promulgating DOE-wide requirements for Federal staff and contractors to ensure that a risk based approach has been applied to the Department's management system.
- (3) Requirements in this Order for directives development, revision, cancellation, and approval must take precedence over all other directives. Where conflicts exist between directives, the Departmental element that identifies the conflict must notify the DRB in writing. If the DRB confirms that a conflict exists, one or more of the affected directives must be revised.
- (4) Directives must be written containing the standardized format and content provided in this Order (Templates located at: <https://www.directives.doe.gov/development-review>.)
- (5) 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, may, when necessary, specify how the requirements must be met.
- (6) Directives must establish performance-based management goals that align with program mission and objectives and define performance measures where appropriate.

- (7) Directives must not duplicate or be inconsistent with applicable laws and regulations or other directives. To the extent possible, directives should be written so that they are consistent with or incorporate widely accepted national standards that DOE has been directed to apply.
- (8) When necessary, more detailed information, direction, or requirements that are applicable only to Federal employees must be provided in an appendix.
- (9) A concise set of all contractor requirements must be provided in Attachment 1, the contractor requirements document (CRD). 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 not direct a contractor to follow requirements in an Order.
- (10) Directives must be developed and processed as outlined in Appendix C.
- (11) Notices must be converted to, or incorporated into, an Order within one year of the effective date of the Notice.
- (12) Directives must be reviewed every five years in accordance with Appendix D to ensure relevancy and accuracy. The DRB may request OPIs to brief the DRB on plans for directives review, either because directives have not been reviewed within the required five years or because significant concerns have been identified with selected directives.
- (13) Secretarial and Deputy Secretarial policies containing requirements that cross organizational lines must be reviewed for cancellation or conversion to be incorporated into the Departmental Directives Program every four years or upon departure of the Secretary/Deputy Secretary (see process in Appendix E).
- (14) Unauthorized directives must be reported to the Office of Information Resources and implementation held until a Directives Review Board determination (see Appendix F).

b. 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.
- (2) Equivalencies must be requested in substitution for how to implement requirements.
- (3) Exemptions must be requested when not implementing one or more requirements.

- (4) Requirements for contractors seeking 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 directive development process other than that described in Appendix C, when necessary, or delegates approval authority to the Deputy Secretary.
- (3) Approves cancellation of policy memoranda or conversion into the Departmental Directives Program or delegates approval 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 that described in Appendix C, 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/or other Departmental elements, organizations, or offices.

c. Secretarial Officers. As appropriate:

- (1) Initiate development or revision of proposed directives in accordance with the requirements defined in Appendix C.
- (2) Sign justification memoranda requesting development or revision of directives or assign signature authority to a designee.
- (3) Participate in DRB meetings as requested or assign designees for matters concerning the development or revision of directives.

- (4) Ensure that writers have the necessary support to engage in efforts to process draft directives within the prescribed timetables.
- (5) Establish procedures for soliciting and consolidating the views of their contractors and stakeholders on draft directives throughout the stages of the directive development process.
- (6) Concur on summary of issues and the organization's position when impasses occur.
- (7) Ensure the organization provides timely implementation of new or revised directives (within twelve month of issuance, unless specified otherwise in the directive or an appropriate exemption or equivalency is approved).
- (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 (DPCs) who possess sufficient knowledge and capabilities to be liaisons between their organizations and the Directives Program.
- (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.
- (11) For NNSA elements, work with the NNSA Office of the General Counsel and the NNSA Office of Acquisition Management in developing requirements for contractors.
- (12) With concurrence from the OPIs, grant exemptions and equivalencies in accordance with Appendix A, including establishment of a documented process.
- (13) Approve or assign designees to approve comments submitted from their organizations.
- (14) Ensure that directives under their purview are reviewed every five years to verify continuing relevance and/or to determine whether any action (i.e., certification, revision or cancellation) is necessary.
- (15) 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 Chair of the DRB, and makes the final determination on directives process matters, unless otherwise specified.
 - (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 on the DRB as representative for Departmental staff/support offices not already represented on the DRB. For organizations that are 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 directives.
 - (8) In consultation with the DRB, makes the final decision regarding whether to forward 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 (with the exception of advisory members) on proposed directives before department-wide coordination and approval for publication.
 - (2) Recommend to the Chair, DRB, timeframes for processing directives, including use of an expedited process for page changes
 - (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 to the Chair, DRB, that a draft directive be reactivated after being placed on-hold due to inactivity (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 (with the exception of advisory members) that the Chair, DRB, concur on directives for approval or forward to the Secretary or Deputy Secretary if at an impasse.
- (9) May recommend a directive for further review for relevancy and accuracy.
- (10) Recommend to the Chair, DRB, the extension of Notices up to one year, as appropriate.
- (11) Consult with Secretarial Officers on policy memoranda before recommending to the Deputy Secretary either cancellation or conversion of policy memoranda into appropriate Departmental directives.
- (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 requested financial impact analyses have been completed.
- (2) Develops and shares best practices with program offices regarding the creation of financial impact analyses.

g. Central Technical Authorities (CTAs).

Provide concurrence or non-concurrence on all directives that affect nuclear safety found in DOE O 410.1, *Central Technical Authority Responsibilities Regarding Nuclear Safety Requirements*, to applicable DRB member.

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 by DRB members, advisory members, Directives Points of Contact (DPCs) represented by the Chair, DRB, and the Office of the Chief Financial Officer.

- (4) Provides to 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) Determines after 90 days past the due date whether a draft directive must be placed on-hold or whether a justification memoranda must be withdrawn and notifies the DRB of the decision. If further inactivity continues, communicates next steps to the OPI (outlined in Appendix C).
- (9) Ensures that 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 their 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 that 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) In consultation with the OPI, determines the type of proposed changes (revision, page change or administrative change) to be developed.
- (16) Approves administrative changes.
- (17) Coordinates with all Department elements to obtain names of DPCs.
- (18) Prior to the beginning of each fiscal year, publishes an annual Directives Agenda that includes all directives that are required to be reviewed during

the upcoming fiscal year and provides a checklist to assist in determining the directives' relevance and accuracy.

- (19) Ensures that DOECASTS containing lists of recently approved and canceled 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) Posts policy memoranda issued by the current or former Secretary or Deputy Secretary to the Directives website as appropriate.
- (22) Disseminates to the DRB copies of packages of Secretarial memoranda for review.
- (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 documents are issued.
- (25) Notifies the Department of directives actions (e.g., the cancellation of directives or other administrative action) through a Directives Program Notification.

i. Office of Primary Interest (Writer).

- (1) Follows the process outlined in Appendix C for developing or revising directives.
- (2) Solicits comments from appropriate subject matter experts on draft directives prior to submitting the drafts for the first review and comment.
- (3) For non-NNSA elements, works with the Office of the General Counsel and the Office of Management (Office of Acquisition and Project Management) in developing a CRD.
- (4) For NNSA elements, works with the NNSA Office of the General Counsel and the NNSA Office of Acquisition Management in developing a CRD.
- (5) Receives concurrence from the appropriate Central Technical Authority for the revision, cancellation, or administrative change of nuclear safety directives listed in DOE O 410.1, Central Technical Authority Responsibilities Regarding Nuclear Safety Requirements.

- (6) Adheres to the prescribed formats when developing or revising directives.
https://www.directives.doe.gov/development-and-review-of-directives/directives_templates.
 - (7) When requested by the DRB, provides a crosswalk of requirements.
 - (8) When requested by the DRB, prepares a detailed financial impact analysis. When necessary, contacts the Office of the Chief Financial Officer for assistance.
 - (9) Leads efforts to engage organizations in resolving differences over comments.
 - (10) Grants approval for extensions for comments on draft directives during the review and comment period and notifies the Office of Information Resources.
 - (11) Coordinates with the DOE Departmental Representative to the Defense Nuclear Facilities Safety Board (DNFSB), as appropriate.
 - (12) Using the prescribed directives process, documents the basis for resolution of all comments.
 - (13) Adheres to the directives processing times or notifies the Office of Information Resources to describe reasons for deviations.
 - (14) Consults with the Office of Information Resources on determining the type of proposed changes (revision, page change or administrative change).
 - (15) Consults with offices seeking Equivalencies or Exemptions.
 - (16) Provides a progress report to the DRB, as requested, on implementation of a directive's communication plan six months after the directive has been approved.
 - (17) Reviews directives every five years to verify continuing relevance and/or whether any action (i.e., certification, revision or cancellation) is necessary, see Appendix D.
- j. DOE Departmental Representative to the DNFSB.
- (1) Coordinates directives reviews with the DNFSB.
 - (2) Provides the OPI with DNFSB comments through the process used by the Department.

- (3) Facilitates communication between the OPI and DNFSB regarding DNFSB comments prior to a directive's approval.
 - (4) Informs the DNFSB when a directive is considered for cancellation.
 - (5) Informs the OPI and DRB on DOE implementation plan commitments and other Secretarial commitments to the DNFSB that impact directives.
- k. Contracting Officers. Incorporate CRDs within 12 months or by due date established by the Secretarial Officer in M&O 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. For non-M&O contracts not subject to DEAR 970.5204-2, incorporate the CRD into the contract as a clause in Section C, H, or other appropriate section of the contract.
- 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 OPIs, in conjunction with the Office of Information Resources.
 - (3) Consolidate and streamline subject matter experts' comments, eliminating comments that are pejorative, do not provide a specific recommendation for changes, or conflict with other comments provided.
 - (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. 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, 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*, dated 2-23-2011.
- e. DOE O 410.1, *Central Technical Authority Responsibilities Regarding Nuclear Safety Requirement*, dated 8-28-2007.

7. DEFINITIONS. See Appendix G.
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**
approval

ELIZABETH SHERWOOD-RANDALL
Deputy Secretary

EQUIVALENCY AND EXEMPTION PROCESS

When an organization seeks an equivalency or exemption, their Secretarial Officer or designee may grant an equivalency or exemption to the requirements in a DOE directive after receiving concurrence from the OPI. Organizations should make full use of exemptions and equivalencies, as appropriate, to avoid unnecessary burden. CTA concurrence is required prior to the granting of equivalencies or exemptions for nuclear safety directives identified in 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. After receiving concurrence from the OPI, the organization seeking the equivalency or exemption must document the request in a memorandum to their Secretarial Officer or designee. 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. indicate when compliance will be achieved;
 - f. describe any alternative or mitigating actions that have 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
 - g. describe conclusions and recommendations from the OPI review of the exemption/equivalency and resolution of recommendations.
2. The Secretarial Officer or designee may grant an exemption only if the exemption:
 - a. is not prohibited by law;
 - b. ensures adequate protection of the public, workers, and the environment; and
 - c. is not inconsistent with the primary goal and purpose of the directive.
3. Secretarial Officers that 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.

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. May be issued through memoranda by the Secretary or Deputy Secretary.
- c. Provide the Secretary's direction for Orders, Notices, Guides, and Technical Standards.
- d. Remain in effect until canceled by the Secretary or Deputy Secretary.

2. Orders.

- a. Requirements documents developed and processed in the Departmental Directives Program, and approved by the Secretary or the Deputy Secretary.
- b. Establish management objectives, requirements, and assignment of responsibilities for DOE Federal employees consistent with policy and regulations.
- c. If requirements for contractors are necessary, they are included in Attachment 1, known as the contractor requirements document (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 unless an extension is granted by the DRB.
- c. Are converted to or incorporated into an Order within one year of the effective date of the Notice.

4. Manuals.

- a. Dictate how Federal and contractor employees are to implement requirements.
- b. Are being phased out and converted to or incorporated into Orders, as appropriate.

5. Guides.

- a. Provide non-mandatory, supplemental information about acceptable methods for implementing directives requirements, including lessons learned, suggested practices, instructions, and suggested performance measures.

- b. Do not impose requirements, but may quote requirements if the sources are adequately cited.

DIRECTIVES DEVELOPMENT PROCESS

This Appendix describes the process for developing, revising, and approving all directives, including page change revisions. Organizations should not approach development of directives from a one-size-fits-all perspective. The standard timeline for processing Orders and Guides is 180 calendar days. This includes Draft Development (60 days), Review and Comment (45 days), Comment Resolution (45 days) and Final Review (30 days). The processing time for Policies and Notices will be determined by the Directives Review Board. The Secretary, Deputy Secretary, or DRB Chair may approve an expedited process for processing 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 practical, quantitatively anticipated costs and beneficial impacts, such as safety, 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) Identify and provide the rationale for proposing invocation of any Technical Standard.
 - (5) Provide rationale for requesting an alternative timeline from the standard processing time of 180 calendar days, if needed. No development of the draft directive should begin until the DRB approves the justification memorandum.

2. STAGE II. FIRST 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. A financial impact analysis may be requested

from the OPI by the DRB. The DRB must reach consensus before recommending to the Director, Office of Management that the directive be developed. If consensus cannot be reached by the DRB, the Chair, DRB, facilitates unresolved issues between the DRB members, the contending Secretarial Officers or designees. If the issues cannot be resolved, the Chair, DRB, makes the final determination.

3. STAGE III. DEVELOPMENT OF THE FIRST DRAFT.

- a. The OPI must be notified in writing by the Office of Information Resources that the DRB has granted approval to develop or revise the proposed directive.
- b. The OPI must adhere to the schedule sanctioned by the DRB, normally 60 calendar days, to provide the first draft to the Office of Information Resources. Exceeding the established DRB milestone by more than 90 days will result 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 will be 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 OPIs 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 Directors Council, as requested, and the appropriate program counsel; and
 - (5) the Office of Primary Interest responsible for any DOE Technical Standard being invoked in the directive.
- 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. Requirements crosswalks are typically required for nuclear safety Orders and Notices.

4. STAGE IV. REVIEW AND COMMENT.

- a. The draft directive must be coordinated Department-wide using the online review and comment tool for 45 calendar days unless otherwise sanctioned by the DRB Chair, the Deputy Secretary or the Secretary.

- b. If the draft is an Order invoking a draft Technical Standard, the draft Order and the draft Technical Standard must be coordinated through the respective review and comment tool process concurrently to ensure all reviewers have access to both documents. The process for implementation of invoked DOE Technical Standards for contractors is discussed in DOE O 252.1A, *Technical Standards Program*.
 - c. Classified directives must not be coordinated using the review and comment tool or be transmitted by unclassified email systems at any time. Draft directives transmitted via email on a classified system must be reviewed for classification and fully marked with the appropriate required markings. 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 45 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 changes feature to produce red text for inserts and strikeouts for deletion of comments being incorporated and other changes. If a Technical Standard has been simultaneously coordinated, perform the same actions on the electronic file.
 - c. Email the electronic files of the clean and updated draft directives, and the communication plan 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. 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 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, then an impasse occurs. The OPI must include the issue(s), its position and the contending organization position, and the DRB's recommendation in a summary paper.
- h. The approval memorandum, the summary paper, a clean and redline copy of the final draft directive, the synopsis, the communication plan synopsis, and any other documents mentioned in the memorandum will be forwarded to the Secretary or Deputy Secretary to render a decision.

DIRECTIVES REVIEW: CERTIFICATION, CANCELLATION OR REVISION

A directive must be reviewed every five years by the OPI to verify continuing relevance and/or whether any action (i.e., certification, cancellation or revision) is necessary. If a revision or cancellation is necessary, there is no need to certify the directive. 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 and accuracy. 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 five 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 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 canceled directive, and an Administrative Notice) to the Office of Information Resources.
 - d. If a Policy, Order or Notice is being canceled, the Office of Information Resources transmits the approval package to the Deputy Secretary. If a Guide is being canceled, the Office of Information Resources transmits the approval package to the Director, Office of Management.
 - e. Once cancellation is approved, a cancellation date will be placed under the approval date on the directive and listed among other directives in quarterly DOECASTS, when appropriate. A Directives Program Notification, approved by the Director, Office of Information Resources, will be placed on the directives website to communicate the approval of the cancellation to the Department.
 - 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. The DRB will determine the path forward to achieve consensus or elevate impasse.

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 canceled, and submits the package to the Secretary or Deputy Secretary for approval. If there is more than one memorandum to be canceled, a consolidated list of the memoranda titles is 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 to a directive for the Deputy Secretary's signature.
3. Incorporation of policy memorandum into existing or a new directive must follow the process outlined in Appendix C.

UNAUTHORIZED DIRECTIVES

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 paragraph 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 postpone implementation until processed through the Directives Program.
3. The Office of Information Resources will notify the DRB when an unauthorized directive has been identified. The DRB will review the document, make a determination of its compliance with the directives program, and 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 the process 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) typographical errors; (b) nomenclature changes such as changes to organization names or titles of officials; (c) clarifications that do not alter requirements or responsibilities; or (d) changes to legal citations.
2. Certification. Process for reviewing and verifying directives that have been in effect for 5 or more years for accuracy and continued relevance.
3. Communication Plan. A document included with the directive's final draft package that identifies and describes how training and/or any other roll-out activities performed by the OPI will be accomplished to support effective implementation of the directive.
4. Comment Resolution. Process of the OPI responding to comments received during the review of draft directives. All major comments submitted on behalf of the Secretarial Officer or designee must be addressed and resolved before the directive is approved.
5. Consensus. The highest level of agreement reached by a group as a whole. All members of the group agree to support the decision.
6. Contractors. For purposes of the directives program, organizations under contract with DOE to perform services with the clause at DEAR 970.5204-2, Laws, Regulations and DOE Directives, in their contract or contract including the CRD as a requirement for successful completion of the contract. [Note: This definition of contractor does not include all of the procurement contracts entered into by DOE.]
7. Contractor Requirements Document (CRD). If requirements for contractors (e.g., M&O contractors) are necessary, they are required to be included in Attachment 1, called a contractor requirements document (CRD). Contractor requirements documents can be directly inserted into contracts that have DEAR 970.5204-2, Laws, regulations, and DOE Directives, already included. For non-M&O contracts not subject to DEAR 970.5204-2, the CRD can be incorporated into the contract as a clause in Section C, H, or other appropriate section of the contract.
8. 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.
9. 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.
10. Crosswalk. A table for a directive revision which identifies changes in requirements and the technical basis for these changes.

11. Departmental Elements. Headquarters elements and first-tier organizations as listed in the *Correspondence Style Guide*, Office of the Executive Secretariat.
12. 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.
13. Directives Program Notification. A notification created by the Office of Information Resources that is used to communicate the approved cancellation of a directive or other administrative action regarding directives.
14. Directives Review Board. Established by DOE O 251.1, 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, and the Office of Environment, Health, Safety and Security. Non-voting, advisory members include senior representatives from the Office of Enterprise Assessments, the National Laboratory Directors Council and the Field Management Council.
15. 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.
16. Exemptions. The release from one or more requirements in a directive.
17. Financial Impact Analysis. A document that details potential significant budgetary or other resource impacts on the Department shared with DRB members and the Chief Financial Officer upon request.
18. Impasse. When a resolution of directives issue(s) cannot be agreed on between Departmental elements.
19. Invoked Technical Standard. A DOE Technical Standard that is called upon, in part or in whole, as a required method in a DOE Directive based on a clear requirement statement. The following is an example of an invoking requirement statement: “*DOE Headquarters line management must oversee DOE field processes for verifying readiness to startup and restart nuclear facilities in accordance with . . . DOE-STD-3006, Planning and Conducting Readiness Reviews*. (DOE Order 425.1D)”
20. Justification Memorandum. A document used to justify developing, revising, or canceling a directive.
21. National 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 Standardization (ISO).
22. Office of Primary Interest. The writer's office, responsible for originating the directive and maintaining its accuracy and currency.
 23. Page Change. When a directive modification is restricted to a limited portion of the requirements and/or responsibilities defined in the directive. The review for a page change is limited to only the changed portions of the draft directive.
 24. Performance-Based Management Goals. A systematic approach to performance improvement through an ongoing process of establishing strategic performance goals.
 25. 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.
 26. Review and Comment Tool. A web-based work-flow application tool used by the Department of Energy for coordination of draft directives.
 27. 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.
 28. Requirements. Activities that must be performed pursuant to a directive to fulfill the Department's mission.
 29. Responsibilities. Duties and authorities assigned to a position or office to implement, manage and/or oversee directives.
 30. Secretarial Officer. Secretarial Officers are: the Secretary, Deputy Secretary, Under Secretaries, and the Assistant Secretaries and Program Office Directors reporting to the Secretary either directly or through the Deputy Secretary or Under Secretaries. The NNSA Administrator is the only NNSA Secretarial Officer.
 31. Technical Standard. DOE standards, handbooks, and specifications established and maintained in accordance with the DOE Technical Standards Program (see DOE O 252.1A, *Technical Standards Program*). DOE standards, the only type of technical standard that may be invoked in a DOE Directive, provide specific standardized approaches, methodologies, technical criteria, or other information on accomplishing a task, developing a plan, and/or performing a calculation or assessment to implement a DOE requirement. DOE standards provide a common shared approach or methodology for implementing a DOE requirement such that its implementation is consistent across DOE programs and operations.

ADMINISTRATIVE CHANGE PROCESS

Administrative (admin) changes are those that do not alter requirements or responsibilities in the affected directive. Examples of such changes are typographical errors; nomenclature changes such as changes to organization names or title of officials; clarifications that do not alter requirements or responsibilities; or changes to legal citations. All directives requiring an administrative change have the same review process as delineated in this Appendix.

To request an admin change the OPI must:

1. Create a redline/strikeout and clean copy of the proposed changes to the directive.
2. Incorporate the proposed changes to the directive into the Location of Changes document.
3. Create an approval memo justifying the need for an administrative change for the approval of the Secretarial Officer or designee. Templates are located at: https://www.directives.doe.gov/development-and-review-of-directives/directives_templates.
4. Submit the signed approval memo with hard and electronic copies of the files listed above to the Office of Information Resources for approval by the Director, Office of Information Resources.

The Office of Information Resources will notify the OPI whether the admin change has been granted. If the admin change is not granted, the OPI may pursue the change subject to the process delineated in Appendix C.