

**Secretarial Waiver Request
for
Transferring Eliminated Excess Between Sites**

The following guidance provides the basic documentation needed for a Secretarial waiver to transfer from another site area of eliminated excess or excess that will be eliminated (or funded for elimination) prior to the completion of the new facility. The Lead Program Office(s) may need additional information, so field office and site contractors should be consulted for their needs prior to development of a waiver request. Blanks have been included to highlight a need for specific information. Italics are used to clarify what information is needed.

MEMORANDUM FOR THE SECRETARY

FROM: _____ (*Lead Program Office*)

THROUGH: BRUCE M. CARNES
DIRECTOR, OFFICE OF MANAGEMENT, BUDGET
AND EVALUATION/CHIEF FINANCIAL OFFICER

SUBJECT: ACTION: Waiver of Requirement for Eliminating Excess at
_____ (*site*)

ISSUE: In the Conference Committee Report 107–258, MAKING
APPROPRIATIONS FOR ENERGY AND WATER
DEVELOPMENT FOR THE FISCAL YEAR ENDING
SEPTEMBER 30, 2002, AND FOR OTHER PURPOSES, the
Conferees established a requirement that at each site, all new facilities
be offset by the elimination of an equal amount of the site’s excess
facilities. A Secretarial waiver for not meeting this requirement at the
site with the proposed new facility was included in the report language.
The Office of _____ (*Lead Program Office*) has
determined that a waiver is necessary to meet the requirement.

DISCUSSION: Congress has included a waiver provision that will enable a site, which
currently has an insufficient amount of excess, or has critical mission
requirements, that make meeting this requirement impractical, to utilize
the reduction of excess facilities at another site through a case-by-case
waiver approved by the Secretary through the Director, Office of
Management, Budget and Evaluation/Chief Financial Officer. The
waiver proposal, (Attachment 1.), fully discusses the impracticality of
eliminating excess (*e.g. excess area is substantially less than the area
of new construction*) by sale, transfer or demolition at _____ (*site
name*). This site has identified excess area at _____ (*other site(s)
name*) that has been (or is funded to be) eliminated.

DOE site managers at all involved sites have provided their concurrence
with this waiver request. A copy of the concurrence is provided as
Attachment 2. Finally, a list, (*including FIMS property identifiers*

“Property ID”), of eliminated excess facilities (*or funded to be eliminated by the completion/occupancy date (year) of the new facility*) involved in the waiver is included as Attachment 3.

SENSITIVITIES: None.

POLICY IMPACT: None.

RECOMMENDATIONS: That you sign the attached waiver.

Approve: _____

Disapprove: _____

Date:

Attachments

Concurrences: (*Transferring Site*) LPSO _____

Attachment 1

Waiver Justification

Instructions: Congress provided a waiver mechanism to enable a site to utilize the reduction of excess facilities at another site through a case-by-case waiver approved by the Secretary. This mechanism is available for a site that currently has little or no excess or has critical mission requirements that make meeting this requirement impractical.

When a site has very little or no excess property to offset the new facility, the waiver justification should clearly say so. This information should be consistent with what is reported as excess in the Facilities Information Management System (FIMS)

The impracticality of eliminating excess should be linked to specific issue related to mission and operations. For example eliminating excess may be impractical for safety reasons. Releasable excess is sometimes within the public exclusionary area, making sale or outgrant and even a transfer to another agency impractical. The waiver should mention whether the exclusionary area is not going to change in the foreseeable future. Sometimes the site's excess facilities are process-contaminated and will not be demolished/remediated till long after the completion date. This could be used as justification (a timing issue) for the waiver.

When excess does exist at a site, the waiver justification should clearly identify what the site has done to mitigate the need for this waiver, such as reviews of mission projections, recent demolitions, sales, out-grant or transfers to other agency of any site excess.

Sample Waiver Justification:

Ersatz National Laboratory (ENL) has only a single 1,000 sq.ft. radiologically contaminated excess facility that was transferred to EM in 1999. It has 6,820 sq.ft. of banked eliminated excess space. In FY 2005 ENL has two GPP projects that will construct a 10,000 sq.ft. security office and a 10,000 sq.ft. warehouse. Both will be finished in FY 2006. Neither project has included demolition of the 1,000 sq.ft. excess facility in its scope because EM has included that facility in a D&D project. According to the project baseline, the facility will be demolished in FY 2009. Since ENL does not have enough banked eliminated excess area and cannot eliminate any other excess, a Secretarial waiver for using 13,180 sq.ft. of eliminated excess at Oak Brook Laboratory (OBL) has been prepared.

Oak Brook Laboratory had previously identified 50,000 sq.ft. of banked eliminated excess area would not be needed for off-set its new construction. This waiver would transfer only 13,180 sq.ft. of the 50,000 sq.ft. to ENL. The DOE site managers at ENL and OBL have approved this waiver request.

Attachment 2

Affected Manager's Concurrence with Waiver Request

We the DOE site managers of the sites involved in this waiver request concur with the transfer of _____ square feet of eliminated excess in support of facility construction project (number) _____ at _____ (site).

Transferring Site

_____ DOE Site Manager

_____ (name)

_____ (signature and date)

Receiving Site

_____ DOE Site Manager

_____ (name)

_____ (signature and date)

Option 1: Facility specific area transfers consists of a listing of facilities from donor site(s) that will be used by the site seeking the waiver.

Transferring Site Name _____

<u>FIMS Property ID</u>	<u>Area</u>	<u>Eliminated Year</u>	<u>Budgeted Elimination Year</u>
XXXXXXXX	XXX		20XX
XXXXXXXX	XXX		20XX
XXXXXXXX	XXX	20XX	
XXXXXXXX	XXX	20XX	
XXXXXXXX	XXX		20XX
XXXXXXXX	XXX	20XX	
XXXXXXXX	XXX		20XX

Second Transferring Site (if needed) Name _____

<u>FIMS Property ID</u>	<u>Area</u>	<u>Eliminated Year</u>	<u>Budgeted Elimination Year</u>
XXXXXXXX	XXX	20XX	
XXXXXXXX	XXX	20XX	
XXXXXXXX	XXX		20XX
XXXXXXXX	XXX		20XX
XXXXXXXX	XXX	20XX	
XXXXXXXX	XXX	20XX	
XXXXXXXX	XXX	20XX	

Option 2: Pooled Area

In lieu of a facility list, the waiver justification is used (see Attachment 1) to identify the size of the pooled eliminated excess area and the portion that a Transferring Site’s (see banking option 2 in the sample banking memo) is providing to the Receiving Site.