



Department of Energy
Washington, DC 20585

December 11, 2008

MEMORANDUM FOR INGRID KOLB

DIRECTOR,
OFFICE OF MANAGEMENT

THROUGH:

KEVIN HAGERTY
DIRECTOR,
OFFICE OF INFORMATION RESOURCES

FROM:

ROBERT G. JENKINS
DIRECTOR,
OFFICE OF AVIATION MANAGEMENT

SUBJECT:

Notice of Intent to Revise DOE Order 440.2B Change 1, *Aviation Management and Safety*.

PURPOSE:

To update the existing order that establishes the policy framework for an efficient, effective, secure, and safe aviation program in the Department of Energy (DOE) and its contracted aviation operations.

JUSTIFICATION:

Ninety percent of DOE and NNSA flight operations, including chartered aircraft, are by definition "public" flights. Under current law [Title 49 U.S.C. §40102, *Definitions*, and §40125, *Qualifications for public aircraft status*] aircraft owned or in service to the Federal government (public aircraft) are not subject to FAA oversight or required to comply with FAA safety and operational regulations, except for certain FAA air space rules that apply to all aircraft within the United States. Therefore it falls on DOE to regulate and oversee its organic aviation operations. In addition, the following policies and regulations require "agencies" to establish management, safety, operations, training, travel and aircraft maintenance programs, specific to their agency's aircraft operations: Office of Management and Budget (OMB) Circular A-126, *Improving the Management and Use of Government Aircraft*; OMB Circular A-123, *Management's Responsibility for Internal Control*; 41 CFR Part §102-33, *Management of Government Aircraft*; and 41 CFR Chapters 300-304, part §301-70.900, *Federal Travel Regulations*. DOE O 440.2B/C implements the direction contained in these referenced directives. Changes in FAA policy and lessons learned through our oversight program dictate that an update of this order is needed at this time.

IMPACT:

There will be minimal impacts, since 98.3% of the affected organizations have fully implemented the current requirements of this



order. DOE O 440.2, *Aviation Management and Safety*, has been in effect since 1995 and revised six times over an eleven-year period. The previous changes addressed lessons learned from aircraft accidents and incidents, changes in Federal policy, and knowledge gained from the Office of Aviation Management quality assurance and oversight program. The current revisions include improving the flow (readability) of the document, minor administrative changes to accommodate FAA policy on “unmanned aircraft” operations, clarifying existing policy to provide better direction (based on oversight observations and findings) and to delete unnecessary requirements. (See attachment for DOE aviation program safety and compliance performance data.)

CONTACT: Robert Jenkins, 202-586-5532.

DECISION:

Concur: _____

Non-concur: _____

Timeframe: ___ 30 days ___ 60 days ___ 90 days ___ 120 days

Date: _____

Attachment