

Record of Change

Standing Operating Policies and Procedures (SOPP) Preparation and Revision

Office of Environmental Management Change Log			
Revision No.	Date	Change Description	Pages Modified
2	3/2/2017	Changes incorporated to reflect EM reorg and SOPP new format (revisions by JM)	ALL

**U.S. Department of Energy
Office of Environmental Management
Standing Operating Policies and Procedures (SOPP)**

Title: Excess Facility Transfer to the Office of Environmental Management

SOPP #34

Responsible EM Org: Office of
Infrastructure and D&D, EM-4.11

Author: Andrew Szilagyi

Revision #: 2

Effective Date: April 2017

Review Date: April 2018

1. POLICY/PUPRPOSE:

- a. This policy defines the procedures, criteria and expected stabilization conditions for transferring excess contaminated facilities, other structures and facilities (OSFs), contaminated land areas (waste sites) and/or other environmental media (e.g. ground water requiring remediation), and excess materials and radioactive, chemical and/or mixed wastes (henceforth jointly referred to as “excess contaminated facilities and wastes”) from the Department of Energy’s (DOE’s) Operating Programs (primarily the National Nuclear Security Administration (NNSA), the Office of Science (SC), and the Office of Nuclear Energy (NE)) to the Office of Environmental Management (EM) consistent with the most recent version of DOE O 430.1C *Real Property Asset Management* and DOE G 430.1-5 *Transition Implementation Guide*. To provide a predictable and orderly plan of action, this policy establishes the sequence of events and the technical, administrative, fiscal, and managerial requirements for each transfer within a framework that facilitates full integration into the DOE budget cycle.
- b. The processes and sequence of activities described in this Standing Operating Policies and Procedures (SOPP) and specifically the signed and formally executed Memorandum of Agreement (MOA) between the Program Secretarial Official (PSO) requesting a transfer, the Assistant Secretary for Environmental Management, and when there is an agreement to the transfer of funding and out-year budget targets, the Chief Financial Officer shall serve as the only method and documentation indicating the acceptance of management responsibility for a transfer.
- c. Although the MOA is generally prepared in association with the processes and sequence of activities described in this SOPP, the actual acceptance of management responsibilities for a transfer shall be consistent with the date specified in the MOA and the availability of adequate EM funding. It is important to recognize that this could be years after the preparation of the MOA.
- d. The signed and formally executed MOA and the indicated date for formal acceptance of management responsibility shall serve as the only approved document and schedule for allowing the Department’s Facilities Information Management System (FIMS) to be updated to reflect ownership status of each transferred excess contaminated facility.
- e. Because historically, the processes, sequence of activities, and the preparation and formal execution of MOAs have not always been implemented, the following exceptions are established:

- i. Ownership of excess contaminated facilities and wastes can satisfactorily be demonstrated if they have been incorporated into an approved EM site baseline. Formal documentation (grandfathering such ownership) from EM's Office of Program Planning and Budget (or equivalent organizational entity) shall be prepared and distributed to each appropriate EM Office, the appropriate Field Office, and the Office of Acquisition and Program Management (OAPM) and shall be used to update FIMS.
 - ii. In unusual cases, such as the implementation of Fiscal Years 2009-2012 American Recovery and Reinvestment Act (ARRA) activities, budgets allocated to EM were utilized to fund deactivation and decommissioning (D&D) and environmental remediation activities conducted under the management auspices of other Program Secretarial Offices. Ownership of excess contaminated facilities and wastes in these situations was not considered for transfer or as owned by EM. No adjustments to FIMS were undertaken.
2. **OBJECTIVE:** To develop, formalize, and institutionalize a coordinated process that provides direction while retaining sufficient flexibility to ensure that adequate and accurate information is developed at the appropriate time to provide Program Secretarial Officials (PSOs) (those requesting the transfer of excess contaminated facilities and wastes) and EM with the data needed for informed decision making. This process will permit actions to be implemented at appropriate times, leading to the timely identification, prioritization and evaluation of excess contaminated facilities and wastes, and their effective transfer for timely D&D, remediation, treatment and ultimate disposition.
3. **CANCELLATIONS:** This SOPP cancels and replaces SOPP#34 Revision 1, dated June 20, 2011.
4. **APPLICABILITY:**
 - a. This SOPP applies to the transfer of all excess contaminated facilities and wastes owned by the DOE. Because close coordination and communication between EM and the other PSOs is needed for successful implementation, the procedures and requirements established in this SOPP apply to all Departmental Headquarters and Field organizations, as well as those supporting contractor organizations responsible for transferring excess contaminated facilities and wastes.
 - b. Although the specific processes contained in this SOPP are most relevant to the transfer of individual excess contaminated facilities and wastes, it is also applicable and relevant to the transfer of multiple excess contaminated facilities and wastes, including entire sites. Depending on which individual issue(s) (technical, risk, administrative, financial, priority, and/or others) drive the request for such a large-scale transfer some of the process steps contained in this SOPP may be modified to better fit a specific instance, on a case-by-case basis.

5. **REFERENCES:**

- a. DOE P 580.1 *Management Policy for Planning, Programming, Budgeting, Operations, Maintenance and Disposal of Real Property*
<https://www.directives.doe.gov/directives-documents/500-series/0580.1-APolicy>
- b. DOE O 430.1C *Real Property Asset Management*
<https://www.directives.doe.gov/news/0430.1C-new>
- c. DOE O 413.3A *Program and Project Management for Acquisition of Capital Assets*
<https://www.directives.doe.gov/directives-documents/400-series/0413.3-BOrder-a>
- d. DOE G 430.1-2 *Implementation Guide for Surveillance and Maintenance during Facility Transition and Disposition*
<https://www.directives.doe.gov/directives-documents/400-series/0430.1-EGuide-2>
- e. DOE G 430.1-5 *Transition Implementation Guide*
<https://www.directives.doe.gov/directives-documents/400-series/0430.1-EGuide-5>
- f. DOE O 410.2 *Management of Nuclear Materials*
<https://www.directives.doe.gov/directives-documents/400-series/0410.2-BOrder>
- g. DOE STD-1120-2005 *Integration of Environment, Safety, and Health into Facility Disposition Activities*
<http://energy.gov/sites/prod/files/2013/06/f1/DOE-STD-1120-1-2005.pdf>

6. **CONTACT:** Andrew P. Szilagyi, Office of Infrastructure and D&D (EM-4.11), 301-903-4278, andrew.szilagyi@em.doe.gov

7. **DEFINITIONS:** See DOE O 430.1C and FIMS database definitions at https://fimsweb.doe.gov/fimsinfo/fims_management.htm. Below is a list of frequently used terms.

Critical Decision (CD): A formal determination or decision at a specific point in a project's life cycle that allows the project to proceed to the next phase.

Facilities Information Management System (FIMS): The Department's system used to identify ownership status of each excess contaminated facility including total number, location, size, and various costs for maintenance and repair.

Program Secretarial Official (PSO): Department officials requesting the transfer of excess contaminated facilities and wastes to EM.

Memorandum of Agreement (MOA): An agreement indicating acceptance of management responsibility for excess facility transfer. The agreement is between the Program Secretarial Official (requesting a transfer) and the Assistant Secretary for EM; and when there is an agreement to the transfer of funding and out-year budget targets, the Chief Financial Officer.

8. **REQUIREMENTS:**

- a. The transfer of excess contaminated facilities and wastes shall be accomplished consistent with the most recent versions of DOE Policy 580.1, *Management Policy for Planning, Programming, Budgeting, Operations, Maintenance and Disposal of Real Property*, and DOE Order 430.1C, *Real Property Asset Management*; and consistent with referenced and/or other applicable DOE Orders, Guides and Standards (including periodic updates/revisions).
- b. The standards, processes, and reporting mechanisms to manage the transfer of excess contaminated facilities and waste, shall be implemented in a holistic and integrated manner.
- c. Candidates for transfer to EM shall meet the following requirements:
 - i. Excess Facilities
 - 1) Facilities/OSFs shall be excess to both the transferring PSO and to the entire Department. This clearance shall be coordinated and accomplished between the PSO requesting a transfer and the Office of Project Management Oversight and Assessments (PM). PSOs shall ensure that the revised facility status is accurately reflected in FIMS database.
 - 2) Only process contaminated excess facilities and wastes shall be subject to transfer consideration. "Process contamination" refers to contamination (radioactive and/or chemical) resulting from mission operations, and not from construction activities and associated materials, such as, but not limited to, asbestos, lead- based paint and PCBs in light ballasts, and/or transformers.
 - 3) Most commonly, excess contaminated facilities shall be individual, self-contained facilities, and not part (e.g., a room, a wing) of a larger operating complex.
 - 4) Should a portion of an excess contaminated facility (e.g., a wing) be requested for transfer, a physical segregation of common systems (e.g., ventilation) and utilities (electrical, water, sewer systems, etc.), and infrastructure (walls) shall be accomplished or funded by the PSO requesting the transfer.
 - 5) Excess contaminated facilities shall already be or shall be placed in a stable and known condition/configuration (See DOE G 430.1-5 *Transition Implementation Guide and Criteria and Activities for Stabilizing DOE Excess Facilities*, May 2017) prior to transfer.
 - ii. Material & Wastes
 - 1) Materials and wastes (radioactive and/or mixed) requested to be transferred to EM, shall be excess to the Department and not deemed a strategic asset requiring long-term storage, maintenance, and/or protection, and shall meet at least one of the following characteristics:
 - (a) Be defined as transuranic (TRU) waste requiring disposition at the Waste Isolation Pilot Plant; or
 - (b) Require specialized treatment/processing and/or have no existing disposition path, thereby requiring EM expertise and involvement to effect disposal.

- 2) Other materials and wastes, including already packaged wastes with available disposition paths, are not subject for transfer to EM.
- iii. Spent Nuclear Fuel & Special Nuclear Materials
 - 1) The transfer of spent nuclear fuel (SNF) and special nuclear materials (SNM) shall be determined on a case-by case basis. In all cases, prior to acceptance, EM must ensure that adequate funding and other resources are available; a receiving facility has been identified and that the facility has adequate storage capacity and management capability for storing and dispositioning the total quantity of materials proposed for transfer. In general, to be considered for transfer to EM, SNF and SNMs must meet the following criteria:
 - (a) Meet the acceptance criteria of the receiving facility;
 - (b) Be received in safe and secure approved packaging configuration;
 - (c) Be covered by appropriate National Environmental Policy Act (NEPA) documentation;
 - (d) Provide adequate and appropriate characterization data to EM to support storage, stabilization, and consolidation or disposition in accordance with Programmatic requirements and consistent with DOE policy and guidance; and
 - (e) Be determined to be excess per DOE O 410.2, *Management of Nuclear Materials*, if SNM
 - d. Annually, EM will evaluate its out-year baselines in order to identify “head room” (available funds) to accommodate and/or accelerate additional cleanup work scope into its out-year budget and five-year planning profile. If EM budget and priority conditions do not allow for real-time acceptance of new scope, PSOs must ensure “sufficient” surveillance and maintenance of facilities under their cognizance while awaiting a transfer agreement. (“Sufficient” consistent with DOE O 430.1C, Section 4.d.(8), and adequate to prevent the existence and/or emergence of conditions that would necessitate immediate and unplanned significant mitigation and/or that would increase the cost of D&D and/or remediation). If EM’s timeframe for accepting excess contaminated facilities and wastes jeopardizes a PSO’s mission and/or security posture, the PSO can provide funding and out-year target to EM to address its specific D&D/remediation and/or waste disposition schedule priorities.
 - e. Excess contaminated facilities whose end state requires long-term management, as well as contaminated land that has been remediated, shall be transferred to the Office of Legacy Management (LM) or to the site landlord for long-term stewardship and management, when the established end states are completed. Such transfers shall be consistent with established procedures and agreements between EM and LM and other PSOs as appropriate.

9. RECORDS:

The Office of Infrastructure and D&D will maintain a copy of the following documentation generated by this procedure for a period of five (5) years after the documents are submitted/received:

- a. Periodic data calls for the identification of excess contaminated facilities and wastes

- subject to transfer to EM and/or a PSO's memorandum requesting a transfer;
- b. Prioritized inventory of excess contaminated facilities and wastes received from PSOs;
- c. Completed questionnaires and/or data call submittals received from Field Offices/PSOs;
- d. Survey reports;
- e. MOA or other signed documentation formalizing the agreement to transfer excess contaminated facilities and wastes between EM and the PSOs;
- f. Critical Decision (CD)-0 documentation; and
- g. Miscellaneous appropriate and relevant documents, including emails, generated in the course of implementing transfers.
 - i. The following files will be sent to the EM Central Records Facility for life-cycle records management:
 - 1) Transition Package comprised of numbers (a) through (f) above.

10. **TRAINING:** Not applicable.

11. **ROLES AND RESPONSIBILITIES:**

- a. Office of Infrastructure and D&D
 - i. Conduct periodic reviews of this SOPP in order to evaluate these procedures and ensure consistency with established/approved policy.
 - ii. Integrate and coordinate planning with the requesting PSO to accomplish the cost-effective, timely, and technically defensible transfer of excess contaminated facilities and wastes.
 - 1) Such planning will be accomplished within a context of respective mission needs, required budgets, risk management, legal and regulatory agreements and milestones, comprehensive prioritization, other Departmental goals and objectives including sustainability goals, and schedule drivers, and will be linked to the Department's annual budget cycle and five-year planning horizon.
 - iii. Issue periodic data calls (via memoranda) to each PSO requesting a prioritized inventory for possible transfer.
 - 1) The prioritized inventory developed in response to the call may be eligible for transfer no earlier than two years (October 1) after the request for transfer in order to achieve integration with the Departmental budget cycle.
 - iv. Determine that adequate funding is available to allow initiation of D&D, environmental remediation, material/waste treatment and/or disposal, and final disposition.
 - v. Integrate all requests for potential transfers.
 - 1) Consider each PSO's priority, risks and hazards, availability of funding, legal and regulatory agreements and milestones, and EM's managerial, technical, and administrative prominence at the sites of proposed transfers to develop an overall priority for transfer.

- vi. Make an initial determination regarding the acceptability of proposed transfers through process knowledge, evaluation of information requested on an excess facility fact sheet, and a walkdown checklist.
- vii. Populate spreadsheet upon receipt of a request for transfer with all pertinent information and prior to walkdowns.
- viii. Establish multi-disciplinary team consistent with the complexity of the requested transfer.
 - 1) The team's functional responsibility is to develop a recommendation for the acceptance or rejection of a facility, material, or waste;
 - 2) Prepare a formal report following the walkdown that will serve as input to an MOA specifying the conditions for transfer, stabilization requirements, fiscal arrangements, and the timing of transfer; and.
 - 3) Prepare MOA for concurrence by EM and PSO which specifies the conditions for transfer.
 - (a) If the transfer of funding and targets are associated, CFO concurrence is required.
- b. PSOs
 - i. Can request a transfer separate from EM's periodic data calls to allow for unexpected situations.
 - 1) Such requests will be evaluated by the Office of Infrastructure and D&D consistent with this SOPP, with decisions based on consistency with Section 8.c. of this SOPP and on the availability of funding and balanced Departmental priorities.
 - ii. Change ownership status in FIMS when notified by EM to do so when adequate funding for the proposed transfer exists.
 - iii. Initiate the short- and/or long-term steps necessary to complete the identified stabilization actions.
- c. The Team
 - i. Provide the site with a checklist that will be utilized during the walkdown.
 - 1) The checklist will be used to document pertinent information about the facility to assist in making a preliminary determination of the facility's acceptability for transfer to EM.

12. PROCEDURES:

- a. To accomplish the cost-effective, timely, and technically defensible transfer of excess contaminated facilities and wastes, integrated and coordinated planning is required between EM and the transferring PSOs. Such planning will be accomplished within a context of respective mission needs, required budgets, risk management, legal and regulatory agreements and milestones, comprehensive prioritization, other Departmental goals and objectives including sustainability goals, and schedule drivers. Transfers will be linked to the Department's annual budget cycle and five-year planning horizon.
- b. As a standard approach, EM will issue periodic data calls (via memoranda) to each PSO requesting a prioritized inventory for possible transfer. The prioritized inventory developed in response to the annual call may be eligible for transfer no earlier than two years (October 1) after the request for transfer, in order to achieve

integration with the Departmental budget cycle. To allow for responses to unexpected situations, PSOs can request a transfer separate from EM's periodic data calls. Such requests will be evaluated consistent with this SOPP with decisions based on the availability of funding and balanced Departmental priorities.

- c. If a reasonable expectation for the need for "stabilization actions" (to be implemented by the transferring PSO) exists, PSOs must consider this need and issue requests for possible transfers three or more years prior to the desired date of transfer.
- d. Although agreements for transfer can occur anytime following the pre-transfer review and verification of stabilization actions (as appropriate), administrative, formal and physical transfers as documented in a signed and formally executed MOA shall not be scheduled until such time as EM determines that adequate funding is available to allow initiation of D&D, environmental remediation, material/waste treatment and/or disposal, and final disposition. Additionally, PSOs shall not change ownership status in FIMS until notified by EM to do so when adequate funding for the proposed transfer exists.
- e. Required funding to implement these actions can come from Congressional allocations, conveyance from the transferring PSO, reprioritization of work by EM, and/or direction from the Secretary of Energy.
- f. Decision Process – Screening
 - i. EM will integrate all requests for potential transfers, considering each PSO's priority, risks and hazards, availability of funding, legal and regulatory agreements and milestones, and EM's managerial, technical and administrative prominence at the sites of proposed transfers, to develop an overall priority for transfer.
 - ii. Through process knowledge and evaluation of information received on an excess facility fact sheet and a walkdown checklist, EM will make an initial determination regarding the acceptability of proposed transfers.
 - iii. Because contaminated land areas (waste sites) and/or other environmental media (e.g. groundwater requiring remediation), unlike facilities, will not benefit from detailed physical (but non-intrusive) examination, condition and liability assessments will be limited to reviews of process knowledge and historical information. The documentation of transfer, however, will be accomplished via a signed MOA similar to that described below or other formal documentation.
- g. Decision Process – Detailed
 - i. For those facilities going forward in the transfer decision process, the steps outlined below establish the plan for transition leading to more comprehensive set of information gathering, hazard/risk and liability assessments, identification of stabilization requirements, and delineation of preliminary cost - budget estimates (referred to as "walkdowns" in subsequent documentation).
 - ii. In coordination with the PSO requesting a transfer, EM will establish a multi-disciplinary team consistent with the complexity of the requested transfer. The team's overarching functional responsibility is to develop a

- recommendation for the acceptance or rejection of a facility, material, or waste.
- iii. Consistent with DOE G 430.1-5, the walk-down survey serves a critical role in defining the overall facility condition, including associated risks and liabilities, stabilization requirements, and cost estimates. The survey essentially serves as a “due-diligence” tool.
 - iv. The team will provide the site with a checklist to document pertinent information about the facility to assist in making a preliminary determination of the facility’s acceptability for transfer to the EM Program. The checklist will be utilized during the walkdown.
 - v. The results of the walkdown will be documented in a formal report and serve as input to an MOA specifying the conditions for transfer, stabilization requirements, fiscal arrangements, and the timing of transfer. The Report will contain:
 - (1) Basic and essential facility/land background information (e.g., type, size, former mission and use);
 - (2) Condition assessment of physical condition and contamination status;
 - (3) Assessment of safety posture and status of authorization basis;
 - (4) Identification of significant risks/liabilities;
 - (5) Identification of required stabilization activities, and
 - (6) Conceptual (Rough Order of Magnitude [+100/-50%]) estimate of required D&D funding.
 - vi. As required, transferring PSOs will initiate the short- and/or long-term steps necessary to complete the identified stabilization actions. Depending on the nature and extent of required stabilization actions, this may entail near-term or multi-year efforts, including the need to request/receive funding through the annual federal budget process.
 - vii. As indicated by the nature, extent and duration/schedule of stabilization, EM may conduct a pre-transition review to verify the completion of stabilization actions.
 - viii. To formalize proposed transfers, an MOA (fully informed by the assessments conducted and information compiled under this SOPP) will be prepared and will specify the conditions for transfer, fiscal arrangements, and the timing (schedule and date) for transfer. Concurrence for the MOA shall include EM and the PSO requesting the transfer. If the transfer of funding and targets are associated, CFO concurrence is required.
 - h. Detailed guidance for the conduct of these steps is provided in DOE G 430.1-5, *Transition Implementation Plan*.

13. APPENDICES: None

A PPROVING OFFICIALS

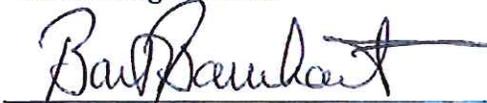
Certifying Official:

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Melanie Holt
Office Director for Communications Services, EM-5.32

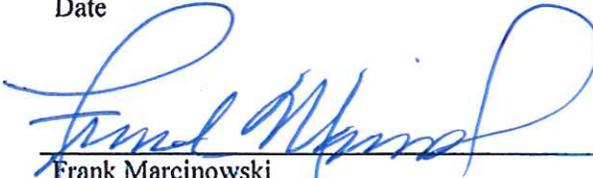
4/6/17
Date

Authorizing Officials:

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Responsible Program Office
Barton V. Barnhart
Director
Infrastructure Management and Disposition Policy, EM-4.1

4/11/17
Date

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Frank Marcinowski
Associate Principal Deputy Assistant Secretary
for Regulatory and Policy Affairs, EM-4

4/13/17
Date