

U.S. Department of Energy

Washington, D.C.

ORDER

DOE 4330.5

11-4-94

SUBJECT: SURPLUS FACILITY TRANSFER

1. **PURPOSE.** To provide a structured and cost-effective approach for transferring surplus facilities to the Office of Environmental Management.
2. **SCOPE.** This Order applies to facilities DOE owns, leases, or controls for production, operation, research, development, or demonstration; except for the exclusions stated below or as otherwise provided by statute or by separate delegation of authority from the Secretary of Energy. The provisions of this Order apply to all Departmental Elements and to covered contractors to the extent implemented under a contract or other agreement.
3. **EXCLUSIONS.**
 - a. Executive Order 12344, (Order), Title 10 Code of Federal Regulations (CFR) 445.1 *et seq.*, reprinted in Title 42 United States Code (U.S.C.) § 7158 note, establishes the responsibilities and authority of the Director, Naval Nuclear Propulsion Program, Office of Nuclear Energy, over all facilities and activities that comprise the joint Navy-DOE program. In view of the unique nature of Naval nuclear propulsion applications, the Director shall determine the appropriate policy applicable to this program's facilities. Such determination shall include consideration of appropriate parts of the criteria set forth in this Order. Public Law (P.L.) 98-525, Title XVI, § 1634, directs that provisions of this Order pertaining to the Naval Nuclear Propulsion Program shall remain in force until changed by law.
 - b. In accordance with Section 302 of the Department of Energy Organization Act of 1977 (P.L. 95-91, 91 Stat. 578), the Secretary operates and maintains the Power Marketing Administrations (PMA) electric power transmission systems by and through the PMA Administrator. The PMAs have policies in place that are geared to the special needs of utility operations, responsive to coordinated multi-utility system requirements, and in conformance with prudent utility practices. Administrators shall determine the appropriate policy for their facilities including consideration of appropriate parts of the criteria set forth by this Order.
4. **DEFINITIONS.** See Attachment 1.

DISTRIBUTION:

All Departmental Elements

INITIATED BY:

Office of the Associate Deputy
Secretary for Field
Management

5. REQUIREMENTS.

- a. **SURPLUS DETERMINATION:** Facilities determined to be surplus to the current Program Secretarial Officer (PSO) shall be reported to the Office of Field Management (FM) for the following disposition process:
- (1) In accordance with DOE Order 4300.1C, REAL PROPERTY MANAGEMENT of 6-28-92, FM determines if the facility is surplus to the Department as a whole.
 - (2) If the facility is surplus to the Department and qualifies for disposition by the General Services Administration (GSA) in accordance with 41 CFR 101, FEDERAL PROPERTY MANAGEMENT REGULATIONS, then the facility is disposed of accordingly.
 - (3) If a facility does not qualify for disposal by GSA under 41 CFR 101, it may become a candidate for transfer to the Office of Environmental Management (EM).
- b. **CANDIDACY FOR TRANSFER:** Candidates for transfer shall include:
- (1) Contaminated facilities for which DOE has responsibility or owns.
 - (2) Contaminated portions of facilities, if structurally independent and with separate utilities and support systems.
 - (3) Real property or related personal property that is ancillary to a candidate facility.
 - (4) Facilities otherwise agreed to by the DOE parties involved.
- c. **PREREQUISITES FOR TRANSFER:** The following prerequisites shall be met prior to the transfer:
- (1) A Facilities Transfer Agreement shall be executed by the current PSO and EM-1. Level of detail and items covered shall be negotiated between the current PSO and EM and shall be commensurate with the complexity of the transfer. In addition, existing information shall be used to the greatest extent possible. The Transfer Agreement shall address, but not be limited to, the following issues:
 - (a) A list of facilities to be transferred.

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- (b) A list of special and other nuclear materials, contained in the above facilities, which are to be transferred to EM.
- (c) The organizational roles and responsibilities of the current PSO and EM, before and after transfer.
- (d) A Condition Assessment Survey (CAS), in accordance with DOE Order 4320.2A, CAPITAL ASSET MANAGEMENT PROCESS (CAMP), 2-10-94.
- (e) A characterization whose intent is to provide the new owner an understanding of the nature, level, and probable extent of contamination. This shall include a hazardous and radiological material/waste inventory to be transferred.
- (f) A safe shutdown implementation plan that, at a minimum, shall address the following issues: safety envelope, surveillance and maintenance requirements, safeguards and security, preservation of equipment and facilities, and compliance with applicable regulations and requirements.
- (g) A human resources plan that addresses Federal and contractor personnel impacts, the need to retain critical skills, and funding necessary to meet socioeconomic challenges. The DOE and contractor personnel associated with the facilities to be transferred will be identified and the resources allocated.
- (h) A budget resources plan to manage the facility until EM funding is provided through the normal budgeting process. If the facility is to be transferred in less than two (2) years from the date of formal notification, the plan shall address the allocation of funds to EM to support this accelerated transfer.
- (i) A material and equipment disposition plan that addresses the removal of personal property, related personal property, or non-excess equipment and material from the facility.
- (j) A stakeholder plan to inform and notify the stakeholders of all planned activities.

(k) Transfer Date. To match the Departmental budget cycle, the normal date of transfer shall be the first October 1 after the two year anniversary of the date EM is notified, unless the parties reach another agreement.

(2) Program operations shall be terminated.

d. ISSUES RESOLUTION: If there are disputes concerning ownership, candidacy for transfer, or transfer agreement contents, the Associate Deputy Secretary for Field Management (FM-1) shall convene and chair a board of arbitration consisting of DOE Elements deemed appropriate.

6. OBJECTIVES. The objective of this Order is to standardize a process by which surplus facilities are:

- (a) Evaluated under DOE 4300.1C for potential reuse prior to transfer to EM.
- (b) Determined to be candidates for transfer to EM.
- (c) Transferred to EM.

7. RESPONSIBILITIES AND AUTHORITIES.

- a. The Secretary has overall responsibility and authority for the Department's property and shall take necessary management actions, through the Associate Deputy Secretary for Field Management, to ensure that Departmental property is effectively managed and maintained.
- b. The Associate Deputy Secretary for Field Management serves as the Department's official point of contact relating to disposal of real property and related personal property and shall provide management direction and coordination of the process to transfer ownership of surplus Departmental facilities from the current PSOs to the Office of Environmental Management.
- c. Assistant Secretary for Environmental Management, in conjunction with the current PSOs of facility candidates for transfer, has the responsibility to ensure that the requirements of this Order are implemented.
- d. Program Secretarial Officers, as current owners of facility candidates for transfer, and in conjunction with the Assistant Secretary for Environmental Management, have the responsibility to ensure that the requirements of this Order are implemented. Until the date of transfer, the current PSOs of facility candidates remain fully responsible for the facilities.

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5(and 6)

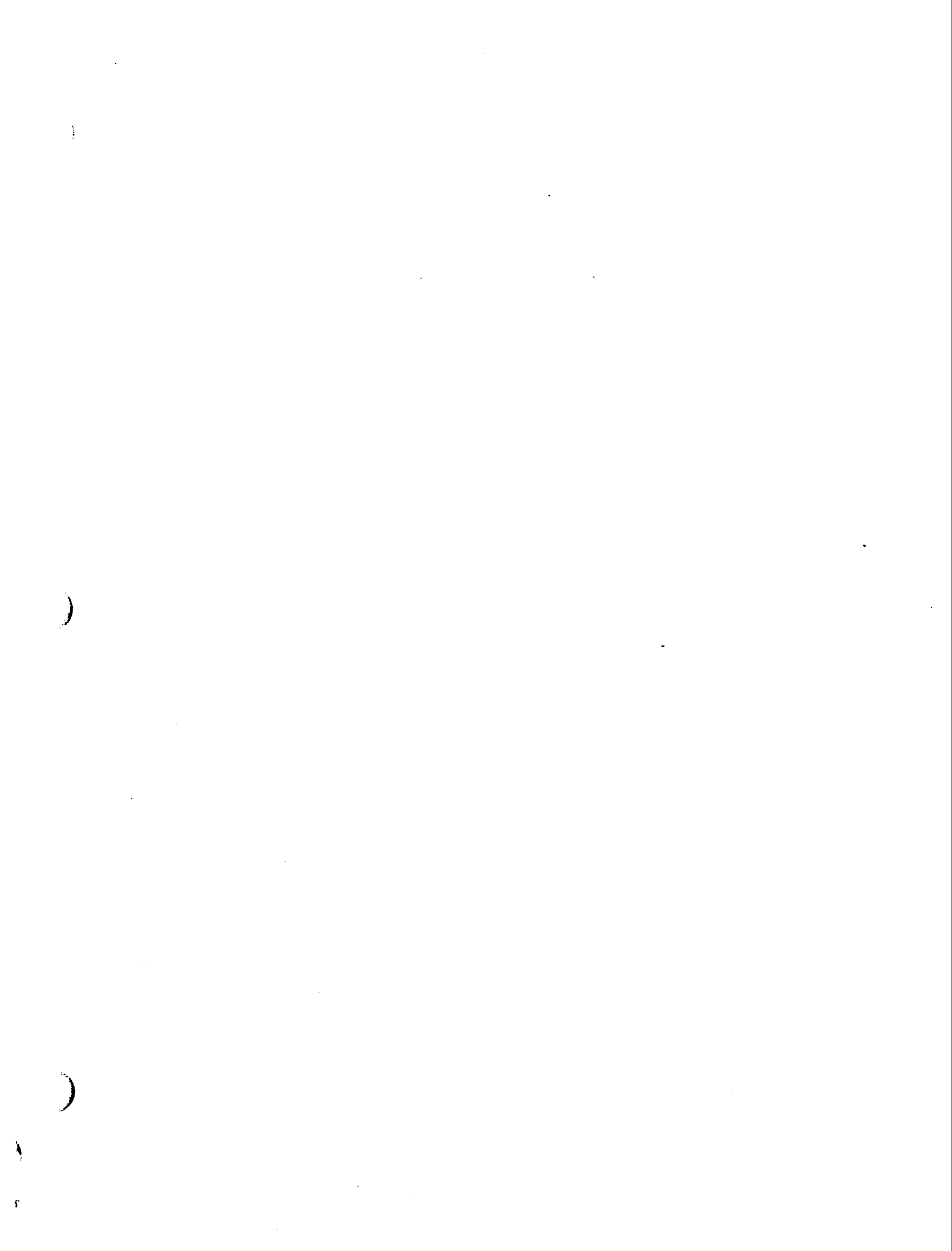
e. Heads of Field Elements shall ensure that the transfer of facilities under their purview is managed consistent with this Order.

8. FLOWCHART. See Attachment 2.

BY ORDER OF THE SECRETARY OF ENERGY:



ARCHER L. DURHAM
Assistant Secretary for
Human Resources



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Attachment 1
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REFERENCES

41 CFR 101, FEDERAL PROPERTY MANAGEMENT REGULATIONS

DOE 4300.1C, REAL PROPERTY MANAGEMENT, of 6/28/92

DOE 4320.2A, CAPITAL ASSET MANAGEMENT PROCESS, of 2/18/94

ABBREVIATIONS and ACRONYMS

CAS - Condition Assessment Survey

CFR - Code of Federal Regulations

DOE - Department of Energy

EM - Office of Environmental Management

FM - Office of Field Management

GSA - General Services Administration

PSO - Program Secretarial Officer

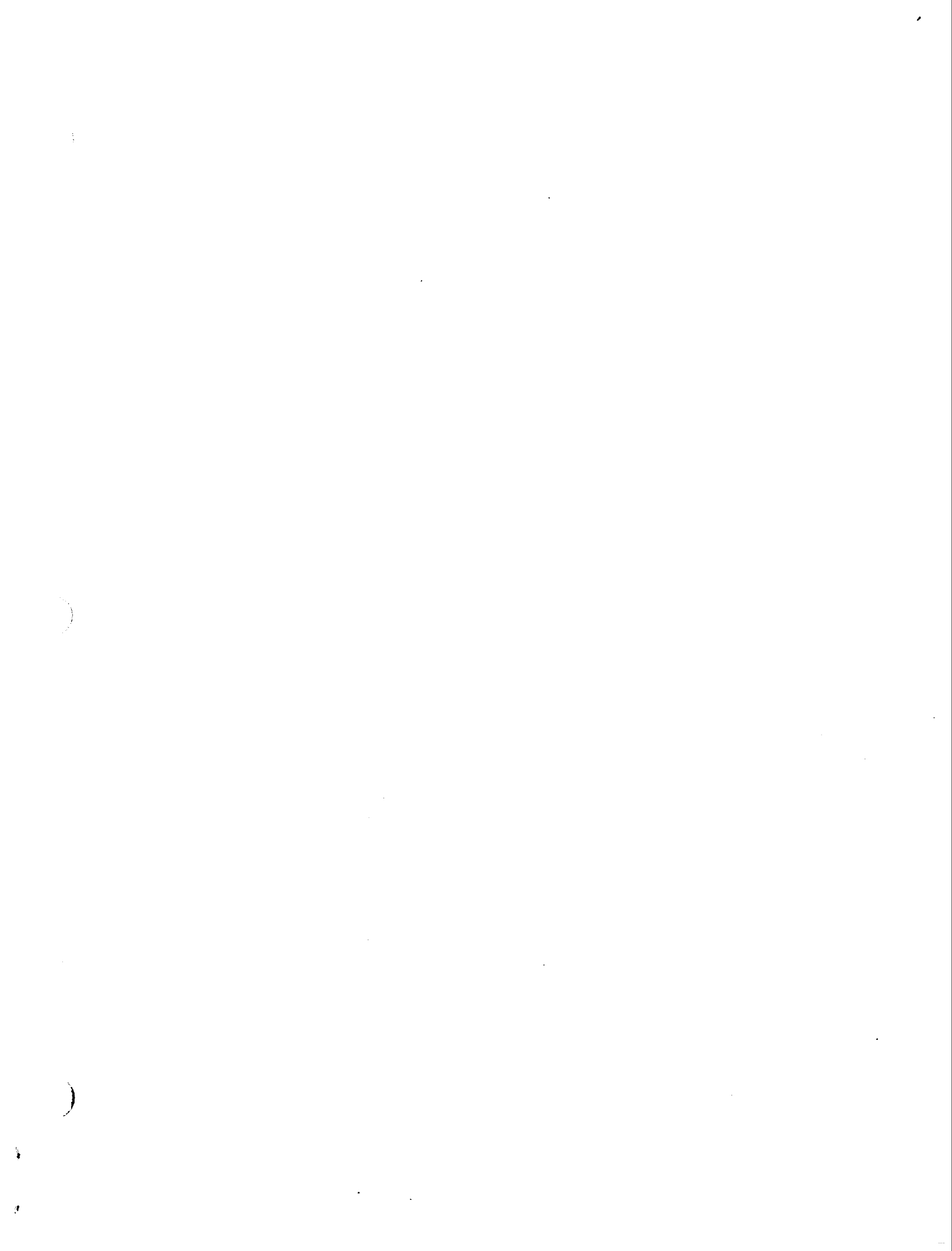
DEFINITIONS

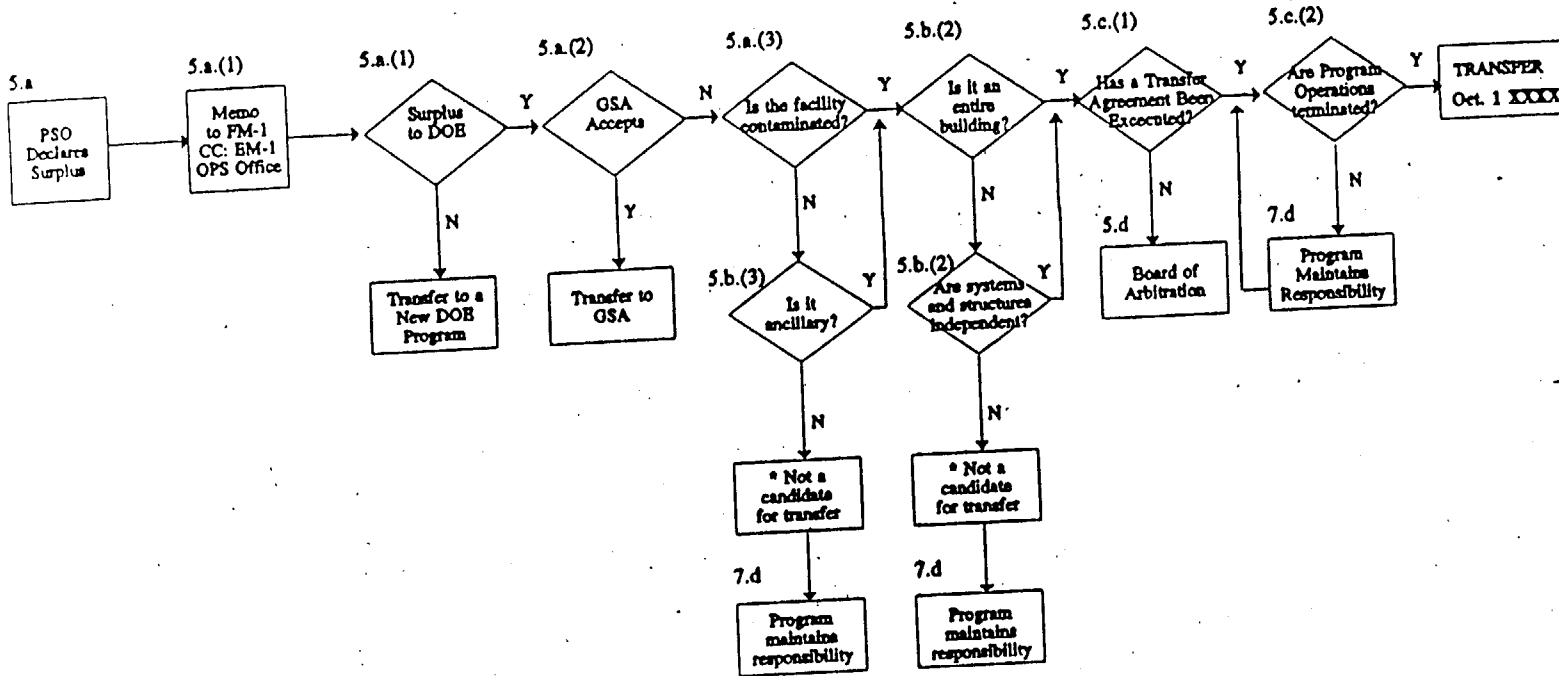
1. ANCILLARY. Supporting facilities, utilities, safety systems, and security systems that provide direct support and are solely dedicated to the operational aspects of the facility.
2. BOARD OF ARBITRATION. A board set up by the Associate Deputy Secretary for Field Management to resolve disputed issues.
3. CONTAMINATION. As defined in 41 CFR 101-47.202, *Reporting of Excess Real Property*, through reference to Environmental Protection Agency regulations at 41 CFR 373.
4. COVERED CONTRACTORS. A seller of supplies or services under a contract.
5. FACILITIES. Buildings and other structures, their functional systems and equipment, and other fixed systems and equipment installed therein; outside plant, including site development features such as landscaping, roads, walks, and parking areas; outside lighting and communication systems; central utility plants; utilities supply and distribution systems; and other physical plant features. (DOE 6430.1A)
6. PERSONAL PROPERTY generally means movable items, which are not permanently affixed to or considered to be an integral part of the real property. Generally, but with exceptions, items remain personal property if they can be removed without serious injury either to the real property or to the items themselves. (DOE 4300.1C)
7. PROGRAM SECRETARIAL OFFICER. Heads of DOE Offices which have responsibility for specific facilities. These includes the Assistant Secretaries for Defense Programs, Energy Efficiency, Environmental Management, and Fossil Energy; and the Directors of Civilian Radioactive Waste Management, Energy Research, and Nuclear Energy. (DOE 5480.18A)
8. REAL PROPERTY OR REAL ESTATE, for purposes of this Order, are synonymous. Real estate means land and anything permanently affixed to the land such as buildings, fences, and those things attached to buildings such as light fixtures, plumbing and heating fixtures, or other such items, which would be personal property if not attached. (DOE 4300.1C)
9. RELATED PERSONAL PROPERTY is any personal property, which is an integral part of real property or is related to, designed for, or specially adapted to the functional or productive capacity of the real property and whose removal would significantly diminish the economic value of the real property. (DOE 4300.1C)
10. SPECIAL NUCLEAR MATERIAL. Plutonium, uranium-233, uranium enriched in the isotope 235, and any other material which, pursuant to the provisions of Section 51 of the Atomic Energy Act of 1954, as amended, has been determined to be special nuclear material, but does not include source material; it also includes any material artificially enriched by any of the foregoing, not including source material. (DOE 5633.3A)

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11. SURPLUS. Any facility declared by the PSO as available for other use.





SURPLUS FACILITY TRANSFER PROCESS FLOWCHART

Note: Numbers above blocks refer to the related Section and Paragraph of the Order

* Unless otherwise agreed to by the parties involved [5.b.(4)].

