

QUESTION: Should we delay beginning to implement DOE O 151.1C until after the revisions to the Emergency Management Guide (DOE G 151.1-1 series) are issued? When should the newly revised Order be added to contracts? When should implementation plans for compliance with the revised Order be developed? When should the implementation plan be submitted?

ANSWER:

Actions to begin implementing DOE O 151.1C should not be delayed awaiting the publication of the revisions to the DOE G 151.1-1 series Guides. Some of the changed requirements in DOE O 151.1C, such as the change in the frequency of the required review of EPHAs from each year to every three years, are to the advantage of site/facility programs and will likely be implemented rapidly.

Adding the revised Order to contracts generally follows the following process. Once the Order is approved, the Cognizant Field Element promptly notifies their contracting officer of the need to add the revised Order to the appropriate contracts. The contracting officer then initiates action under the terms of clause 970.5204-2(b) of the Department of Energy Acquisition Regulations (DEAR), by notifying the contractor of the government's intent to unilaterally modify the contract and add the revised Order to the "List of Applicable Directives (List B)". This notification gives the contractor the opportunity to assess the effect of compliance on contract cost and funding, technical performance, and schedule. Within 30 days after receipt of the contracting officer's notice, the contractor must advise the contracting officer in writing of the potential impact. After consideration of this information and any other information available, the contracting officer notifies the contractor that List B is being revised at least 30 days prior to the effective date of the List B revision.

According to the Order, an implementation plan is required if full compliance with DOE O 151.1C will not be achieved by 11-2-06. The implementation plan must be submitted to the Cognizant Field Element by 10-1-06. Under the terms of DEAR clause 970.5204-2(b), most of the information needed for the implementation plan for coming into full compliance must be developed within 30 days of the contracting officer notifying the contractor of the intent to modify List B. By using the information submitted to the contracting officer, the implementation plan for coming into full compliance, if not achieved by 11-2-06, could be developed and submitted to the Cognizant Field Element well before 10-1-06.

The intent of the implementation plan requirements in DOE O 151.1C, paragraph 6b, is to have the necessary implementation plans accompany the annual Emergency Readiness Assurance Plan (ERAP) submission [*Note: There is an inadvertent one-day difference between the due date listed in paragraph 6b (October 1st) and the ERAP submission date in Chapter X (and CRD section 7c) of September 30th*]. After the contractor submits the ERAP and any necessary implementation plan to the Cognizant Field Element, the

Emergency Management Program Administrator in the Cognizant Field Element then takes this information for all the contractors under its supervision, along with information regarding the implementation schedule for any parts of the Cognizant Field Element program that will not be in full compliance by 11-02-06, and submits an overall implementation plan and a consolidated ERAP to the Program Secretarial Officer(s) and the Director, Office of Emergency Operations, by November 30th.