

Reclamation Manual

Directives and Standards

Subject:	Request for Waiver from a Reclamation Manual (RM) Requirement and Approval or Disapproval of the Request
Purpose:	Establishes a process to be used by Bureau of Reclamation Senior Executives to request a waiver from an RM requirement and to approve or disapprove waiver requests. The benefits of this Directive and Standard (D&S) are improved communications and transparency of decision making.
Authority:	381 DM 1, <i>Directives Management</i>
Approving Official:	Director, Policy and Program Services (PPS)
Contact:	Program Services Office (84-52000)

1. Introduction.

- A. The Department of the Interior requires each of its bureaus to establish a directives system setting forth its bureau-wide requirements (see 381 DM 1.2). The Commissioner has established the RM as the Reclamation's directive system in RM Policy, *Bureau of Reclamation's Directives System (the Reclamation Manual (RM))*, [RCD P03](#).
- B. Adherence to all requirements in RM releases is mandatory.¹ However, if a Senior Executive determines that compliance cannot be attained, a request for waiver from the requirement will be made in accordance with this RM release. The request will be reviewed and resolved by the Senior Executive responsible for the program function. Waivers will not be granted for statutory, regulatory, Executive Order, Departmental, or Office of Management and Budget (OMB) requirements that are applicable to Reclamation.

2. **Applicability.** This D&S applies to all Reclamation employees, particularly Senior Executives who:

- A. have determined that compliance with an RM requirement cannot be attained and must submit a waiver request, or
- B. are responsible for approving or disapproving waiver requests for a particular program.

¹An overall description of the RM is found in RCD P03 and RM D&S, *Reclamation Manual (RM) Release Procedures*, [RCD 03-01](#).

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3. Definitions.

- A. **Program.** An agency function (e.g., water contracting, accounting, resource management) through which Reclamation performs activities and provides services in support of its mission.
- B. **Reclamation Manual Waiver Report.** An RM Waiver Report is a memorandum from the Commissioner or Senior Executive, who is identified as the “Approving Official” on RM D&S and Temporary Reclamation Manual Release (TRMR) D&S, to the Senior Executive requesting the waiver, which communicates the information required in Paragraph 5.D.(3).

4. Responsibilities.

- A. **Commissioner.** The Commissioner approves or disapproves requests for a waiver from a Policy requirement. The Commissioner’s authority may be redelegated in accordance with the Departmental Manual, Executive Order, OMB, or Secretarial Order.
- B. **Senior Executives.**
 - (1) Senior Executives will request a waiver when they become aware that work under their control cannot be performed in a manner to comply with an RM requirement.
 - (2) Senior Executives identified as the contact on RM Policy or TRMR Policy will review the request and recommend to the Commissioner whether to approve or disapprove the request.
 - (3) Senior Executives identified as the approving official on RM D&S or TRMR D&S will review the request and determine whether to approve or disapprove the request. Contact PPS, 84-52000, if an approving official has not been identified on the RM release.²
 - (4) If a Senior Executive disapproves a request, an explanation will be provided in accordance with Paragraph 5.D.
 - (5) If a Senior Executive determines during their review of a request that a revision to RM Policy or TRMR Policy is warranted, the Senior Executive will recommend to the Commissioner that the Policy or TRMR Policy be revised in accordance with RCD 03-01.

²Identification of an approving official on each RM release has not always been required; however, PPS maintains the approvals of all RM releases, and the information is available upon request.

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(6) If a Senior Executive determines during their review of a request that a revision to RM D&S or TRMR D&S is warranted, the Senior Executive will revise the D&S or TRMR D&S in accordance with RCD 03-01.

(7) If the request for waiver is for a requirement within the program function for which the Senior Executive is responsible, the Senior Executive will submit the waiver request to their supervisor who will then perform the activities assigned to the Senior Executive in the Paragraphs 4.B.(2) through 4.B.(6).

C. **Director, Policy and Program Services.**³ The Director, PPS (84-52000) shall receive a copy of each waiver request and each RM Waiver Report. PPS (84-52000) will maintain a repository of all waiver requests and RM Waiver Reports.

5. Procedure for Requesting, Reviewing, and Approving or Disapproving Waivers.

A. **Requesting a Waiver from a Reclamation Manual Requirement.** When a Senior Executive becomes aware that work under their control cannot be performed in a manner to comply with an RM requirement, a waiver will be requested. The request, containing at least the information specified in Paragraph 5.B., will be transmitted to the Senior Executive responsible for the program within which the waiver is being requested. A copy of the waiver request must be provided to the Director, PPS (84-52000).

B. **Contents of the Waiver Request.** The waiver request will include the following information:

- (1) identification of the Senior Executive making the request;
- (2) explanation of why compliance with the RM requirement is not possible, including an exact reference to the requirement in the RM;
- (3) issue or problem faced and proposed action;
- (4) duration of the request for waiver;
- (5) potential Reclamation-wide effects (positive and/or negative) if the waiver is approved or disapproved;
- (6) position of interested parties if the waiver is approved or disapproved;
- (7) potentially precedent-setting implications if the waiver is approved; and
- (8) a plan for internal and external communication if the waiver is approved.

³This responsibility is in addition to the PPS Director's responsibilities as a Senior Executive.

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- C. **Reviewing the Waiver Request.** The Commissioner or Senior Executive, as defined in Paragraphs 4.A. and 4.B., will review the waiver request and contact the requestor for additional information and/or discussion as necessary.
- D. **Communicating the Decision.**
- (1) **Policy or Temporary Reclamation Manual Release Policy.** Senior Executives identified as the contact on RM Policy or TRMR Policy will review the request and prepare the RM Waiver Report which includes a recommendation to the Commissioner whether to approve or disapprove the request.
 - (2) **Directives and Standards or Temporary Reclamation Manual Release Directives and Standards.** The Senior Executive identified as the approving official on RM D&S or TRMR D&S will review the request, determine whether to approve or disapprove the request, and prepare the RM Waiver Report.
 - (3) **Reclamation Manual Waiver Report.** A written RM Waiver Report must include information and explanations detailing the decision-making process. A copy of the RM Waiver Report must be provided to the Director, PPS (84-52000).