

**§ 109-43.307**

**41 CFR Ch. 109 (7-1-10 Edition)**

**§ 109-43.307 Items requiring special handling.**

**§ 109-43.307-2 Hazardous materials.**

**§ 109-43.307-2.50 Monitoring of hazardous personal property.**

To provide assurance that hazardous personal property is not being inadvertently released from the site by transfer or sale to the public, all hazardous or suspected hazardous personal property shall be checked for contamination by environmental, safety, and health officials. Contamination-free personal property will be tagged with a certification tag authorizing release for transfer or sale. Contaminated personal property will be referred back to the program office for appropriate action.

**§ 109-43.307-2.51 Holding hazardous personal property.**

Excess or surplus hazardous personal property shall not be commingled with non-hazardous personal property while waiting disposition action.

**§ 109-43.307-3 Conditional gifts for defense purposes.**

The Director, Office of Administrative Services and heads of field organizations shall take appropriate action as required when conditional gifts are offered.

**§ 109-43.307-4 Conditional gifts to reduce the public debt.**

The Director, Office of Administrative Services and heads of field organizations shall take appropriate action as required when conditional gifts are offered.

**§ 109-43.307-50 Export controlled personal property.**

(a) When personal property that is subject to export controls is being exported directly by DOE (e.g., a transfer of nuclear equipment or materials as part of a program of cooperation with another country), DOE or the DOE contractor must obtain the necessary export license.

(b) When personal property subject to export controls is transferred under work-for-others agreements, co-operative agreements, or technical pro-

grams, the recipients will be informed in writing that:

(1) The property is subject to export controls;

(2) They are responsible for obtaining export licenses or authorizations prior to transferring or moving the property to another country; and

(3) They are required to pass on export control guidance if they transfer the property to another domestic or foreign recipient.

**§ 109-43.307-51 Classified personal property.**

Classified personal property which is excess to DOE needs shall be stripped of all characteristics which cause it to be classified, or otherwise rendered unclassified, as determined by the cognizant program office, prior to any disposition action. The cognizant program office shall certify that appropriate action has been taken to declassify the personal property as required. Declassification shall be accomplished in a manner which will preserve, so far as practicable, any civilian utility or commercial value of the personal property.

**§ 109-43.307-52 Nuclear-related or proliferation-sensitive personal property.**

(a) Recognizing that property disposal officials will not have the technical knowledge to identify nuclear-related and proliferation-sensitive personal property, all such personal property shall be physically tagged with a certification signed by an authorized program official at time of determination by the program office of the personal property as excess. Such an authorized official should be designated in writing with signature cards on file in the property office.

(b) Nuclear-related and proliferation-sensitive personal property which is excess to DOE needs shall be stripped of all characteristics which cause it to be nuclear-related or proliferation-sensitive personal property, as determined by the cognizant program office, prior to disposal. The cognizant program office shall certify that appropriate actions have been taken to strip the personal property as required, or shall provide the property disposal office

## Department of Energy

## § 109-43.4701

with adequate instructions for stripping the items. Such action shall be accomplished in a manner which will preserve, so far as practicable, any civilian utility or commercial value of the personal property.

### § 109-43.307-53 Automatic data processing equipment (ADPE).

All ADPE shall be sanitized before being transferred into excess to ensure that all data, information, and software has been removed from the equipment. Designated computer support personnel must indicate that the equipment has been sanitized by attaching a certification tag to the item. Sanitized ADPE will be utilized and disposed in accordance with the provisions of the FPMR.

### § 109-43.307-54 Unsafe personal property.

Personal property that is considered defective or unsafe must be mutilated prior to shipment for disposal.

### § 109-43.312 Use of excess personal property on cost-reimbursement contracts.

(a) [Reserved]

(b) It is DOE policy for designated contractors to use Government excess personal property to the maximum extent possible to reduce contract costs. However, the determination required in 41 CFR 101-43.312(b) does not apply to such contracts, and a DOE official is not required to execute transfer orders for authorized designated contractors. The procedures prescribed in 41 CFR 101-43.309-5 for execution of transfer orders apply.

### § 109-43.313 Use of excess personal property on cooperative agreements.

(a)-(c) [Reserved]

(d) Heads of field organizations shall ensure that required records are maintained in a current status.

### § 109-43.314 Use of excess personal property on grants.

(a)-(e) [Reserved]

(f) Heads of field organizations shall ensure that the records required by 41 CFR 101-43.314(f) are maintained.

### § 109-43.315 Certification of non-Federal agency screeners.

(a)-(c) [Reserved]

(d) Contracting officers shall maintain a record of the number of certified non-Federal agency screeners operating under their authority and shall immediately notify the appropriate GSA regional office of any changes in screening arrangements.

## Subpart 109-43.5—Utilization of Foreign Excess Personal Property

### § 109-43.502 Holding agency responsibilities.

(a) [Reserved]

(b) Property which remains excess after utilization screening within the general foreign geographical area where the property is located shall be reported to the accountable field office or Headquarters program organization for consideration for return to the United States for further DOE or other Federal utilization. The decision to return property will be based on such factors as acquisition cost, residual value, condition, usefulness, and cost of transportation.

## Subpart 109-43.47—Reports

### § 109-43.4701 Performance reports.

(a)-(b) [Reserved]

(c) The annual report of personal property furnished (e.g., transfers, gifts, loans, leases, license agreements, and sales) to non-Federal recipients, including elementary and secondary schools, is furnished to GSA by the DPMO. Feeder reports, using the format illustrated below, shall be submitted to the DPMO by November 15 of each year.

(1) Field office feeder reports shall include the following:

(i) Data for all excess personal property obtained from other Federal agencies and furnished to any DOE offsite or designated contractor or financial assistance recipient;

(ii) Data for all DOE personal property no longer needed by a DOE direct operation and subsequently furnished to any DOE offsite or designated contractor or financial assistance recipient.