

Guidance for Evaluating the Department of Energy's Excess Facilities

Revision 2



May 2019

Executive Summary

This update to the April 2017 *Guidance for Evaluating the Department of Energy's Excess Facilities* continues to build on the lessons learned from the Excess Contaminated Facilities Working Group (ECFWG) development of the "Plan for Deactivation and Decommissioning of Nonoperational Defense Nuclear Facilities report to Congress" (Report). The FY 2016 National Defense Authorization Act (NDAA) requires the Department to submit the Report every two years providing updates, status, and information on the excess facility inventory and disposition. This Guidance provides the ECFWG process to develop the Report and collect, evaluate, and report excess facility data to inform the budget development of the Department of Energy's (DOE's) Program Offices.

The Guidance discusses the process for collecting excess facility data and describes the data each Program Office and site must provide accurate, complete, comprehensive, and current data to support DOE improvements to its management of excess contaminated facilities. The information collected under this guidance must be consistent with and support DOE budget requests for excess facilities.

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1. Purpose & Introduction

DOE established the Excess Contaminated Facility Working Group (ECFWG) to develop an analysis and options for prioritizing and addressing the numerous contaminated excess¹ facilities owned by the various DOE Program Offices. The Charter and points of contact for ECFWG are provided in Attachment E. Also, the DOE Inspector General (IG) and the Government Accountability Office (GAO) issued reports in 2015 that raised concerns regarding DOE's management of high-risk excess facilities and recommended that DOE provide information to DOE leadership to support decisions regarding the path forward to address these facilities. The purpose of this guidance is to ensure that excess facility data is accurate, complete, and timely and to document the approach for collecting, evaluating, and reporting DOE's excess facility scope, associated costs, and priorities for disposition.

Section 2 outlines the process and schedule for the effort, which consists of the three general activities listed below.

- **Data Collection** - The scope includes all DOE-owned buildings, trailers, and other structures and facilities (OSFs) that are currently excess or with an excess date or estimated disposition year within the next ten years. Disposition related data comes primarily from DOE's Facilities Information Management System (FIMS) and is validated by the Program Offices to ensure its accuracy. Section 3 describes the data requirements.
- **Data Evaluation/Analysis** – The data is analyzed to determine DOE's disposition scope, estimated costs, and priorities. Section 4 discusses the approach used by the ECFWG to evaluate the disposition data.
- **Reporting** –Every two years (biennially), beginning in Fiscal Year (FY) 2016, DOE is required to complete a report to Congress on DOE's plans for the deactivation and decommissioning of nonoperational defense nuclear facilities [50 U.S.C. 2603 (Section 3133 of the National Defense Authorization Act for Fiscal Year 2016 P.L. 114-92), which amends the Atomic Energy Defense Act]. Section 5 summarizes the requirements for the reports. Information regarding DOE's disposition scope, accomplishments, and planned activities will also be reported annually in the "Annual Infrastructure Executive Committee Report to the Laboratory Operations Board."

¹ For the purposes of this guide "excess" is used synonymously with "nonoperational" and refers to facilities with a FIMS Status of Shutdown, Undergoing Stabilization/Deactivation, Undergoing Decommissioning, Undergoing Disposition, In-situ Closed, or In-Situ Close – Long Term Management.

2. Process & Schedule

The process for collecting, evaluating, and reporting DOE’s excess facility scope, associated costs, and priorities for disposition includes the following steps:

FIMS Data Collection and Compilation. ECFWG Executive Secretariat downloads the excess data set from FIMS and provides the information to ECFWG for distribution to the Program Offices. Initial data quality issues are identified by MA-50 (e.g., blank fields). Any pertinent information not available in FIMS (for e.g., any fiscal year accomplishments) is requested in conjunction with the Infrastructure Executive Committee (IEC) data call for the “Annual Infrastructure Executive Committee Report to the Laboratory Operations Board.”

Verification. The Program Offices, working with their sites, review and verify the data in FIMS and fix any potential quality issues. Necessary corrections are made in FIMS, and confirmation provided to MA-50 and ECFWG that the FIMS data is correct and validated.

Data Analysis. ECFWG Executive Secretariat downloads the verified data set from FIMS and provides the data to ECFWG. ECFWG produces graphic representations of the data and identifies changes or trends from the previous year’s data. ECFWG uses the data to determine DOE’s D&D priorities, total excess scope, and disposition costs. (Information from this data set analysis is used by the IEC in the “Annual Infrastructure Executive Committee Report to the Laboratory Operations Board.”)

Report Development. ECFWG biennially produces the “DOE Plan for Deactivation and Decommissioning of Nonoperational Defense Nuclear Facilities” report to Congress², which presents and explains the results of the analysis. The report is provided to the DOE Program Offices for a factual accuracy review and any comments addressed. ECFWG routes the final report to the Program Offices, Chief Financial Officer (CFO), and General Counsel (GC) for concurrence and resolves any remaining concerns.

The schedule for completing both the data for the “Annual Infrastructure Executive Committee Report to the Laboratory Operations Board” and the biennial report to Congress is provided below in Table 1.

Table 1. Schedule for Update Disposition Data and Completing the Biennial Report to Congress

Activity	Due Date
Excess Facilities data updated in FIMS in time for Snapshot	September every year
Biennial D&D Report to Congress ³ updated provided to ECFWG for review	November Odd FY
ECFWG comments incorporated into draft report	December Odd FY
Biennial Report updated with Snapshot data and provided to IEC for review	Early January Even FY
IEC comments incorporated and Biennial Report submitted for concurrence process	Mid-January Even FY
Biennial Report sent to the Office of Management and Budget (OMB)	Early February Even FY

² As required by the National Defense Authorization Act for Fiscal Year 2016 Sections 3133.

³ DOE Plan for Deactivation and Decommissioning of Nonoperational Defense Nuclear Facilities.

Biennial Report submitted for S-1 signature	Late February Even FY
Report signed by S-1 and sent to Congress	March 31 Even FY

3. Data Requirements

As the source for DOE-wide excess facility disposition information it is critical that FIMS data be accurate, complete, comprehensive, and current. The excess related data fields in FIMS must be completed for all excess facilities (buildings, trailers, and OSFs) and those anticipated to become excess in the next 10 years.

Scope

For the purposes of planning and reporting, DOE D&D data will be compiled and analyzed for all the facilities (buildings, trailers, and OSFs) mentioned above. Excess OSFs should also include liquid waste tanks and liquid waste tank farms so long as they are no longer actively receiving liquid waste as part of an ongoing operational or cleanup mission. A tank containing waste simply awaiting waste disposition is operational even if it is no longer actively receiving waste. The following types of OSFs, in general, **should not** be included in the count of excess facilities:

- Evaporation ponds, seepage pits, lagoons, wastewater collection pools/ponds, or other earthen berms, dams, or water collection systems;
- Wells, well heads, sampling wells, groundwater sampling stations;
- Waste sites, burial grounds, waste pits, or other environmental restoration disposal sites where soils or groundwater are being disposed of;
- Rail spurs, bridges, roads, power lines;
- Facilities in a final decommissioned end state (such as In-situ Decommissioned reactors) should not be counted as excess facilities – if these facilities are in their final decommissioned end state, then they should be archived in FIMS.

Data Elements

Table 2 provides alphabetically a list of FIMS data fields that are essential to improving the Department's management of excess facilities. Program Offices must maintain these fields for all currently excess facilities and those planned to become excess in the next 10 years. FIMS definitions are subject to change and the most recent definitions can be found in the DOE FIMS User's Guide (https://fims.doe.gov/fimsinfo/Documents/FIMS/user_gde.pdf). Many data fields required for all real property (e.g., RPUID) are not included in this list even though they are essential data fields. If there is a discrepancy between this guidance and the FIMS User's Guide, the FIMS User's Guide will prevail.

Table 2. Essential FIMS Data Fields

FIMS Field Name	FIMS Data Element Dictionary Definition
Annual Actual Maintenance	The actual, burdened costs of all maintenance and repair activities in a given fiscal year for a building, real property trailer or other structure and Facility (OSF).
Contamination Category	<p>This is a pick list with the following 3 options that identifies the type of contamination and the possible future route to disposal:</p> <ul style="list-style-type: none"> • Process Contaminated - Asset has structural components and/or systems contaminated with hazardous chemical and/or radioactive substances. Exclude facilities that contain no residual hazardous substances other than those present in building materials and components, such as asbestos-containing material, lead-based paint, or equipment containing PCBs and exclude facilities in which bulk or containerized hazardous substances, including radionuclides, have been used or managed if no contaminants remain in or on the structural components and/or systems. • Industrial contaminated –Facilities that contain no residual hazardous substances other than those present in normal building materials and components, such as asbestos-containing material, lead-based paint, or equipment containing PCBs or ozone depleting substances. • Not Contaminated –Asset is neither process nor industrial contaminated. <p>If an asset has BOTH process and industrial contamination, select Process Contaminated.</p>
Est Cleanup & Disposition Costs	Enter a number using either an AFDCS Liability Estimate, EM project cost estimate, or other. This amount is a culmination of costs required to prepare the facility for disposition including stabilization, deactivation, decommissioning, decontamination, dismantlement/demolition, and/or sale.
Estimated Disposition Year	<p>The estimated fiscal year that disposition of a real property asset will be completed (e.g. for Demolition it would be the estimated year the site determines demolition will be completed; for Transfers outside the Department, the estimated year the property transfer will be completed).</p> <ul style="list-style-type: none"> • Populate all assets planned to be disposed in the current ten-Fiscal Year (FY) planning and budgeting window (e. g. the current FY plus the following nine FY's) • For assets planned for disposition beyond the current ten-Fiscal Year planning and budgeting window, where the Estimated Disposition Year is either known or estimated, populate with the known or estimated fiscal year; Must be updated if mission requirements change • For assets planned for disposition beyond the current ten-Fiscal Year planning and budgeting window, where the Estimated Disposition Year is unknown or impractical to develop, populate with "8888" • Only assets with a Status of "In Situ Closed" (IC) or "In-Situ Closed Long Term Monitoring" (IM) may be populated with "9999", if an estimated disposition year isn't readily available • Shall not reflect a past fiscal year; shall not reflect interagency transfers (program to program); shall not be left blank
Excess Date	When the Excess Indicator is set to 'No', the Excess Date can be populated with the date the asset is planned to be excess using the format (mm/dd/yyyy). This information is required for assets that are planned to be excess within the next ten years but is optional for assets that will be declared excess to mission needs beyond

FIMS Field Name	FIMS Data Element Dictionary Definition
	<p>that period. The Excess Date must be reviewed and updated annually and if the Excess Indicator is ‘No’, no prior year will be allowed.</p> <p>When the Excess Indicator is set to ‘Yes’, the Excess Date should be entered to reflect the date the asset was screened and declared excess to the Department via an email from MA-50 (OAM). Once the date is input and saved, it is protected from further updates.</p>
Excess Indicator	<p>This field is a Yes (Y) or No (N) indicator. This field can only be set to ‘Yes’, if no one at the site has a mission need and if excess screening with other DOE programs has been completed by MA-50 (OAM).</p> <p>DOE Excess Screening procedures can be found on the FIMS informational website, https://fims.doe.gov/fimsinfo/doc.html.</p> <p>Upon completion of the excess screening, an email will be sent from MA-50 (OAM) indicating that excess screening is complete, and the Excess Indicator can be changed to ‘Yes’.</p> <p>The Excess Indicator data field will be protected from any further update when the Excess Indicator = ‘Yes’.</p> <p>For assets that are Excess Indicator = ‘Yes’, if the building/trailer/OSF that is being disposed has underlying land that is being disposed with it, the site will need to create a new land record for the land it intends to dispose. The site will also need to update the existing land record to reflect the portion of the land that is being disposed.</p>
Mission Impact⁴	<p>This is an adjectival pick list that provides insight into potential impacts if the asset were to remain. Based on current known mission requirements, select the most appropriate response. Consider potential impacts to the missions of other programs that may be located at the site/lab or within the vicinity of the facility. The following are the pick list choices as defined in the Assessment Guide for Prioritization in attachment B of the Guidance for Evaluating DOE’s Excess Facilities (March 13, 2017).</p> <ol style="list-style-type: none"> 1. No Impact – Retention of the facility has no impact on Site mission. 2. Minor Impact – Retention of the facility has minor impact on Site mission. Mission can be achieved with minor adjustments to scientific/programmatic schedule and cost operations. 3. Moderate Impact – Retention of the facility has major impact on Site mission. Mission can be achieved with some adjustments to schedules and operational costs. 1. 4. Significant Impact – Retention of the facility has significant impact and is preventing or will prevent the achievement/progress of Site mission goals.
Public Health & Environmental Stewardship	<p>This is an adjectival pick list that provides insight into potential impacts if the asset were to remain. Based on current known mission requirements and receptors, select the most appropriate response. Consider potential impacts to other tenants and programs that may be located at the site/lab or within the vicinity of the facility. The following are the pick list choices as defined in the Assessment Guide for Prioritization in attachment B of the Guidance for Evaluating DOE’s Excess Facilities (March 13, 2017).</p>

⁴ See Attachment B, Assessment Guide for Prioritization, for the description of the different impact levels.

FIMS Field Name	FIMS Data Element Dictionary Definition
	<ol style="list-style-type: none"> 1. No Impact – The facility and its contents are not expected to pose radiological, chemical, or hazardous material release to the environment. Compliant with all environmental requirements. 2. Minor Impact – If not actively managed, the facility and its contents could present minor radiological, chemical, or hazardous material release that could impact local employee health. Possibility of occasional minor deviation of environmental compliance requirements. 3. Moderate Impact – If not actively managed, the facility and its contents could present a radiological, chemical, or hazardous material release that could impact site employees and visitors, along with local employee health. Possibility of frequent minor violations of environmental compliance requirements. 2. 4. Significant Impact – If not actively managed, the facility and its contents could present a radiological, chemical, or hazardous material release that could impact off-site public, site employees and visitors, along with local employee health. Possibility of serious frequent violations of environmental compliance requirements.
Safety	<p>This is an adjectival pick list that provides insight into potential impacts if the asset were to remain. Based on current known mission requirements and operations, select the most appropriate response. Consider potential impacts to other tenants and programs that may be located at the site/lab or within the vicinity of a facility. The following are the pick list choices as defined in the Assessment Guide for Prioritization in attachment B of the Guidance for Evaluating DOE’s Excess Facilities (March 13, 2017).</p> <ol style="list-style-type: none"> 1. No Impact – Facility condition poses no safety concerns to Site employees. 2. Minor Impact – Facility condition poses minor safety concerns to Site employees due to deterioration/deferred maintenance. 3. Moderate Impact – Facility condition poses moderate safety concerns to Site employees due to deterioration/deferred maintenance. 4. Significant Impact – Facility condition poses significant safety concerns or is unsafe for any access as a result of deterioration/deferred maintenance.
Status⁵	<p>Reflects programmatic intentions as well as the predominant physical/operational status of an asset based on size. The selections are as follows:</p> <ul style="list-style-type: none"> 1 - Operating 2 - Standby 3 - Outgranted 4 – Shutdown 5 – Undergoing Stabilization/Deactivation 6 – Undergoing Decommissioning 7 – Undergoing Disposition 13 – Active (Land status) 14 – Inactive (Land status) IC – In-Situ Closed IM – In-Situ Closed – LTM

⁵ The definition for this field is summarized. See the FIMS Data Element Dictionary for the full description of each status selection.

4. Data Evaluation/Analysis

FIMS Data Collection, Compilation, and Verification

Per the process described in Section 2, the data identified in Section 3 from the year end FIMS snapshot will be reviewed for missing or anomalous information and verified by the Program Offices. It is critical that the FIMS data fields are complete. If fields are left blank assumptions will be made regarding the field's content. For example, if a risk field (Public Health & Environmental Stewardship, Safety, and Mission Impact) is blank the facility will be automatically assumed to have no risks.

Data Analysis

The ECFWG data set from FIMS will be the source for graphics and statistics to be included in reports on the status of DOE's excess facilities and its plans for addressing them. The analysis will include graphic representations of the scope and cost of DOE's D&D responsibilities broken down by Program Office and sites, as appropriate. Changes from the previous year's data or trends will be identified and explained.

As part of the ECFWG data call, Program Offices will be queried for information not available in FIMS. Program Offices will be asked to provide the following types of information:

- Facility D&D that is included within their budget request. The preliminary assumption will be that facilities with a FIMS Estimated Disposition Year (EDY) within the budgeting period (current year plus 2) are within the Program Office's budget. If the EDY for the facility is not supported in a budget request the site should update this information in FIMS.
- Completed disposition projects from previous year.

Prioritization

The evaluation of excess facilities includes an assessment of their potential risk. The risk posed by the contaminated excess facilities is determined using a qualitative approach that considers impacts to public health and the environment, worker safety, and the mission. DOE uses the information from the three FIMS risk fields; Safety, Mission Impact, and Public Health and Environmental Stewardship, to identify a subset of the total of excess facilities that pose relatively higher risk. The higher risk facilities are categorized as either Tier I or Tier II as described below. All other facilities are identified as being of lower relative risk, either Tier III or Tier IV. The biennial report includes a list of excess facilities categorized as Tier I or Tier II in Appendix B.

Tier I. Moderate or significant risk to public health and the environment; worker safety; **and** mission.

Tier II. Moderate or significant risk to **either** public health and the environment **or** worker safety (independent of mission).

Tier III. Moderate or significant impact to mission **only**.

Tier IV. All other facilities.

These tiers are determined based on the Site's initial qualitative assessments; however, discussions with the Program Offices may change the understanding of a given facility's relative risk.

Walk-downs

During the evaluation, a list of facilities identified as Process Contaminated will be compiled. Process-Contaminated facilities that have not been evaluated by EM to determine if they meet the requirements for transfer will be identified and a determination made if and when future walk-downs will be completed. These walk-downs will be conducted to meet the following objectives:

- Determine if a facility meets EM's criteria for transfer
- Identify a general set of conditions for each facility that must be met to establish known and stable conditions for long-term cost effective surveillance and maintenance, so that Program Offices can plan and request budget for the necessary activities to meet them, and
- Collect data for use in developing independent D&D cost estimates.

Walk-downs are discussed in more detail in Attachment C.

5. Reporting

The ECFWG will document the results of the evaluation in a biennial report for submittal to Congress that meets the requirements in the FY 2016 Nuclear Defense Authorization Act (NDAA). Attachment E contains the excerpted language from the NDAA that directs DOE to provide a biennial report to Congress. The ECFWG will provide input to the disposition related sections of the “Annual Infrastructure Executive Committee Report to the Laboratory Operations Board.”

Annual Input to the Status of Infrastructure Report

The ECFWG will work with the IEC to ensure accurate and current disposition information in the annual Status of Infrastructure report. The following two questions posed in the report will be the focus of the ECFWG effort:

1. Are excess space/buildings being eliminated?
2. Are the costs of carrying excess facilities declining?

Plan for Deactivation and Decommissioning of Nonoperational Defense Nuclear Facilities Report to Congress

ECFWG will revise the biennial report with updated information on DOE’s plans for the deactivation and decommissioning of excess defense nuclear facilities, as required by 50 U.S.C. 2603 (Section 3133 of the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92), which amends the Atomic Energy Defense Act). The report will follow the outline below as established in the December 2016 report:

1. Executive Summary
2. Legislative Language – documents the requirement for the report
3. Background – Provides a brief overview of the Department’s activities and driving influences related to D&D
4. DOE’s Excess Facilities – describes the scope of the excess facilities
5. Accomplishments and Planned Activities – description of the D&D completed in the proceeding FY, current FY, and the D&D planned for the following FY.

The draft report will be routed to each Program Office, CFO, EA, MB, MA, CI, and GC for review and concurrence before being transmitted to OMB. Comments will be resolved by the ECFWG.

See Attachment D for an example of a recommended form EM may use to collect information on its projects for consistency among all the Sites.

ATTACHMENTS

Attachment A: Lessons Learned and Changes from FY 2017 Guidance

The following is a list of clarifications and updates made to the previous guidance, dated March 13, 2017.

- Clarification of what constitutes an excess facility: several sites included non-facility OSFs such as ponds, evaporation pits, well heads, rail lines, etc., in their excess facility counts. Section 3, Scope, was revised to better define an excess facility.
- Estimated Disposition Year (EDY) was better defined including creating a new entry for facilities that had an unknown or indeterminate EDY (8888).
- Based on a number of questions posed by sites, additional information was provided to assist the sites in better defining the Estimated Disposition Costs, including how to capture and record costs of small, or ancillary facility costs that may be captured in a larger facility or project level.
 - For EM facilities - use \$1 for Estimated Disposition costs if costs are captured and rolled into a higher level facility or project estimate – especially for smaller or ancillary facilities that are captured as separate line items in FIMS but for cost control are not managed separately from the larger facility or project. Do not leave the field blank nor do not enter \$0 since \$0 implies no cost for disposition. Blank implies a mistaken empty field.
- Based on a number of questions received from several sites, the decision tree in Figure A-1 from the FY 2017 Guidance was retained to assist sites in helping them make operational status and excess facility determinations. The Figure was also updated to reflect the current approach to determining operational status.
 - Use the decision tree in Figure A-1 whenever there is a change in usage, occupancy, ownership, excess indicator, activity, mission, or other significant item that might impact the asset’s status code.⁶ (Note that many of the actions identified in the chart must first be approved by MA.)
 - To select the appropriate status code:
 1. **Always** start at the beginning of the decision tree regardless of the assets current status – specifically at the START button.
 2. Work through the questions answering “yes” or “no” for each one until reaching an oval button. The oval button will identify the status appropriate status code. An asset should only have one status code – either an active (green button) or inactive (tan button) status code.
 3. Enter the correct status code in FIMS.⁷
 4. For questions contact Mona Vadnais (MA-50)
 - If an asset has been completely demolished, follow the directions for archiving the asset.

⁶ NNSA sites do not use the decision tree and will instead follow the guidance provided in NNSA’s Real Property Management Plan.

⁷ Sites may only change the excess indicator after receiving approval from their Program Office and authorization from MA.

- The general rule is, if a facility is being used for any purpose it should stay in the green area of the decision tree. If a facility is not being used, it should be in the orange area of the decision tree.

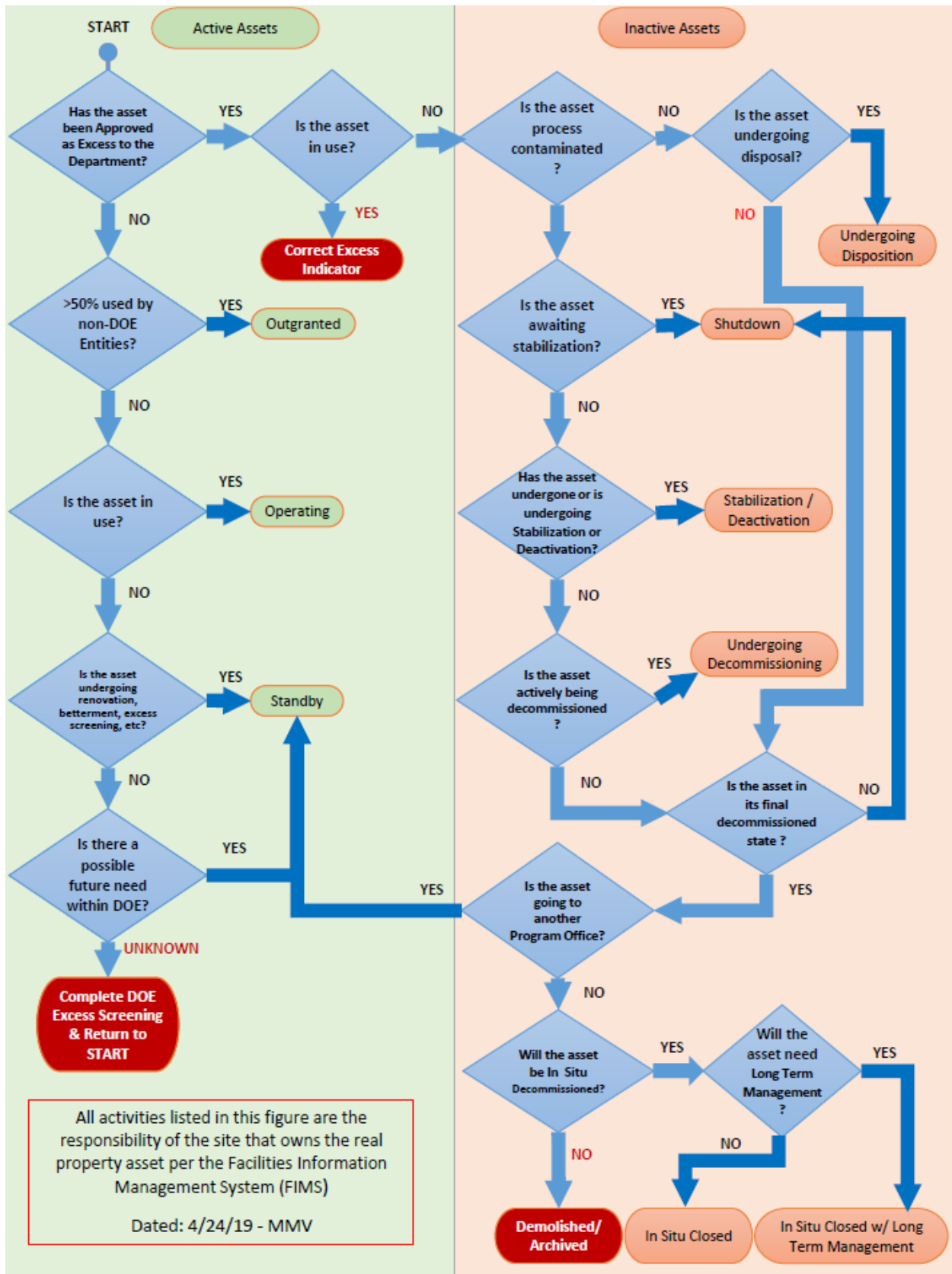


Figure A-1

Attachment B: Assessment Guide for Prioritization

Use this guide to make the pick list selection in the FIMS Mission, Public Health/Environmental Stewardship, and Safety Risk fields. Assume the facility is retained over an indefinite period of time. Risks should consider the current condition of the facility; actions needed to maintain a safe and environmentally stable condition; and whether the facility’s presence presents barriers to managing other site operations and missions effectively.

Table B1. Mission, Public Health/Environmental Stewardship, and Safety Guide

MISSION	PUBLIC HEALTH/ENVIRONMENTAL STEWARDSHIP	SAFETY
No Impact - Retention of the facility has no impact on Site mission.	No Impact – The facility and its contents are not expected to pose radiological, chemical, or hazardous material release to the environment. Compliant with all environmental requirements.	No Impact – Facility condition poses no safety concerns to Site employees.
Minor Impact - Retention of the facility has minor impact on Site mission. Mission can be achieved with minor adjustments to scientific/programmatic schedule and cost operations.	Minor Impact – If not actively managed, the facility and its contents could present minor radiological, chemical, or hazardous material release that could impact local employee health. Possibility of occasional minor deviation of environmental compliance requirements.	Minor Impact – Facility condition poses minor safety concerns to Site employees due to deterioration/deferred maintenance.
Moderate Impact - Retention of the facility has major impact on Site mission. Mission can be achieved with some adjustments to schedules and operational costs.	Moderate Impact – If not actively managed, the facility and its contents could present a radiological, chemical, or hazardous material release that could impact site employees and visitors, along with local employee health. Possibility of frequent minor violations of environmental compliance requirements.	Moderate Impact – Facility condition poses moderate safety concerns to Site employees due to deterioration/deferred maintenance.
Significant Impact - Retention of the facility has significant impact and is preventing or will prevent the achievement/progress of Site mission goals.	Significant Impact – If not actively managed, the facility and its contents could present a radiological, chemical, or hazardous material release that could impact off-site public, site employees and visitors, along with local employee health. Possibility of serious frequent violations of environmental compliance requirements.	Significant Impact – Facility condition poses significant safety concerns or is unsafe for any access as a result of deterioration/deferred maintenance.

Attachment C: Walk-downs

EM, in coordination with other DOE Program Offices, evaluates facilities identified for transfer to determine if these facilities meet the following requirements.

- The facility must no longer be needed for a DOE mission;
- The facility must be process contaminated with hazardous chemical and/or radioactive substances, such as plutonium, uranium, beryllium, or mercury. This does not include contaminants normally present in building materials and components, such as asbestos, lead-based paint, and equipment containing PCBs; and
- The facility must be an individual, self-contained facility, and not part of a larger complex.
- It is important to note that while these walkdowns serve as a basis for decisions making, they do not in and by themselves constitute an agreement for transfer of ownership. As identified in the December 2016 Plan for Deactivation and Decommissioning of Nonoperational Defense Nuclear Facilities report to congress, EM is unable to accept any facilities until specifically designated funds to disposition the facility are made available.

This evaluation includes an assessment of the facility, commonly referred to as a walk-down. A team of subject matter experts from EM and other DOE Program Offices conducts the walk-down and evaluates the facility; this serves as the basis of EM's decision regarding whether the facility meets the conditions of transfer or identifies the conditions that must be met prior to transferring the facility. These walk-downs establish a specific set of conditions for each facility that must be met for transfer so that Program Offices can plan and request funding for the necessary activities to meet them.

The walk-downs are conducted according to a Walk-down Plan that establishes the specific approach for each set of facilities being walked down. The Walk-down Plan is organized based on the following outline:

1. Introduction – identifies the purpose and objective of the walk-downs
2. Scope—identifies the facilities to be reviewed and the type of walkdown review to be conducted depending on whether a facility has been previously walked down.
3. Project Technical Approach – steps taken to achieve plan objectives
4. Task Description – specific tasks conducted primarily by EM's support contractor to complete the walk-downs
5. Project Schedule.

In addition to identifying whether a facility meets the criteria for transfer and the general conditions required to establish known and stable conditions, the walkdown report also identifies significant liabilities, unusual challenges for D&D, and an estimated D&D cost. Additional information on the walk-down process can be found in the DOE G 430.1-5, Transition Implementation Guide.

Attachment D: Example EM Report Format

EM has requested that its sites use the following format to report all¹ excess facility Deactivation and D&D activities completed, in progress, or planned by Facility name and FIMS ID Number. Facilities include buildings, trailers, and OSFs. In addition, provide a list (by Facility Name and FIMS ID Number) of all facilities in the program or site Five Year Budget/Planning Profile².

Ensure facilities that are completed each FY are reported in the new narrative section of the annual update as defined in Section 5. EM sites should ensure that that these completions are consistent with the annual updates to the EM PERS-10 Performance Metrics module in IPABS.

Table D1. Excess Facility Deactivation and D&D Activities

Site Name: Hanford (<i>Representative examples only – not complete</i>)			
Program Office: EM			
D&D Activity	Facilities by Name/FIMS ID Number		
	Last FY	Planned This FY	Planned for Next FY
Deactivations in Progress or Ongoing			
Deactivations Completed ¹		U Plant/116612	
Final D&D in Progress or Ongoing	234-5Z PFP/ 116968	234-5Z PFP/116968	
Final D&D Completed ¹			234-5Z PFP D&D/116968
List of Facilities in Program/Site Five Year Budget/Planning Profiles ²	221U U Plant Canyon Building/116612 234-5Z PFP and Storage/116968 234-5ZA PFP Micon, Aces, and Mask Fit Stations/138629 236Z Plutonium Reclamation Building/116634 242Z Waste Treatment Facility/116647 242ZA Entrance Control Building for 242Z/116647 2503Z 13.8kV Switch Yard - N of 234-5Z/210522 267Z Fire Riser 9 Valve House/116962 2710S Inert Gas Generator Building/116949 2711S Stack Gas Monitoring Station/116638 2712Z Stack Sampling and Monitoring Station/209755		
Other Supporting Information:			
<ul style="list-style-type: none"> PFP originally scheduled for D&D completion in Dec 2015 has been delayed to Dec 2016 			

¹All excess facilities are not limited to only those currently reported in IPABS PERS-10 but should be a complete list of all facility deactivations or D&Ds. However, what is reported here annually should be consistent or coincide with what is reported in PERS-10.

²For Facilities in the Five Year Planning/Budget Profile: Only include those facilities that are under the budget target – over target (OT) facilities (also referred to as OT or the budget compliance case) are not to be included in this list.

Attachment E: Legislative Language Directing the Report to Congress

The following is excerpted from the National Defense Authorization Act for Fiscal Year 2016 Sections 3133, which amends the Atomic Energy Defense Act by adding new Section 4423.

SEC. 4423. PLAN FOR DEACTIVATION AND DECOMMISSIONING OF NONOPERATIONAL DEFENSE NUCLEAR FACILITIES.

(a) IN GENERAL.—The Secretary of Energy shall, during each even-numbered year beginning in 2016, develop and subsequently carry out a plan for the activities of the Department of Energy relating to the deactivation and decommissioning of nonoperational defense nuclear facilities.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

- (1) A list of nonoperational defense nuclear facilities, prioritized for deactivation and decommissioning based on the potential to reduce risks to human health, property, or the environment and to maximize cost savings.
- (2) An assessment of the life cycle costs of each nonoperational defense nuclear facility during the period beginning on the date on which the plan is submitted under subsection (d) and ending on the earlier of—
 - (A) the date that is 25 years after the date on which the plan is submitted; or
 - (B) the estimated date for deactivation and decommissioning of the facility.
- (3) An estimate of the cost and time needed to deactivate and decommission each nonoperational defense nuclear facility.
- (4) A schedule for when the Office of Environmental Management will accept each nonoperational defense nuclear facility for deactivation and decommissioning.
- (5) An estimate of costs that could be avoided by—
 - (A) accelerating the cleanup of nonoperational defense nuclear facilities; or
 - (B) other means, such as reusing such facilities for another purpose.

(c) PLAN FOR TRANSFER OF RESPONSIBILITY FOR CERTAIN FACILITIES.—The Secretary shall, during 2016, develop and subsequently carry out a plan under which the Administrator shall transfer, by March 31, 2019, to the Assistant Secretary for Environmental Management the responsibility for decontaminating and decommissioning facilities of the Administration that the Secretary determines—

- (1) are nonoperational as of September 30, 2015; and
- (2) meet the requirements of the Office of Environmental Management for such transfer.⁸

⁸ In addition to the reporting requirement in the FY 2016 National Defense Authorization Act, the FY 2016 Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2016, Public Law 114-113) in the Congressional Record contained the following text; “The Office of Environmental Management shall not accept ownership or responsibility for cleanup of any National Nuclear Security Administration facilities or sites without funding specifically designated for that purpose.” The Department is directed to identify all requests for transfers of facilities or projects from other DOE offices in its budget request justification in future years.” (161 Cong. Rec. H10106 [daily ed. Dec.17, 2015.]) (statement of Rep. Rogers).

(d) SUBMISSION TO CONGRESS.—Not later than March 31 of each even-numbered year beginning in 2016, the Secretary shall submit to the appropriate congressional committees a report that includes—

- (1) the plan required by subsection (a);
- (2) a description of the deactivation and decommissioning actions expected to be taken during the following fiscal year pursuant to the plan;
- (3) in the case of the report submitting during 2016, the plan required by subsection (c); and
- (4) in the case of a report submitted during 2018 or any year thereafter, a description of the deactivation and decommissioning actions taken at each nonoperational defense nuclear facility during the preceding fiscal year.

Attachment F: ECFWG Charter and Points of Contact

ECFWG Charter

U.S. Department of Energy, National Laboratory Operations Board Excess Contaminated Facilities Working Group Charter

BACKGROUND:

Excess contaminated facilities continue to be a drain on the Department of Energy's (DOE's) infrastructure resources and a risk to safety, security, and programmatic objectives. These facilities are often expensive to maintain in a safe and compliant condition. At the same time, the DOE Office of Environmental Management's (EM) resources to decontaminate and demolish them are severely constrained, particularly given the EM regulatory compliance obligations, and as a result EM may be unable to disposition many high risk facilities belonging to other programs for many years. A comprehensive strategy for addressing these needs is imperative and Congress provided direction to DOE to develop such a plan in the 2016 NDAA.

PURPOSE AND SCOPE:

Following a charge from the Secretary of Energy, the Laboratory Operations Board chartered the Working Group on Excess Contaminated Facilities (Working Group) in January 2015. The charter was revised in February 2016 and this document replaces that charter. The group was originally formed to continue efforts made over the past years on excess facilities and to establish a forum for continued enterprise-wide collaboration, data review and improvement, prioritization, and sharing of best practices in this area. The group was also given the responsibility to produce the bi-annual report, "Plan for Deactivation and Decommissioning of Nonoperational Defense Nuclear Facilities" (D&D Report) requested by Congress.

The Working Group will:

1. Through the program representatives, ensure inclusion of lab and site involvement in D&D planning, as appropriate.
2. Integrate, standardize, and streamline disposition related data collection, review, and reporting through the Department's Facility Information Management System (FIMS) which is maintained by the Office of Management.
3. Guide and improve the Department's approach to disposition prioritization and planning.
4. Provide a venue for discussing and resolving enterprise-wide crosscutting D&D issues.
5. Serve as the Departmental group that is responsible for developing, finalizing, and issuing the D&D Report by March 31 of each even-numbered year as required by the FY 2016 NDAA (S. 1356) Sections 3133 and 4423.
6. Seek to leverage and not duplicate existing site, Program, and Departmental D&D processes, tools, and other best practices regarding excess facilities.

MEMBERSHIP:

EM	Director, Office of D&D and Facility Engineering
NNSA	Deputy Associate Administrator for Infrastructure
SC	Director, Field Safety, Security and Infrastructure
NE	Director, Office of Facilities Management
MA	Senior Real Property Officer
FE	Office of Environment, Security, Safety and Health
CFO	Budget Analyst
NLCOO	Chair for the Working Group of the National Laboratory Chief Operations Officers


**U.S. Department of Energy, National Laboratory Operations Board
Excess Contaminated Facilities Working Group Charter**

The EM representative will serve as a standing co-chair with the other co-chair position rotating between NNSA and SC. As standing co-chair, EM is responsible for leading the development of the Fiscal Year 2020 D&D Report.

All members of the Working Group will be Federal employees or full-time employees of DOE M&O contractors. Additional representatives from other offices within the Department and employees from the M&O contractors may be invited to participate in the activities of the Working Group as appropriate. In addition, the Working Group may invite, as needed, other experts who may provide information to the Working Group.

The Working Group will report to the LOB and will provide periodic status reports to the LOB.

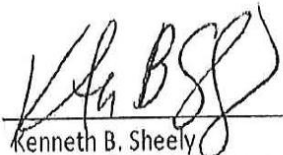
APPROVAL

 Date: 7/18/19

Robert W. Selfert
Director (Acting)
Office of Infrastructure Management and Disposition Policy
Office of Environmental Management
Standing Co-Chair

 Date: 7/17/19

Marcus E. Jones
Director
Office of Field Safety, Security and Infrastructure
Office of Science
Rotating Co-Chair

 Date: 7/17/2019

Kenneth B. Sheely
Deputy Associate Administrator for Infrastructure
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National Nuclear Security Administration
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