



Department of Energy

Washington, DC 20585

SEP 20 2013

Mr. David Hemelright, Chair
Oak Ridge Site Specific Advisory Board
P.O. Box 2001, EM-91
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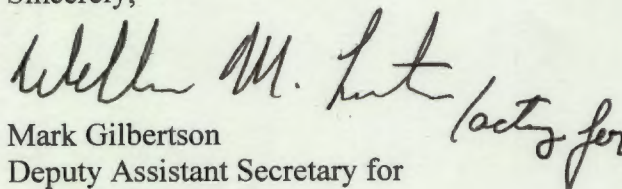
Dear Mr. Hemelright:

This is in response to your June 13 letter transmitting the Oak Ridge Site Specific Advisory Board (SSAB) *Recommendation 218: Recommendation to Develop a Fact Sheet on Site Transition at On-Going Mission Sites*. Enclosed is the fact sheet *Site Transition Process upon Completion of the Cleanup Mission* you requested by September 2013. This fact sheet covers both the on-going mission sites and the closure sites managed by the Department's of Energy's (DOE) Office of Legacy Management. As requested, this fact sheet explains DOE's post-cleanup process by which remediated areas are transferred from the Office of Environmental Management (EM) to other responsible DOE programs.

You are to be commended for the recommendation to create this fact sheet; its benefit will be shared by stakeholders around the DOE complex who, like you and your board, are interested in information related to life after completion of the EM cleanup mission. We also plan to provide this fact sheet to the EM SSAB Chairs for their October 16-17, 2013, meeting in Sterling, Ohio, and post it at the DOE's Long-term Stewardship Resource Center Web site.

Thank you for your recommendation and all of your efforts on behalf of the EM program. If you have any questions about this fact sheet, please contact Ms. Cate Alexander, EM SSAB Designated Federal Officer, at (202) 586-7711.

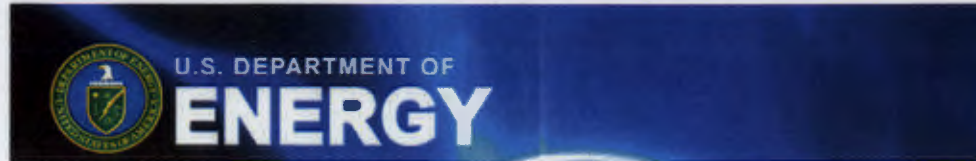
Sincerely,


Mark Gilbertson
Deputy Assistant Secretary for
Site Restoration

cc: Mark Whitney, OR
Susan Cange, OR
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David Martin, OR SSAB
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Site Transition Process upon Completion of the Cleanup Mission: Fact Sheet

September 2013

Introduction

After the Office of Environmental Management (EM) completes environmental cleanup at a site which continues to have a Department of Energy (DOE) mission, EM transfers responsibility for any long-term stewardship (LTS) activities to the Landlord Program Secretarial Office (LPSO). LPSOs for current on-going mission sites include the Office of Science (SC), Office of Nuclear Energy (NE), and the National Nuclear Security Administration (NNSA). The LPSO includes the LTS as part of the site's mission. When the mission ends, the DOE Office of Legacy Management (LM) assumes responsibility for the LTS. Such sites are called closure sites.

At both on-going mission sites and closure sites, if residual hazards remain in place (e.g., waste disposal cells, ground water contamination), DOE is required by law to conduct active LTS to ensure protection of human health and the environment. Under DOE's radiological protection directives, there is no time limit associated with this responsibility.

Transition Process Summary

DOE established transition guidance for sites that will transfer to a LPSO or to LM for LTS. This guidance includes "terms and conditions" for the site transition process at sites with continuing missions, as well closure sites. The "terms and conditions" include core requirements for site transition planning and execution. For example, both on-going mission sites and closure sites are required to develop a formal "transition plan" between the EM and the LPSO or LM, respectively.

The primary DOE Directives related to the transition process include:

DOE Policy 454.1, *Use of Institutional Controls*. This Policy requires DOE to maintain LTS responsibility for protection of the public and the environment for as long as residual hazards are present.

DOE Order 430.1B, *Real Property Asset Management*. This Order specifies the requirements for management of real property assets, including disposition and transition of such assets.

DOE Order 413.3B, *Program and Project Management for the Acquisition of Capital Assets*. This Order specifies a disciplined process for project management using a "Critical Decision" process

throughout the project lifecycle. This Order is specific to capital asset projects, which can include environmental remediation of land to make it suitable for re-use. EM-internal directives impose similar project management requirements on non-capital asset "operations activities."

The transition process is the passage from the active cleanup phase during which engineered near-term actions are taken to mitigate environmental impacts and reduce human health risks, to the subsequent phase, in which in-place remedies and controls are maintained to allow beneficial use of the property, where possible.

The transition process consists of seven steps: (1) notification, (2) development of a transition plan, (3) identification of LTS requirements, (4) communication and outreach, (5) documentation of budget and authority, (6) verification of readiness to transfer, and (7) actual transfer.

Notification

Notification starts the dialogue between EM and the LPSO or LM for site transition. Typically, the initial Notification occurs no less than three years in advance of the planned date for transfer of LTS responsibility. This allows sufficient time for up-front planning in support of the two year federal budget cycle. After the initial notification, EM and the LPSO or LM will communicate on a quarterly basis about when the environmental remediation is estimated to be completed at a site.

Transition Plan

The transition plan identifies and guides the execution of actions needed to transfer the responsibility for LTS from EM to the LPSO or LM. It is developed jointly by EM and the receiving organization, approved by senior officials from both organizations, and executed by their staff. At closure sites and at on-going mission sites, the transition plan typically covers the following ten (10) elements:

1. Authorities and accountabilities are assigned and documented.
2. Site conditions are accurately and comprehensively documented.
3. Engineered controls, operation and maintenance requirements, and emergency/contingency planning are documented.
4. Institutional controls and enforcement authorities are identified.
5. Regulatory requirements and authorities are identified.
6. Long-term surveillance and maintenance budget, funding, and personnel requirements are identified.
7. Information and records management requirements are satisfied.
8. Public education, outreach, information and notice requirements are satisfied and documented.
9. Natural, cultural, and historical resource management requirements are satisfied.
10. Business functions (including contractor benefits, if applicable) are addressed.

Identification of Long-Term Stewardship Requirements

After the LTS activities are identified, the public is informed of them, in accordance with the governing regulations for site remediation. For cleanups subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Operations and Maintenance (O&M) Plan describes enforceable activities (e.g., annual inspection and reporting requirements) to be administered under cleanup agreement between DOE and the responsible environmental regulator(s). For cleanups subject to the

Resource Conservation and Recovery Act (RCRA), post-closure care permits serve a similar enforceable function.

Communication and Outreach

During the site transition process, communication with the site's stakeholders and regulatory agencies ensures that they have the opportunity to participate in the DOE LTS planning process.

Budget and Authority Documentation

EM and the LPSO or LM work together to ensure that sufficient funding for a five-year period will be transferred to the receiving office when the responsibility for the LTS is transferred. The transfer is directed through a *Program Decision Memorandum* (PDM), and the funds transfer is included in the budget request for the fiscal year in which the transfer is expected to occur. The authority for the transfer is provided in Congress's appropriations to DOE. In addition, DOE includes funding liabilities associated with LTS in its annual financial reports.

Verification of Readiness to Transfer

EM's Critical Decision 4 (CD-4, Approve Project Completion) is a formal determination that a project has been completed, in accordance with DOE Order 413.3B. The CD-4 (or an equivalent determination for activities that are not subject to DOE Order 413.3B) also documents completion of the EM mission at a site. A CD-4 "checklist" (or equivalent document) is approved by EM senior management.

Actual Transfer

Once the necessary funds are appropriated, the transfer is executed. In some cases, EM maintains responsibility for certain activities at a site (such as obtaining regulator-approval of a final cleanup record of

decision), even though the LPSO or LM has received the funding transfers and has begun performing LTS activities.

References

DOE's Long-Term Stewardship Resource Center provides documents and requirements for site transition and LTS.
<http://energy.gov/em/services/communication-engagement/long-term-stewardship-resource-center>