

Process for Reviewing Departmental Directives for National Nuclear Security Administration (NNSA) Impact

Directives Review & Coordination

1. Office of Primary Interest (OPI) submits **all** directives directly to MA-4.2 (Directives Management Team (DMT)). **An electronic file of each directive is needed to process all directives.** This includes both directives with NNSA impact changes and directives undergoing normal directives review.
2. MA-4.2 reviews and further marks up the directive for NNSA impact, as necessary, in accordance with the NNSA checklist and instructions. MA-4.2 also annotates on the directive the: (1) planned Sunset Review date and (2) whether the directive changes are administrative (“pen and ink”) or substantive.
3. MA-4.2 provides a copy of all directive(s) with NNSA impact changes to MA-4.1 (Office of Special Projects) for review.
4. MA-4.1 reviews, comments, and resolves NNSA impact issues with the OPI through the DMT Account Manager, as necessary.

Typing

1. OPIs are responsible for providing typing support for their directives updates. All directives are to be typed in WordPerfect. **For the initial draft, changes should be in “red line” format.** Electronic files can be obtained from MA-4.2 for directives published March 30, 1996 or later.

Approval

1. MA-4.2 forwards directives for approval in batches versus on an individual basis. Directives with administrative changes will be signed using autopen. Directives with substantive changes will follow the normal directives review process.
 1. Administrative (“pen and ink”) changes:
 - a. Obtain necessary concurrences (GC, OPI, NNSA, and MA-1 signature memo)
 - b. Submit for Autopen signature (S-2 memo)
 2. Substantive changes :
 1. Enter into REVCOM coordination.
 2. Obtain Deputy Secretary signature through normal directives review process
2. Directive approval memos and directives returned to MA-4.2 for publication.

Publish

1. MA-4.2 publishes directives

National Nuclear Security Administration (NNSA) Directives Review and Update

Purpose:

To review the Departmental directives (policies, orders, notices, manuals, and guides) for NNSA impact using the checklist criteria below and update where necessary. Each directive must clearly stipulate that direction and control provided to the NNSA on program, personnel, or tasks is from an Administration official only.

Overview:

Title 32 of the National Defense Authorization Act (NDAA) for Fiscal Year 2000, Public Law 106-65 (“NNSA Act”), provides that employees of the NNSA may not be responsible to, or subject to the authority, direction, or control of, any officer, employee, or agent of the Department, other than an employee of the NNSA, the Secretary, and the Deputy Secretary. This restriction means that a non-NNSA employee of the Department cannot supervise a NNSA employee, nor may a non-NNSA employee order or mandate that a NNSA employee take specific actions. However, it does not prohibit non-NNSA employees from providing advice and assistance to NNSA employees.

The Secretary of Energy determined that the Department’s non-NNSA components will continue to provide administrative, business, and other support services to the NNSA, as needed. This continuity is needed for the overall efficiency of the Department (e.g., to ensure consistency in the operations of NNSA and non-NNSA components within the Department). Examples of the types of administrative, business, and other support services that will be provided to the NNSA, as needed, include process of Freedom of Information Act (FOIA) requests, investigating claims of discrimination, and assistance with processing financial, procurement and personnel actions.

The NNSA has 18 management positions that are currently dual hatted (+1 in process for the Manager, Chicago Operations Office) that parallel the Department’s authorities and responsibilities in many functional areas. In each of these positions, a single individual is assigned to occupy two positions, one of which is within the NNSA and the other of which is outside of the NNSA. These positions have separate and distinct responsibilities and authorities which must be identified in applicable directives where approval and/or direction is to be provided. The specific NNSA positions are as follows:

- < **Chief, Office of Defense Nuclear Counterintelligence/Director of Counterintelligence, NNSA**
- < **Chief, Office of Defense Nuclear Security/Director, Office of Security and Emergency Operations, NNSA**
- < **Director, Office of Emergency Response, NNSA**
- < **General Counsel, NNSA**
- < **Deputy General Counsel, NNSA**
- < **Civil Rights Officer, NNSA**
- < **Director of Hearings and Appeals, NNSA**
- < **Designated Agency Ethics Official, NNSA**
- < **Headquarters Personnel Officer, NNSA**
- < **Headquarters Procurement Officer, NNSA**
- < **Board of Contract Appeals (3 positions), NNSA**
- < **NNSA Closure Officer (for purposes of site shutdown), NNSA**
- < **Interim Director for Implementation of Nuclear Weapons Policy, NNSA**
- < **Field Manager for NNSA Operations (Oakland, Oak Ridge, Savannah River), NNSA**

NNSA IMPACT TEMPLATE FOR REVISING DIRECTIVES

1. **OBJECTIVE.** Review this section to:
 - (a) Determine if the directive is service related (i.e., procurement, administrative, or financial services). If so, include a lead-in statement such as, “As a service to all Departmental Elements, the following will be . . .). The purpose of this statement is to clarify that the directive provides a *service* to the NNSA rather than *direction* or *control* of the NNSA.
 - (b) In the initial reference to the Department, include a reference to the NNSA, if the directive applies to the NNSA.

1. **CANCELLATION.** No change.

3. **APPLICABILITY.** In general, all directives that were applicable to DOE that were in effect on February 29, 2000, continue to apply to Department functions and activities that have been transferred to the NNSA. Review this section to determine whether the directive is applicable to the NNSA. Applicability of the directive to the NNSA must be precisely stated, as in the following examples:
 - (a) If the directive is applicable to the NNSA, you must state this. For example:
 - DOE Elements, **including the NNSA**;
 - All DOE activities and organizations, **including the NNSA**;
 - Headquarters and Field Elements, **including the NNSA**;
 - DOE employees, **including employees of the NNSA**.
 - (b) If the directive is not applicable to the NNSA you must state this. There should very few instances where an entire DOE directive does not apply to the NNSA. For example:
 - DOE Elements **excluding the NNSA**This change can be covered in a single exclusion paragraph.
 - (c) If the directive is partially applicable to the NNSA, you must state this. For example:

DOE Elements **excluding the NNSA**, except for paragraph/section xx:

 - (1) Cite the section/sub-section that does not apply to NNSA
 - (2) Cite the section/sub-section that applies to the NNSA.

4. **REQUIREMENTS.** This section should be descriptive of the activities of the subject directive and provide basic guiding or regulation of actions. If this section includes organizational responsibilities or authorities you must reference the NNSA, where applicable.

5. **RESPONSIBILITIES.**
 - (c) **Organizational Titles.**

Review this section to ensure that the DOE organization titles are current and update as necessary. In addition, update this section to include NNSA organization titles, where appropriate. (See the attached list of NNSA titles). Routing symbols are no longer used in DOE Directives. Where appropriate spell out the title of the organization and remove routing symbols.

(b) **Type of Responsibility.**

Review this section to determine whether the current DOE responsibility listed includes *direction*, *approval*, *authorization* or requires a *determination/decision*. If so, the directive must provide separate responsibility/authorization statements for NNSA and DOE officials. The reason for this is that a non-NNSA employee of the Department cannot supervise a NNSA employee, nor may a non-NNSA employee order or mandate that a NNSA employee take specific actions. Only the Deputy Secretary and Secretary of Energy may provide *direction* to NNSA employees.

If a separate responsibility/authorization statement is required, you will typically need to write a statement for the NNSA that duplicates the DOE statement. As an example: The NNSA has its own personnel authority. Therefore, if the directive includes a responsibility for the Director of Human Resources within the Office of Management and Administration that provides *direction*: there must also be a separate, matching section for the Headquarters Personnel Officer within the NNSA that provides *direction*. (Refer to the dual hatted positions and to the attached list of NNSA organization codes). If further authority is provided to a specific organization, a separate section outlining NNSA organizational titles and responsibilities will be required.

EXAMPLES:

- (a) **Cognizant Secretarial Officer (CSO), Program Secretarial Officer (PSO), or Lead Program Secretarial Officer (LPSO).** The NNSA counterpart to the Department's CSO/PSO/LPSO is the Deputy Administrator, NNSA. Therefore, state Cognizant Secretarial Officers/Deputy Administrators, National Nuclear Security Administration if the NNSA needs to be included in the responsibility.
- (b) **DOE Principal or Head of DOE Element.** The NNSA counterpart to a DOE Principal or Head of a DOE Element is the Deputy Administrator, NNSA.
- (c) **Undersecretary.** If the directive applies to both Undersecretaries, either state:
(1) Undersecretaries or (2) Undersecretary for NNSA **and** Undersecretary for Energy, Science and Environmental Management.
- (d) **Procurement.** Where procurement functions or officials are referenced that provide direction/control separately delineate the NNSA function or official (i.e., the Headquarters Procurement Officer, NNSA is the NNSA counterpart to the Office of Management and Administration (MA) Director of Procurement and Assistance Management). In addition, if a contracting officer is referenced specify both **DOE/NNSA** contracting officer.
- (e) **Personnel.** Where personnel functions or officials are referenced that provide direction/control separately delineate the NNSA function or official (i.e., the Headquarters Personnel Officer, NNSA is the counterpart to the MA Director of Personnel).
- (f) **Safety & Health.** S&H related activities must be reported up through the Administrator, NNSA. Therefore, specifically cite the Administrator, NNSA.
- (g) **Chief Financial Officer.** The delegation of authority for CFO activities were assigned to an extremely narrow band of certification related functions (i.e., pay, etc.) only. It is currently unclear how the legislative requirement to implement a Planning, Programming, and Budgeting System (PPBS) for the NNSA that is similar to the Defense Department's will be handled. At some point, the DOE directives that relate to budget formulation and execution may need to be revised to reflect the more structured PPBS approach.

(h) **External Authorities.** There are certain external authorities for GSA activities (i.e., leasing, real estate, utilities) that are explicitly delegated to positions within the Department. These functions will remain under Departmental control and the individuals cited by name will continue to provide the service to the NNSA.

6. **REFERENCES.** No change.

DRAFT
**Update of Directives for NNSA Impact
Schedule**

Activity	Target Date
< Directives Management Team (DMT) conducts workshops on updating directives for NNSA impact	mid-July 2000
< Office of Primary Interest (OPI) completes internal directives review for areas of NNSA impact concern and highlights issues to MA-4	July 24-Aug 4
< OPI submits mark-up of directives requiring only administrative changes (i.e., “pen and ink”) to MA-4	Aug 7-Aug 18
< OPI provides hard-copy mark-up of directives with substantive changes to MA-4	Aug 21-31
< MA-4 provides directives to OPIs for final review	Aug 21-Sept 8
< Deputy Secretary approves directives for NNSA impact/directives published	Sept 1-Sept 30