



UNITED STATES DEPARTMENT OF ENERGY

Site Transition Summary: Cleanup Completion to Long-Term Stewardship at Department of Energy On- going Mission Sites

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Introduction

Long-term stewardship (LTS) includes the physical controls, institutions, information, and other mechanisms needed to ensure protection of people and the environment at sites where the U.S. Department of Energy (DOE) has completed or plans to complete cleanup (e.g., landfill closures, remedial actions, removal actions, and facility stabilization). This concept includes land-use controls, information management, monitoring and maintenance.

DOE has ongoing mission areas related to advancing energy and nuclear security, promoting scientific discovery and innovation, and ensuring environmental responsibility and management. Programs in these mission areas are sponsored by several Program Secretarial Offices (PSOs), and most DOE sites have multiple programs operating in parallel at a site. DOE assigns a lead PSO responsibility for proper stewardship of real property assets at its sites, including maintaining the condition of infrastructure to support primary mission and “tenant” activities. Typical landlord activities include maintaining safeguards and security access, utilities, safety and health, general environmental monitoring, and facilities management and maintenance. DOE landlord programs include the National Nuclear Security Administration (NNSA), Office of Science (SC), Office of Nuclear Energy (NE), Office of Environmental Management (EM), and others. After EM completes environmental cleanup of a site where there is a continuing DOE mission, EM transfers responsibility for any associated LTS requirements, such as maintaining caps on disposal cells, monitoring contaminant levels in environmental media, operation of ground water pump and treat system(s), etc., to the appropriate DOE receiving site landlord program(s). The receiving DOE landlord program budgets for and conducts LTS requirements in parallel with similar mission-related environmental activities such as radiological and non-radiological dose assessment; air surveillance; groundwater, surface water, and sediment monitoring and analysis; soil monitoring; and foodstuffs and biota monitoring. The landlord program usually reports the results of such monitoring in its Annual Site Environmental Reports. LTS requirements remain with the responsible site landlord until such time as there is a determination to start final closure of a site, i.e., all active DOE missions cease. For DOE sites that have no ongoing mission, any LTS scope, including management of all

government-owned records, is transferred to the DOE Office of Legacy Management (LM) for continued post-closure LTS and associated long-term surveillance and maintenance (LTSM).

On a site-specific basis, where residual hazards (e.g., capped disposal cells, ground water contamination) remain after cleanup activities, management of any associated LTS is conducted in accordance with DOE Orders and guidance; Federal, State and local environmental and resource protection (e.g., natural and cultural resources) laws; and site-specific agreements between DOE and State and Federal environmental regulators. DOE Policy 454.1 *Use of Institutional Controls* requires DOE to maintain responsibility for protection of the public and the environment as long as the hazards are present. <https://www.directives.doe.gov/directives/0454.1-APolicy/view>

The site transition process at ongoing mission sites is consistent with Terms and Conditions (T&C) agreements executed by EM and NNSA, and by EM and SC. Both T&C agreements were modeled after an earlier T&C agreement between EM and LM for the non-mission closure sites. All three T&C agreements include a framework for conducting site transition planning activities across the following ten functional areas:

1. *Authorities and Accountabilities*
2. *Site Conditions*
3. *Engineering Controls, Emergency/Contingency Planning*
4. *Institutional Controls, Property management*
5. *Regulatory Requirements*
6. *Budget, Funding, and Personnel*
7. *Information and Records management*
8. *Public Outreach and Information*
9. *Natural, Cultural, and Historic Resources*
10. *Business and Contract Closeout*

All three T&C agreements are available:

EM and NNSA T&C, dated 09/05/2006

www.em.doe.gov/pdfs/lts/EM-NNSA-Terms-and-Conditions-for-Site-Transition.pdf

EM and SC T&C, dated 02/09/2006

www.em.doe.gov/pdfs/lts/EM-SC-TermsConditions-for-Site-Transition.pdf

EM and LM T&C, dated 02/15/2005

www.lm.doe.gov/LTSM/Site_Transition_Documents.aspx

For sites where no agreement exists with EM (e.g., Nuclear Energy landlord program sites), EM and the landlord program will take a tailored approach to site (or a portion of a site) transition planning, building upon the most applicable T&C requirements from any/all of the three T&C agreements published to date.

Transition Process Summary

Primary DOE Orders and guidance for the site transition process include:

DOE Order 430.1B Real Property Asset Management. This order specifies the requirements for management of real property assets, including their disposition and transition. www.directives.doe.gov/directives/current-directives/430.1-BOrder-bc2/view?searchterm=430.1b

DOE Order 413.3B. Program and Project Management for the Acquisition of Capital Assets. This order specifies a disciplined process for project management using the DOE-internal Critical Decision (CD) process throughout all stages of the project lifecycle. In particular, CD 4 (Approve Project Completion) occurs upon EM's completion of physical work and the successful transfer of LTS activities to the DOE landlord program. www.directives.doe.gov/directives/archive-directives/413.3-BOrder-ac1/view

The transition process from EM cleanup to another DOE program office for LTS is the passage from the phase during which engineered and administrative near-term actions are taken to mitigate environmental and human health risks, to the next phase, in which residual risks are managed along with long-term response actions (LTRA) in a sustainable, safe condition. This latter phase may include new use of lands or buildings. The following two Assistant Secretary for Environmental Management (EM-1) memoranda provide additional information on this subject:

Definition of Environmental Management Completion, dated 02/12/2003
www.em.doe.gov/pdfs/lts/Definition-of-EM-Completion-EM1-memo-dtd-2-12-03.pdf

Transition of Long-Term Response Action Management Requirements, dated 06/10/2003
www.em.doe.gov/pdfs/lts/TransitionofLTRAMManagementReqs2003.pdf

One of the first steps in the transition process is the formation of an EM/DOE landlord site transition team, usually initiated three years before the planned transfer date. The team is responsible for defining actions required to accomplish a smooth transition of responsibilities from EM cleanup to site landlord program LTS.

Site Transition Plan

The site transition team develops a Site Transition Plan (STP), or a Project Closeout and Transition Plan (PCTP), in accordance with the applicable T&C agreement. The STP/PCTP includes ten functional areas that apply to all DOE site transitions, including ongoing mission sites and non-mission closure sites. The analysis of each functional area includes a description of site conditions, documentation and LTSM requirements, as well as roles and responsibilities for EM and the landlord program office. EM, LM and SC follow the *Site Transition Framework (STF) for Long-Term Surveillance and Maintenance*, which establishes requirements for the format and content of the STP. EM and NNSA follow the *Project Closeout and Transition Plan Guidance for*

Environmental Projects at NNSA Sites, which defines similar requirements for the format and content of the PCTP. The above guidance is included in the aforementioned EM/LM and EM/NNSA T&C agreements. EM leads the development of the initial draft STP or PCTP. Development of the STP/PCTP facilitates discussions between EM and the landlord program office on LTS budget requirements for post-closure care as well as roles and responsibilities for EM and the landlord program office leading up to the date of site transition.

Budget Documentation

To pay for the LTS activities, EM and the landlord program develop cost estimates for the first five years of LTRA activities after the transfer, and request that the budget authority for these funds be transferred from EM to the landlord program. In order to accommodate the standard federal budget cycle, a *Program Decision Memorandum* is signed by the Deputy Secretary of Energy two years before the planned transfer date. Also, funding liabilities associated with LTS for the next 75 years are updated and reported annually in the DOE's formal financial accountability statements.

Transfer

Once the Deputy Secretary of Energy signs the *Program Decision Memorandum*, the budget request is submitted to Congress for approval, and once the necessary funds are received, the responsibility for LTS activities transfers to the landlord program office. 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 landlord program office has received funding and has begun performing LTS activities.

Additional Guidance

Visit DOE's LTS Information Resource Center at:
<http://www.em.doe.gov/lstewardship/lstewardship.aspx>