

Modification Changes

					151, signed 8/01/12	141, signed 3/21/12	137, signed 1/25/12
127, signed 9/22/11	121, signed 7/20/11	118, signed 5/12/11	116, signed 4/12/11	112, signed 3/29/11	111	110	107
105	104	103	M058	M056	M053	M050	M048
M038	M033	M032	M027	M021	M020	M018	M014

Part III – SECTION J

Appendix C – List of Applicable Laws, Regulations, and DOE Directives

In addition to the list of applicable directives referenced below, the contractor shall also comply with supplementary directives (e.g., manuals), which are invoked by a Contractor Requirements Document (CRD) attached to a directive referenced below. This List excludes directives that have been granted an exemption from the CRD in whole or in part. For those Directives whereby the Contractor has been granted an exemption from the CRD, the Contractor shall comply only with the Operating Requirements identified in Appendix C-1. Directives identified in Appendix C-1 are for reference purposes only.

LIST B

DIRECTIVE NUMBER			DATE	DOE DIRECTIVE TITLE
DOE	O	130.1	9/29/1995	Budget Formulation
NSO	O	140.X, Chg 1	7/31/2003	Facility and Test Site Visits/Tours
DOE	M	140.1-1B	3/30/2001	Interface With the Defense Nuclear Facility Safety Board
DOE	O	142.1	1/13/2004	Classified Visits Involving Foreign Nationals
DOE	O	142.3A	10/14/2010	Unclassified Foreign Visits and Assignments Program
DOE	O	150.1	5/08/2008	Continuity Programs
NSO	O	151.1B	9/06/2011	Comprehensive Emergency Management System
DOE	O	151.1C	11/2/2005	Comprehensive Emergency Management System
DOE	O	153.1	6/27/2007	Department Radiological Emergency Response Assets
DOE	O	205.1B	5/16/2011	Department of Energy Cyber Security Program
DOE	M	205.1-3	4/17/2006	Telecommunications Security Manual
DOE	O	206.1	1/16/2009	DOE Privacy Program
DOE	O	210.2a	4/08/2011	DOE Corporate Operating Experience Program
DOE	O	221.1A	4/19/2008	Reporting Fraud, Waste, and Abuse to the Office of the Inspector General

DOE	O	221.2A	2/25/2008	Cooperation With the Office of Inspector General
DOE	O	225.1B	3/4/2011	Accident Investigation
NA-1	SD	226.1A	10/17/2008	NNSA Line Oversight and Contractor Assurance System Supplemental Directive
DOE	O	231.1B	6/27/2011	Environment, Safety, and Health Reporting
DOE	O	232.2	8/30/2011	Occurrence Reporting and Processing of Operations Information
DOE	O	241.1B	12/31/2010	Scientific and Technical Information Management
DOE	O	243.1A	11/7/2011	Records Management Program
DOE	O	252.1A	2/23/2011	Technical Standards Program
DOE	O	350.1 Chg 3	2/23/2010	Contractor Human Resource Management Programs, EXCEPT CHAPTERS VIII & IX
DOE	O	350.2B	5/31/2011	Use Of Management And Operating Or Other Facility Management Contractor Employees For Services to DOE in the Washington, D.C. Area
NA SD	O	350.2	11/16/2011	Use Of Management And Operating Contractor Employees For Services to NNSA in the Washington, D.C., Area
DOE	O	410.2	8/17/2009	Management of Nuclear Materials
NSO	O	410.X1-C	8/11/2011	Task Plan and Change Control Process
NSO	O	412.X1F	7/9/2012	Real Estate/Operations Permit
NSO	M	412.X-2	5/16/2006	Project Screening and Siting Approval Process
DOE	O	413.1B	10/28/2008	Internal Control Program
DOE	O	413.3B	11/29/10	Program and Project Management for the Acquisition of Capital Assets
DOE	O	414.1D	4/25/2011	Quality Assurance
DOE	O	420.1B Chg 1	4/19/2010	Facility Safety
DOE	O	420.2C	7/21/2011	Safety of Accelerator Facilities
NSO	O	421.X1D, Chg 1	2/23/2011	Nuclear Facility Safety Management
DOE	O	422.1	6/29/2010	Conduct of Operations Requirements for DOE Facilities (Effective not later than 10/01/2011 – Implementation per NSTec Briefing to NSO Executive Council on 3/21/2011.
DOE	O	425.1D	4/16/2010	Verification of Readiness to Startup or Restart Nuclear Facilities
DOE	O	426.2	4/21/2010	Personnel Selection, Training, Qualification and Certification Requirements for DOE Nuclear Facilities
DOE	O	430.1B Chg 2	4/25/2011	Real Property Asset Management
DOE	O	433.1B	4/21/2010	Maintenance Management Program for DOE Nuclear Facilities

DOE	O	435.1 Chg 1	7/9/1999, Chg 1 dated 8/28/01	Radioactive Waste Management
DOE	M	435.1-1 Chg 1	7/9/1999, Chg 1 dated 8/28/01 Chg 2 dated 6-08-2011	Radioactive Waste Management
DOE	M	440.1-1A	1/9/2006	DOE Explosives Safety Manual
DOE	O	440.2C, Chg 1	6/22/2011	Aviation Management and Safety
NSO	O	440.XA	6/11/2007	Underground Operations Safety and Health
NSO	O	440.X2B	10/12/2011	Site-Wide Lightning and Other Hazardous Weather Detection and Protection
DOE	M	441.1-1	3/07/2008	Nuclear Material Packaging Manual
DOE	O	442.2	7/29/2011	Differing Professional Opinions for Technical Issues Involving Environment, Safety & Health
NSO	O	442.1C	5/30/2008	Nevada Site Office Employee Concerns Program
DOE	O	443.1B	3/17/2011	Protection of Human Research Subjects
NSO	M	450.4-X	4/23/2008	Integrated Safety Management
NSO	O	450.XA	3/10/2006	Nevada Test Site Access and Area Control
NSO	M	450.X2-1	5/30/2007	Underground Nuclear Testing, Test Readiness, and the Threshold Test Ban Treaty Verification Program
NSO	O	450.X5A	6/03/2009	Subcritical Experiments
DOE	O	452.1D	4/14/2009	Nuclear Explosive and Weapons Surety Program
DOE	O	452.2D	4/14/2009	Nuclear Explosive Safety
DOE	M	452.2-1A	4/14/2009	Nuclear Explosive Safety Manual
DOE	M	452.2-2	4/14/2009	Nuclear Explosives Safety Evaluation Processes
DOE	O	452.3	6/08/2005	Management of the Department of Energy Nuclear Weapons Complex
NA SD	M	452.3-1	12/10/2009	Defense Programs Business Requirements and Processes Manual
DOE	O	452.4B	1/22/2010	Security and Use Control of Nuclear Explosives and Nuclear Weapons
DOE	O	452.6A	5/14/2009	Nuclear Weapon Surety Interface with the DOD
DOE	O	452.7	5/14/2010	Protection of Use Control Vulnerabilities and Designs
DOE	O	452.8	7/21/2011	Control of Nuclear Weapon Data
DOE	O	456.1	5/31/2011	Safe Handling of Unbound Engineered Nanoparticles
DOE	O	457.1	2/07/2006	Nuclear Counterterrorism
DOE	M	457.1-1	8/10/2006	Control of Improvised Nuclear Device Information

DOE	O	458.1 ADMIN CH 2	6/6/2011	Radiation Protection of the Public and the Environment
DOE	O	460.1C	5/14/2010	Packaging and Transportation Safety
DOE	O	460.2A	12/22/2004	Departmental Materials Transportation and Packaging Mgmt.
DOE	M	460.2-1A	6/04/2008	Radioactive Material Transportation Practices Manual
NSO	O	460.XA	12/09/2009	Hazardous Materials Notification System
DOE	O	461.1B	12/20/2010	Packaging and Transportation for Offsite Shipment of Materials of National Security Interest
DOE	O	461.2	10/31/2010	Onsite Packaging and Transfer of Materials of National Security Interest
DOE	O	462.1	11/10/2008	Import and Export of Category 1 and 2 Radioactive Sources and Aggregate Quantities
DOE	O	470.3B	8/12/2008	Graded Security Protection (GSP) Policy
DOE	M	470.4-1, Chg 2	10/20/2010	Safeguards and Security Program Planning and Management
DOE	M	470.4-3A	11/05/2008	Contractor Protective Force
DOE	M	470.4-6 Chg 1	8/14/2006	Nuclear Material Control and Accountability
NSO	O	470.XA Chg 1	6/20/2008	Intruder Interdiction
NSO	O	470.X4	2/09/2009	Incidents of Security Concern
DOE	O	471.1B	3/01/2010	Identification and Protection of Unclassified Controlled Nuclear Information
DOE	O	471.3, W/ADMIN CHG 1	1/13/2011	Identifying and Protecting Official Use Only Information
DOE	M	471.3-1 W/ADMIN CHG 1	1/13/2011	Manual for Identifying and Protecting Official Use Only Information
DOE	O	471.5	3/29/2011	Special Access Programs
DOE	O	472.2	7/21/2011	Personnel Security (Effective 1/21/2012)
DOE	O	475.1	12/10/2004	Counterintelligence Program
DOE	O	475.2A	2/01/2011	Identifying Classified Information
DOE	M	481.1-1A, Chg 1	9/28/2001	Reimbursable Work for Non-Federal Sponsors Process Manual
NV	O	481.1, Chg 1	3/23/2000	WFO (Non-DOE Funded Work)
DOE	O	534.1B	1/6/2003	Accounting
DOE	O	551.1D	4/2/2012	Official Foreign Travel
DOE	O	580.1, Chg 1	5/08/2008	Department of Energy Personal Property Management Program
DOE	O	5400.5, Chg 2	1/7/1993	Radiation Protection of the Public and the Environment

				Cancelled except for Chapter III, <i>Derived Concentration Guidelines</i>, and Figure IV-1, <i>Surface Contamination Guidelines</i>
DOE	O	5480.19, Chg 2	10/23/2001	Conduct of Operations Requirements for DOE Facilities (Cancelled not later than 9/31/2011 – Implementation of DOE O 422.1 per NSTec Briefing to NSO Executive Council on 3/21/2011)
DOE	O	5480.30, Chg 1	3/14/2001	Nuclear Reactor Safety Design Criteria
DOE	O	5639.8A	7/23/1993	Security of Foreign Intelligence Information and Sensitive Compartmented Information Facilities
DOE	O	5670.1A	1/15/1992	Management and Control of Foreign Intelligence
QC- 1		Rev 10		Weapons Quality Policy
NAP		21	2/28/2011	Transformational Governance & Oversight
NAP		14.1-C	5/2/2008	NNSA Baseline Cyber Security Program
NAP		14.2-C	5/2/2008	NNSA Certification and Accreditation (C&A) Process Information Systems
NAP		14.3-B	5/2/2008	Transmission of Restricted Data Over Secret Internet Protocol Router Network (SIPNet)
NAP		70.2	7/02/2010 Chg 1 7/20/2011	Physical Protection
NAP		70.4	7/02/2010 Chg 1 7/20/2011	Information Security

PART III – SECTION J
Appendix C-1 – Operating Requirements
January 26, 2011

Modification 151
Modification 121
Contract DE-AC52-06NA25946

Appendix C-1 Operating Requirements is modified by deleting the section entitled ■ Records Management Program in its entirety.

Appendix C-1 Operating Requirements, LIST OF DOCUMENTS, is modified by removing the entry “*Departmental Energy, Renewable energy and Transportation Management (Reference: DOE O 430.2B)*” in its entirety.

Appendix C-1 – Operating Requirements, January 26, 2011, is modified by deleting the following entry as DOE 110.3A has been officially cancelled in its entirety.

The Contractor shall comply with the Operating Requirements listed herein. *The identified directives are listed for reference purposes only, i.e., only those provisions set forth herein constitute binding Operating Requirements.* The following referenced memorandum grants an exemption to the Directives:

Reference 1: Thomas P. D’Agostino (Administrator, NNSA) August 16, 2010 Memorandum for Patty Wagner (Manager, Sandia Site Office) and Stephen Mellington, (Manager, Nevada Site Office); Subject: Strengthening Oversight Through Improving Contractor Requirements Documents in the National Nuclear Security Administration Management and Operating Contracts; Attachment: Contractor Requirements Document (CRD) Crosswalk Form

Reference 2: Thomas P. D’Agostino (Administrator, NNSA) December 9, 2010 Memorandum for Patty Wagner (Manager, Sandia Site Office) and Stephen Mellington, (Manager, Nevada Site Office); Subject: Strengthening Oversight Through Improving Contractor Requirements Documents in the National Nuclear Security Administration Management and Operating Contracts; Attachment: Contractor Requirements Document (CRD) Crosswalk Form

The contractor is responsible for flowing down requirements in Appendix C-1 and other contract requirements, when applicable, to ensure compliance with the terms and conditions of the prime contract.

LIST OF DOCUMENTS

The paragraph numbering under each heading below corresponds to the Contractor Requirements Document (CRD) in the referenced directive for ease of traceability.

1. Information Technology Strategic Planning. Maintain a strategic plan that coordinates IT planning and investment decisions and links to the Departmental strategic plan.
2. Capital Planning and Investment Control. Develop, implement, and maintain a Capital Planning and Investment Control (CPIC) process.
 - a. Support Department-wide CPIC efforts.
3. Enterprise Architecture. Maintain an Enterprise Architecture for the life-cycle management of information resources and related IT investments funded by or operated for DOE.
4. Hardware and Software Acquisition.
 - b. Implement a Software Quality Assurance (SQA) program.
5. Ensure that information published to Federal service-to citizens public websites are accessible to the public and individuals with disabilities.

■ **Vital Records**

(Reference: DOE O 243.2, Vital Records, Effective Date: 02/02/2006; Reference 2, NNSA Administrator's December 9, 2010 Memorandum)

1. REQUIREMENTS.

- a. A DOE contractor must identify and preserve vital records in support of the Department's emergency preparedness responsibilities (as outlined in Executive Order (E.O.) 12656, "Assignment of Emergency Preparedness Responsibilities").
- c. A contractor must implement vital records programs that include the following:
 - (1) Procedures for identifying, protecting, controlling access to, and ensuring availability of records and information systems that—
 - (a) specify how the organization will operate in case of an emergency and how it will support civil defense associated with disasters and attacks;
 - (b) are needed for the continued operations of the organization and mission delivery of the organization both during and after an emergency or disaster; and
 - (c) are essential to the preservation of the legal rights and interests of the Government and its citizens.

- (2) Procedures for accessing records required to support critical activities the contractor performs when DOE operates under abnormal business conditions and/or at a location other than the normal place of business.
- (3) Vital records inventory plans that include—
 - (a) requirements for proper labeling and handling;
 - (b) security precautions;
 - (c) frequency of updates;
 - (d) media, hardware, software, and supporting service needs; and
 - (e) provisions for access from remote locations.
- (4) An inventory system that identifies hardcopy and electronic records by—
 - (a) series or system title,
 - (b) description,
 - (c) type,
 - (d) name of the responsible office and individual,
 - (e) physical location of copies, and
 - (f) date of latest revision.
- (5) Provisions for protecting against or assessing damage to or loss of records and recovering records affected by an emergency or disaster must include:
 - (a) copies of the vital records and the inventory maintained at separate locations to ensure immediate access in any situation;
 - (b) records maintained in media feasible for accessing and reviewing information during or immediately following an emergency;
 - (c) evaluation of electronic records based on—
 - 1 volume,
 - 2 frequency of updates required,
 - 3 availability of electricity, computers, software and support services needed to permit access, and

4 potential for accessing electronic records from remote locations via virtual private networks or compact disks.

- (6) A process for selecting storage/backup protection methods that must include:
 - (a) evaluation of the effectiveness,
 - (b) cost,
 - (c) degree of risk or potential loss,
 - (d) physical susceptibility to destruction,
 - (e) need for special environmental conditions for transporting, storing, and updating records.
 - (f) Ability to retrieve records quickly during an emergency or disaster.
- (7) An ongoing appraisal of vital records and complete review at least annually to ensure that changing conditions are addressed and records are up-to-date and immediately accessible.
- (8) A plan must be developed and maintained to recover records that are damaged in an emergency or disaster, regardless of media. This plan must include the priorities for restoring or recovering multiple damaged systems and the options for recovery and replacement. This plan must also include a resource list of local disaster recovery firms that can assist in restoration, along with employee contact lists and vital records inventories, must be maintained at multiple off-site locations to facilitate their use.

2. STORAGE CONSIDERATIONS.

- a. Location. A contractor must establish locations where vital records will be stored, such as alternate emergency operations centers (EOCs), command centers, and relocation sites that will provide adequate protection and accessibility and meet the improved fire protection risk level required by the CRD for DOE O 420.1B, *Facility Safety*, dated 12-22-05. Before classified documents can be stored at these locations, the contractor must obtain approval in accordance with the CRD for DOE O 470.4, *Safeguards and Security Program*, dated 8-26-05.
- b. Manner of Storage. Contractor records will be stored in a manner that ensures ease of access, retrieval, and control. Storage systems must allow for access per the prioritized schedule. Classified and unclassified records must be handled in accordance with the CRD for DOE O 471.1A, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 6-30-00, and the CRD for DOE O 471.3, *Identifying and Protecting Official Use Only Information*, dated 4-9-03.

3. DISPOSITION OF RECORDS. Original vital records must be maintained for the period of time specified in the DOE records disposition schedules. The duplicate copy of vital records that is stored in the separate location should be deleted when obsolete or superseded and replaced with the updated revision.

■ **DOE Cooperative Research and Development Agreements**

(Reference: DOE O 483.1, DOE Cooperative Research and Development Agreements, Effective Date: 01/12/2001; Reference 2, NNSA Administrator's December 9, 2010 Memorandum)

Ensure the activities requirements of DOE M 483.1-1, COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT MANUAL, are satisfied.

■ **DOE O 484.1 – Reimbursable Work for the Department of Homeland Security**

(Reference: DOE O 484.1, Reimbursable Work for the Department of Homeland Security, Effective Date: 8/17/2006; Reference 2, NNSA Administrator's December 9, 2010 Memorandum)

Establish, maintain and implement, through the contractor's management system, the assurance that all requirements applicable to reimbursable work for DHS are satisfied to include ensuring:

- DHS-funded work at a DOE national laboratory or site will be performed on an equal basis to other missions at the laboratory or site and not on a non-interference basis with other missions of such laboratory or site; and
- No added administrative or personnel charges in excess of those paid by DOE will be charged for DHS work.

■ **Pricing of Departmental Materials and Services**

(Reference: DOE O 522.1, Pricing of Departmental Materials and Services, Effective Date: 11/03/2004; Reference 2, NNSA Administrator's December 9, 2010 Memorandum)

1. When the site/facility management contractor conducts activities of providing non-DOE entities materials or services, which the Department is authorized by law to provide, the site/facility management contractor must charge the non-DOE entity the full cost of providing the materials or services. Full cost includes all site/facility management contractor direct costs incurred in performing work, all allocable costs incurred by the site/facility management contractor at any DOE/NNSA facility, and a Federal administrative charge of 3 percent of these costs. In no case will any depreciation or imputed interest charges be imposed on the non-DOE entity requesting the materials or services.
2. For cosponsored work, Cooperative Research and Development Agreements (CRADAs), and other technology transfer mechanisms, the site/facilities management contractor will assess a Federal administrative charge of 3 percent on all funds contributed by the sponsor, regardless

of the level of Departmental participation in funding the work effort. In-kind contributions will not be subject to the Federal administrative charge.

3. The site/facility management contractor may provide an exception to the requirement to assess the 3 percent Federal administrative charge for reimbursable work performed for non-DOE entities as follows:
 - a. funds-in agreements with domestic entities: small business concerns, institutions of higher education, nonprofit entities, and State and local governments.
 - b. based on the current listing of blanket pricing exceptions provided by DOE to the contractor for work covering research, development, testing, evaluation, training, and exercises directly related to specified activities listed. If any of the blanket exceptions are canceled, DOE will provide the contractor with appropriate notification.
1. The following activities may become part of the contractor's responsibilities. These activities require special pricing consideration and, as applicable, DOE will provide the contractor with additional information for pricing the activity.
 - a. Information Dissemination Materials. DOE must comply with Office of Management and Budget (OMB) Circular A-130, Management of Federal Information Resources. The contractor will assist DOE in complying with Circular A-130. Circular A-130 requires DOE to set charges at a level sufficient to recover the cost of dissemination but no higher. Charges must exclude the cost of the original collection and processing of the information. Should an exception to this policy be warranted, DOE will provide additional guidance.
 - b. Byproduct Material. The contractor shall establish prices and charges for byproduct material sold, pursuant to Title 42 United States Code (U.S.C.) 2111 and 2112, at either the full cost recovery price or the commercial price, whichever is higher. Lower prices may be established if it is determined that such prices and charges will provide reasonable compensation to the Government, will not discourage the use of or the development of sources of supply independent of DOE, and will encourage research and development. Before establishing lower prices, the contractor shall obtain the approval of DOE.
 - c. Other Materials and Services. The contractor shall establish prices and charges for materials and services sold, pursuant to 42 U.S.C. 2201(m), at either the full cost recovery price or the commercial price, whichever is higher. Lower prices and charges may be established if it is determined that such prices and charges would still provide reasonable compensation to the Government and would not discourage the development of supply sources independent of DOE. Before establishing lower prices, the contractor shall obtain the approval of DOE.

- d. Foreign Research Reactor Spent Nuclear Fuel Program. DOE will provide the contractor guidance on charging for this activity.
- e. Access Permits. The contractor shall not charge for access permits issued with the exception of those access permits which are charged in accordance with Title 10 Code of Federal Regulations (CFR) 725.
- f. Access Authorizations. The contractor shall not assess charges for access authorizations when authorization—
 - (1) is transferred from a study agreement to an access permit held by the same organization;
 - (2) is for an employee or staff member of an accredited, nonprofit educational institution having, at a minimum, a 2-year program of college level studies, and the work is related to the civilian application of nuclear energy;
 - (3) will not be considered one for which DOE has been paid, when the individual transfers to another organization; and
 - (4) is granted to obtain full and free competition.
- g. Use Permits. The contractor shall not assess a charge for preparing a permit which authorizes the use of DOE facilities or services. Charges for use of the facilities or services will be calculated separately.
- h. Assistance for the Protection of Health and Safety in the Event of Radiological Incidents. The contractor shall request guidance from DOE on charging for this activity.
- i. Museums and Exhibits. Unless there is specific authority to collect admission fees, the contractor will not charge visitors to DOE museums and exhibits for admission.
- j. Commercial Property Rental. DOE will provide the contractor guidance on charging for this activity.
- k. Use of Facilities. DOE will provide the contractor guidance on charging for this activity.
- l. Office of Science User Facilities. The contractor may make the Office of Science User Facilities available for research by a broad community of qualified users on the basis of programmatic interest, scientific merit of research proposals, technical feasibility, capability of the experimental group, and availability of the resources

required. The contractor shall adhere to the following regarding charging users for use of the facilities.

- (1) Use of user facilities will be authorized at no charge for research which is of DOE programmatic interest and which is approved by laboratory management, usually with the advice of program advisory committees. Use free of charge will apply to experiments approved for conduct during periods in which the facility operates in normal mode for its primary purpose. The facility manager will determine which requests meet those criteria and report periodically to the appropriate DOE program manager.
 - (2) When facilities are made available for proprietary research, the user will be charged a fee that realizes full cost recovery (see definition in item 6b*, below).
 - (3) When facilities are operated for special circumstances, such as running the facility outside the normal operating mode or schedule, the user will be charged the incremental costs.
- m. Hazardous Materials Spill Center. The contractor will charge users of the facility only for direct and indirect costs for their experiments.
- (1) Invoices for materials and services will be prepared and issued promptly in accordance with the terms of the reimbursable work contracts or agreements.
 - (2) Work for others issues are covered in the work for others clause of this contract.
 - (3) Collections are covered under the payments and advances clause of this contract.

* *FOR INFORMATION PURPOSES ONLY*. [6.b. Full Cost. All direct and all indirect costs, including general and administrative expenses, incurred at any Departmental contractor facility by the site/facility management contractors in performing work on behalf of non-DOE entities, and a Federal administrative charge of 3 percent of these costs.]