

program may not be conducted until the Director, OT&E, has approved in writing the adequacy of the plans, including the adequacy of projected levels of funding and resources for OT&E to be conducted in connection with that program.

(d) Require, as the Director, OT&E, determines necessary, that observers designated by the Director, OT&E, be present during the preparation for and the conduct of the test part of any OT&E conducted by DoD Components.

(e) Monitor and review all OT&E conducted in the Department of Defense and analyze the results of OT&E conducted for each major defense acquisition program.

(1) The Director, OT&E, shall submit a report to the Secretary of Defense and to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives that addresses specifically:

(i) The adequacy of the test and evaluation performed; and

(ii) Whether the results confirm the effectiveness and combat suitability of the items or components actually tested.

(2) Copies of the report will be provided to appropriate DoD officials and Components to facilitate the development of comments by the Secretary of Defense.

(3) A final decision to proceed with a major defense acquisition program beyond low rate initial production may not be made until the report has been submitted to the Secretary of Defense and received by the Armed Services and Appropriations Committees.

(f) Prepare an annual report for the Secretary of Defense and the Congress by January 15 of each year summarizing the OT&E activities of the Department of Defense during the preceding fiscal year.

(1) The report shall include such comments and recommendations as the Director, OT&E, considers appropriate, including comments and recommendations on resources and facilities available for OT&E and levels of funding made available for OT&E activities.

(2) Copies of this report shall be provided to appropriate DoD officials and Components to facilitate comments by the Secretary of Defense, if desired.

(g) Communicate directly with the heads of DoD Components. Communications to commanders of the Unified and Specified Commands shall be coordinated with the JCS.

(h) Arrange for DoD participation in nondefense governmental programs for which the Director, OT&E, is assigned primary DoD cognizance.

(i) Communicate with other government agencies, representatives of the Legislative Branch, and members of the public, as appropriate, in carrying out assigned functions.

PART 381—DEFENSE NUCLEAR AGENCY

Sec.

381.1 Purpose.

381.2 Mission.

381.3 Organization and management.

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APPENDIX TO PART 381—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. chapter 8.

SOURCE: 56 FR 6274, Feb. 15, 1991, unless otherwise noted.

§ 381.1 Purpose.

This part updates the responsibilities, functions, relationships, and authorities, as prescribed herein.

§ 381.2 Mission.

(a) The Defense Nuclear Agency (DNA) shall provide support to the Office of the Secretary of Defense (OSD); the Military Departments; the Chairman, Joint Chiefs of Staff and Joint Staff; the Unified and Specified Commands; the Defense Agencies; and the DoD Field Activities (hereafter referred to collectively as "DoD Components"); and other Federal Agencies on matters concerning nuclear weapons, nuclear weapons system acquisitions, nuclear weapons effects on weapons systems and forces, and nuclear weapons safety and security.

(b) During wartime and international crises, in accordance with national priorities and, as directed by the Director, Defense Research and Engineering (DDR&E), the DNA shall redirect its resources to support the Chairman,

Joint Chiefs of Staff (CJCS) and the Commanders of the Unified and Specified Commands in analyzing nuclear weapons planning and action options, and reconstituting nuclear forces.

§ 381.3 Organization and management.

The DNA is established as a separate agency of the Department of Defense, and shall be under the direction, authority, and control of the DDR&E. It shall consist of a Director and such subordinate organizational elements as are established by the Director within the resources authorized by the Secretary of Defense.

§ 381.4 Responsibilities and functions.

The Director, DNA, shall:

(a) Organize, direct, and manage the DNA and all assigned resources.

(b) Maintain the national nuclear weapons stockpile data bases during peace, crisis, and war. Maintain overall surveillance and provide guidance, coordination, advice, or assistance concerning all nuclear weapons in DoD custody including questions on production, composition, allocation, deployment, movement, storage, security and safety, maintenance, quality assurance and reliability assessment, report procedures, and retirement.

(c) Manage the DoD nuclear weapons effects research and test program.

(d) Conduct, as directed by DDR&E, research, development, test, and evaluation programs for on-site inspection technology related to arms control treaty verification.

(e) Conduct research, through exploratory development and/or proof of principle, in coordination with the Military Departments and other appropriate DoD Components and Federal Agencies, to develop technologies and techniques to improve the security, survivability, testing, employment, and effectiveness of nuclear systems, and the nuclear survivability of space, military, and communications systems.

(f) Provide advice and assistance on matters concerning nuclear weapons, nuclear weapons systems, effects of nuclear weapons, the technologies to determine the vulnerability and survivability of military systems and installations, and related arms control matters to DoD Components and Federal

Agencies. Coordinate on appropriate Test and Evaluation Master Plans (TEMPs) for systems that have nuclear survivability requirements.

(g) Jointly manage the national nuclear test readiness program with the Department of Energy (DoE) and perform associated technical, operational, and safety planning. Maintain access to facilities necessary to resume above-ground testing.

(h) Act as the central coordinating agency within the Department of Defense on nuclear weapons stockpile data base management, nuclear effects testing, and nuclear effects research within approved policies and programs, and pertinent DoD-DoE agreements.

(i) Provide technical assistance and support to the Secretary of Defense, the Military Departments, and the CJCS in developing nuclear weapons system safety, surety, security, explosive ordnance disposal, and use-control standards, requirements, and operating procedures. Provide a member to joint DoD/DoE nuclear weapons system studies and reviews. Coordinate on proposed nuclear weapons safety rules and changes.

(j) Provide emergency response support and planning assistance to the DoD Components and other Federal Agencies as follows:

(1) Develop policies and procedures to respond to a nuclear weapon accident or improvised nuclear device (IND) incident. Conduct nuclear weapon accident and IND incident command post and field exercises.

(2) Establish and maintain joint committees to coordinate exercise schedules and to ensure that actions are taken to correct identified deficiencies.

(3) Establish and maintain a Joint Nuclear Accident Coordinating Center (JNACC), in conjunction with DoE and a DNA Advisory Team, to assist On-Scene Commanders and Defense Senior Representatives.

(4) Act as the central coordinating agency for the Department of Defense on nuclear weapon accident and IND incident response.

(k) Maintain and provide nuclear weapons stockpile information to the DoD Components and other Federal Agencies, as required.

§ 381.4

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(1) Conduct, for the CJCS, nuclear weapons technical inspections of units having responsibilities for assembling, maintaining, or storing nuclear weapon systems, their associated components, and ancillary equipment.

(m) Provide nuclear weapons quality assurance program oversight for the Department of Defense.

(n) Provide logistics management support for nuclear weapons under DoD control, including:

(1) Integrated materiel management functions for all specially designed and quality controlled nuclear ordnance items and, as appropriate, for Military Department-designed and quality controlled nuclear ordnance items.

(2) Manage that portion of the Federal Cataloging Program pertaining to nuclear ordnance items, including the maintenance of the central data bank and the publication of Federal Supply Catalogs and Handbooks for all nuclear ordnance items.

(3) Control the standardization of nuclear ordnance items in coordination with the appropriate Military Department.

(4) Manage a technical logistics data and information program.

(5) Serve as Inventory Control Manager of stockpile support items, and manage the DoD-DoE logistics supply interface.

(6) Manage the DoD-DoE loan account for nuclear materials.

(o) Assist the DDR&E and the Assistant to the Secretary of Defense for Atomic Energy in representing the Department of Defense in its relations with the DoE on all policy matters relating to the administration and operation of the Joint Nuclear Weapons Publication System. Coordinate with DoE on Nuclear Weapon Accident Directives.

(p) In support of the DoD Components, perform technical analyses, studies, research, and development on:

(1) Technologies for treaty verification options, including procurement, and associated impacts with regard to arms control and nuclear test limitations.

(2) Technical and employment options for new nuclear weapons, including the relationship of advanced conventional munitions to these options.

(3) The effects of nuclear weapons on command, control, and communications systems improvements that may be needed to ensure reliable operation of forces.

(4) The effect of technology on nuclear force structure, operations, and political-military constraints.

(5) Technologies that would enhance the security, survivability and effectiveness of nuclear systems at both the strategic and theater levels; and evaluation of tactics, doctrine, force postures, operations, and training in order to better direct the DNA nuclear-related programs.

(6) Techniques for assessing and evaluating alternate nuclear operations and tactics.

(7) Broad military applications of atomic energy.

(q) Conduct joint programs involving, as appropriate, the Defense Advanced Research Projects Agency (DARPA), other DoD Components, and Allied Commands in matters regarding DNA-developed technologies. This includes test, evaluation, and demonstration of appropriate technologies.

(r) Disseminate technological information of joint interest relating to nuclear technology, development, and weapons, through laboratory liaison, technical reports, and nuclear weapons technical publications. Assist in technology transfer and implementation of successful research programs into the Military Departments and Allied Commands.

(s) Perform technical analyses, studies, and research on non-nuclear matters of critical importance to the Department of Defense where DNA has unique capabilities developed as part of its nuclear responsibilities.

(t) Conduct research in the field of radiobiology and related matters, essential to the operational and medical support of the DoD Components, through the Armed Forces Radiobiology Research Institute (AFRRI). The research shall be an integral part of the DoD medical and life sciences research, development, test, and evaluation program.

(u) Operate the Joint Atomic Information Exchange Group (JAIEG) in accordance with policy guidance furnished jointly by the Assistant to the

Secretary of Defense for Atomic Energy (ATSD(AE)) for the Department of Defense and the Director for Military Applications for the DoE.

(v) Develop guidelines and criteria for the advice of the Defense Acquisition Board in evaluating the adequacy of system nuclear survivability.

(w) Be responsible for all matters relating to nuclear test programs and records to include preservation of vital test data and records acquired during past U.S. and other nuclear effects tests.

(x) Be responsible for the Nuclear Test Personnel Review.

(y) Maintain national-level oversight for the Site Folder Project and establish an exercise program for validation of site folders.

(z) Maintain DoD-level oversight of DoD nuclear weapons effects simulators.

(aa) Perform such other functions as may be assigned by the DDR&E.

§ 381.5 Relationships.

(a) In performing assigned functions, the Director, DNA, shall:

(1) Subject to the direction, authority, and control of the DDR&E, be responsible to the CJCS for operational matters as well as requirements associated with the joint planning process. For these purposes, the CJCS is authorized to communicate directly with the Director, DNA, and may task the Director, DNA, to the extent authorized by the DDR&E.

(2) Maintain appropriate liaison with other DoD Components and other Agencies of the Executive Branch for the exchange of information on programs and activities in the field of assigned responsibilities.

(3) Make use of established facilities and services in the Department of Defense or other governmental agencies, whenever practicable, to achieve maximum efficiency and economy.

(4) Ensure that the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the Military Departments, the CJCS, and the heads of other DoD Components are kept fully informed of DNA activities with which they have substantive concern.

(5) Use data from nuclear tests performed by other countries, or provided

by the intelligence community, to obtain information in designing U.S. nuclear forces and assisting the Unified and Specified Commands in target planning.

(6) Coordinate with other officials of the Department of Defense, as appropriate.

(b) The Secretaries of the Military Departments, CJCS, Commanders of Unified and Specified Commands, and Heads of other DoD Components shall:

(1) Provide support, within their respective fields of responsibilities, to the Director, DNA, as required, to carry out the responsibilities and functions assigned to the DNA.

(2) Provide information, as necessary, to the Director, DNA, on all programs and activities that include, or are related to, nuclear weapons effects research, nuclear effects testing, or nuclear weapons accident response as well as the safety, security, and survivability of nuclear weapons systems and forces.

(3) Keep the Director, DNA, informed as to the substance of major actions being coordinated with other DoD Components, the DoE and its laboratories, and other Federal Agencies that relate to DNA functions.

(4) Provide the Director, DNA, with information regarding long-term nuclear weapons development and requirements for nuclear weapons research and testing. This specifically includes keeping the Director, DNA, informed concerning systems response to nuclear weapons effects, and the security, safety, and survivability of nuclear systems and forces.

(c) The CJCS shall review and assess the adequacy of DNA efforts in nuclear weapons testing and nuclear weapons effects research that are related directly to systems employed in joint operations, and in support required for the execution of operational plans of the Unified and Specified Commands.

§ 381.6 Authorities.

The Director, DNA, is specifically delegated authority to:

(a) Communicate directly with heads of DoD Component and other Executive

Departments and Agencies, as necessary, in carrying out assigned responsibilities and functions. Communications to the Commanders in Chief of the Unified and Specified Commands shall be coordinated with the CJCS.

(b) Obtain reports, information, advice, and assistance from other DoD Components, consistent with DoD Directive 7750.5,¹ as necessary, in carrying out assigned responsibilities and functions.

(c) Establish facilities necessary to accomplish the DNA mission in the most efficient and economical manner.

(d) Exercise the administrative authorities contained in the appendix to this part.

§ 381.7 Administration.

(a) The Director, and Deputy Director, DNA, shall be appointed by the Secretary of Defense.

(b) The Military Departments shall assign military personnel to the DNA in accordance with approved Joint Manpower Program authorizations and procedures for assignment to joint duty. The CJCS shall review and provide recommendations on the DNA Joint manpower program to the DDR&E, as appropriate, for those functions where DNA is responsive to CJCS.

APPENDIX TO PART 381—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Director, DNA, or in the absence of the Director, the person acting for the Director, is hereby delegated authority as required in the administration and operation of DNA to:

1. Exercise the powers vested in the Secretary of Defense by 5 U.S.C. 301, 302(b), and 3101 pertaining to the employment, direction, and general administration of DNA civilian personnel.

2. Fix rates of pay for wage-rate employees exempted from the Classification Act of 1949 by 5 U.S.C. 5102 on the basis of rates established under the Coordinated Federal Wage System. In fixing such rates, the Director,

DNA, shall follow the wage schedule established by the DoD Fixing Authority.

3. Establish advisory committees and employ part-time advisors, as approved by the Secretary of Defense, for the performance of DNA functions consistent with 10 U.S.C. 173; 5 U.S.C. 3109(b); DoD Directive 5105.4¹ "DoD Federal Advisory Committee Management Program," September 5, 1989; and the agreement between the Department of Defense and the Office of Personnel Management (OPM) on employment of experts and consultants, June 21, 1977.

4. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with 5 U.S.C. 2903, and designate in writing, as may be necessary, officers and employees of DNA to perform this function.

5. Establish a DNA Incentive Awards Board and pay cash awards to, and incur necessary expenses for the honorary recognition of, civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the DNA or its subordinate activities, in accordance with 5 U.S.C. 4503 and applicable OPM regulations.

6. In accordance with the provisions of 5 U.S.C. 7532; Executive Orders 10450, 12333, and 12356; and DoD Directive 5200.2² "DoD Personnel Security Program," December 20, 1979; as appropriate:

a. Designate any position in DNA as a "sensitive" position.

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the DNA for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check (NAC), has not been completed.

c. Authorize the suspension but not terminate the services of a DNA employee in the interest of national security.

d. Initiate investigations, issue personnel security clearances and, if necessary, in the interest of national security, suspend, revoke, or deny a security clearance for personnel assigned, detailed to, or employed by the DNA. Any action to deny or revoke a security clearance shall be taken in accordance with procedures prescribed in DoD 5200.2-R³, "DoD Personnel Security Program," January 1987.

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

²See footnote 1 to paragraph 3 of this appendix.

³See footnote 1 to paragraph 3 of this appendix.

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

7. Act as agent for the collection and payment of employment taxes imposed by chapter 21 of the Internal Revenue Code of 1954, as amended; and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954, as amended, and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) and with respect to DNA employees.

8. Authorize and approve:

a. Temporary duty travel for military personnel assigned or detailed to the DNA in accordance with Volume I, Joint Federal Travel Regulations.

b. Travel for DNA civilian officers and employees in accordance with Volume II, Joint Travel Regulations.

c. Invitational travel to non-DoD employees whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, DNA activities, in accordance with Volume II, Joint Travel Regulations.

d. Overtime work for DNA civilian employees in accordance with 5 U.S.C. chapter 55, subpart V, and applicable OPM regulations.

9. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the DNA for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense, or designee, is required by 37 U.S.C. 412, and 5 U.S.C. 4110 and 4111. This authority cannot be redelegated.

10. Develop, establish, and maintain an active and continuing Records Management Program pursuant to 44 U.S.C. 3102 and DoD Directive 5015.2⁴, "Records Management Program," September 17, 1980.

11. Establish and use imprest funds for making small purchases of material and services, other than personal services, for the DNA, when it is determined more advantageous and consistent with the best interests of the Government, in accordance with DoD Directive 7360.10⁵, "Disbursing Policies," January 17, 1989.

12. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DNA consistent with 44 U.S.C. 3702.

13. Establish and maintain appropriate property accounts for DNA, and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop account-

ability for DNA property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

14. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DNA, pursuant to DoD Directive 5200.8⁶, "Security of Military Installations and Resources," July 29, 1980.

15. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of common supply and service regulations, instructions, and reference documents and changes thereto, pursuant to the policies and procedures prescribed in DoD 5025.1-M⁷, "DoD Directives System Procedures," December 1990.

16. Enter into support and service agreements with the Military Departments, other DoD Components, or other Federal Agencies, as required for the effective performance of DNA functions and responsibilities.

17. Enter into and administer contracts, directly or through a Military Department, a DoD contract administration services component, or other Federal Agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DNA. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of the Military Department, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

18. Lease property under the control of DNA under terms that will promote the national defense or that will be in the public interest, pursuant to 10 U.S.C. 2667.

The Director, DNA, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

PART 382—UNDER SECRETARY OF DEFENSE (ACQUISITION)

Sec.

382.1 Purpose.

382.2 Definitions.

382.3 Responsibilities.

382.4 Functions.

382.5 Authorities and relationships.

APPENDIX TO PART 382—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 133.

⁴See footnote 1 to paragraph 3 of this appendix.

⁵See footnote 1 to paragraph 3 of this appendix.

⁶See footnote 1 to paragraph 3 of this appendix.

⁷See footnote 1 to paragraph 3 of this appendix.