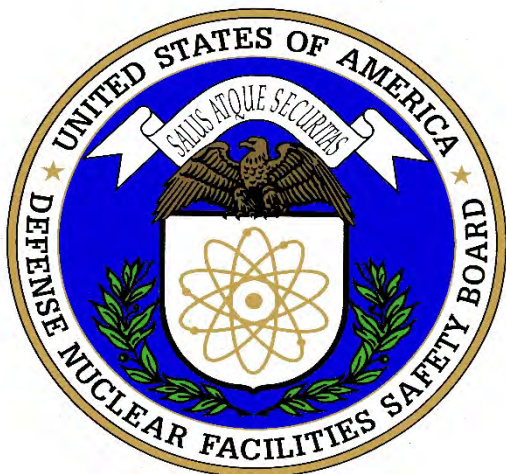


Defense Nuclear Facilities Safety Board

Washington, DC 20004

Policy Statement

Date: January 7, 2025



Subject

Policy Statement on Directives

Summary

Through this policy statement, the Defense Nuclear Facilities Safety Board confers upon the Executive Director of Operations and the General Counsel the authority to establish agency Directives and operational policies for the effective and efficient operation of the agency under the Atomic Energy Act, as amended.

Joyce L. Connery
Chair

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

BOARD POLICY STATEMENT ON DIRECTIVES

I. Purpose/Objectives

The Board is issuing this Policy on Directives to effectuate the provisions of the Atomic Energy Act, as amended, (AEA) regarding the operations of the Defense Nuclear Facilities Safety Board (DNFSB). Congress established the mission of the DNFSB in the AEA. The Board adopts a strategic plan and establishes policies defining the strategic goals and priorities of the DNFSB in carrying out its mission. Consistent with the AEA, the Board confers upon the Executive Director of Operations (EDO) and the General Counsel the authority to establish operational policies and procedures in line with the Board-approved Strategic Plan, and Board-issued policy statements. The Board further directs that directives and procedures issued by the EDO or the General Counsel shall be binding upon all DNFSB staff.

II. Scope/Applicability

This Policy on Directives applies to all DNFSB employees. This Policy on Directives supersedes any conflicting prior statement of policy included in Directives previously issued by the Board, in whole or in part.

This Policy on Directives does not supersede or alter any existing Board Policy Statement.

III. Policy

The Board hereby grants the EDO and the General Counsel the authority to issue Directives. No EDO or General Counsel issued Directive shall supersede a Board Policy Statement.

It has been the practice of the DNFSB to issue Directives governing the operations of the DNFSB after the Directives had been approved by the Board. Those Directives contained sections entitled "Policy" related to the subject of the Directive. The Board considers such statements to be operational direction within the authority and responsibilities of the EDO and General Counsel. The EDO or General Counsel shall issue Directives that modify or rescind such statements previously approved through Board action. The Board remains responsible for establishing or modifying policies of the agency.

The Board hereby ratifies all Directives previously issued by the EDO as valid exercises of EDO authority.

It is the policy of the DNFSB that the EDO and General Counsel shall issue such Directives that are necessary or convenient for the efficient and/or effective operation of the

DNFSB, and that these Directives may contain operational direction to guide the interpretation and application of the Directives.

- All Directives issued under the purview of the EDO shall be consistent with statute, regulation, the agency Strategic Plan, and existing Board Policy Statements.
- The General Counsel or the Board may review a Directive to determine if it is consistent with Board Policy Statements.
- All DNFSB staff shall comply with agency Directives, whether issued by the EDO or the General Counsel.
- The General Counsel may only issue Directives necessary to implement the programs for which the Office of the General Counsel is responsible. The scope of the General Counsel's authority to issue Directives and subordinate documents shall be limited to such programs.

IV. Responsibility for Implementation

The EDO has the primary responsibility for issuing agency Directives to manage agency operations. The EDO shall issue Directives under her/his signature and shall oversee the establishment of Operating Procedures and other supplemental documents to ensure the efficient and effective operation of the agency.

- The General Counsel shall review Directives for legal sufficiency and consistency with Board Policy Statements and provide her/his concurrence upon resolution of all legal and policy issues.
- The General Counsel shall be responsible for issuing Directives related to programs managed by the Office of the General Counsel including, but not limited to, ethics, alternative dispute resolution, financial disclosure, conflict of interest, and testimony of agency employees. The General Counsel shall obtain the concurrence of the EDO for Directives she/he issues to ensure that the Directives are consistent with efficient and effective agency operations.
- If the General Counsel and EDO are unable to resolve issues, which prevents all parties from concurring on a Directive, they shall jointly present a concise summary of outstanding issues to the Board for its consideration and policy direction.
- Directives shall be provided to the Board for review five business days prior to issuance to allow the Board the opportunity to review the proposed Directive for consistency with Board policy and the agency Strategic Goals and provide the Chairperson the opportunity to determine whether the proposed Directive conflicts with the Chairperson's responsibilities under the AEA. Absent an intervening action of the Board, the EDO or General Counsel may issue the Directive upon the expiration of the five-day review period. The Board may extend the 5-day review period for a reasonable, specified time period (i.e. another five days) through the unanimous consent process.

V. Monitoring and Compliance

The Board and the Chairperson will monitor the use of Directives to ensure consistency with Board policies and strategic direction. The Chairperson and/or the Board will advise the EDO on shifts in agency strategy and priorities that may impact operations or necessitate revisions to agency Directives.

The EDO and the General Counsel shall update directives as soon as practicable to be consistent with current Federal laws, statutes, and guidance and will periodically review and update Directives to ensure applicability, efficiency, and appropriate execution.

The EDO and the General Counsel shall report to the Board on the implementation of this Board Policy Statement one year after its adoption.

VI. Status

This Board Policy Statement is effective upon adoption and requires no further action prior to implementation. This Board Policy Statement shall remain effective until modified or rescinded by the Board.