

Oak Ridge Site Specific Advisory Board Monthly Meeting



Wednesday, November 13, 2013

6 p.m., DOE Information Center
1 Science.gov Way
Oak Ridge, Tennessee

The mission of the Oak Ridge Site Specific Advisory Board (ORSSAB) is to provide informed advice and recommendations concerning site specific issues related to the Department of Energy's (DOE's) Environmental Management (EM) Program at the Oak Ridge Reservation. In order to provide unbiased evaluation and recommendations on the cleanup efforts related to the Oak Ridge site, the Board seeks opportunities for input through collaborative dialogue with the communities surrounding the Oak Ridge Reservation, governmental regulators, and other stakeholders.

CONTENTS

AGENDA

PRESENTATION MATERIALS – Groundwater Strategy – *to be distributed at meeting*

CALENDARS

1. November
2. December (*draft*)

BOARD MINUTES/RECOMMENDATIONS & MOTIONS

1. September 11, 2013, draft meeting minutes

REPORTS & MEMOS

1. Recommendation Tracking Chart
2. EM Projects Update for July/August – *to be distributed at meeting*
3. Abbreviations/Acronyms for EM Projects Update – *to be distributed at meeting*
4. Travel Opportunities
5. Response to Recommendation 218: Recommendation to Develop a Fact Sheet on Site Transition at Ongoing Mission Sites



Oak Ridge Site Specific Advisory Board
Wednesday, November 13, 2013, 6:00 p.m.
DOE Information Center
1 Science.gov Way, Oak Ridge, Tenn.

AGENDA

- I. Welcome and Announcements (D. Hemelright) 6:00–6:05
 - A. Next Meeting: Wednesday, January 8. Presentation Topic: Sufficient Waste Disposal Capacity on the Oak Ridge Reservation
- II. Comments from the Deputy Designated Federal Officer, and the DOE, EPA, and TDEC Liaisons (S. Cange, D. Adler, C. Jones, J. Owsley)..... 6:05–6:20
- III. Public Comment Period (G. Hall)..... 6:20–6:30
- IV. Presentation: Groundwater Strategy Development Effort (Dr. Dan Goode)..... 6:30–7:05
 - Question and Answer Period 7:05–7:20
- BREAK..... 7:20–7:30
- V. Call for Additions/Approval of Agenda 7:30
- VI. Motions 7:30–7:35
 - A. September 11, 2013, Meeting Minutes (L. Hagy)
- VII. Responses to Recommendations & Comments (D. Adler)..... 7:35–7:40
- VIII. Committee Reports..... 7:40–7:50
 - A. Finance & Process (G. Paulus)
 - B. Environmental Management/Stewardship (B. Hatcher/C. Staley)
 - C. Public Outreach (S. McKinney)
 - D. Executive (D. Hemelright)
- IX. Federal Coordinator’s Report (M. Noe) 7:50–7:55
- X. Additions to Agenda 7:55–8:00
- XI. Adjourn 8:00



Oak Ridge Site Specific Advisory Board

November 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
		EM SSAB Chairs' Meeting Portsmouth Ohio				
10	11 Veterans Day Holiday DOE/Staff Holiday	12	13 Monthly SSAB meeting 6 p.m.	14	15	16
17	18 Public Outreach Committee 5:30 p.m.	19	20 Environmental Management & Stewardship Committee 6 p.m.	21 Finance & Process Committee 4:30 p.m. Executive Committee 5:30 p.m.	22	23
24	25	26	27	28 Thanksgiving Holiday DOE/Staff Holiday	29 SSAB Support Office closed	30

All Meetings will be held at the DOE Information Center, Office of Science and Technical Information, 1Science.gov Way, Oak Ridge unless noted otherwise.

Board member travel: B. Hicks, C. Staley, EM SSAB Chairs' Meeting, Nov.5-7, Portsmouth, Ohio

ORSSAB Support Office: (865) 241-4583 or 241-4584 **DOE Information Center:** (865) 241-4780

Board meetings on cable TV and YouTube	
Knoxville: Charter Channel 6, Comcast Channel 12	Sundays at 3 p.m.
Lenoir City: Charter Cable Channel 3	Wednesdays, 4 p.m.
Oak Ridge: Channel 12	Monday, November 25, 7 p.m..
Oak Ridge: Channel 15	Monday, Wednesday, Friday, 8 a.m. & noon
YouTube	http://www.youtube.com/user/ORSSAB



Oak Ridge Site Specific Advisory Board

December 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19 Finance & Process Committee 5:00 p.m. Executive Committee 5:30 p.m.	20	21
22	23	24	25 Christmas DOE/staff holiday	26	27	28
29	30	31				

All Meetings will be held at the DOE Information Center, Office of Science and Technical Information, 1Science.gov Way, Oak Ridge unless noted otherwise.

No Board meeting December.

Environmental Management & Stewardship and Public Outreach Committees will not meet in December.

ORSSAB Support Office: (865) 241-4583 or 241-4584 **DOE Information Center:** (865) 241-4780

Board member travel: D. Hemelright, H. Holmes, Perma-Fix Nuclear Waste Management Forum, Dec. 2-5, Nashville, Tenn.

Board meetings on cable TV and YouTube	
Knoxville: Charter Channel 6, Comcast Channel 12	Sundays at 3 p.m.
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YouTube	http://www.youtube.com/user/ORSSAB

Many Voices Working for the Community



Oak Ridge Site Specific Advisory Board

Unapproved September 11, 2013 Meeting Minutes

The Oak Ridge Site Specific Advisory Board (ORSSAB) held its monthly meeting on Wednesday, September 11, 2013, at the DOE Information Center, 1 Science.gov Way, Oak Ridge, Tenn., beginning at 6 p.m. A video of the meeting was made and may be viewed by contacting the ORSSAB support offices at (865) 241-4583 or 241-4584. The presentation portion of the video is available on the board's YouTube site at www.youtube.com/user/ORSSAB/videos.

Members Present

Noel Berry
Alfreda Cook
Lisa Hagy
Bob Hatcher
Mary Hatcher
David Hemelright, Acting
Chair

Bruce Hicks
Howard Holmes
Jennifer Kasten
Jan Lyons
Fay Martin
Scott McKinney
Donald Mei

Greg Paulus
Belinda Price
Julia Riley¹
Wanda Smith
Coralie Staley

Members Absent

Jimmy Bell
Carmen DeLong
Gracie Hall¹
Scott Stout

¹Student Representative

Liaisons, Deputy Designated Federal Officer, and Federal Coordinator Present

Dave Adler, Department of Energy-Oak Ridge Office (DOE-ORO), Alternate Deputy Designated Federal Officer (DDFO)
Susan Cange, (DOE-ORO) Deputy Manager for Environment Management (EM) and ORSSAB DDFO
Connie Jones, Liaison, Environmental Protection Agency (EPA), Region 4 (via telephone hookup)
John Owsley, Liaison, Tennessee Department of Environment and Conservation (TDEC)
Melyssa Noe, ORSSAB Federal Coordinator, DOE-ORO

Others Present

Spencer Gross, ORSSAB Support Office
Pete Osborne, ORSSAB Support Office
Lorene Sigal

Four members of the public were present.

Liaison Comments

Mr. Adler – Mr. Adler reported on two outstanding responses to ORSSAB recommendations.

Concerning Recommendation 217: Recommendation on Stewardship Point of Contact for the Oak Ridge Reservation (ORR), Mr. Adler said a response was delayed until it was determined if the EM and Stewardship Committees would merge. He said the response has now been completed and the board should receive it before the next board meeting. The basic response is that the EM & Stewardship Committee liaison will be the stewardship point of contact for the board.

He said Recommendation 218: Recommendation to Develop a Fact Sheet on Site Transition at On-going Mission Sites is being addressed at DOE Headquarters and a response to the recommendation should be available prior to the next meeting. He said the fact sheet has been revised, and he expects it will be acceptable by the board, but the response is still being reviewed by headquarters.

Ms. Cange – Ms. Cange reminded board members that the fiscal year ends on September 30. She said a budget for FY 2014 has not been passed by Congress and the government will operate under a continuing resolution. Guidelines are provided by DOE Headquarters as to what spending limits will be during the continuing resolution. The guidelines are usually based on the previous year's budget and are conservative so there is no overspending before a budget is passed.

Ms. Cange said the remaining six units of the K-25 Building at East Tennessee Technology Park (ETTP) have been declared criticality incredible and the units are ready for demolition, which will begin the week of September 16. The expectation is to have the remaining units demolished and the area cleared of debris in about a year's time.

DOE EM Senior Advisor David Huizenga and Oak Ridge Manager for EM Mark Whitney have had discussions with representatives of the governor of Nevada regarding the disposition of the Consolidated Edison Uranium Solidification Project uranium-233 at the Nevada National Security Site. The governor of Nevada has objected to having the U-233 disposed at the site. There will be additional discussions, but DOE Oak Ridge has not received a go-ahead to begin shipping the material to the site. Ms. Cange said the hope is to have the issue resolved soon.

Mr. Bell asked Ms. Cange to explain how the project is to be completed. She said the proposal was to dispose about 50 percent of the material directly without downblending. The remaining 50 percent, because of its current form, would have to be downblended and rendered less hazardous before being disposed.

Mr. Owsley – For the benefit of newer members, Mr. Owsley explained the work of the TDEC DOE Oversight Office, of which he is the director. The office is part of TDEC's Division of Remediation, which is responsible for overseeing Superfund cleanup across the state. The ORR was placed on the National Priorities List for cleanup in the late 1980s and a Federal Facility Agreement was signed by DOE, EPA, and TDEC outlining how cleanup of ORR would be accomplished.

Mr. Owsley said the DOE Oversight Office handles TDEC's responsibilities under the agreement. His office is also responsible for environmental monitoring both on and off the reservation, including soil, surface water, sediment, and exit pathways of groundwater. His office will respond to any incident that occurs within the ORR that crosses the boundaries of the reservation. It does not respond to emergencies within the reservation boundary.

TDEC provides a small grant to local governments to participate in DOE activities that impact them as part of a public outreach effort. TDEC also provides annual environmental monitoring reports as well as reports on its general activities.

Mr. Owsley encouraged board members to ask questions of him at board meetings on any aspect of the Oversight Office's work related to cleanup of the ORR.

Ms. Staley asked if TDEC had any priorities for the ORR cleanup. Mr. Owsley said TDEC provided ORSSAB a list of priorities to the board at the annual meeting. They include mercury remediation at Y-12 National Security Complex, groundwater strategy for the reservation, and the siting and construction of a second on-site waste disposal facility.

Ms. Jones – Ms. Jones agreed with Ms. Cange's comments about reaching the milestone of criticality incredible for K-25 and said EPA is looking forward to working with DOE on beginning demolition of K-27.

Public Comment

None.

Presentation

Ms. Sigal's presentation was a Review of Long-term Stewardship for Contaminated Areas of the ORR. The main points of her presentation are in Attachment 1.

Ms. Sigal began by saying the Student Summary of the Stakeholder's Report on Stewardship was a good way for members to get a basic understanding of stewardship. The report is available at the DOE Information Center.

Ms. Sigal showed a map of the ORR (Attachment 1, page 2) that shows areas of contamination. Those areas are noted in red and are concentrated near the main industrial areas of ETTP, Oak Ridge National Lab, and Y-12. She noted that most of the ORR is not contaminated. Of about 35,000 acres only about 10 percent of the reservation has contamination. Most of the contamination is on site, with the exception of a plume that is to the east of Y-12 in Union Valley, some mercury that is leaving the site in East Fork Poplar Creek, and cesium, strontium, and tritium in the Clinch River. She said stewardship requirements are in place for those areas. Property owners in Union Valley have restrictions from using any groundwater. Signage along East Fork Poplar Creek warns against swimming or eating fish from the creek. White Oak Dam restricts contamination going into Clinch River.

She said DOE continues to release some contamination into the environment under permit, but she assured the board that Oak Ridge is a safe place to live. The area is well monitored with state-of-the-art surveillance and maintenance and emergency response capabilities available.

Ms. Sigal showed a timeline of stewardship activities in Oak Ridge (Attachment 1, page 3). In 1996, DOE asked ORSSAB to host a public meeting of citizens to encourage them to become involved in the cleanup of the ORR. As a result, the End Use Working Group (EUWG) was formed to make recommendations on final uses of the reservation after cleanup was finished. Ms. Sigal said the group realized that some of the contamination on the reservation would have to remain in place. The group would not agree to leaving the contamination on the reservation unless long-term stewardship plans were in place. That led to the formation of a Stewardship Committee to make recommendations on long-term stewardship.

Working simultaneously, the EUWG and the Stewardship Committee published two reports in 1998 – the Final Report of the EUWG and the Stakeholder's Report on Stewardship. When the two groups completed their work and were disbanded, a Stewardship Working Group was formed, which published a second report on stewardship, the Stakeholder's Report on Stewardship, Vol. 2. It was continuation of stewardship efforts to be followed on the ORR.

In 1999 Oak Ridge hosted a national workshop on stewardship that resulted in a number of recommendations on stewardship being sent to DOE Headquarters.

When the Stewardship Working Group finished its work it was disbanded, but ORSSAB established its own Stewardship Committee to follow stewardship issues on the ORR. Ms. Sigal said ORSSAB asked DOE to consider the committee a citizens' board for stewardship as long as ORSSAB existed. If the board disbands then DOE would establish a separate citizens' board that would have oversight of stewardship on the reservation. Ms. Sigal said DOE's Public Involvement Plan includes a statement about the Stewardship Committee being a citizen's board for stewardship, and she said it's important to make sure that statement is in the Public Involvement Plan when it is revised every three years.

Ms. Sigal reviewed the definition of stewardship as 'acceptance of the responsibility and implementation of activities necessary to maintain long-term protection of human health and the environment from hazards posed by residual radioactive and chemically hazardous materials' (Attachment 1, page 4). That definition was written in relation to cleanup of the ORR. Ms. Sigal said the definition has worked well over the years and continues to guide stewardship efforts.

After the definition of stewardship was developed, a list of goals for long-term stewardship was worked out (Attachment 1, page 5). Ms. Sigal said it was important for the first two goals to be legally defensible and that they be included in Records of Decision.

She said funding for stewardship is not adequate but should be stable to meet the needs of proper stewardship activities.

Ms. Sigal reviewed the organization of stewardship elements (Attachment 1, page 6), which was related to the first goal of long-term stewardship (page 5). She said the ultimate goal was the long-term protection of human health and the environment. To reach that goal, the first thing that had to be established was authority and funding. The primary authority is the federal government, in this case DOE, for ensuring stewardship elements are in place. Then there are three stewards – principal (DOE), implementation (DOE/contractors), and oversight (TDEC/EPA/ORSSAB/local government/public). The stewards oversee the various stewardship operations.

Ms. Sigal explained that institutional controls are restrictions, permits, or ordinances that restrict access or use of protected areas. Physical controls are signs, fences, and other structures that prevent access. Information systems are records that describe the property, where it is, what it contains, what the hazards are, etc.

Ms. Sigal reviewed the current short- and long-term stewardship activities that have been followed by the Stewardship Committee (Attachment 1, pages 7-10). She noted that the Stewardship Committee is merging with the EM Committee, but the issues will continue to be followed in the merged committee.

After Ms. Sigal's presentation, Mr. Hatcher asked how she saw the role of the EM program as it transitions to stewardship. She said eventually when cleanup is complete the EM program would be dissolved, but hope is the legally defensible documents regulating cleanup will be complete enough to include all the necessary stewardship elements. Mr. Hatcher also asked what she thought EM's role in stewardship would be in the interim while cleanup is underway. He thought cleanup and stewardship should work hand in hand. Ms. Sigal agreed saying the implementation stewards do work for DOE putting stewardship elements in place. But she said all of the stewards must work together to ensure stewardship is carried out.

Committee Reports

Finance & Process – Mr. Paulus reported that the board's budget is in order and spending is within budget. The committee is working on the board's FY 2016 budget request and the goal is to try to reduce the board's budget by about 16 percent. He said as part of the work of developing a budget request, an email was sent to all board members recently asking how they felt about holding the annual meeting locally. The results of the poll will be discussed at the September 25 committee meeting.

Regarding the annual meeting, Mr. McKinney said it was the most efficient one he had been involved in, and he credited much of that to DOE, EPA, and TDEC, which provided a number of common issues for the board to consider in FY 2014 allowing the meeting to proceed quickly.

EM – Mr. Hatcher reported that EM and Stewardship met jointly on July 17 and August 26 to discuss the possibility of merging. The July meeting focused on discussing each committee's priorities and how they would be handled in a merged committee. At the August meeting Mr. Adler took the various committee priorities and drafted a potential work plan for a merged committee that alternated EM and Stewardship issues. The two committees voted to merge at the August meeting.

The EM & Stewardship committee will meet on September 17 and will work to finalize its FY 2014 work plan, elect committee leadership, and decide on a permanent meeting day.

Public Outreach – Mr. McKinney reported that Ms. Lyons has agreed to co-chair the committee with him. The committee will meet on September 24, and a number of topics left over from the current fiscal year and some potential new projects for FY 2014 will be discussed. He invited anyone interested in joining the committee to attend.

Stewardship – Ms. Staley thanked Mr. Adler and all the members of the EM and Stewardship Committees for making the merger of the committees go smoothly. She said members were accepting of the idea to merge sooner than she had expected primarily because they had discussed the issues and had been well informed by Mr. Adler how the merger would proceed. She said she was confident and excited about the success of the merger.

Executive – Mr. Hemelright said the committee met on August 28 and reviewed results of the annual meeting end of day survey. The committee reviewed the facilitator's report and discussed some lessons learned that could be used for planning the next annual meeting. He said results of the survey spoke a lot about member participation and involvement. Another item discussed was the value of holding the meeting out of town or in Oak Ridge. He said facilitator Jenny Freeman was impressed with board members' enthusiasm at the meeting.

Mr. Hemelright said the committee discussed a draft recommendation on nickel that came from the EM Committee. Mr. Hemelright recommended tabling the recommendation. He said a similar recommendation will be discussed at the October EM SSAB Chairs' meeting regarding the disposition of all metals. He wants to talk with the Paducah and Portsmouth chairs to see if any of the elements of the nickel recommendation would fit in with metals recommendation.

He said the EM SSAB Chairs' meeting will be hosted by the Portsmouth SSAB at Deer Creek State Park in Ohio October 15-17. He, Mr. Hicks, and Ms. Staley are planning to attend.

Announcements and Other Board Business

ORSSAB will have its next meeting on Wednesday, October 9, 2013, at the DOE Information Center.

Mr. Berry, Ms. Hatcher, and Ms. Smith were introduced as new members of the board.

The minutes of the June 12, 2013, meeting were approved.

A proposed revision to the ORSSAB bylaws had its second reading (Attachment 2) and was approved.

Mr. Hemelright, Mr. Hicks, and Ms. Hagy were elected chair, vice chair, and secretary respectively for FY 2014.

Federal Coordinator Report

Ms. Noe said she had signed off on all members' travel to the annual meeting. She said if anyone had not yet been reimbursed for the trip to let her know.

Additions to the Agenda

None.

Motions

9/11/13.1

Mr. Hatcher moved to approve the minutes of the June 12, 2013 meeting. Mr. Hicks seconded and the motion passed **unanimously**.

9/11/13.2

Ms. Lyons moved to approve proposed revision to the ORSSAB bylaws (Attachment 2) after the second reading. Mr. Hatcher seconded and the motion passed **unanimously**.

9/11/13.2

Mr. McKinney, as chair of the ad hoc Nominating Committee presented a slate of candidates for board officers for FY 2014 (Mr. Hemelright, chair; Mr. Hicks, vice chair; Ms. Hagy, secretary). He asked for additional nominations from the floor. There were none. Mr. McKinney moved to approve the slate of candidates. Mr. Holmes seconded and the motion passed **unanimously**.

The meeting adjourned at 7:30 p.m.

Action items

Open

1. DOE will provide a link to budget volumes that provide descriptions of cleanup sites, their challenges, and funding profiles.

Closed

2. Staff will provide website address of the TDEC monitoring report to board members. **Complete.** Website address was sent to board members on June 15, 2013, by former chair David Martin.

Attachments (2) to these minutes are available on request from the ORSSAB support office.

I certify that these minutes are an accurate account of the September 11, 2013, meeting of the Oak Ridge Site Specific Advisory Board.

Dave Hemelright, Chair
Oak Ridge Site Specific Advisory Board
DH/rsg

DATE

Recommendation Response Tracking Chart for FY 2013

	Date	To	Recommendation	Originating Committee	Response Date	Response Status	Committee Review of Response
1.	10/10/12	Susan Cange, DOE Oak Ridge Deputy Manager for EM	211: Recommendation on Availability of DOE Environmental Management Documents	EM	1/8/13	Complete: DOE is working with information technology to improve search capabilities. The 'search tip' function has been reactivated. On request, training can be provided to access information. DOE Information Center staff is always available to provide documents. DOE is working to ensure documents are available at the information center no later than the date when availability is announced.	Complete: EM Committee accepted recommendation response at its January 2013. It asks that DOE notify the board when upgrades to the system are complete.
2.	5/8/13	Susan Cange, DOE Oak Ridge Deputy Manager for EM	215: Recommendation on Remaining Legacy Materials on the Oak Ridge Reservation	EM	7/19/13	Complete: DOE Oak Ridge has developed an inventory of all waste/materials stored on the reservation and has prioritized the inventory for disposition. The highest priority is to address hazardous and/or radioactive waste that may pose a threat to the environment.	Complete. The accepted the response, but asked that asked that a comprehensive inventory list be presented to the committee periodically so the committee can see what has been worked off.
3.	5/8/13	Mark Whitney, DOE Oak Ridge Manager for EM	216: Recommendations on the Fiscal Year 2015 DOE Oak Ridge Environmental Budget Request	Board Finance & Process	5/22/13	Complete: DOE responded that it is sending the recommendation to DOE EM Headquarters along with its FY 2015 budget request.	
4.	6/12/13	Susan Cange, DOE Oak Ridge Deputy Manager for EM	217: Recommendation on Stewardship Point of Contact for the Oak Ridge Reservation	Stewardship	9/12/13	Complete: DOE responded that it will add the responsibility of a permanent stewardship contact to the Environmental Management & Stewardship Committee DOE liaison.	

5.	6/12/13	Letitia O'Connor, DOE HQ Sue Smiley, DOE EM Consolidated Business Center	218: Recommendation to Develop a Fact Sheet on Site Transition at Ongoing Mission Sites	Stewardship	9/20/13	Complete: DOE revised the fact sheet to include points requested by the Committee.	
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Travel Opportunities

Meeting/Event	Dates	Location	Reg. Cost	Website	Deadline to Submit Requests
FY 2014					
Fall Chairs Meeting (Attendees: Hemelright, Hicks, Staley)	Oct. 15-17, 2013	Portsmouth, OH	none	http://www.planetreg.com/E79143550250173	Aug. 28, 2013
Intergovernmental Meeting with DOE	Oct. 28-30, 2013	New Orleans	none		Oct. 11, 2013
Perma-Fix Nuclear Waste Management Forum (Requests: Hemelright, Holmes)	Dec. 2-5, 2013	Nashville	\$500	https://events.r20.constantcontact.com/register/eventReg?!lr=8n5x6qkab&oeidk=a07e84apcpub37c9f6e&osq=a01lph9iyhwj	Oct. 23, 2013
Waste Management Symposium (Requests: Price)	March 2-6, 2014 (Registration opens 10/15/13. Early registration ends 12/31/13)	Phoenix	\$995	www.wmsym.org	Nov. 21, 2013
Western Waste Site Tour (Tentative requests: Cook, B. Hatcher, M. Hatcher, Staley, Price, Paulus)	Spring 2014	Waste Isolation Pilot Plant, Nevada Nat'l Security Site	none	none	
Spring Chairs Meeting (Pending requests: Cook, Staley)		Richland, WA	none		
National Brownfields Conference					
National Environmental Justice Conference & Training (Pending requests: M. Hatcher)					

Shading indicates closed trips



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
Oak Ridge, Tennessee 37831

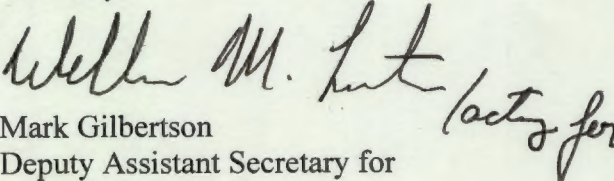
Dear Mr. Hemelright:

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
Dave Adler, OR
David Martin, OR SSAB
Sue Smiley, CBC
Terrance Brennan, CBC
Candice Trummell, EM-3 (Acting)
Kristen Ellis, EM- 3.2
Cate Alexander, EM-3.2



bcc: William Levitan, EM-10
Tish O'Connor, EM-11



U.S. DEPARTMENT OF
ENERGY

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>