U.S. Department of Energy
Hanford Site

23-AMRP-000941 April 10, 2023

Mr. David B. Bowen, Program Manager
Nuclear Waste Program
Washington State Department of Ecology
3100 Port of Benton Boulevard
Richland, Washington 99354

Mr. David R. Einan, Manager
Superfund and Emergency Management Division
U.S. Environmental Protection Agency
825 Jadwin Avenue, Suite 210
Richland, Washington 99352

Addressees:

TRANSMITTAL OF FISCAL YEAR 2025 INITIAL PLANNING AND BUDGET GUIDANCE

The U.S. Department of Energy is transmitting the attached "Fiscal Year 2025 Initial Planning and Budget Guidance." This guidance is being provided in accordance with the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), Legal Agreement, Article XLVIII, Cost, Schedule, Scope, Integration, Planning and Reporting, paragraph 149.A and completes Tri-Party Agreement Commitment C-149-01F.

If you have any questions, please contact me, or your staff may contact Mark Coronado, Budget Division, on (509) 376-5363.

Sincerely,

THOMAS TEYNOR for

William F. Hamel, Assistant Manager
for the River and Plateau

PFD:KLH

Attachment

cc: See page 2

cc w/attach:
J. Bell, NPT
A. Buck, Wanapum
C. E. Cameron, EPA
L. Contreras, YN
N. M. Menard, Ecology
M. Murphy, CTUIR
J. B. Price, Ecology
S. N. Schleif, Ecology
M. Woods, ODOE
Administrative Record (C-149-01F)
Environmental Portal
HAB Facilitation (HAB@slind.net)

cc w/o attachs:
S. L. Brasher, HMIS
L. C. Huntoon, CPCCo
M. J. Turner, HMIS

Attachment
23-AMRP-000941

Final FY Initial Planning
and Budget Guidance

(24 pages including cover sheet)

FY 2025 INITIAL PLANNING AND BUDGET GUIDANCE

Overview

This document provides the Environmental Management's (EM) fiscal year (FY) 2025 planning and budget formulation overarching guidance.

EM continues to work towards fully integrating budget formulation, end state objectives, and life-cycle planning to ensure that senior management understands the effects of near-term budget decisions on life-cycle estimates and schedule. Each site's annual budget formulation process should be conducted within the context of the Federal Site Lifecycle Estimates (FSLEs), Site Program Plans, EM Strategic Vision, goals, and objectives, while paying close attention to Key Performance Metrics, milestones and contract terms and conditions.

After your initial FY 2025 submission to Headquarters, it is important that you provide your site's life-cycle projected profile based on your FY 2025 request, as well. The FY 2026 – FY 2029 timeframe and the less detailed outyear component of this budget request profile is the basis for understanding the impacts of a FY 2025 formulation year decision. (Note: while the Federal Integrated Site Baseline Portion of the FSLE may extend beyond 2029, the portion beyond 2029, along with the Outyear portion of the FSLE, are being captured in the "outyear" portion of this budget request. This grouping of information should not be interpreted as an intention to redefine the Federal Integrated Site Baseline (FISB) timeframe of the FSLE, nor reduce the level of detail in the associated cost and schedule estimates.)

Assumptions regarding priorities and technical approach should be made consistent with EM prioritization Schema, as modified by the specific planning guidance provided to each site under separate cover (as applicable). For the initial submittal, cost profiles must initially reflect scope within the Decrement funding level (the "blue" section) and the Guidance funding level (i.e., "target" or the "yellow" section). Additional compliance-related scope (the "orange" section—representing the E.O. 12088 compliance case) and any additional scope constituting the site full requirements case (the "red "section) will also be provided (Top or Over Top funding level).

Once FY 2025 funding decisions have been made by senior leadership, sites will be asked to update the FY 2025-FY 2029 budget planning window, as well as the remaining life-cycle estimate. Sites will also refresh their full requirements to reflect the 12088 Compliance Request for the site if those requirements differ from the FISB/FSLE basis reflected in the FY 2024 budget submittal. This data will also be maintained for potential additional planning scenarios as the budget request advances through review by the Office of Management and Budget (OMB) and the congressional process. In order to reconcile life-cycle profiles in the budget planning cases to those which were part of the most recent Environmental Liability, documentation of key assumptions with each update of the planning data will be requested on an as needed basis. These documented assumptions will help to distinguish each planning case that may differ from what resides in IPABS as the current approved life-cycle profile. We need to work corporately to develop a single-source data set for Headquarters that will remain traceable for consistency across the program. The method for updates will be determined based on timing and implementation of the One Enterprise Management System (OEMS). If available, OEMS will

be utilized for updates. However, until fully tested and implemented, the Budget Integration Tool in IPABS/EM-FIS (red/blue module) will be continued to be utilized.

Planning and Budget Deliverables

The FY 2025 process will begin with the initial FY 2025 - FY 2029 red/blue submittal for each site. Upon receipt of budget submittals, the Office of Budget and Planning (EM-5.11) will work with sites to develop multiple corporate integrated priority lists that will be presented at a FY25 Field Managers Budget Workshop April 12-13, 2023. The Field Managers Budget Workshop will discuss high level priorities and potential trade-off investments, utilizing the prioritization schema outlined in the EM Strategic Vision and EM Program Management Plan (EMPMP). These discussions will utilize a combination of your detailed FY 2025 – FY 2029 budget submittals, ***as well as your life-cycle planning profiles.***

In support of this meeting, site offices will develop and submit their FY 2025 – life-cycle planning update through the Planning and Budget Integration Tool (i.e., red/blue module). This will consist of one case, built incrementally, which will have:

a) Decrement level
b) Guidance level.
c) Top level.
d) Any additional Over Top required to achieve an executable E.O. 12088 compliance and/or support your approved project baseline(s).

The Planning and Budget Integration Tool (i.e., red/blue module) is currently available for use. Consistent with previous years, funding profiles will be required for the prior year (FY 2023 Enacted, FY 2024 Congressional Budget Justification), budget year (FY 2025 Request), and fiscal years for the next planning and budget cycle (FY 2026 – FY 2029). These targets will generally assume 2.3% escalation annually beyond the 5-year budget window. **This data will be due in the Planning and Budget Integration Tool by March 21, 2023**, in preparation for discussion at the Field Managers meeting in April.

The Planning and Budget Integration Tool has been seeded with the FY 2024 OMB Request data for each site (FY 2023 through FY 2029) as well as remaining life-cycle estimates associated with each ABB (FY 2029 and beyond as applicable). Decrement and Guidance level funding assumptions for each site by Appropriation can be found in Attachment A, as well as loaded into the Planning and Budget Integration Tool. For the initial submittal, cost profiles must initially reflect scope within the Guidance level (the "blue" and "yellow" sections). If additional scope is required to meet the intent of the specific site guidance, this should be added above the Guidance level and will be considered a Top level request. Otherwise, additional executable compliance-related scope above the Guidance level (the "orange" section—representing the executable E.O. 12088 compliance case) and any additional scope constituting the site full requirements case (the "red "section) should be added incrementally above the site Guidance level.

A Budget and Planning Workshop is being planned for the fall timeframe of 2023. Additional details will be provided once a location and time has been determined.

Field Managers Budget Workshop

A Field Managers Budget Workshop will be held April 12-13, 2023, at the Forrestal Building in Washington D.C.

Field Managers are expected to present their FY 2025-FY 2029 Budget Request. In addition to the FY 2025-FY 2029, Field Managers must be prepared to discuss the following:

- Impacts associated with funding at the decrement and guidance cases.
- Projected uncosted carryover balances available for use into FY 2025.
- Cyber Security requirements for your site (please reference Cyber Security Guidance under Programmatic Assumptions beginning on page 19 for specific funding requirements.)
- Alternative funding analysis that supports alternative approaches and/or achievement opportunities identified within the FSLE profile. Note: Individual brainstorming sessions with sites prior to the workshop will be scheduled, as applicable, to help guide this discussion. (HQ POC: Jim Antizzo (301) 903-7182)

Programmatic Assumptions

FY 2025 Funding Assumptions (HQ POC: Robin Osik (301) 903-4825)

The following funding assumptions should be used in the development of your FY 2025 – FY 2029 budget submittal:

- FY 2023: FY 2023 Enacted
- FY 2024: FY 2024 Congressional Budget Request

Continuing Resolution (CR) Planning (HQ POC: Robin Osik (301) 903-4825)

Operating a portion of the fiscal year under a CR is highly anticipated. As such, sites should assume that FY 2025 will operate under a CR for the first 3 months of the fiscal year. This would include assumptions associated with the startup of new projects for FY 2025, as well as a ramp of project activities.

Executive Order 12088--Federal Compliance with Pollution Control Standards (HQ POC: Robin Osik, (301-903-4825)

In October 1978, the President issued E.O. 12088 to ensure that federal agencies would comply with federal, state, and local pollution control requirements. E.O. 12088 requires a federal agency to notify and consult with its regulator regarding a compliance plan and schedule when the regulator has violated an applicable pollution control standard. This process is in addition to, and not in lieu of, other present or future enforcement actions taken against a federal facility. E.O. 12088 also establishes an administrative process allowing the EPA to resolve conflicts regarding federal agency environmental violations when the Director of the Office of Management and Budget or the EPA Administrator is unable to resolve the conflict.

Section 1-5 of E.O. 12088 requires the head of each federal agency to ensure that sufficient funds for environmental compliance be included in the agency's budget. Additionally, the appropriate and lawful use of funds appropriated and apportioned for pollution control responsibilities are the responsibility of the head of each federal agency. However, if a federal agency makes a request to use those funds for other purposes, and it is a lawful request, OMB must specifically approve that use.

In compliance with E.O. 12088, sites must submit a compliant budget as part of their Top request. However, sites should identify within the Top request compliance activities that are "executable" (i.e., achievable) versus compliance activities that cannot be achieved regardless of funding levels. This may be due to technical issues and/or other drivers that should be identified as part of the planned accomplishment narratives.

Relationship to EM Program Management Protocol (EMPMP POC: Rodney Lehman (301) 903-6104)

The annual budget request is directly connected to each site's Federal Site Lifecycle Estimate (FSLE), an integrated cost and schedule estimate for the full scope of activities required to complete the EM mission that site must develop and maintain in accordance with the EMPMP.

The scope of work planned in the current budget request, as well as the scope completed has a significant effect on the work planned for each site needs to be updated into the FSLE. The information for each year's CBR needs to be updated into the FSLE such than their scope, cost and schedule are accurate and consistent.

Each year the FSLEs need to be reviewed and updated to show:

- The actual costs spent, and scope completed for the previous year as updated in the most current budget appropriation
- An accurate accounting of EM scope planned to be completed in the coming year as well as the year of the budget request.
- All completed work scope and expended costs from the CBR are updated; and
- The funding targets developed for the CBR are accurately reflected and consistent with the work planned.

Each site's FSLE are to be updated annually in the January timeframe within the following framework of activities:

- After completion of prior fiscal year work,
- Before the financial statement audit,
- After receipt of budget appropriations, as well as
- Allowing for time to inform the next budget request cycle.

Project Work Scope Categorization and Funding / Authorization Requirements (HQ POC: Connie Walter (301) 903-1620)

EM sites initiate projects routinely with proposed scopes of work to restore capabilities to support on-going mission and to support new missions. These projects may include construction, procurement of equipment, maintenance activities, and environmental cleanup activities. To ensure that EM sites properly categorize these various project types and comply with the requirements of Title 50, War and National Defense, subsections 2741 – 2754 and revisions per the FY 2018 National Defense Authorization Act and the FY 2019 National Defense Authorization Act, a Work Scope Categorization and Funding / Authorization Requirements Checklist has been developed (Attachment B). For each project initiated, EM sites should complete the checklist as accurately and completely as possible. EM sites should follow the instructions in the checklist to ensure that the correct funding type is identified for each project and that the appropriate DOE Order or Federal Code is followed.

EM sites should also review existing projects in the early stages of planning and execution using the checklist to verify that the Site has correctly categorized the work scope and is pursuing the correct type of funding for the project.

Deactivation & Decommissioning (D&D) of Excess Facilities (HQ POC: Jeffrey Burnett, (301) 903-9464)

EM typically performs D&D including disposal activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as a "non-time critical" removal action. There have been few regulatory compliance agreements that specify D&D activities, while Congressional interest fueled by GAO and IG reports on excess facility management has elevated the funding for D&D of certain excess facilities. Facility D&D should include groundwater and soil remediation as needed. High risk facilities should be prioritized to minimize life cycle costs.

Sites should comply with OMB Memorandum M-20-03, Implementation of Agency-wide Real Property Capital Planning and the Secretary's July 2020 memorandum implementing Public Law 114-318, *Federal Property Reform Act of 2016*.

For the FY 2025 - FY 2029 budget cycle, sites should request sufficient funding to perform needed activities in these areas to D&D excess facilities, including:

(1) planning, analysis, and prioritization of surveillance and maintenance on excess facilities awaiting D&D.
(2) reducing deferred maintenance (DM) backlog and ensuring that the DM is calculated based on the current status (i.e., excess) and not on the previous operating status of the facility which would significantly overestimate maintenance required and deferred maintenance.
(3) performing characterization, including chemical (including asbestos), radiological and structural characterization.
(4) executing deactivation, decontamination and decommissioning/ demolition using cost effective, sustainable approaches that reduce waste generation and adhere to the cleanup schedule and cost estimates.
(5) evaluating prior work and adjusting processes to achieve greater efficiency.
(6) assessing the applicability of in-situ decommissioning (entombment) at selective site facilities.

Sites should also evaluate prioritizing deactivation of excess facilities that considers the cost of on-going surveillance and maintenance, the risk of degradation and potential spread of contamination, the cost of money, and any resulting additional decommissioning/demolition costs.

To facilitate D&D program planning and analysis, sites should separate D&D scope from Non-D&D scope in their FY 2025 – FY 2029 planning data update. Also, please ensure "min-safe" scope continues to be separated from active cleanup scope as shown in the table.

	D&D Scope	**Non-D&D Scope**
Min-Safe	• S&M of *excess* facilities awaiting D&D • Stabilization/risk reduction • Deactivation • Waste removal • Decontamination • Decommissioning • Characterization to support decommissioning	• S&M of operational facilities • Essential site services • Groundwater monitoring • Soil remediation • Development/implementation of groundwater remedy • Waste treatment/disposal • Cleanup of lagoons, evaporation ponds, sludge pits, trenches • Disposal cell construction or expansion • Development of D&D prerequisite/pre-treatment capabilities • Infrastructure upgrades
Active Cleanup	• Demolition	

The prioritization of D&D projects should consider risk reduction/elimination and cost savings associated with eliminating surveillance and maintenance. "Bundling" the D&D of the primary (high risk) facility with adjacent (co-located) lower risk "industrial" facilities to take advantage of the mobilized and experienced work force could be considered.

For the FY 2025 – FY 2029 budget development, the sites should continue to address D&D work on facilities representing the highest site risks. Whenever possible, sites should incorporate sustainable practices, such as the use of Zero Emission Vehicles, in D&D work. ***Implementation of the Nationwide EM Deactivation, Decommissioning, and Removal (DD&R) Contract*** – DOE contracting officers can place orders under the Nationwide Deactivation, Decommissioning, and Removal (DD&R) Indefinite Delivery/Indefinite Quantity (IDIQ) Contract.

EM Cleanup Project Management Protocol and Implementation Standard for Demolition Projects under DOE Order 413.3B – The protocol applies to demolition work performed by EM, including work performed on behalf of another organizational entity, with a total project cost greater than $50 million.

Low-Level Waste (LLW) and Mixed Low-Level Waste (MLLW) Disposal Assumptions (HQ POC: Doug Tonkay, (301) 903-7212)

As DOE M435.1 currently requires, where feasible, LLW and MLLW should be disposed at the site where they are generated. In the near future, this policy for EM sites is likely to change to require analysis of all options with decisions made considering best value to the government. For those wastes that require off-site disposal at the Nevada National Security Site (NNSS), currently the only Federally-owned, disposal facility available to receive waste generated by other DOE sites, as established in FY 2009, the base operations of the disposal LLW and MLLW disposal facilities at the NNSS are direct funded. This direct funding provides for at least 1.2 million cubic feet of waste receipts. Therefore, DOE generator sites are not charged disposal fees during project execution, unless the waste streams require special handling or receipt which results in incremental costs. *However, this disposal service is predicated on generator sites providing accurate and detailed waste forecasts and NNSS optimizing receipts and monitoring actual shipment rates.* Also, there continues to be considerable sensitivity with unique and high-activity LLW and MLLW streams proposed for disposal at NNSS. To the extent that EM sites and projects identify new, potentially controversial waste streams for disposal at NNSS in future FYs, the viability of this waste being ultimately approved for disposal at NNSS should be discussed with EM-4.2. It may be more appropriate to conservatively assume commercial disposal, if practical, for budget planning purposes. Each year, the Environmental Management Nevada Program (EM NV) requests waste forecasting and receipt data from waste generators. Wastes must meet the NNSS Waste Acceptance Criteria, and waste forecasts must be coordinated with the EM NVs annual waste forecasting process. For questions, call Mr. John Carilli, EM NV at (702) 724-0825.

Generator sites must evaluate both Federal and commercial disposal alternatives, considering all lifecycle costs including packaging, certification, transportation, and disposal costs. Although generators are generally not charged for disposal at NNSS, it is necessary to compare NNSS and commercial alternatives using the "analytical unit rate" for disposal at NNSS (currently $46.96 per cubic foot). This analytical unit rate is determined annually and is available from EM NV. The Office of Waste Disposal (EM-4.22) is available to support these cost comparisons. Information on the availability and capabilities of disposal facilities can also be obtained from EM-4.22.

- NNSS will continue to receive approved LLW and MLLW streams at the Area 5 Radioactive Waste Management Complex.
- The Energy *Solutions'* facility in Clive, Utah, remains available for LLW and MLLW streams that do not exceed Nuclear Regulatory Commission's (NRC) classification for Class A LLW. Currently, the Clive Facility is currently unable to receive wastes containing concentrations of depleted uranium greater than 5 percent by weight, but licensing is underway to allow depleted uranium disposal and may be available in FY2024, but the outcome and timing of licensing remain uncertain. Details on this and other Waste Acceptance Criteria limitations should be discussed with Energy *Solutions* personnel. DOE awarded a prime indefinite quantity/indefinite deliverable contract for commercial disposal services to Energy *Solutions*, which includes fixed unit pricing. The contract can be found at

https://www.emcbc.doe.gov/docs/PrimeContracts/89303318DEM000005.pdf. The DOE contracting officer is Clare Rexroad, EMCBC (clare.rexroad@emcbc.doe.gov)

- The Federal Waste Disposal Facility at Waste Control Specialists (WCS) in Andrews, Texas remains available for disposal of LLW and MLLW disposal up to NRC Class C limits. DOE awarded a prime indefinite quantity/indefinite deliverable contract for commercial disposal services to WCS, which includes fixed unit pricing. WCS is licensed to dispose of depleted uranium. The contract can be found at https://www.emcbc.doe.gov/docs/PrimeContracts/89303318DEM000004.pdf https://www.emcbc.doe.gov/Content/Office/89303318DEM000004.pdf The DOE contracting officer is Clare Rexroad, EMCBC (clare.rexroad@emcbc.doe.gov
- Five waste treatment basic ordering agreements (BOAs) were awarded in December 2020, providing a wide range of MLLW treatment and LLW processing services available to all DOE waste generators. Information on the BOAs is posted at https://www.emcbc.doe.gov/PrimeContracts. Details on the BOAs can be obtained by the DOE Contracting Officer, Clare Rexroad, EMCBC (Clare.rexroad@emcbc.doe.gov).

To facilitate complex-wide planning and analysis, EM-4.22 continues to collect updated forecasts for the volumes of LLW and MLLW that will be generated by EM and other DOE programs. The annual update of the Baseline Disposition Data (BLDD) is conducted each winter. The update of the BLDD for FY 2022 is complete. For questions regarding cost-benefit analyses, commercial disposal options, and BLDD forecasts, contact Doug Tonkay, EM-4.22, and (301) 903-7212.

Transuranic Waste Disposal Assumptions (HQ POC: Justin Marble, (301) 452-6706)

The National Transuranic (TRU) Program, led by Carlsbad Field Office (CBFO), works with the EM-Headquarters National TRU Program Office (EM-4.21), both co-chairs of the National TRU Program (NTP) User Group, and Office of Field Operations (EM-3), to integrate TRU waste management activities throughout the complex to make optimal use of the National TRU Program assets and WIPP disposal capacity. Waste emplacements and shipments are expected to remain steady in fiscal year (FY) 2025 based on sustained operational efficiencies achieved in FY 2023 and FY 2024 with the potential for further optimization in FY 2025 as a result of WIPP modernization and efficiencies. Given these conditions, the following assumptions apply to the FY 2025 budget request:

- In FY 2025, TRU waste sites should plan for a continued rate of contact-handled (CH) TRU waste shipments for disposal of at least 10 but up to 17 shipments per week. EM-3, EM-4.21, and CBFO will continue to work closely with the TRU waste generator sites to ensure current understanding of status and outlook.
- Waste characterization at DOE waste generator sites will be funded by the respective site and includes activities such as visual examination, real time radiography, non-destructive assay, dose-to-curie conversion, and flammable gas analysis.
- The Idaho National Laboratory funds its waste characterization certification through its own waste certifying program. Waste certification of legacy TRU waste at all other sites will be funded by Project Baseline Summary Central Characterization Project CB-0081.

- Transportation certification for all TRU waste generator sites is funded by CB-0081.
- While weekly shipping rates are expected to remain steady, the number of shipping weeks maybe adjusted accordingly to accommodate ongoing WIPP modernization activities. A total of up to approximately 650 CH TRU waste shipments are projected for FY 2025. The exact allocation and sequence for shipping will be adjusted based on the emplacement rate at WIPP, operational needs at WIPP and generator sites, and logistical issues (e.g., weather) that affect shipping.
- All TRU waste is required to meet the requirements of the WIPP Waste Acceptance Criteria (latest revision) including the enhanced Acceptable Knowledge, which consists of the chemical compatibility evaluation memo and the Basis of Knowledge evaluation for waste with oxidizing constituents.
- Shipment/emplacement of remote-handled (RH) TRU waste in RH canisters is expected to resume in FY 2025 (anticipate a total of up to ~40 shipments) based on planned availability of Panel 11. Shipments of RH waste in approved shielded container assemblies (SCA) (able to be emplaced as CH waste) will continue in FY 2025, including availability of SCA designs approved by the U.S. Nuclear Regulatory Commission in 2022.
- To the extent that additional storage investments are required at TRU waste generator sites, these emergent requirements should be clearly identified.
- To the extent that existing compliance milestones or compliance targets are anticipated to be impacted, these should be clearly identified.

Please contact the Director of the Office of Business Operations, Mr. J.R. Stroble, at the Carlsbad Field Office or Dr. Justin Marble, Office Director for the National TRU Program at HQ, EM-4.21, for any questions regarding these assumptions.

Prior to developing or modifying compliance commitments involving disposition of TRU waste, DOE sites should notify and discuss the activities with EM-3, EM-4, and the CBFO Manager. Timely notification to the Office of National TRU Program at CBFO of suspected concerns on TRU waste that is planned for disposal at the WIPP facility is highly encouraged to reduce gaps between issue and mitigation actions. TRU waste generator sites should be familiar with *CBFO Guidance for Sharing New Information with the National Transuranic Waste Program* and utilize the guidance to help expedite mediation.

Similarly, the identification and modification of performance-based incentives related to TRU waste disposition will also be coordinated through the EM-HQ and CBFO on at least an annual basis. The TRU-related corporate metrics included in the FY 2025 budget request will be carefully reviewed and modified as necessary to ensure the integrated plans and collective commitments, accurately reflect Departmental priorities and WIPP operational capability.

Specific questions regarding challenging TRU waste streams (e.g., suspect non-defense TRU wastes) and requests for additional guidance should be directed to CBFO and then EM-4.21. Sites should not assume that waste streams are eligible for shipment to WIPP if they are not certifiable for disposal within the WIPP baseline inventory or do not have a defense determination. However, to facilitate visibility and resolution of these waste challenges, the

impacts and costs associated with on-site storage of these wastes should be identified, to the extent possible, within the FY 2025 budget request.

High Level Waste (HLW) Disposal Assumptions (HQ POC: Jomaries Rovira, EM-4.23, 301-903-0003)

Due to the uncertainty regarding the availability of a geologic repository for DOE-managed HLW, EM sites must continue to assume the need to store immobilized HLW on-site. Sites must re-evaluate plans regarding availability of the capability to load HLW canisters into transportation casks for shipment of HLW offsite. Under special circumstances, EM sites may assume that a centralized interim storage facility may accept limited quantities of HLW for off-site storage subject to EM/HQ approval. However, sites should not unilaterally take action to significantly revise currently approved baseline plans. In addition, sites should continue to implement technical compliance requirements, as previously established with the Office of Civilian Radioactive Waste Management (RW), for treatment and packaging these materials, as needed. These compliance requirements are identified in RW documents issued in support of the Yucca Mountain License Application (LA), and associated EM specification and compliance strategy documents. These documents remain valid unless and until alternative requirements are approved by EM-HQ. Changes to EM-developed and site/contractor developed documents that could impact acceptability of HLW in a future disposal system must be reviewed and approved/concurrence in by EM-HQ. EM sites should continue to support effective quality assurance oversight of their programs consistent with DOE Order 414.1D, Quality Assurance, Change 2, dated September 15, 2020. Tank waste treatment programs at Hanford, Idaho, and Savannah River should continue the cost effective treatment and packaging activities for HLW consistent with existing compliance and regulatory requirements.

Spent Nuclear Fuel (SNF) and Nuclear Material Management and Disposition Assumptions (HQ POC: Jomaries Rovira, (301) 903-0003)

EM sites should safely and securely manage EM's inventory of spent nuclear fuel and nuclear materials and should submit requests to fully fund the facilities and operations required to meet as required to mission objectives. Due to the uncertainty regarding the availability of a geologic repository, or suitable off-site interim storage, EM sites should assume the need to manage SNF for a period of unknown duration. In addition, the request should include funding required to maintain, upgrade, or replace EM's facilities and infrastructure to meet the undefined SNF management duration, while reducing the amount of deferred maintenance and to accelerate closure of these facilities that may no longer be needed. The request should also include funding required to evaluate, conduct feasibility studies for alternate processing capabilities and/or dry storage facilities and implement the selected capabilities. Sites should request funding sufficient to meet safeguards and security and project management requirements and continue to implement effective quality assurance oversight of their programs and projects consistent with site contract requirements. The Idaho and Savannah River site should continue with the Technology Development (TD) efforts currently underway and as new needs emerge, propose additional TD tasks to address those needs.

The Savannah River sites should continue to receive and manage foreign research reactor and domestic research reactor SNF, consistent with the Department's nuclear nonproliferation and

other missions/decisions. In addition, Savannah River should request sufficient funding to support the implementation of the Accelerated Basin Deinventory (ABD) mission, which results in the processing of the majority of SRS's SNF inventory. The Idaho and Hanford sites should continue to manage and store DOE-managed SNF. Idaho should continue to support activities for multi-site participation in SNF strategy implementation and program management tasks, and consistent with approved program planning and management guidance. EM sites should comply with all regulatory agreements and Records of Decision, including, but not limited to, the Idaho Settlement Agreement.

Note: The Department is considering a staging facility and a packaging facility at the Idaho Site to place SNF in a road-ready dry storage configuration. Decisions based on these efforts and other ongoing strategic planning activities are being sent for budget submittal information.

Infrastructure (HQ POC: Connie Walter, (301) 903-1620)

The Department has been increasing its focus on addressing failing infrastructure across the complex, as well as, investing in existing infrastructure upgrades to avoid potential future incidents.

Infrastructure needs must be identified by functional areas (e.g., Spent Nuclear Fuel, High-Level Waste, Low-Level Waste, TRU Waste, etc.) and by facility. When a minor construction project is planned, the following provisions apply:

(1) A minor construction project's approved total cost may not exceed the minor construction threshold, currently $25 million[a]. The total cost includes all direct costs incurred in the construction activity, including construction design, and indirect costs allocated to the project in accordance with the contractor's approved Cost Accounting Standards (CAS) disclosure statement.

(2) The construction design, including architectural and engineering services, in connection with any proposed minor construction project may not exceed $5 million unless specifically authorized by law.

(3) A minor construction project must have a clear project definition, be complete, and used for the intended purpose without additional expenditures above the segments of larger projects or other minor construction projects.

(4) Minor construction projects require full funding within a single budget year request with the exception that, in accordance with OMB Circular A-11 Section 31.5, and subject to OMB approval, planning and design activities may be fully funded in one year, and construction activities may be fully funded in another year. In these specific circumstances, separate funding of these distinct activities in two different fiscal years satisfies the full funding requirement, and in these circumstances, the combined amounts of funding for the planning and design activities and funding for construction activities comprise the estimated total cost of the minor construction

[a] The new National Defense Authorization Act (NDAA) minor construction threshold applies from the date the FY 2022 NDAA was signed into law (December 27, 2021) and onward. As such, any existing minor construction projects prior to FY 2022 would still be held to the $20M threshold for construction and $2M for design.

project.

Site submissions should clearly incorporate and identify infrastructure activities that are included within the site planning submissions. This information should be captured, by project, in the EM-FIS, Red Blue Module, align to the FISB/FSLE, and documented in the Work Scope Categorization and Funding / Authorization Requirements Checklist process associated with the requirements of Title 50, War and National Defense, subsections 2741 – 2754 and revisions per the FY 2018 National Defense Authorization Act and the FY 2019 National Defense Authorization Act as noted above.

Contractor Defined Benefit (DB) Pension Plans and Post-Retirement Benefits (PRB) (HQ POC: Melanie Holt, (301) 903-7277)

Contractors are contractually required by DOE to assume sponsorship of the existing contractor Defined Benefit (DB) pension plans and other postretirement benefit plans for incumbent employees. DOE reimburses the costs of the contractors' contributions to DB pension plans and the benefits paid from other postretirement benefit plans. These costs are typically allocated as indirect costs, though DOE does directly pay the costs of some legacy plans.

Contractors are required to fund their DB pension plans at the minimum required contribution (MRC) level as determined by the Employee Retirement Income Security Act (ERISA) and applicable laws. Contractors are required to maintain an 80 percent funding level status for single and multiple employer pension plans to avoid benefit restrictions. The MRC is determined on a plan year basis. Contractors of single or multiple employer plans in which the plan assets were less than liabilities in the prior year must make quarterly contributions during the plan year with the first contribution due 3½ months after the beginning of the plan year and any outstanding amount due 8½ months after the plan year ends.

DOE's reimbursement of contractor costs in excess of the MRC, supplemental requests, or alternative funding strategies, require approval by the Office of Environmental Management Head of Contracting Activity in consultation with the EM Budget Office, Office of the Chief Financial Officer, Office of General Counsel, and the Office of Management.

Capital Line-Item Construction and Capital Asset Cleanup Projects (HQ POC: Rodney Lehman (301) 903-6104)

Each capital project's funding profile should be developed to support the optimum project schedule to deliver the project and any inter-related activities within the approved total project cost (TPC) which is the sum of the total estimated cost (TEC) and the Other Project Cost (OPC). The TEC is calculated from definitive information regarding technical scope, contracting methods, schedule, and resource requirements. OPC are all other costs related to a project that are not included in the TEC, including but not limited to: technology development; the conceptual design and its report; startup and commissioning costs; siting; as well as regulatory and permitting requirements.

The following provisions apply for current and future capital projects above the minor construction project threshold:

Project Prioritization: Sites are to identify how their capital project are prioritized for the budget process (specifically regarding funding scenarios), this includes listing drivers, as well as internal and external ranking factors with their budget submission regardless of their project maturity (i.e., their Critical Decision (CD)), and funding type (Line-Item versus operating expense).

Project Data Sheets: Project Data Sheet (PDS) must be prepared for Line-Item Construction Projects requesting Total Estimated Cost (TEC) funding. The PDS should include all funding types including OPC; TEC Design; and TEC Construction funds.

Construction Design Threshold: If the estimated cost for construction design is less than $5M the design may utilize operating funding and will not need to be submitted as a PDS until capital construction funding is required.

Conceptual Design Threshold: If the cost of a conceptual design is estimated to exceed $5M, the project must be identified with a PDS. The funds for the conceptual design must be specifically requested in the Congressional Budget Request prior to start of the conceptual design.

Minor Construction Threshold: The Minor construction threshold is $25M. Capital projects below that threshold do not need to be requested with a PDS. Minor construction projects between $5M and $25M require formal Congressional notification and a 15-day waiting period.

CD Levels Required for Budget Submissions: Line-Item Construction Projects require an approved CD-0 to have a PDS included in the Congressional budget submission.

The funding profile for projects prior to CD-2 should match the upper end of the approved cost range.

Demolition Projects: do not require a PDS. Funding and prioritization of these projects should be requested consistent with their approved baseline in the Federal Integrated Site Baseline (FISB).

The following provisions apply only to capital construction and demolition projects with a TPC above $50M:

DOE Order 413.3B Compliance: DOE Order 413.3B requirements apply to all capital construction and demolition projects with a TPC above $50M and should be fully reflected (as appropriate) in the funding scenarios.

CD Levels Required for Construction Funds: A CD-1 project requesting construction funds must have CD-2 prior to the Congressional Budget submission, unless the Project Management Executive accepts specific conditions as enumerated in DOE Order 413.3B. A CD-0 project requesting construction funds must get approval for a waiver from this

DOE Order 413.3B requirement. For long-lead items and activities (i.e., procurements or other activities needed prior to CD-3 including site preparation, site preparation and/or characterization, ensuring access restriction, safety, and security issues), the project can have a CD-3A (before the CD-2) to request construction funds for long lead items as well as necessary activities.

Cleanup Innovation and Technology Development (formerly Technology Development) Guidance (HQ POC: Kurt Gerdes, (301) 903-7289)

The development and deployment of innovative technologies can significantly reduce EM life-cycle cost, risk, and mission schedule. There are many examples of EM-funded Cleanup Innovation and Technology (CIT) activities giving rise to new and innovative solutions that have also resulted in more efficient and effective cleanup methods, improved processing technologies, and decreased risks, worker exposure. For these reasons, EM believes that investments in innovative technology activities are a high priority even given the tight fiscal constraints in which we operate.

Sites offices/contractors/laboratories are encouraged to identify and rank within their planning submission proposals for CIT activities that have the highest potential return on investment to:

- enhance safety and reduce worker exposures;
- improve mission effectiveness and quality;
- reduce life-cycle costs, schedules; and near-term, critical technical uncertainties and risks.

These proposed CIT activities should also include incentives to individuals, entities whose proposals are selected and deployed. At minimum, these proposals should meet the guidelines for Technology Readiness Levels 4-6, per DOE Guide 413.3-4A.

Administrative Guidance

Acquisition Services (POC: Angela Watmore, (202) 253-0993)

Planning and budget for current, follow-on contracts, and new major acquisition needs in FY 2022 and beyond is the responsibility of end-users of the resulting contract award (e.g., each EM Program Office, Field Office, and Small Site Project Office). The annual planning and budget formulation process should include funding requests necessary for the development of technically sound and credible requests for acquisition planning, requests for proposals (RFPs) and other supporting solicitation documents, and for evaluation of the offeror's technical approach and cost proposal.

Funding requests should also be sufficient to cover technical and contract oversight of the resulting award. The end user organization of the resulting contract award is accountable for ensuring that adequate staffing and appropriate technical resources are available to develop a statement of work, evaluate all aspects of the technical approach from the offeror(s) and to perform technical reviews of cost proposals. In addition, complex acquisitions may require budgeting for analysis of workforce and pension/benefit plans.

End users must plan and budget for internal controls, including pre- and post-award audit support and other advisory services, and technical specialty services needed to validate that the contractor has delivered the products and services on cost, on schedule, and of a technical quality required by its contract. Furthermore, end-users are responsible for funding audits for each contract as required by federal laws and regulations, including the following: Accounting System; Purchasing Systems, Cost Estimating Systems, Property Management System, Incurred Cost Audits, and audits of contractor proposals for new awards and contract modifications. Such audits are conducted by the Defense Contract Audit Agency (DCAA) or by an independent commercial accounting firm.

Costs associated with end user participation in source selections may include Federal staff travel costs, source evaluation board secure space, industry interface, and technical support contractors. Such costs are to be covered by the end user. Sites should assume the Environmental Management Consolidated Business Center (EMCBC) will lead all major EM procurement planning activities, source selection, and associated pre-award cost estimating, while the end user organization will primarily lead contract administration and associated post-award cost estimating activities. In addition to providing assistance from a cadre of skilled acquisition personnel, the EMCBC is a central repository of source selection procedures, policies, and best practices.

Real Property, Infrastructure/Integrated Facilities Infrastructure (IFI) Crosscut and Sustainability Guidance (HQ POC: Jeffrey Burnett, (301) 903-9464

Department of Energy (DOE) Order (O) 430.1C Chg. 2 (AdminChg), *Real Property Asset Management* (hereinafter referred to as DOE O 430.1C) requires that annually DOE elements conduct real property planning and provide five-year real property planning and budgeting documentation, which is used to develop infrastructure budget requirements in accordance with Administration, Department and Program Office budgetary guidance. In addition, DOE O 430.1C requires real property plans address reduction or consolidation of space, specifically addressing space policy, program benchmarks for space utilization, and space assignment and utilization standards. The overall requirements for real property budget formulation are included in DOE Order (O) 130.1A, *Budget Planning, Formulation, Execution, And Departmental Performance Management*, 2021, which establishes policies and responsibilities for the DOE Budget Formulation, Execution, and Funds Control in accordance with Office of Management and Budget (OMB) policy and applicable federal laws.

EM typically transfers excess assets (most commonly land parcels) pursuant to DOE O 430.1C policy to external private organizations (such as Community Reuse Organizations) for economic development or other reuse based on reviews such as, but not limited to – the Comprehensive Environmental Response, Compensation, and Liability Act; the Resource Conservation and Recovery Act; the National Environmental Policy Act; and property valuation and business case justification. As DOE O430.1C requires, the Site Offices should continue with the self-validation of the overall real property assets, including facility and infrastructure portfolio needs, to accomplish the mission work efficiently and effectively, and should request adequate funding for its management in support of EM mission. Also, the Site Offices should coordinate their real

property budget formulation activities with the Senior Real Property Officer who is responsible for supporting budget formulation activities relating to Real Property consistent with the requirements of the Federal Property Management Reform Act of 2016 and OMB Memorandum, M-20-03, Implementation of Agency-wide Real Property Capital Planning.

DOE real estate functions encompass several key activities over the life cycle of real property assets including planning, acquisition, full utilization, management, and disposition. The disposal of excess real property assets is accomplished in general by the Department pursuant to Atomic Energy Act and 10 CFR Part 770, *Transfer of Real Property at Defense Nuclear Facilities for Economic Development*, requirements or through the General Service Administration requirements. The Site Offices should request funding for day-to-day activities for overall real estate asset management, including disposal or transfer of real property assets that are excess to the DOE as well as EM mission. As required by the Federal Assets Sale and Transfer Act of 2016 (Public Law 114-287) and the Office of Management and Budget policy, the site offices should identify opportunities to reduce the inventory of EM real property - namely through accelerated sales of approved properties, more efficient utilization of existing properties, and reduction of cost for maintaining these properties. Additional guidance for preparation and requests of applicable real property proposals is contained in DOE Guide 430.1-7, Alternative Financing Guide, current version. To implement these requirements, the site offices should identify opportunities in the budget requests each fiscal year as to how the Site plans to reduce the EM inventory of real property that is not needed for the DOE, including the EM mission.

For the FY 2025 - FY 2029 budget cycle, sites should provide information on the excess assets that are planned for transfer through a specified authority (e.g., DOE 10 CFR Part 770, General Services Administration or special statue). The site Real Property Office and other planning personnel should refer to DOE O 430.1C and DOE Real Estate Desk Guide 2014 at *https://energy.gov/sites/prod/files/2014/09/f18/Real%20Estate%20Desk%20Guide%20-%202014%20update.pdf*, for further clarification on excess assets transfer.

The information on real property assets under site purview is maintained and updated in the DOE Facilities Information Management System (FIMS). FIMS is the Department's corporate real property database as mandated by DOE Order 430.1C (Real Property Asset Management). Real property includes land, and anything permanently affixed to it, such as buildings, fences, bridges, etc. Building fixtures and equipment, such as plumbing, electrical, heating and elevators, which are installed in a building in a more or less permanent manner usually are held to be part of the real property. FIMS offers the Department an effective management and planning tool that provides an accurate inventory of all real property assets that DOE has a legal interest in or right to use. It is relied upon extensively by DOE Headquarters for making daily management decisions as they relate to condition, utilization, mission, status, maintenance, and operations costs as well as dispositions and future acquisitions of real property. Complete and accurate information on real property assets is critical to the Department for managing facilities and satisfying several external reporting requirements which include the Federal Real Property Profile (FRPP) which is managed by the General Services Administration (GSA), Office and Management and Budget (OMB), Congress and the taxpayers. Data quality is enforced through annual FIMS data validations and the FIMS information is certified annually by sites. Sites should request adequate funding to ensure that the excess asset information in FIMS is consistent

with other documentation such as the Land Use Management Plans, other data systems, and EM's Integrated Planning, Accountability, and Budgeting System (IPABS).

Consistent with previous year's requirements for the FY 2025 - FY 2029 budget cycle, the Sites are required to provide an Integrated Facilities Infrastructure (IFI) Crosscut Budget table. Sites should ensure that the IFI information is consistent with the language in specific site budget write-ups. Specifically, the IFI sub-element "D&D" must be consistent with the D&D information provided in your FY 2025-FY 2029 planning data update: as well as with data in FIMS. To ensure consistency, the "Excess Facilities Disposition" row in the IFI will be populated from the planning/budget data.

EM is required to comply with the Executive Order EO 14057 Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability *and DOE Order 436.1 Departmental Sustainability* and is committed to achieve the Department sustainability and resilience (S&R) goals set to meet these requirements. Integrating the S&R requirements within the budget information is necessary to provide the Site Office and EM/DOE insight to meeting the S&R goals at each Site. Integrating S&R can significantly advance efficient, reliable, and renewable energy for the future. Energy represents approximately one fourth of the Departments operating costs and reducing these costs will have the greatest impact on reducing overall operating costs. Implementing both energy efficiency and alternate-renewable energy projects, as well as transitioning its fleet to Zero Emission Vehicles is helping EM contribute to energy independence, reducing carbon emission, and saving funds in the long term. Continued investment in S&R will not only contribute to DOE's goal for meeting departmental requirements but will also save future operating and maintenance costs. S&R initiatives are a high priority for the current administration and will result in positive Return on Investment.

Sites should prepare funding requests and resources needed in two parts: Part One should include must-fund projects that will meet min-safe categories, including but not limited to the infrastructure, fleet, energy conservation measures, and analysis of and adaptation to extreme weather and other events. Other S&R related projects should be included within a site's submitted planning documents, but do not need to be within the "blue" narrative of site submission.

At the full planning level, sites should request funding and resources needed to carry out the implementation of departmental S&R requirements identified in their Site Sustainability Plans: these include efforts required to achieve Carbon Pollution-Free Electricity (CFE) goals, fleet transition/management, metering at individual source points for energy use, data center optimization, and high performance sustainable buildings (for new construction). The funding request for energy efficiency improvement investments should include the initial cost of performing energy and water evaluations for one-fourth of covered facilities on an annual basis, in compliance with the Energy Act of 2020 (which requires that all covered facilities be assessed every four years). Before investments can be made, these evaluations must be done to assess the existing improvement opportunities and provide more detailed estimates of Return on Investments.

Where possible, available appropriations should either be applied to a privately financed project as a one-time payment from savings (i.e., as a "buydown") or used to directly fund longer-

payback energy conservation measures (e.g., renewable energy projects) that cannot be included in the privately financed projects.

The Site Offices should continue with self-validation of the Fleet management needs to accomplish the EM mission efficiently and should request adequate funding in support of EM Fleet management and fleet transition to ZEVs, as well as charging infrastructure. Fleet management for the EM program includes agency owned, GSA leased, and commercially leased motor vehicles such as cars, vans, trucks, etc. Excess fleet needs to be disposed/transferred out of EM in a timely manner to effectively reduce the mission cost. Sites should ensure their Fleet management is complying with the DOE requirements including the use General Services Administration as a mandatory source for purchases of new non-tactical vehicles; the vehicle data base management systems such as the Federal Automotive Statistical Tool (FAST) and GSA's Federal Fleet Management System; the provisions of the 41 CFR Part 102–34, Motor Vehicle Management for the execution of EM mission, and the new requirements for electrifying the fleet in EO 14057.

Designed to offset energy costs, energy incentive programs are typically offered by state agencies and utility providers. Federal entities are eligible for a variety of incentives, including incentives for energy-efficient, new construction and energy conservation measures in existing facilities. According to the *National Energy Conservation Policy Act*, as amended in 2005, Federal agencies are directed to take maximum advantage of financial incentives and other forms of financing to reduce direct energy costs to the Government. Although available incentive programs vary from site to site, numerous incentive opportunities exist. The Office of Inspector General's audit, conducted between FY2013 – 2014 highlighted that federal facilities should be in compliance with this requirement, therefore, sites should apply for available energy incentive programs to reduce direct energy costs, as applicable.

Cyber Security (HQ POC: Jeanne Beard (202) 586-0200)

In FY 2025, all Cybersecurity requirements should be requested as part of the sites' Safeguards and Security (PBS 20) budget request consistent with Congressional direction for FY 2025. For sites with no Safeguards and Security funding, Cybersecurity will continue to be funded through indirect funding allocations.

Sites should coordinate the requirements of the Cybersecurity budget with their Chief Information Officer (or equivalent) to ensure cohesion of information being requested and reported in the Department's Cybersecurity Crosscut and for the Office of Management and Budget (OMB) Cyber Budget Data Request. For sites with an EM Safeguards and Security program, all cyber activities that are currently indirectly funded should be consolidated and requested as direct funding in the FY 2025 request.

Planning and budgeting for current, follow-on, and new major acquisition contracts needs in FY 2025 and beyond is the responsibility of end-users of the resulting contract award (e.g., each EM Program Office, Field Office, and Small Site Project Office). The annual planning and

budget formulation process should include funding requests that support the following activities on systems that are used for general support, classified processing, industrial control, physical protection, emergency operations, site communications and safety:

1. Implementation and compliance with the most current DOE and federal cybersecurity requirements (e.g., Executive Order 14028, DOE Order 205.1C, EM Cybersecurity Program Plan).
2. Upgrading, replacing, and retiring legacy information and industrial control systems.
3. Identification and securing of site High Value Assets.
4. Implementation of full disk and transport layer encryption on all information systems.
5. Remediation of critical and high-risk vulnerabilities.
6. Development and sustainment of employee cybersecurity awareness, privileged user, and phishing awareness training programs.
7. Sustainment of phishing-resistant multifactor authentication for all standard and privileged users.
8. Development, improvement, and sustainment of site incident response resources and capabilities.
9. Development, management, tracking, and completion of Plan of Action and Milestones.
10. Operation of site Continuous Diagnostic and Mitigation technology.
11. Issuance of Authorities to Operate for site/project boundaries/information systems.
12. Compliance with requirements in the most current DHS Binding Operational Directives and Emergency Directives.
13. Mitigation of the most recent Enterprise Assessment, Inspector General, and EM Mission Information Protection Program Findings.
14. Strategic planning for the implementation of emergent requirements.

The site formulation process should include all current or future activities that align with the National Institute of Standards Technology (NIST) Cyber Security Framework (Identify, Protect, Detect, Respond, Recover).

It is imperative the EM understands and can clearly articulate Cyber Security needs across the EM complex. To that end, sites are directed to request what is needed to meet all cybersecurity requirements as part of their Top (base requirements) and/or Over Top (additional need above base) request. Along with the funding request, site managers should be prepared to discuss Cyber Security needs for their site to include an implementation plan to address requirements over a five-year time period. Ultimately, if funding is not supported, sites should use a risk-based approach to implementing requirements."

Emergency Management (HQ POC: Frank Moussa, (301-903-8650)

Sites shall continue in FY 2025 the implementation of DOE Order 151.1D*, Comprehensive Emergency Management System*, and identify resource requirements beyond baseline S&S/PBS-

20 program activities for the timely completion of required assessments and/or required emergency preparedness enhancements. DOE recognizes implementation of the DOE Order is a multi-year endeavor, and continued progress should be achieved.

DOE Could Improve Aspects of the Defense Facility Safety Board recommendations that DOE developed for addressing Emergency Preparedness infrastructure needs. Within Safeguards and Security (PBS 0020), sites should identify within their FY 2025 request, and for the out-year planning period, the resources necessary to ensure site readiness, response and recovery programs and assets are maintained or replaced to maintain effective protection against accidents or incidents.

Emergency Management shall continue to promote continuity of mission through operability, modernization, and integration of efficient and effective Emergency Operation Centers (EOCs), and plan for integration notification on all emergency notification between the sites and DOE HQ.

Safeguards and Security (HQ POC: Daniel Cardenas, (301) 903-1561)

The FY 2025 budget request for safeguards and security (S&S)/PBS-20 shall only be used to fund the topic areas associated with S&S, cyber security, and emergency preparedness (EP). The funding for Cyber and EP in PBS-20 shall comply with DOE order requirements and guidance issued by the EM HQs program office lead. The PBS-20 funding for S&S shall only be used to provide funding for S&S topics that are supported by an analyses (e.g., vulnerability analysis (VA), security risk assessment (SRA)) that complies with DOE order requirements, with specific emphasis on the implementation of DOE O 470.3C, *Design Basis Threat (DBT)*, and Homeland Security Presidential Directive 12 (HSPD-12), *Policy for a Common Identification Standard for Federal Employees and Contractors*. EM sites shall develop processes to verify that PBS-20 funding allocations will enable sites to meet DOE order compliance and that funding allocations are not duplicated for S&S and cyber physical protection measures.

Security system technology and barriers at EM sites are aging and must be maintained in operable condition for those facilities where the need for protection of EM assets exceeds the remaining operating life of the existing security system technology and barriers (e.g., access controls, intrusion detection systems, barriers, and delay mechanisms). In addition, as EM sites decommission facilities, the security technologies and barriers must be re-evaluated and updated to adjust to revised protection levels. When sites re-evaluate and implement updated protection levels, the use of order compliant, cost effective and innovative technology solutions shall be implemented to protect EM assets. With that said, sites shall focus on innovative technology that uses a defense-in-depth approach to protect EM assets, with a focus on minimizing the exposure of ProForce personnel from any applicable DBT. Some examples include:

- Demarcating and posting signs at EM security area boundaries.
- Placing ProForce personnel in protected positions to perform overwatch/response actions.
- Equipping ProForce weapons with reduce visibility technology.
- Minimizing the number of vehicle and pedestrian entry/exit control points.
- Installing innovative barriers to automate vehicle and pedestrian entry/exit to sites.
- Using technology to perform prohibited and controlled item searches at entry/exit points.

- Using video technology at entry/exit points that are capable of facial/threat recognition.
- Using HSPD-12 badges for automated access control.
- Using Unmanned Aerial Systems for patrols and surveillance.
- Using day/night video technology in place of routine patrols.

Sites shall continue to perform security analyses (e.g., VA, SRA) to identify protection measures needed to comply with S&S and cyber security requirements, as well as integration with EP to maintain the ability to perform DOE/EM essential functions.

Sites shall develop and implement a ten-year physical security systems and infrastructure plan to maintain system operability and resilience. The ten-year plan must be developed to comply with VA and SRA standards outlined in DOE O 470.3C, and sites must ensure the following tasks are included in the ten-year plan:

Task 1 – Identify EM assets requiring protection, their associated protection level, and risk.
Task 2 – Identify security system technology and costs needed to protect EM assets.
Task 3 – Identify existing security system technology, reliability, and replacement date.
Task 4 – Coordinate the drafting of a ten-year security system technology refresh plan with EM-3.114, with a top five priority list for refresh based on risk.
Task 5 – Implement the ten-year refresh plan.

Justice40 Initiative (Budget POC: Eva Isa (202) 586-1554 and Program POC Theresa Kliczewski (202) 586-3301)

The Justice40 Initiative is a requirement of President Biden's Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad". The Justice40 Initiative provides recommendations on how certain Federal investments might be made toward a goal that 40% of the overall benefits of such investments flow to disadvantaged communities. On July 20, 2021, the Interim Implementation Guidance for the Justice40 Initiative (OMB Justice40 Interim Guidance) was released in accordance with Executive Order 14008: https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf. This guidance supports the Administration's comprehensive approach to advancing equity for all people in the United States. EM completed the deliverables stipulated in the OMB Justice40 Interim Guidance including the EM-LA Justice40 Stakeholder Engagement Plan, EM-LA Justice40 Benefits Calculation Methodology, and EM-LA Justice40 Implementation Plan.

In 2021, OMB approved the development of 10 EM Justice40 "Covered Programs" consistent with the OMB Justice40 Interim Guidance including sites with soil and groundwater environmental cleanup (please see the list below for a breakdown of 10 OMB approved EM Justice40 Covered Programs and the EM Justice40 website can be viewed at: https://www.energy.gov/em/justice40-initiative). A Covered Program is a Federal Government program that makes covered investment benefits in one or more of seven areas. EM Justice40 activities fall under the Covered Program category of "Remediation and Reduction of Legacy Pollution."

To date, EM has been interacting with stakeholders on the Justice40 Initiative through presentations, listening sessions, conference calls, in-person and virtual meetings, and

workshops. EM has also submitted information to support OMB data requests related to the Justice40 Initiative.

On November 22, 2022, the White House Council on Environmental Quality (CEQ) launched version 1.0 of the Climate and Economic Justice Screening Tool. This tool will help Federal agencies better identify communities that can benefit from the Justice40 Initiative. Version 1.0 of the tool incorporates new datasets, an updated methodology, and improvements to the site experience. For additional information, please see the CEQ press release: https://www.whitehouse.gov/ceq/news-updates/2022/11/22/biden-harris-administration-launches-version-1-0-of-climate-and-economic-justice-screening-tool-key-step-in-implementing-president-bidens-justice40-initiative/.

In addition, in 2022, DOE's Office of Economic Impact & Diversity has developed a mapping tool intended to allow users to explore and produce reports on the census tracts DOE has categorized as disadvantaged communities: **https://energyjustice.egs.anl.gov/**

OMB will issue updated Justice40 implementation guidance in the future. OMB is developing and will publish an Environmental Justice Scorecard, detailing agency environmental justice performance measures, including efforts to achieve the goals of Justice40 Initiative and delivering benefits to disadvantaged communities. The information you provided in December 2022 will support the development of this Scorecard.

Approved EM Justice40 Covered Program Areas

- The following EM field sites and programs make up the 10 EM Justice40 Covered Programs:

1. Hanford Site, Washington
2. Idaho National Laboratory (INL), Idaho
3. Lawrence Livermore National Laboratory, California
4. Los Alamos National Laboratory, New Mexico (EM-LA legacy cleanup)
5. Moab, Utah
6. Nevada National Security Site, Nevada
7. Sandia National Laboratory, New Mexico
8. Savannah River Site (SRS), South Carolina
9. Community Engagement Grants:
    - Hanford: Tribal grants and States of Washington and Oregon grants.
    - INL: Shoshone-Bannock Tribal DOE program grants.
    - SRS: Grants for Savannah State University, University of South Carolina, and SRS Community Reuse Organization
    - EM-LA: Grants for the Santa Fe Indian School and four Accord Pueblos as part of the Los Alamos Pueblos Project
10. Community Engagement Cooperative Agreements:
    - Energy Communities Alliance
    - EM Minority Serving Institutions Partnership Program
    - Consortium for Risk Evaluation with Stakeholder Participation
    - Florida International University
    - National Conference of State Legislatures