LM-Guide-3-22-3.0-0.0
LMS/PRO/45370-0.0
Level 3

Transition and Transfer Guidance for FUSRAP Sites

August 2023

U.S. DEPARTMENT OF ENERGY | Legacy Management

This document has been designed for online viewing.

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Abbreviations

AEC	U.S. Atomic Energy Commission
AR	Administrative Record
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
DOE	U.S. Department of Energy
ECHO	Education, Communications, History, and Outreach
EMS	environmental management system
EQuIS	Environmental Quality Information System
ESDM	Environmental and Spatial Data Management
FGDC	Federal Geographic Data Committee
FIMS	Facilities Information Management System
FUSRAP	Formerly Utilized Sites Remedial Action Program
FY	fiscal year
GEMS	Geospatial Environmental Mapping System
IC	institutional control
LCB	life-cycle baseline
LM	Office of Legacy Management
LMBC	Legacy Management Business Center
LMS	Legacy Management Support
LOA	letter of agreement
LTS	long-term stewardship
LUC	land use control
MED	Manhattan Engineer District
MOU	Memorandum of Understanding
MSA	Mission Support Activity
NEPA	National Environmental Policy Act
O&M	operations and maintenance
PL	Public Law
PMP	Program Management Plan
PR	Permanent Record
ROD	Record of Decision
RRS	Request for Realty Services
SCR	Site Closeout Report

SDSFIE	Spatial Data Standards for Facilities, Infrastructure, and Environment
SME	subject matter expert
SMG	*Site Management Guide*
SMRP	Site Management Requirements and Practices
STF	Site Transition Framework for Long-Term Surveillance and Maintenance
STP	Site Transition Plan
TWBS	transition work breakdown structure
UMTRCA	Uranium Mill Tailings Radiation Control Act
USACE	U.S. Army Corps of Engineers
WBS	work breakdown structure

Definitions

active site. Any eligible Formerly Utilized Sites Remedial Action Program (FUSRAP) site that (1) is undergoing or is programmed to undergo response actions by the U.S. Army Corps of Engineers (USACE) or (2) has been determined to require initial or additional response action in accordance with the March 1999 Memorandum of Understanding (MOU) between USACE and the U.S. Department of Energy (DOE).

Administrative Record (AR). The compilation of documents that form the basis for the selection of the response action.

anticipated asset. A real property asset owned by the government that is expected to remain under government control following site transfer from USACE to the DOE Office of Legacy Management (LM), such as a groundwater monitoring well.

closeout. The completion of cleanup and the publication of a notice in accordance with the provisions of CERCLA, the National Oil and Hazardous Substances Pollution Contingency Plan, and USACE procedures.

completed site. A site where programmatic responsibility has been transferred to LM for long-term stewardship (LTS) of the site.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Legislation enacted in 1980 to provide funding and enforcement authority for cleaning up certain hazardous waste sites in the United States and for responding to certain hazardous substance spills.

declaration of response action completion. A USACE statement, included with the Site Closeout Report, affirming that the response actions at the site are complete in accordance with the Record of Decision and that no further action to address FUSRAP-eligible contamination will be required onsite.

eligible FUSRAP site. A geographic area determined by DOE to have been used for activities in support of the nation's early atomic energy program or that has been placed into FUSRAP according to congressional direction.

environmental liability. The estimated cost for DOE to meet its present environmental cleanup obligations, including all work required to complete cleanup of facilities, remediation of soil and groundwater, and management and disposition of wastes.

Environmental Quality Information System (EQuIS). LM's environmental monitoring data management system.

Environmental Review Form **(ERF).** An LM form that identifies applicable environmental planning requirements and screen for potential environmental impacts (physical, cultural, social, and economic) of proposed actions early in the planning process.

Geospatial Environmental Mapping System (GEMS). A web-based system to provide dynamic mapping and display of environmental monitoring data for LM sites.

inaccessible material. Material (usually soil) containing FUSRAP-eligible contaminant that has been determined by USACE, in coordination with the support agency and landowner, to be inaccessible because the contamination is located under an active road, bridge, building, rail line, utility line, permanent structure, or other physical obstruction that prevents taking a response action at the present time.

institutional control (IC). Mechanisms and documents that are maintained to inform current and future generations of potential hazards and risks at a site. ICs are instruments, notices, and physical controls that help minimize the potential for human exposure to contamination, maintain security, or protect the integrity of a remedy. As defined by LM Guidance 454.1a, three general types of ICs are administrative controls, information controls, and physical controls. Note that the U.S. Environmental Protection Agency limits its definition of ICs to non-engineered instruments, such as administrative and legal controls.

land use control (LUC). Legally enforceable restriction used by DOE as an administrative IC.

long-term stewardship (LTS). Activities performed at LM sites that are grouped into three categories, defined by DOE's *LM Site Management Guide* (SMG) (LM-Guide-3-20.0-1.0) as follows:

- Category 1 activities typically include records-related activities and stakeholder support.
- Category 2 activities typically include routine inspection (any site visit needed to verify the integrity of engineered or institutional barriers) and monitoring and maintenance, records-related activities, and stakeholder support.
- Category 3 activities typically include operation and maintenance of active remediation systems, routine inspection (any site visit needed to verify the integrity of engineered or institutional barriers) and monitoring and maintenance, records-related activities, and stakeholder support.

Permanent Record (PR). The USACE term for the site case file that contains records that document the remediation performed, site closure, and as-left condition of the site. PR documents may include remediation data, final status survey reports, and waste disposal information.

real property assets. Any interest in land, along with improvements, structures, utility distribution systems, or other ground improvements, including government-furnished property and contractor-acquired property related to the parcel.

Record of Decision (ROD). A public document that explains which cleanup alternatives USACE will use to clean up a site. It is based upon remedial investigation and feasibility study information combined with comments received from regulators and the public during the proposed plan process.

referral. The act of submitting a site determined by LM to potentially meet the requirements for inclusion in FUSRAP to USACE for further consideration and potential investigation.

response. As defined in CERCLA at Title 42 *United States Code* Section 9601(25): "The terms 'respond' or 'response' means remove, removal, remedy, and remedial action; all such terms (including the terms 'removal' and 'remedial action') include enforcement activities related thereto."

Site Closeout Report (SCR). Documentation that USACE met the remedial action goals set forth in the ROD. The SCR is provided to LM, site regulators, and affected property owners. Site closeout is described further in the March 1999 MOU.

Site Transition Plan (STP). The LM document that defines the general scope, schedule, and cost for the transition project and presents general transition assumptions, key constraints, environmental liability information, and risk management information for the period from site closeout to the 90-day trigger date before the end of the 2-year operations and maintenance period.

story map. Combines authoritative maps with narrative text, images, and multimedia content to tell a story.

three-step process. The process for transfer of completed sites proposed by USACE in the December 2001 letter of agreement and accepted by DOE.

transfer. The point in time at which a FUSRAP stewardship responsibility changes from USACE to LM.

transition. An overarching term referring to the overall process of changing the stewardship responsibility of a FUSRAP site from USACE to LM. LM manages FUSRAP transition in three phases: transition planning, transition execution, and post-transfer (LTS).

vicinity property. A property adjacent to or near an eligible FUSRAP site that has been contaminated by radioactive waste materials, chemical waste materials, or both, that are attributable to activities that supported the nation's early atomic energy program.

Executive Summary

This document presents guidance on the transition and transfer process that the U.S. Department of Energy (DOE) Office of Legacy Management (LM) will use to assume stewardship responsibility of sites under the Formerly Utilized Sites Remedial Action Program after the U.S. Army Corps of Engineers (USACE) has completed remedial responses at those sites. An introductory section describes the regulatory basis, provides an overview of the three-step site transition process, and lists key documents. Later sections of the document describe the task management approach for site transition and provide specific guidance on 75-year life-cycle baseline planning and defining the near-term work scope for Legacy Management Support. Details are provided on roles and responsibilities, implementation activities, and outcomes of the transition planning, transition execution, and post-transfer (LTS) phases within the site life cycle. The foundation for this guidance is the following:

- March 1999 Memorandum of Understanding signed by DOE and USACE
- Letters of agreement between USACE and DOE issued in December 2001 and April 2002
- DOE's "Site Transition Framework for Long-Term Surveillance and Maintenance" issued in 2005
- *LM Site Transition and Transfer Procedure*

By following this guidance, site transitions would meet the conditions prescribed in *LM Site Transition and Transfer Procedure*.

1.0 Introduction

This document presents guidance for implementing the process that the U.S. Department of Energy (DOE) Office of Legacy Management (LM) will use to assume stewardship responsibility for a site remediated by the U.S. Army Corps of Engineers (USACE) under the Formerly Utilized Sites Remedial Action Program (FUSRAP).

1.1 Document Organization

This guidance document is organized to describe the overall framework for site transition and provide specifics on each phase. Section 1.0 provides the introduction and overview of the FUSRAP site transition and transfer process. Section 2.0 describes the management approach for transition, including life-cycle baseline (LCB) management planning, interagency communications, and lessons learned. Section 3.0 discusses preplanning activities. In Sections 4.0 through 6.0, each of the three phases of the transition process are presented: transition planning, transition execution, and post-transfer (LTS). Each section is organized with subsections on USACE and LM roles and responsibilities as outlined in the March 1999 Memorandum of Understanding (MOU) between USACE and DOE and subsequent letters of agreement (LOAs), as well as how the roles and responsibilities correspond to LM's approach for transitioning an active site to a completed site based upon the *LM Site Transition and Transfer Procedure* (LM-Procedure-3-20-20.0). Each section also includes key aspects of the LM implementation of activities and anticipated outcomes during each phase. Supporting references are listed in Section 7.0.

The following sections provide an introduction to the FUSRAP transition process, including a discussion of the FUSRAP regulatory basis, an overview of transition phases, and a list of key documents.

1.2 Regulatory Basis

As part of an effort to identify and remediate sites that supported Manhattan Engineer District (MED) or early U.S. Atomic Energy Commission (AEC) work, AEC established FUSRAP in 1974 under the authority of the Atomic Energy Act of 1954 (Public Law [PL] 83-703). The *Legacy Management Program Management Plan for Formerly Utilized Sites Remedial Action Program* (DOE 2023a), hereafter referred to as the Program Management Plan (PMP), gives additional history of MED, AEC, and FUSRAP. DOE assumed all FUSRAP responsibilities under the Atomic Energy Act authority that was granted in the Department of Energy Organization Act of 1977 (PL 95-91, 91 Statute 565). In 1997, Congress transferred certain responsibilities for the administration and execution of FUSRAP from DOE to USACE through the passage of the Energy and Water Development Appropriations Act of 1998 (PL 105-62, 112 Statute 1838, 1843). This law assigns responsibility for the characterization, remediation, and verification of FUSRAP sites to USACE, while DOE retains responsibility for providing eligibility determination information to USACE and for LTS of the sites. In the Energy and Water Development Appropriation Acts for fiscal years (FYs) 1999 (PL 105-245) and 2000 (PL 106-60), USACE was directed to conduct remedial actions in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (Title 40 *Code of Federal Regulations* Section 300 [40 CFR 300]), also known as the National Contingency Plan. In 1998,

Senate Report 105-206 directed DOE and USACE to enter into a MOU to govern the program between the two agencies.

The MOU between USACE and DOE was issued in March 1999. It included specific roles and responsibilities for cleanup and for the transition of sites from active remediation status under USACE to completed site status under LM. Additional discussion between USACE and DOE resulted in guidance documented in two LOAs issued in December 2001 and April 2002. The March 1999 MOU and LOAs are provided as Appendix A, and the transition process described in the MOU and LOAs is summarized in Section 1.3. In 2003, LM was created and assigned responsibility for DOE FUSRAP activities defined in the MOU.

1.3 Overview of Transition Process

In the March 1999 MOU and LOAs, USACE and DOE agreed to a three-step process by which USACE will transfer completed sites to DOE for long-term management. The actions and events that occur during the process described in the December 2001 LOA are summarized in Table 1.

Table 1. Three-Step Site Transfer Process (December 2001 LOA)

Step	Initiating Event	Actions
1	The ROD is signed.	USACE will provide LM with: • A copy of the ROD. • A general description of the site and remedial action goals. • An estimated remedial action schedule. • Anticipated LUCs. • O&M requirements.
2	USACE completes remedial activities at the site. The SCR is completed and the declaration of response action completion is signed.	USACE will provide LM with: • A declaration of response action completion. • A copy of the SCR. • An estimate of annual out-year cost requirements. • A general description of the remedial goals. • A general description of any restrictions remaining on the property. As required and available, USACE will provide LM with: • Letters from regulators acknowledging that remedial action goals have been met. • O&M plans. • LUC implementation plans. USACE will also advise LM of the start and end dates for the 2-year short-term O&M activities that occur before final transfer.
3	At 90 days before the end of the 2-year O&M period.	USACE will provide LM with: • A copy of the AR. • Updated O&M plans. • Actual costs of O&M for the first 2 years. • A description of the long-term actions required by LM. • The effective date of transfer to LM for long-term O&M.

Abbreviations:
AR = Administrative Record
LUC = land use control
O&M = operations and maintenance
ROD = Record of Decision
SCR = Site Closeout Report

Before step 1, there will be early transition planning and collaboration between LM and USACE in advance of the formal FUSRAP site transfer of responsibilities. As noted in the December 2001 LOA, USACE will provide DOE with informational copies of land use controls (LUCs) and implementation plans. USACE will also keep DOE notified of changes in completion schedules and other issues that may impact future DOE stewardship of the site. This information may be provided at any time during the three-step process. Early transition planning may include early communication between the parties, sharing and review of decision documents, site visits, and attendance at public meetings. As indicated in Table 1:

- Step 1 of the formal transition planning process starts with the signing of the Record of Decision (ROD) by USACE.
- Step 2 begins near the end of the transition planning phase, when USACE completes and transmits to LM the Site Closeout Report (SCR) and a declaration of response action completion. Step 2 continues into the 2-year transition execution phase.
- Step 3 begins 90 days before the end of the 2-year transition execution phase. In this step, USACE transmits the final site documents to DOE, as described in Table 1.

At the end of the final 90 days of the transition execution phase, LM assumes responsibility for site stewardship.

At all sites, 2 years after the SCR is submitted, USACE concludes all site responsibilities in accordance with the provisions of the March 1999 MOU. According to the MOU Article III, C (2)(o), USACE will "provide a copy of surveys, findings, decision documents, and access agreements for property not owned by the government, as well as close out documents, to DOE for the historical record." At the formal transfer date, the status of the site is changed from active to completed, and the site transfer to LM is complete.

This document further defines LM's implementation approach for these steps. Figure 1 summarizes how the three-step process described in the LOAs corresponds to the three phases of LM's approach for transitioning an active site to a completed site (Sections 4.0 through 6.0).

The transition planning phase, which corresponds to step 1 and the beginning of step 2, occurs as USACE performs remedial actions. In this stage, LM reviews available site-related documents and monitors events or issues that could impact LM's future responsibilities at the site. These activities increase when the site's scheduled transfer date enters the projected 5-year budgeting window. More details of activities performed during the transition planning stage are provided in Section 4.0.

The transition execution phase, which consists of steps 2 and 3, is the full 2-year period during which USACE performs the short-term operations and maintenance (O&M) activities at the site. O&M may include activities such as long-term groundwater monitoring or management of institutional controls. During this stage, LM executes the Site Transition Plan (STP) and develops the LTS Plan. More details of activities performed during the transition stage are provided in Section 5.0.

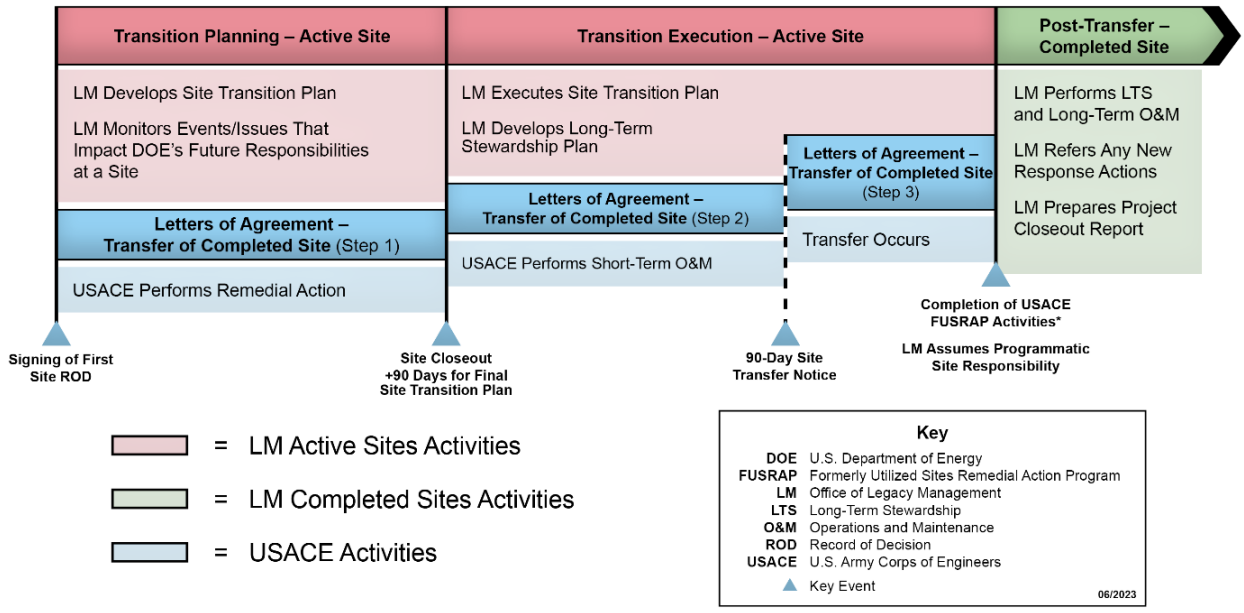

Figure 1. Overview of Three-Step Process and LM Site Transition Process

The post-transfer (LTS) phase starts when LM assumes programmatic site responsibility for performing long-term O&M at the site. A summary of the activities performed during the LTS phase is provided in Section 5.0.

During LTS, if LM identifies the potential need for further response or remedial actions at the site, LM will evaluate site eligibility in accordance with MOU Article III.D.1, "FUSRAP Eligibility (New Sites)" using the LM/LMS procedure *Determining Eligibility for FUSRAP Sites* (LM-Procedure-3-22-7.0, LMS/PRO/S13050). LM will refer eligible sites to USACE. USACE will determine whether further response is necessary (in accordance with Article I, Section F.13, of the MOU). If additional response is necessary, USACE will assume responsibility for only the portion of the FUSRAP site that is related to the new response, and LM will retain responsibility for all other areas of the original FUSRAP site.

1.4 Key Documents

This section briefly discusses the key documents to be used in the implementation of this guidance, including the MOU and LOAs, the USACE Project Execution Schedule, and other documents that guide activities during the transition process. These documents help define the roles and responsibilities of the agencies during the transition process.

1.4.1 USACE-DOE MOU and LOAs

As noted in Section 1.2, the March 1999 MOU (Appendix A) signed by USACE and DOE describes roles and responsibilities for the execution and administration of FUSRAP. Once the MOU was signed, USACE and DOE formed a working group to better define specific processes outlined in the MOU. Results of the group's efforts are described in a December 2001 letter from USACE to DOE and in an April 2002 letter with DOE's response to USACE. In these letters, the agencies agreed to a three-step process by which USACE will transfer completed sites to LM for long-term management.

1.4.2 USACE Engineer Regulation ER-200-1-4, FUSRAP

USACE Engineer Regulation ER-200-1-4 (USACE 2014) describes USACE policy concerning roles and responsibilities under FUSRAP for designating new sites, determining the scope of cleanup efforts, and seeking cost recovery or contribution for cleanup efforts. For site transition activities, Appendix F of that document details the USACE procedures for the transferring sites to LM, and Appendix G provides the USACE review and approval authority matrix for documents and activities. Appendixes F and G of the current version of ER 200-1-4 (USACE 2014) are included as Appendix B.

1.4.3 Site Transition Framework for Long-Term Surveillance and Maintenance

The "Site Transition Framework for Long-Term Surveillance and Maintenance" (DOE 2005), also called the STF, was originally prepared to establish requirements or conditions to be addressed before a site is transferred from DOE Office of Environmental Management to LM. It provides a general framework for DOE sites with anticipated LTS responsibilities. The STF identifies requirements for identifying and addressing transition project scope, schedule, and costs for 10 functional areas and serves as the primary tool to evaluate whether all relevant transition activities and end-point criteria have been identified.

The STF serves as the starting point for FUSRAP STP development. A FUSRAP-specific site transition checklist based upon the STF is included as Appendix C.

1.4.4 USACE Project Execution Schedule

USACE transmits the Project Execution Schedule to LM in November of each year. The schedule communicates the status of the remedial actions and anticipated transfer dates for the remaining active FUSRAP sites. LM uses this information to update site transfer dates in the SMG and formulate resource needs for transition and LTS requirements in contract and LCB planning (Section 1.4.5). The Project Execution Schedule may also include other information, such as whether transfer from active to completed status is planned on the site level or on an operable-unit level, or if any vicinity properties will be transferred with the primary property.

1.4.5 Site Management Guide

The Site Management Guide (SMG), also known as the "Blue Book," serves as the primary reference document for the LM sites currently subject to LTS. The SMG is updated annually and documents the planned future transfer dates for all active FUSRAP sites. The transfer date for a

site determines when LM begins activities in the transition planning (Section 4.0), transition execution (Section 5.0), and post-transfer (LTS) (Section 6.0) phases.

1.4.6 Organizational Agreements of Transition

These agreements are high-level program-oriented agreements that identify and help define core activities during FUSRAP site transitions. They further define these activities for USACE and LM to aid in managing, supporting, and funding transition activities. The agreements may cover activities such as the transfer of the Administrative Record (AR), transfer of other records and data, management of inaccessible contamination, transfer of real property, and other activities requiring further definition. These agreements are similar to LOAs and provide information during the transition phase which is not detailed in the MOU. Example agreements include final guidance produced by the USACE/LM Data Management Working Group (*Joint U.S. Army Corps of Engineers and U.S. Department of Energy Office of Legacy Management Information Transfer/Transition Protocol for the Formerly Utilized Sites Remedial Action Program*) (DOE and USACE 2023) and the USACE/LM Real Property Transfer Working Group (*Closeout Summary Report for FUSRAP Working Group for Real Property Transfers* [LMS S17128]).

1.4.7 LM PMP for FUSRAP

The PMP (DOE 2023a) documents DOE's approach for managing and implementing FUSRAP.

1.4.8 Orders, Policy, and Guidance Documents Applicable to Transition Activities

Several DOE orders and LM policies, procedures, and guidelines are applicable to FUSRAP transition activities. Many of these documents are listed below. Additional applicable documents may be identified in the STP for a transitioning site.

DOE Order 200.1A, Chg. 1, *Information Technology Management*: Provides a framework for managing information and information resources relating to documents obtained during the transition process.

- **LM-Policy-1-11-1.0, *Records and Information Management*:** Provides a framework for LM records management practices.

DOE Order 243.1B, Chg.1, *Records Management Program*: Identifies the requirements and responsibilities for creating and preserving records for DOE.

- **LM-Guide 4-10.2-1.0, *Records and Information Management Transition Guidance*:** Establishes a framework and provides guidelines and criteria for developing a Records and Information Management Transition Plan as part of the overall transition effort for a legacy site. The records transition plan addresses records management concerns that may arise during closure of a site before its transfer to LM.

DOE Order 413.3B, *Program and Project Management for the Acquisition of Capital Assets*: Specifies a disciplined process for project management that includes environmental remediation of land suitable for reuse. The remediated land is classified as a capital asset under this Order.

- This Order is one of the authorities for the site transition process among the Parties, who use the critical decision process to walk through the site transition in general. The remediated

land is classified as a capital asset. The Parties will collaborate and jointly develop the Project Closeout and Site Transition Plan (PCTP) or Site Transition Plan (STP). This Plan shall include, but is not limited to, proposed deliverables and schedules for the various documents that are required under DOE O 413.3B Chg.6 and any revisions thereto. The Parties shall ensure that all applicable Federal, State, and local laws, regulations, and negotiated agreements are followed, and that safeguards and security as well as integrated safety management requirements and policies are followed.


Note

***LM-Procedure-3-20-20.0,* LM Site Transition and Transfer Procedure,** *references the Site Transition Plan (LM-Template-4-20-4.0).*

DOE Order 430.1C, *Real Property Asset Management*: Specifies the requirements for management of real property assets, including disposition and transition. The STP and the LTS Plan serve to satisfy the functional planning and disposition requirements in DOE Order 430.1C.

- **LM-Manual-3-13-3.0, *Real Property Management*:** Provides information on preparation of the Real Property Transition Checklist.

DOE Order 436.1, *Departmental Sustainability*: Defines requirements and responsibilities for managing sustainability within DOE, including contractor use of an environmental management system (EMS).

- **LM-Procedure-1-24-1.0, *Environmental and Energy Policy*:** Establishes the LM commitment to protect and respect the environment through environmental, safety, health, and quality programs and activities, and to address energy challenges by following best practices and implementing innovative uses of alternative energy including environmental protection using an EMS.

DOE Policy 450.4B, Chg. 1, *Integrated Safety Management Policy*: Establishes DOE's expectation for safety, including integrated safety management that will ensure the DOE mission goals will be accomplished efficiently while ensuring safe operations.

- **450.4B*, LM Safety and Health Policy*:** Established LM's expectation for safety, including federal employee occupational safety and health and integrated safety management elements.

DOE Policy 451.1, *National Environmental Policy Act Compliance Program*: Establishes DOE internal requirements and responsibilities for implementing the National Environmental Policy Act (NEPA) of 1969 and associated regulations. Note that FUSRAP sites remediated by USACE under CERCLA are exempt from NEPA requirements for activities related to the remedial action.

- **LM-Procedure 3-20-4.0, *Environmental Planning and NEPA Compliance Procedures*:** Provides LM-specific guidance for compliance with NEPA and DOE Policy 451.1.
- **LM-Guide-4-24-1.0, Office of Legacy Management National Environmental Policy Act Handbook**, provides guidance on applying the National Environmental Policy Act process to Office of Legacy Management Actions.

- **LM-SOP-4-20-1.0, *Environmental Review Form Instructions*:** Serves as a screening tool to identify applicable environmental planning requirements and screen for potential human and physical environment impacts of proposed actions early in the planning process.
- **Memorandum to Secretarial Officers and Heads of Field Organizations:** DOE Policies on *Application of NEPA to CERCLA and RCRA Cleanup Actions*, July 11, 2002.

DOE Policy 454.1, *Use of Institutional Controls*: Addresses how DOE uses institutional controls (ICs) to implement programmatic responsibilities in the management of resources, facilities, and properties. The Policy guides site-specific and programmatic decisions on DOE's own planning, maintenance, and implementation of ICs. In some cases, CERCLA-defined ICs implemented at FUSRAP sites may differ from DOE-defined ICs. The LM portfolio includes many sites with LUCs that use an expanded definition of ICs; therefore, to avoid confusion, LM may use the term "protective measures" instead of ICs. Protective measures for sites are identified in Plans or other site-specific documents.

- **LM-Guide 3-20-2.0, LMS/POL/S07617, *Guidance for Institutional Controls for Long-Term Surveillance and Maintenance at DOE Legacy Management Site*:** Provides detailed guidance on the use of ICs at LM sites.

DOE Order 458.1, *Radiation Protection of the Public and the Environment*: Establishes requirements to protect the public and the environment against undue risk from radiation associated with radiological activities conducted under the control of DOE pursuant to the Atomic Energy Act of 1954, as amended.

- **LM-Policy-1-22-1.0, *LM Site Transition and Transfer*:** Establishes the programmatic framework for transition and transfer of sites into LM for long-term stewardship.
- **LM-Procedure-3-20-20.0, *LM Site Transition and Transfer Procedure*:** Specifies the process for the transition and transfer of sites into LM. By following this procedure, site transitions would meet the conditions prescribed in *LM Site Transition and Transfer* policy.
- **LM-Procedure 3-21-2.0, *Requesting USACE Rapid Response Technical Center of Expertise (RR-TCX) Support for LM Sites and Facilities*:** Applies to all LM staff charged with the need to quickly assess, stabilize, or minimize impacts to human health or the environment at their sites which exceed in-house LM capabilities or capacities and are potential candidates for support by the USACE Technical Center of Expertise.

2.0 Transition Management

This section describes the overall management approach for planning and executing the transition and transfer of FUSRAP sites from USACE to LM. A general presentation of transition -related elements of FUSRAP program management is provided, followed by information about the impacts of transition activities upon LCB planning. In addition, this section defines key internal and external communication mechanisms and further describes the LM process for documenting lessons learned from the transition and transfer process. For additional detail, see the PMP (DOE 2023a).

2.1 General FUSRAP Management

Day-to-day FUSRAP management activities are governed by the PMP (DOE 2023a) and associated LM and Legacy Management Support (LMS) guidance documents. Under the FUSRAP work breakdown structure (WBS), activities in the transition planning and transition execution phases occur in the Active Sites subtask. The scope, schedule, and cost for planned transition activities are budgeted on a site-by-site basis. Following site transfer, the site becomes part of the Completed Sites subtask, where sites are managed based on the complexity of LTS activities (Section 6.0).

2.2 Budget and LCB Planning

FUSRAP requires a 75-year LCB to meet DOE environmental liability estimating requirements. LCB planning documentation is the starting point for budget formulation and is used throughout the formulation cycle. The LCB planning documentation provides the context for budget formulations and how work is prioritized and executed. The near-term 5-year LCB cost estimates and scope are the support documentation for the annual Congressional Budget Request.

The LCB consists of a description of scope, schedule, cost, risks, and assumptions by fiscal year over a 75-year period. The LCB is revised annually, and the revision typically begins in the first fiscal quarter to plan through the following fiscal year out to 75 years. The level of planning detail, especially within the near-term 5 fiscal years, is vital to adequately represent each site's plan for the appropriate amount of budget and ultimately the request for DOE funding. The *Project Management Control Systems Manual* (LMS/POL/S04330), as well as annual LM LCB guidance, provides additional details on this process.

LCB planning focuses on three separate time frames: the next fiscal year, the near-term 5-year budgeting window (starting after the next fiscal year), and the full site life cycle of 75 years. Planning for the next fiscal year provides an opportunity to refine scope and schedule for the next year's support contract. Planning for the near-term 5-year budgeting window allows for refinement of specific scope and schedule assumptions, particularly for FUSRAP sites that may be transitioning from USACE to LM over that time frame. Information about activities occurring beyond the 5-year window (known as "out-years") may be less certain and based on higher-level planning assumptions, which may result in less precise cost and schedule estimates.

Before the LCB planning time frame, USACE provides the Project Execution Schedule (Section 1.4.4) that summarizes the progress for active sites. This schedule provides site-specific details on the completion date of the ROD, the status of the site remedy and SCR, and the anticipated or actual remedy completion date. The schedule also notes whether the site is listed on the National Priorities List. Using this schedule, LM updates the SMG (Section 1.4.5). Similar to LCB, the SMG documents the 75-year plan of all sites scheduled to transfer into LM for LTS.

Following the annual revision of the SMG, the annual LCB revision is performed. The LCB for each site is updated based on new information received since the previous revision. New information may include revised completion dates in the USACE Project Execution Schedule or aspects of the postclosure status that may affect LM scope and budgeting. For example, there may be FUSRAP sites where the transfer date has been delayed and the USACE scheduled

completion date is pushed out (e.g., transfer changed from FY 2025 to FY 2029). Alternately, USACE remediation may have been accelerated and the schedule for completion is moved up (e.g., transfer was scheduled for FY 2028 and is now forecasted to be FY 2025). In either case, the LCB is affected.

In the LCB process, sites that are within the near-term 5-year transition window receive additional customization, and transition planning, transition execution, and LTS activities are estimated in greater detail. Based on the MOU and the FUSRAP streamlining process, the level of effort for sites transitioning in the near-term is greater than those with transfer dates in out-years. Therefore, LCB planning typically evolves to greater detail as sites are closer to transition and more is known about a site. For FUSRAP sites, LCB refinement within the near term 5-year window is essential to ensure that proper funding is in place for anticipated LTS activities to ensure a consistent level of care. Within the 5-year window, LCBs may be adjusted based on new or updated information received from USACE on stakeholder communications requirements, frequency and duration of site maintenance needs, management of environmental easements and ICs, postclosure monitoring requirements, or other activities. FUSRAP staff will coordinate with functional groups within the LM organization (e.g., records management, real property, data management) to ensure that appropriate and consistent levels of effort are budgeted.

Following completion of the LCB review and update, the scope, schedule, and cost assumptions detailed in the LCB are then used as the basis for the following contract year. Information transferred from the LCB to the contract statement of work and proposed scope is reviewed by LM and LMS staff to verify that assumptions are consistent with current information.

Key assumptions that apply to FUSRAP LCB planning activities include:

- The SMG serves as the primary basis for the schedule of sites transferring to LM.
- In the LCB, the transfer year will be planned as the first full year of LTS. For example, if USACE remediation completion for a site is forecasted to be in FY 2025, then the transfer to LM would be in FY 2027. In this example, it is assumed for planning purposes in the LCB that the USACE completion occurs on day 1 of FY 2025, LM has 2 full years for transition (FY 2025 and FY 2026), and site transfer from USACE to LM (and the start of LTS) occurs on day 1 of FY 2027. Contract and LCB scheduling and budgeting will be adjusted accordingly when specific site transfer dates have been scheduled.
- Only active FUSRAP sites currently have a site-specific LCB. After site transfer when the site moves from management under the Active Site subtask to management under the Completed Site subtask, LCB planning for that site moves into the consolidated Completed Sites LCB. The estimate detail may provide some site-specific details where needed. For the more complex transitioning sites (some of the Category 2 and anticipated Category 3 sites), site-specific LCBs for those completed sites may be prepared.
- LCB estimates for costs associated with future regulatory oversight fees or grants are not included within the active or completed sites LCBs. Because these costs are not paid through the LMS contractor, they are included in the LCB for Mission Support Activities (MSA). The MSA LCB is maintained separately from other LCBs.

2.3 External Communications (USACE and LM)

Communication between USACE and LM throughout the transition process is frequent and deliberate. Previous site transitions have demonstrated that effective communication is important for a successful site transfer. Thus, it is recommended that LM and USACE project managers establish routine calls as needed to discuss pressing issues. In addition, site visits by LM are performed at pretransition and transition sites to allow for face-to-face meetings with USACE personnel and collect information for LCB planning. LM staff may also attend public meetings held by USACE to obtain additional information about active sites.

At the program level, focused director-level meetings are held quarterly to discuss issues that may require collaborative resolution. Both agencies meet annually to formally describe progress across FUSRAP, highlight significant accomplishments ranging from USACE remediation progress through LM stewardship initiatives, and exchange lessons learned.

Meeting minutes, trip reports, or other memoranda for the LM and USACE meetings or other interactions are generated, distributed to members from both agencies as applicable, and posted onto the LM Portal. These documents may include action items and will highlight specific details that impact LCB planning.

2.4 Internal Communication (LM and LMS)

Internal communication among LM and LMS team members occurs on a routine basis. Internal team communications are defined as those between LM and the LMS contractor and those within the LMS organization. Ongoing and routine communication between the LM and LMS organizations is highly encouraged, as open communication helps create a collaborative work environment, which is key to ensuring a successful program. LMS contractor internal communications will be in accordance with *Internal Communications Manual* (LMS/POL/S07641) and other applicable guidance. Additional details about the LM and LMS functional teams that may support FUSRAP, including transition activities, are provided in the PMP.

2.5 Lessons Learned

Across the LM projects and programs, the generation of lessons learned is a widely used tool to capture positive and adverse lessons in all aspects of project planning execution. Lessons learned may be generated throughout the FUSRAP site transition process. Following site transfer from USACE to LM, lessons learned are to be documented in accordance with *Quality Assurance Manual* (LMS/POL/S04320) or other means (e.g., white papers) and maintained with project records to benefit future site transitions.

Similarly, site transitions in FUSRAP may benefit from the lessons learned from site transitions in other areas of LM, such as sites managed under the Uranium Mill Tailings Radiation Control Act (UMTRCA). While the UMTRCA sites have significantly different regulatory characteristics, there may be functional areas (e.g., real property, site maintenance, data management) where lessons learned would be of value to sites transitioning under FUSRAP. The LMS contractor maintains a lessons-learned repository on its internal website. The repository will be periodically reviewed for applicable lessons learned during the transition process. In

addition, LMS site leads and LM site managers for recently transitioned sites in other LM programs will be consulted regarding applicable lessons learned during preparation of the STP (Section 4.2.5) and the LTS Plan (Section 5.1.2).

3.0 Preplanning

Preplanning activities should be completed within the fiscal year before the start of the first phase of the site transition project, which is the transition planning phase.

In preplanning, the Transition Project Charter is prepared. This charter includes information on expected major transition planning and execution tasks and a general schedule for accomplishing such tasks to achieve site transfer by the planned transfer date. The charter should also propose federal and support services points of contact. Approval of the charter represents the official start of the transition planning phase.

Preplanning activities also include planning for the 75-year LCB (as described in Section 2.2).

4.0 Transition Planning Phase: Signing of the First ROD to Site Closeout/Final STP

The transition planning phase begins when the first ROD for a site is signed and ends when the STP is finalized. This phase includes obtaining the final SCR and a signed declaration of response action completion from USACE. Submittal of the SCR begins step 2 of the USACE transfer process in accordance with the December 2001 LOA (Appendix A). Specific roles and responsibilities, LM implementation activities, and outcomes associated with the transition are described in the following subsections.

4.1 Roles and Responsibilities

4.1.1 USACE

USACE obligations during the transition planning phase are described in the discussion of step 1 and step 2 activities (Section 1.3) and in the December 2001 LOA (Appendix A). The obligations are summarized as follows:

- Provide LM a copy of the ROD, a separate general description of the site and remedial action goals, an estimated remedial action schedule, a description of anticipated LUCs, and a description of O&M requirements
- Where applicable, provide LM with informational copies of draft site-specific LUCs and implementation plans being coordinated with regulators and other stakeholders
- Through the USACE Project Execution Schedule, inform LM of changes in completion schedules and other events or issues that might impact LM's future responsibilities at a site

4.1.2 LM

LM obligations during the transition are planning phase are summarized as follows:

- Prepare the Site Transition Framework Checklist
- Develop the transition work breakdown structure (TWBS)
- Develop the draft and final STP (Section 4.2.5)
- Track anticipated assets for incorporation into the Facilities Information Management System (FIMS) (i.e., real property assets which are owned by the government, such as groundwater monitoring wells installed by USACE, and expected to remain in place after site transfer) at FUSRAP sites starting 5 years before the transfer
- Evaluate site risks for LTS and incorporates them, where applicable, into the site LCB
- Hold a kickoff meeting
- Conduct an environmental review of site conditions
- Perform internal reviews of the ROD and other documents provided by USACE and review the records already held by DOE
- Conduct site visit to assess conditions and discuss institutional controls and monitoring requirements

4.2 Implementation

Transition planning begins with the issuance of the first ROD for a site and ends when the SCR is issued and the STP is finalized. For most sites, the transition planning stage may last for several years. However, the planned and budgeted transition planning level of effort and the duration of the transition planning stage are determined by the complexity of the site. LM typically accounts for 1 year of budgeted transition planning for anticipated Category 1 and 2 sites, and 2 to 3 years for anticipated Category 3 sites, although these time frames may vary in response to other factors, such as the presence of DOE real property assets. This budgeted period is scheduled to occur in the year (or years) immediately before the anticipated completion date of the SCR and before the declaration of response action completion is signed, in accordance with the USACE Project Execution Schedule.

During the transition planning phase, LM will perform internal reviews of the ROD and other documents provided to LM by USACE, site information published on USACE websites, and information provided by USACE at public meetings and during site visits. LM will also review the records already held by DOE. These reviews allow for a better understanding of the site conditions and the actions performed at the site.

LM will also conduct an environmental review of site conditions, as documented on the *Environmental Review Form* (LM-Form-4-20.3-4.0), also called the ERF. The ERF will be developed in conjunction with the draft STP. The ERF serves as a screening tool to identify applicable environmental planning requirements and screen for potential human and physical

environment impacts of proposed actions early in the planning process. Completion of the ERF will result in the following outcomes:

- The anticipated level of NEPA review and documentation to be completed
- The need for environmental surveys and consultations (e.g., cultural resources and endangered species)
- Other regulatory considerations (e.g., stormwater controls, management plans, permits)

LM should coordinate with USACE during the transition planning phase to perform one or more site visits or attend public meetings. Sites that are expected to require significant long-term O&M activities or the maintenance of LUCs are more likely to be visited than are sites expected to be records-only sites. After these meetings, a formal trip report will be prepared to document information learned and its potential impacts to the site LCB.

Figure 2 summarizes key LM activities during the transition planning phase. These activities are described in additional detail in the following subsections.

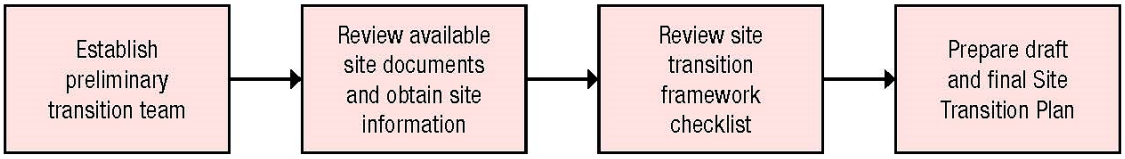

Figure 2. Key LM Activities During the Transition Planning Phase

4.2.1 Kickoff Meeting

LM initiates a kickoff meeting with the transferring organization, including any subject matter experts (SMEs). SMEs may be from LM, the LMS contractor, or the transferring organization.

4.2.2 Site Transition Framework Checklist

A draft Site Transition Framework Checklist (see the template in Appendix C) is completed during the transition planning stage. This checklist was written to follow the STF, which is applicable to the transition of sites remediated under all regulatory structures. The information documented in the completed Site Transition Framework Checklist is used to prepare the draft STP. An assessment of remaining quantities and locations if inaccessible materials should be conducted as part of the checklist completion, as applicable.

Figure 3 illustrates the relationship between the Site Transition Framework Checklist and the STP. Both documents are organized by the 10 requirements in the STF (as applicable). The activities in the Site Transition Framework Checklist are organized by the STF requirements and described at a lower level than the key activities and milestones listed in the STP.

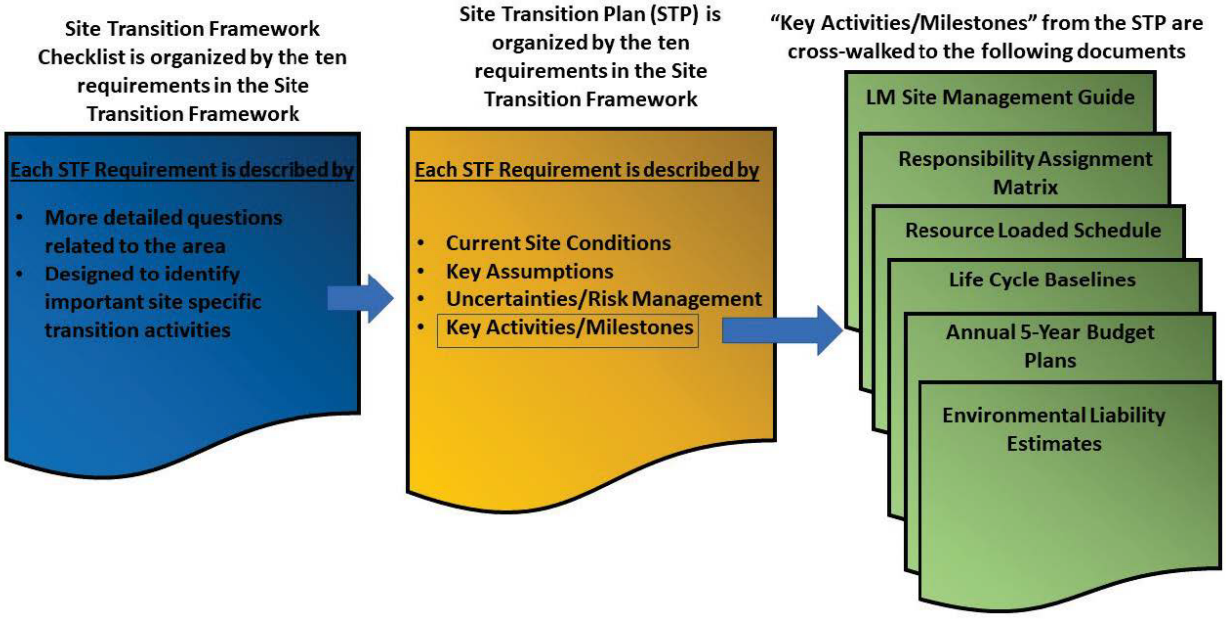

Figure 3. Relationship Between the Site Transition Framework Checklist and the STP

4.2.3 Transition Work Breakdown Structure

Table 1 of the *LM Site Transition and Transfer Procedure* provides a TWBS and dictionary which are used to ensure that appropriate and consistent levels of effort are budgeted and approved. The TWBS, dictionary, and general schedule defined in the final Transition Project Charter are used to develop a network diagram, estimate time and cost, and determine the critical path for transition project planning, execution, and site transfer.

The key activities and milestones identified in the STP and lower-level activities and milestones identified in the Site Transition Framework Checklist are used to create the resource-loaded schedule baseline for the transition project.

4.2.4 Transition Team

A transition team will be identified in the transition preplanning phase in the charter. The transition team will vary according to site conditions and the anticipated LTS requirements. The team will consist of the LM site manager, the LMS site lead, LM and LMS SMEs, and LMS support staff. The team will include functional staff from various areas determined by the needs identified by the LM site manager and the LMS site lead. Specific functional skill sets from the following areas are routinely needed for site transitions: real property, records, data management, information, quality assurance, groundwater, and environmental compliance.

4.2.5 Site Transition Plan

The STP is an internal LM document that defines the anticipated scope, schedule, and cost for the transition activities for a transitioning site. Each STP will reflect the complexity of the remedy and assumptions for the anticipated LTS requirements for that site. Initial development

of the draft STP will use data gathered to support site LCB planning. The completed Site Transition Framework Checklist is included as an attachment to the draft STP and is considered a living document that will be periodically reviewed and updated during the transition process.

Because the draft STP is developed prior to receiving the SCR, there may be information that is not yet known about the site and the site conditions. Data gaps will be noted on the checklist and in the draft STP and will be marked for resolution in the final STP once the SCR and AR documents (if available) have been received. An outline to serve as the starting point for STP content based on the STF is provided as Appendix D.

During the preparation of the STP, the LM site managers and LMS site leads will hold regular meetings to review the status of project activities, share developments, and ensure that there is sufficient flow of information. At these meetings, the LMS site lead will review the status of transition planning activities, discuss activities required of the functional organizations, resolve issues, and confirm project performance and quality. At any time, LM site managers may request meetings with LMS staff or SMEs for status review or to resolve specific issues or concerns. During these meetings, a list of potential questions or data gaps may be developed and maintained. Following issue of the SCR, these questions will be revisited to determine whether additional technical discussion with USACE is required.

Preparation of the draft STP will begin no more than 1 year before the final SCR has been received from USACE, with the goal of having a complete draft document completed 6 months before the SCR is expected.

After receipt of the final SCR, the LMS site lead and SMEs will begin to prepare the final STP using the draft STP and checklist as a starting point. The data gaps noted in the draft STP will be reviewed and if they are not resolved by the information provided in the SCR or subsequent documentation received from USACE, the LM site manager will request a technical meeting with the USACE personnel to get the necessary information. The final STP should be issued within 90 days of receipt of the SCR or after all data gaps have been resolved.

The STP publication signals the end of the transition planning phase.

4.3 Outcomes

Expected outcomes or deliverables from the transition planning stage are described as follows.

4.3.1 USACE

- Project Execution Schedule
- ROD, a separate general description of the site and remedial action goals, an estimated remedial action schedule, a description of anticipated LUCs, and a description of O&M requirements, in accordance with the December 2001 LOA
- Informational copies of draft site-specific LUCs and implementation plans, where applicable
- Final SCR (including a signed declaration of response action completion)
- Where applicable, letters from regulators indicating remedial goals have been met

4.3.2 LM

- Development of the TWBS
- Development of the Site Transition Framework Checklist
- Draft STP
- A list of information and data gaps, which is used to develop a tentative request to USACE for more information; this list will be reviewed after the SCR is received to determine whether any of the items can be found elsewhere before the request is submitted to USACE
- An understanding of site conditions, risk drivers, and stakeholder concerns gathered from site visits, condition assessments, meetings, or other sources, as preparation for refining the site LCB
- Site LCB deliverables, including technical scope and estimated level of effort
- Final STP (to be completed 90 days following the issue of the SCR and resolution of data gaps and questions), which will include transition milestones
- Review of other site transition lessons learned documents to identify applicable lessons learned during preparation of the STP
- Draft Real Property Checklist (to be prepared with input from USACE)

5.0 Transition Execution Phase: Site Closeout/Final STP to Completion of Remediation Activities

The transition execution phase begins after the STP has been finalized (based upon the SCR) and a declaration of response action completion has been signed by USACE and transmitted to LM. The transition execution phase is typically 2 years in length. During this time, USACE is responsible for the site's O&M activities to ensure that the remedy is fully implemented and operational. Before the end of the 2-year transition stage, all USACE FUSRAP activities should be completed. A 90-day notification before site transfer will be provided by USACE to LM. This will be signified by a letter noting the official date for transfer of the LTS responsibility for the site.

5.1 Roles and Responsibilities

5.1.1 USACE

USACE obligations during the transition execution phase are described in the discussion of the activities for steps 2 and 3 described in Section 1.3 and in the December 2001 LOA (Appendix A), and are summarized as follows:

- Retain responsibility for any additional response action activities at the site until 2 years after closeout
- Step 2: Provide LM the following information:
  - General description of remedial goals
  - The date when the 2-year O&M period begins and ends, thereby transferring site responsibility to LM

- Any estimated out-year cost requirements
- Any restrictions remaining on the property
- Where applicable, letters from regulators indicating remedial goals have been met
- O&M plans
- LUC implementation plans

- Step 3: When all remedial activities have been completed at the site and 90 days before the end of the 2-year O&M period, the executing USACE district will send a letter to LM with notification of the effective date of transfer. In accordance with USACE regulation ER 200-1-4, Appendix F (Appendix B), this letter will include the following:
  - Transfer of responsibility to LM on specified date
  - A statement describing that USACE is no longer responsible for the site
  - A brief history of the site remedial action and cleanup goals
  - Any long-term actions required by LM
  - Actual 2-year costs for O&M or LUCs
  - The point of contact at USACE for future questions including the office responsible for FUSRAP at USACE headquarters
  - Current property status
  - Documents included in the transmittal will include:
    - A complete redacted copy of the AR for posting on the LM public website, and an unredacted copy of the AR for internal LM use.
    - The O&M plans or scope of work from the existing O&M contract.
    - O&M reports.

Other items and information may be provided to LM by USACE during the transition execution phase, such as the following:

- Information regarding any changes in the completion schedules and other events or issues that might impact LM's future responsibilities at a site
- Informational copies of site-specific LUC plans and monitoring reports
- An unredacted copy of the Permanent Record (PR)
- Redacted versions of agreed-upon documents from the PR that will be made available to the public via LM's webpage
- Invitations to participate in public meetings, especially at sites that will require significant long-term O&M activities, the maintenance of LUCs, or both
- In accordance with the MOU, USACE will provide copies of surveys, findings, decision documents, and access agreements for property not owned by the government, as well as closeout documents, to LM for the historical record

5.1.2 LM

- LM performs a FIMS condition assessment in accordance with DOE Order 430.1C, Real Property Asset Management, to identify and track DOE assets at any site. This typically occurs during the final site walkthrough of the site. The FIMS database is DOE's information repository used to manage real property assets and interests and their associated costs. The LMS site lead will work with the FIMS coordinator in the LMS real property group to ensure that all assets and land agreements are adequately captured and reported. Note that assets owned by DOE on a site before it is referred to USACE will be tracked throughout with Active Site status, regardless of transition stage.
- At DOE-owned facilities, LM will assume responsibility for DOE-owned real property and interests previously acquired by USACE for FUSRAP execution at the beginning of transition, in accordance with the MOU, Article III.C.1.e (Attachment 1), or at some other time as negotiated between LM and USACE. Real property at all other sites will transfer with the programmatic responsibility for the site, at the date noted on the 90-day notification letter.
- Initiate execution of the transition and transfer activities documented in the STP including the following:
  - Upon transfer of site records and data from USACE, populate appropriate information systems, including Environmental Quality Information System (EQuIS), Geospatial Environmental Mapping System (GEMS), and FIMS
  - Obtain access agreements and transfer real property interests, as necessary
  - Perform due diligence reviews for ongoing remedies and current site status in order to develop effective LTS strategies
  - Prepare the site's public website and fact sheet
- **LM LTS Plan:**
  - FUSRAP completed sites (primarily Category 1 sites) that have been released for unrestricted use based on the final radiological conditions at each site are consolidated into a single LTS Plan. For each unrestricted use site that transitions to LM, a chapter is created in the LTS Plan to document the status and required activities (i.e., records management, stakeholder inquiries, and desktop assessments as applicable).
  - Category 2 sites that require long-term monitoring have standalone LTS Plans describing the site-specific activities and processes required to maintain and ensure the effectiveness of the selected remedy.
  - Develop the LTS Plan by documenting any of the following:
  - Required ROD-driven ICs
  - O&M requirements
  - Additional required protective measures

- Update LTS cost estimates in the LCB, as necessary.
- Conduct a transfer readiness review 30–90 days before completion of USACE FUSRAP activities (Section 5.2.5).
- Accept programmatic responsibility for the site on the transfer date.
- Notify stakeholders of site transfer.
- **LM Closeout Meeting:**
  - The closeout meeting is conducted to review the closeout report, review outcomes, lessons learned, and actual costs.
- **LM Executive Binder:**
  - Executive briefing binders have been developed for active FUSRAP sites within each USACE district. The binders are updated annually, based upon site visit schedules. The relevant transition requirements and transfer status are updated for each site. Information on completed sites is incorporated by adding the applicable LM fact sheet.
- **LM Site Management Requirements and Practices:**
  - The *Summary of FUSRAP Site Management Requirements and Practices* (DOE 2023b), also called the SMRP, encompasses all completed sites. The SMRP includes a review of regulatory and site-specific requirements contained in the respective site LTS Plans, an evaluation of previously identified discrepancies and proposed improvements, and inclusion of status information for sites expected to transition to LM management within 10 years. SMRPs are reevaluated annually and revised as needed or every 3 years to ensure concurrence with ongoing changes.

5.2 Implementation

During the transition execution phase, the transition and transfer activities noted in the STP will be executed and the LTS responsibilities will be determined. Depending upon the site, the specific responsibilities during the transition stage will vary, however, general support will typically be required in the following subject areas:

- Real property
- Records management
- Environmental and Spatial Data Management (ESDM)
- Public affairs
- LTS planning

Figure 4 summarizes key LM activities during the transition execution phase. These activities are described in additional detail in the following subsections.

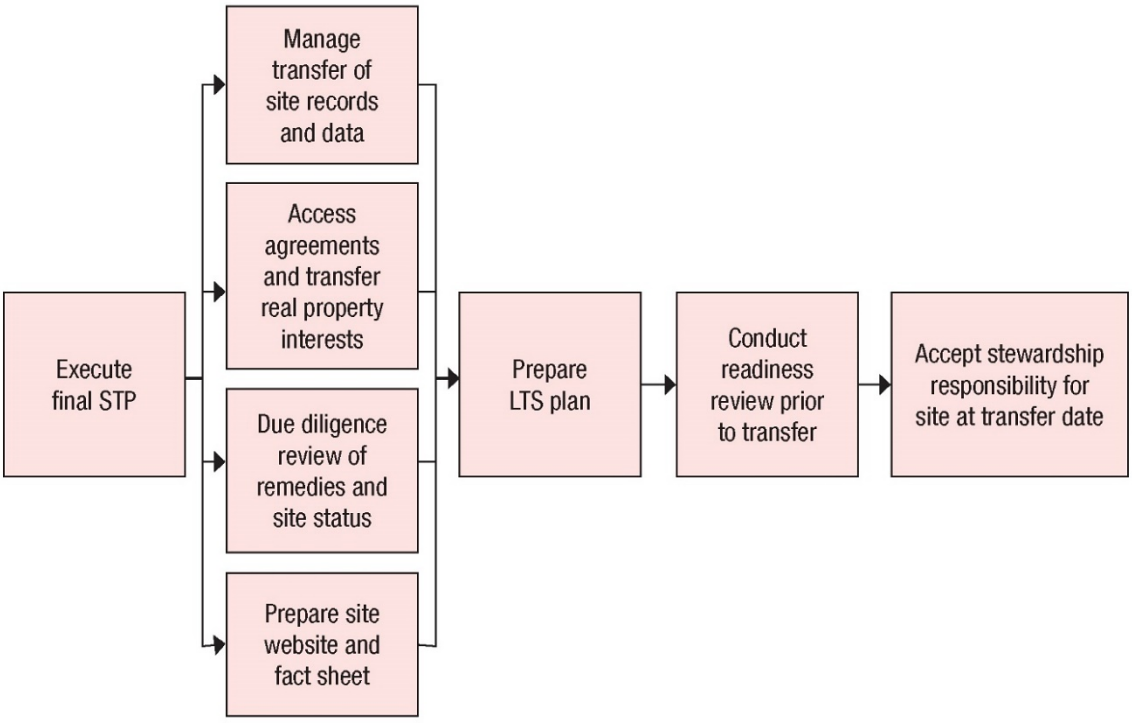

Figure 4. Key LM Activities During Transition Execution Phase

5.2.1 Real Property

Because the majority of the FUSRAP sites are privately owned, DOE does not have jurisdiction over the physical property where remediation was performed or the land that may be subject to restrictions due to remaining contamination. Therefore, coordination with the Asset Management team to gain and maintain appropriate site access agreements, or other required property rights, is vital.

The *Request for Realty Services (RRS)* form (LMF 430.1D) establishes the authorization to initiate real property activities. It should be completed by the LM site manager approximately 2 years before the proposed transition date so that realty actions can be completed during the transition stage. The RRS form triggers LM's interaction with USACE and the appropriate property owners to obtain the access agreements and other required property rights necessary for LTS.

For DOE-owned sites, Asset Management team will coordinate with USACE to transfer real property interests that USACE may have placed on the property including those associated with personal property or facilities. The Asset Management team will assist in the negotiation of any real property documents or agreements including: (1) extending any required access agreements that USACE may have entered into with adjacent property owners and (2) negotiating new access agreements as required.

The LMS site lead will work with the FIMS coordinator in the LMS Real Property group to ensure that the FIMS database reflects the current real property assets and interests at the site and that assets and land agreements are up to date and adequately captured and reported. The Real Property Checklist process developed during the LM/USACE Real Property Transfer Working Group will be utilized during the transition stage to confirm that government assets being transferred to LM are properly accounted for. These checklists will be maintained with the files of each transitioning site and included as appropriate with the draft and final STPs.

Any LUCs put in place by USACE will be identified in the ROD, SCR, and other documents. These LUCs will be tracked by the Asset Management team in the Institutional Controls Tracking System, which will list dates and frequency for monitoring each control. The tracking system entries include all instruments that contain ICs, any pertinent informational ICs, and any engineering controls required for site protectiveness and security.

5.2.2 Records Management

The AR represents a collection of documents that establish the basis for the selection and performance of environmental response and removal actions at a closure site governed by CERCLA. The U.S. Environmental Protection Agency document *Revised Guidance on Compiling Administrative Records for CERCLA Response Actions* (EPA 2010) and its update (EPA 2016) provide guidance on the typical contents of an AR. It is essential that the AR is complete and accurate, as it provides a basis upon which challenges concerning the adequacy of the response action would be reviewed by a court, if necessary.

The AR is considered complete when the last ROD is issued for the site unless an addendum or Explanation of Significant Differences is issued for the ROD. The PR is USACE's term for the site case file that contains records that document the remediation performed, site closure, and as-left condition of the site. PR documents may include remediation data, final status survey reports, and waste disposal information.

As discussed in Section 4.1, the LOAs (Appendix A), and Appendix F of ER 200-1-4 (Appendix B), USACE will provide LM with a copy of the AR at 90 days before the site is transferred. LM understands that, for many sites, USACE combines the scan of the AR and the PR and, because of the content of the PR, USACE is not able to fully digitize the records until the project is finalized. However, if the AR or PR is available early, LM would accept early transfer of the records.

LM expects to receive from USACE redacted and unredacted copies of the AR, as well as an unredacted copy of the PR. Selected PR files will be redacted by USACE before they are made available to the public via the LM website. When redacted copies are not available, LM will work with USACE to determine the appropriate course of action.

The electronic copies of the AR and PR that are transferred from USACE to LM should be searchable PDF archive or native formats of data files with an index linking the PDF image to a line entry in a Microsoft Excel spreadsheet (i.e., hypertext link to target file). The hard copy files associated with the AR and the PR will be stored at the LM Business Center (LMBC) at Morgantown, West Virginia. Section 6 of the LM *Records and Information Management Transition Guidance* (LM-Guide-4-10.2-1.0) document discusses the requirements for record

transfer procedures to the LMBC. LM will work with USACE on a site-specific basis to determine the timing and logistics of records transfers. LM will make site-specific determinations on whether the paper versions of transferred collections will be retained as the official record or whether a complete electronic version is available as the record version—in which case, it is LM policy to retain the electronic version as the official record. *The Joint U.S. Army Corps of Engineers and U.S. Department of Energy Office of Legacy Management Information Transfer/Transition Protocol for the Formerly Utilized Sites Remedial Action Program* (DOE and USACE 2023) provides the protocol for transferring information from USACE to LM during site transfers. The protocol in this document is based on decisions that were jointly agreed upon between LM and USACE during the meetings of the Joint Data Management Working Group. The document complements existing records management regulations, guidance, and FUSRAP protocols. Site-specific records and data processes would be determined for any site in which the stewardship does not transfer to LM.

Following receipt of the AR and the PR, LM will publicly post the AR and selected PR files on the LM website according to LM procedures.

5.2.3 ESDM

The data created by USACE and its contractors during the environmental remediation and closure of FUSRAP sites contain important information about the characterization, remediation, and final status of each site. As the agency responsible for the LTS of FUSRAP sites, LM requires this information to maintain the remedy put in place by USACE, to ensure that the remedy implemented is protective of human health and the environment over the long term, and to respond to stakeholder inquiries about remediation of the site's legacy waste.

The *U.S. Department of Energy Office of Legacy Management Data Needs List for Formerly Utilized Sites Remedial Action Program Sites* (DOE 2023c) identifies the types of information required for a successful site transition from USACE to LM. LM requests that the information listed in this document is transferred from USACE to LM as part of the site transition activities during the transition execution phase. The lists focus on major areas of interest and are not all-inclusive because each site is unique and the site information will vary. The Data Needs List is included in Appendix E.

The requested information consists of environmental and geospatial data, such as geographical information system files, analytical data, and groundwater transport models. The environmental data provide the information necessary to conduct a due diligence investigation of site conditions. Some site data will describe the site cleanup and final site conditions, including groundwater and soil sampling data, while other information may chronicle site history. The geospatial data are necessary to understand physical aspects of the site and to provide LM with the geospatial information necessary to ensure successful stewardship of the site. During the transition stage, the LMS ESDM team will provide support and input to specific types of data expected from USACE.

LM FUSRAP site managers will request that any available environmental and geospatial data be provided to LM at the time of site transition, if not before, including those data called for in the *Joint U.S. Army Corps of Engineers and U.S. Department of Energy Office of Legacy Management Information Transfer/Transition Protocol for the Formerly Utilized Sites Remedial*

Action Program (DOE and USACE 2023). LM will make its USACE partner aware that the LM geospatial data standard is an adaptation of Spatial Data Standards for Facilities, Infrastructure, and Environment (SDSFIE), which includes Federal Geographic Data Committee (FGDC)-compliant metadata. USACE utilizes its own adaptation of SDSFIE, allowing for a smooth transition of geospatial data. For environmental data, LM uses EarthSoft's EQuIS database, and USACE is implementing the U.S. Air Force-derived ERPIMS database. The use of these two industry-standard environmental databases should also allow for a smooth transition of environmental data. LM's FUSRAP-specific data needs are documented in *Records and Information Management Transition Guidance*.

Assessment and review of site data collected in support of regulatory-driven monitoring programs at FUSRAP active sites are key initial steps before the formal transition of responsibility from USACE to LM. To support these reviews and assessment needs, USACE data from active sites are migrated from site-specific data stores (electronic and hardcopy) and placed into the LM data systems. Site data are then accessed by the ESDM team, LMS site leads, and LM site managers to support site assessments and other site review requirements before formal transition of the site to LM. After transition, these data then become part of the complete record for that site.

Although all site data are requested from USACE, the objective for the LM's enterprise environmental and geospatial data systems is the storage of the data that show the condition of the site after remediation is complete (e.g., the radiological final status survey data). All data collected during transition will be submitted to the Records Management and ESDM groups for appropriate handling and administration. The metadata for these records will be entered into the LM electronic recordkeeping system for records management activities.

LM prefers that documents and files be transferred with metadata compliant with FGDC metadata, as described at https://www.fgdc.gov/metadata. Additional information regarding metadata may be found at https://www.usgs.gov/data-management/describe-metadatadocumentation. In the event that the metadata is not documented, LM will attribute the metadata to USACE and consider it to be a reference. LM will not act as the authoritative originating source for data that is generated by another agency but will maintain the repository.

5.2.4 Public Affairs

The primary methods for providing information about transitioning FUSRAP sites to the public are the LM public website and other electronic communications. LM will be responsible for public notification of the site transfer from USACE to LM. This will be performed using the following methods:

- Email notification to stakeholders announcing the transfer of programmatic responsibility of the site responsibilities for LTS
- Posting the site fact sheet
- Making a post-transfer announcement on the LM public website

A public webpage will be developed for the site that will provide information, including fact sheets, the LTS Plan, and links to the AR and the GEMS webpages that provide dynamic mapping and environmental monitoring data for the site. This webpage will be updated with

applicable information provided by USACE during the information and records transfer process as it becomes available.

Public affairs SMEs from the LMS Communications Products team and LM staff from the Education, Communications, History, and Outreach (ECHO) team will be involved with the development and review of public materials. All publicly released notifications and other materials will be subject to a releasability review by the ECHO team.

5.2.5 LTS Planning

The final steps for planning LTS begin in the last year of transition execution. In order to begin planning for the LTS of a site, the transition team will, at a minimum, review the SCR, any LUCs in place for the site, and the final STP. During this time, meetings with USACE to discuss post-transition environmental liabilities, environmental easements, O&M requirements, stakeholder input, estimated LTS costs, and ROD-imposed ICs may be required.

Additional LTS planning will be performed as required with SMEs from the LMS engineering and construction staff (for site O&M activities), environmental sampling staff (for site monitoring activities), and real property staff (for site beneficial reuse activities, access agreements, easements). Other planning will be performed with appropriate disciplines on a site-specific basis.

During the transition execution stage, LM will work with USACE to review existing regulatory oversight agreements, fees, and grants. As appropriate, either existing agreements will be carried forward or new agreements between LM and regulators or other stakeholders will be established. Funding for regulatory oversight grants is maintained in the MSA task and is not managed by the LMS contractor.

Transition milestones, including the completion date for the draft LTS Plan, will be established in the final STP. Typically, the draft LTS Plan will be due 90 days before the effective transfer date, although due dates may be adjusted depending on a site-specific basis. The final LTS Plan will be issued following satisfactory resolution of comments and open action items and issues identified in the draft LTS Plan.

The final aspect of LTS planning is the completion of a site transfer readiness review, typically scheduled 30–90 days before the effective transfer date. The site transition team will meet to review the final STP and FUSRAP site transition checklist to identify any remaining open action items related to the site transition. The LMS team will document the meeting for the site record.

5.3 Outcomes

Expected outcomes or deliverables from the transition execution phase are as follows.

5.3.1 USACE

- Project Execution Schedule
- O&M plans
- LUCs implementation plans

- General description of remedial goals
- The dates when the 2-year O&M period begins and ends, thereby transferring site responsibility to LM
- Any estimates for out-year closeout cost requirements
- Any restrictions remaining on the property
- Ninety-day transfer letter and enclosures including the following:
  - Effective date of transfer of responsibility to LM
  - A description of any long-term actions required by LM
  - Actual costs for O&M for the first 2 years
  - Complete copy of the AR, including any electronic databases
  - Updated O&M plans
- Copies of surveys, findings, decision documents, and access agreements for property not owned by the government, as well as closeout documents
- An unredacted copy of the PR, with redaction performed on selected PR files to be made available to the public

5.3.2 LM

- Draft LTS Plan and associated work plans—typically due 90 days before the effective transfer date
- Final LTS Plan and associated work plans—issued following the resolution of comments and open action items from the draft LTS Plan
- Site website
- Site fact sheet
- Site transfer readiness review meeting record
- Stakeholder notifications

6.0 LTS Phase: Programmatic Transfer to LM for LTS

The LTS phase begins when the LTS responsibility for the site is transferred from USACE to LM. The transfer signifies the completion of FUSRAP remediation[1] and short-term O&M activities and marks the conclusion of USACE responsibilities at a site, in accordance with the MOU (Appendix A). Following the transfer of the site from USACE to LM, the site moves from the Active Sites subtask to the Completed Sites subtask, where it is grouped according to LTS category.

LTS at a site is performed in accordance with the site LTS Plan and other LM program documents. During the LTS stage, events can occur that could require LM to determine whether portions of the site or the entire site should be referred back to USACE for additional response action. Examples of situations that could lead to this include the following:

[1] As described in the 1999 MOU (Appendix A).

- Changes in land use since site completion
- Radiological contamination that was previously inaccessible becomes accessible and requires removal
- In the course of performing routine monitoring, Five-Year Reviews, or both, it is determined that a new area of residual FUSRAP-related contamination must be addressed
- Concerns from regulators or other stakeholders

If a potential new response action is identified for a completed site, LM may refer the site back to USACE to conduct additional investigation of the issue and to determine whether further response is necessary, in compliance with Article I, Section F.13, of the MOU (Appendix A). LM will determine site eligibility and perform site referrals in accordance with MOU Article III.D.1, "FUSRAP Eligibility (New Sites)," using *Determining Eligibility for FUSRAP Sites*. If necessary, LM will refer the site to USACE and will provide the information described in MOU Article III.D.1.b.

For any portions of a completed FUSRAP site that require additional USACE response action, USACE will assume responsibility only for the area of the site that is related to the response action, and LM will retain responsibility for the balance of the FUSRAP site under LM stewardship.

6.1 Roles and Responsibilities

6.1.1 LM

- Manages LTS activities at sites following completion of USACE FUSRAP activities, in accordance with the MOU and the applicable site LTS Plan.
- In the event that additional response may be necessary at the completed site, LM sends a referral to USACE, in accordance with MOU Article III.D.1.b, to determine if additional response is necessary.
- In the event of emergency response at the completed site, LM initiates the USACE Rapid Response Support for LM Sites and Facilities Agreement to ensure a timely response when inaccessible material is made accessible.

6.1.2 USACE

For any site (or portions of a site) referred back to USACE, USACE will do the following:

- Determine whether further response is necessary
- If a response is necessary, complete the CERCLA response action
- Request any additional funding necessary to address an additional response to achieve site closeout
- Continue responsibility for the site during a new 2-year short-term O&M period after additional remediation and site closeout
- Transfer the site to LM at the completion of the 2-year O&M period, in accordance with the MOU and LOAs

6.2 Implementation

As part of implementation of LTS, a lessons-learned repository is developed to capture positive and adverse lessons in all aspects of project planning and execution. A project closeout report is also prepared, and LM conducts a closeout meeting to review the outcomes, lessons learned, and actual costs.

LM will conduct LTS at the site according to the site LTS Plan. The complexity of anticipated LTS activities is reflected in the LTS category assigned to the site during the pretransition or transition stage. The LTS categories are defined in the SMG as follows:

- Category 1 activities typically include records-related activities and stakeholder support.
- Category 2 activities typically include routine inspection (any site visit needed to verify the integrity of engineered or institutional barriers), monitoring and maintenance, records-related activities, and stakeholder support.
- Category 3 activities typically include O&M of active remedial action systems, routine inspection (any site visit needed to verify the integrity of engineered or institutional barriers), monitoring and maintenance, records-related activities, and stakeholder support.

Because Category 1 sites have very limited (if any) field activities, they are included in a single comprehensive FUSRAP Completed Sites LTS Plan. During the first year of LTS, the LTS requirements developed for a new Category 1 site will be incorporated into the existing LTS Plan as a new section.

Category 2 sites may require periodic field activities, but no active O&M is associated with the remedy. The LTS Plan developed during the transition stage may be maintained as a standalone document during the first 1–2 years of LTS to ensure that appropriate activities are captured. When appropriate, a standalone Category 2 LTS Plan may be incorporated into the comprehensive Completed Sites LTS Plan.

Category 3 sites have the highest degree of complexity. Currently, FUSRAP does not have any completed sites with Category 3 requirements. A new site with Category 3 LTS requirements is likely to be unique and complex enough to warrant a standalone LTS Plan. The specific needs for Category 3 sites will be determined on a site-specific basis.

Throughout the LTS phase, but primarily during the first 1–2 years of LTS, assumptions made regarding the LTS category may be reviewed to confirm that the original assumptions are still valid. The LTS category may be adjusted when monitoring requirements or LUCs change.

Typical anticipated activities for all transitioned FUSRAP sites during the LTS phase, regardless of LTS category, include the following:

- Continue records and information transfer as applicable; populate GEMS and EQUIS if the transfer was not completed during the transition stage
- Post the AR to the site website
- Maintain site records
- Respond to public inquiries

- Complete site story map as part of the ESDM review of final site data
- Execute the LTS Plan
- Perform site monitoring or inspections, as necessary
- Conduct desktop assessments, as necessary
- Perform Five-Year Reviews, as required
- Perform updates of the LTS Plan, site fact sheet, and website
- Perform annual updates to the LCB and environmental liability cost estimates
- Initiate the USACE Rapid Response Support for LM Sites and Facilities Agreement to ensure a timely response when inaccessible material is made accessible

Figure 5 summarizes key LM activities related to site transfer and referral during the LTS stage.

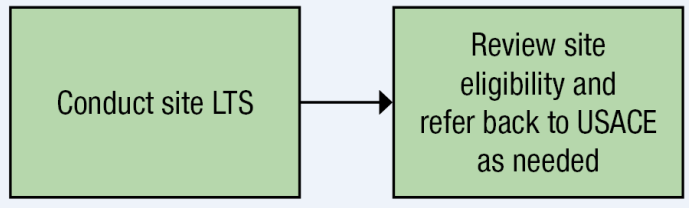

Figure 5. LM Activities Related to Transition and Transfer During LTS Phase

Typically, the level of LTS effort expected for Category 1 sites is minimal, and these sites are managed within a consolidated WBS and LTS Plan. This approach streamlines the budgeting and scheduling of routine LTS Category 1 tasks, such as preparing fact sheets and conducting website reviews.

The complexity of LTS for Category 2 sites may vary. Some sites are considered Category 2 sites based on the ICs, but have no regularly scheduled site activities, and the anticipated level of effort may be similar to records-only Category 1 sites. To streamline the management of these sites, a consolidated Category 2 WBS and LTS Plan are used. Currently, three Category 2 sites (New Brunswick, New Jersey, Site; Painesville, Ohio, Site; and Tonawanda, New York, Site) are considered appropriate for management under the Completed Sites LTS Plan. The Category 2 Colonie, New York Site, is managed under a separate LTS Plan. Future Category 2 sites will be evaluated annually by LM to determine whether management under the Completed Sites LTS Plan is more appropriate.

6.3 Outcomes

Expected outcomes or deliverables from the post-transfer (LTS) phase are as follows.

6.3.1 LM

- LTS Plan updates and desktop assessments
- Maintenance of site factsheet and website for public viewing

- CERCLA Five-Year Review reports or equivalent, as necessary
- Maintenance of ICs and associated reporting
- Monitoring reports, as required
- If necessary for emergency response, activate the USACE Rapid Response Support for LM Sites and Facilities Agreement to ensure a timely response when inaccessible material is made accessible
- If necessary, request referral of the site or portions of the site back to USACE for determination of further FUSRAP response actions

6.3.2 USACE

- In cases where the entire or a portion of a closed site is referred back to USACE, determination of the need for further response action

7.0 References

40 CFR 300. U.S. Environmental Protection Agency, "National Oil and Hazardous Substances Pollution Contingency Plan," *Code of Federal Regulations*.

DOE (U.S. Department of Energy), 2005. "Site Transition Framework for Long-Term Surveillance and Maintenance," Attachment C to *Development of Site Transition Plan, Use of the Site Transition Framework, and Terms and Conditions for Site Transition,* U.S. Department of Energy Memorandum for Field Distribution, February 15.

DOE (U.S. Department of Energy), 2019. *Closeout Summary Report for FUSRAP Working Group for Real Property Transfers,* LMS S17128, Office of Legacy Management, June.

DOE (U.S. Department of Energy), 2023a. *Legacy Management Program Management Plan for Formerly Utilized Sites Remedial Action Program,* LMS/S16063, Office of Legacy Management, August.

DOE (U.S. Department of Energy), 2023b. *Summary of FUSRAP Site Management Requirements and Practices*, LMS/43278, Office of Legacy Management, January.

DOE (U.S. Department of Energy), 2023c. *U.S. Department of Energy Office of Legacy Management Data Needs List for Formerly Utilized Sites Remedial Action Program Sites*, Office of Legacy Management, April.

DOE (U.S. Department of Energy) and USACE (U.S. Army Corps of Engineers), 2023. *Joint U.S. Army Corps of Engineers and U.S. Department of Energy Office of Legacy Management Information Transfer/Transition Protocol for Formerly Utilized Sites Remedial Action Program* (June).

EPA (U.S. Environmental Protection Agency), 2010. *Revised Guidance on Compiling Administrative Records for CERCLA Response Actions*, September.

EPA (U.S. Environmental Protection Agency), 2016. *Update to 2010 "Revised Guidance on Compiling Administrative Records for CERCLA Response Actions" and Questions and Answers Regarding Implementation of the "National Oil and Hazardous Substances Pollution Contingency Plan; Revision to Increase Public Availability of the Administrative Record File" Final Rule*, November 14.

LM federal controlled documents, continually updated, prepared by the U.S. Department of Energy Office of Legacy Management:

Determining Eligibility for FUSRAP Sites, LM-Procedure-3-22-7.0, LMS/PRO/S13050.

LM Site Transition and Transfer, LM-Policy-1-22-1.0.

LM Site Transition and Transfer Procedure, LM-Procedure-3-20-20.0.

Records and Information Management Transition Guidance, LM-Guide-4-10.2-1.0.

Site Management Guide, LM-Guide-3-20.0-1.0.

LMS controlled documents, continually updated, prepared by the LMS contractor, for the U.S. Department of Energy Office of Legacy Management:

Internal Communications Manual, LMS/POL/S07641.

Project Management Control Systems Manual, LMS/POL/S04330.

Quality Assurance Manual, LMS/POL/S04320.

PL 83-703. "Atomic Energy Act of 1954," Public Law.

PL 95-91. "Department of Energy Organization Act of 1977," Public Law.

PL 105-62. "Energy and Water Development Appropriations Act of 1998," Public Law.

PL 105-245. "Energy and Water Development Appropriations Act," Public Law.

PL 106-60. "Energy and Water Development Appropriations Act," Public Law.

USACE (U.S. Army Corps of Engineers), 2014. *Formerly Utilized Sites Remedial Action Program (FUSRAP)*, Engineer Regulation ER 200-1-4, August 29.

Appendix A

Memorandum of Understanding Between the U.S. Department of Energy and the U.S. Army Corps of Engineers Regarding Program Administration and Execution of the Formerly Utilized Sites Remedial Action Program (FUSRAP), **March 17, 1999, and Associated Letters of Agreement from 2001 and 2002**

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF ENERGY AND THE U.S. ARMY CORPS OF ENGINEERS REGARDING PROGRAM ADMINISTRATION AND EXECUTION OF THE FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM (FUSRAP)

ARTICLE I - PURPOSE AND AUTHORITY

A. This Memorandum of Understanding (MOU) is entered into by and between the U.S. Department of Energy (DOE) and the U.S. Army Corps of Engineers (USACE), ("The Parties") for the purpose of delineating administration and execution responsibilities of each of the parties for the Formerly Utilized Sites Remedial Action Program (FUSRAP).

B. USACE is administering and executing cleanup at eligible FUSRAP sites pursuant to the provisions of the Energy and Water Development Appropriations Act, 1998, (Title I, Public Law 105-62, 111 Stat. 1320, 1326), the Energy and Water Development Appropriations Act, 1999, (Title I, Public Law 105-245, 112 Stat. 1838,1843), and in accordance with, and subject to regulation under, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 et seq., and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R., Chapter 1, Part 300.

C. DOE and USACE acknowledge that DOE does not have regulatory responsibility or control over the FUSRAP activities of USACE or USACE contractors.

D. This MOU addresses the responsibilities of the parties with regard to the 25 completed sites, listed in Attachment "A" hereto, where response actions were completed by DOE as of October 13, 1997, and the 21 active sites listed in Attachment "B" hereto, where response actions were not completed by DOE as of October 13, 1997.

E. This MOU also addresses the responsibilities of the parties for determining the eligibility of any new sites and vicinity properties for response actions under FUSRAP, determining the extent of response actions necessary at any eligible site, and dealing with other matters necessary to carry out this Program.

F. USE OF TERMS.

1. The term “accountability” in regards to real property refers to the obligation imposed by law or regulation to keep an accurate record of real property, regardless of whether the person or agency charged with this obligation has actual possession of the real property, or any control over activities occurring on the real property.

2. The term ”active site” means any “eligible FUSRAP site” which is undergoing or is programmed to undergo response actions by USACE, or which is determined to require initial or additional response action in accordance with the provisions of Article III, below.

3. The term “cleanup” means all response actions performed under FUSRAP.

4. The term “closeout” means the completion of cleanup and publication of notice in accordance with the provisions of CERCLA, the NCP and USACE procedures.

5. The term "completed site" means any site listed in Attachment “A”, or any site closed out by USACE as defined in paragraph 4, above.

6. The term “completion of FUSRAP activities” means the conclusion of USACE responsibilities at active sites in accordance with the provisions of this MOU.

7. The term “eligible FUSRAP site” means any geographic area determined by DOE to have been used for activities in support of the Nation’s early atomic energy program, or placed into FUSRAP pursuant to Congressional direction. (See Article III, section D, for designation of sites not part of FUSRAP on October 13, 1997).

8. The term “management” in regards to real property means the safeguarding of the Government’s interest in property, in an efficient and economical manner consistent with the best business practices, including administering applicable National Pollutant Discharge Elimination System (NPDES) permits, National Emissions Standards for Hazardous Air Pollutants (NESHAPS) reports, and other applicable administrative environmental requirements.

9. The term “protection” in regards to real property means the provision of adequate measures for prevention and extinguishment of fires, special inspections to determine and eliminate fire and other hazards, and necessary guards to protect property against thievery, vandalism, and unauthorized entry.

10. The term “response” shall have the same meaning as in CERCLA at 42 U.S.C. § 9601(25).

11. The term “vicinity properties” means properties adjacent to or near eligible FUSRAP sites which have been contaminated by radioactive and/or chemical waste

materials attributable to activities which supported the nation's early atomic energy program.

12. For purposes of this MOU, “active sites” become “completed sites” upon USACE determination that completion of FUSRAP activities has occurred with necessary regulatory approvals under CERCLA and the NCP.

13. For purposes of this MOU, “completed sites” become “active sites” upon USACE determination that further response action is necessary in accordance with Article III of this MOU.

ARTICLE II - INTERAGENCY COMMUNICATION

To provide for consistent and effective communication between DOE and USACE, each shall appoint a Principal Representative to serve as its headquarters-level point of contact on matters relating to this MOU.

ARTICLE III - RESPONSIBILITIES

A. PROGRAM MANAGEMENT AND FUNDING.

1. USACE shall manage all activities and prepare program estimates, funding requirements, and budget justifications for all FUSRAP activities for which it is responsible under the terms of this MOU. USACE shall request FUSRAP appropriations in the annual Energy and Water Development Appropriations Act for these activities. USACE shall respond to inquiries from public officials, Congressional interests, stakeholders, and members of the press regarding USACE activities under FUSRAP. Except as otherwise provided in this MOU, USACE is responsible for all response action activities at FUSRAP sites until two years after closeout.

2. DOE shall use resources appropriated to it to meet its responsibilities under the terms of this MOU. Except as otherwise provided in this MOU, DOE is responsible for any required activities at FUSRAP sites beginning two years after closeout.

B. COMPLETED SITES.

1. DOE:

a. Shall be responsible for: surveillance, operation and maintenance, including monitoring and enforcement of any institutional controls which have been imposed on a site or vicinity properties; management, protection, and accountability of federally-owned property and interests therein; and any other federal responsibilities, including claims and litigation, for those sites identified as completed in Attachment "A". Should it be necessary to undertake further administrative actions to finalize the completion of those sites in Attachment "A", DOE will identify the administrative actions to be taken, coordinate funding requirements for those actions with USACE, and upon receipt of funds from USACE, complete the necessary administrative actions to finalize completion of those sites;

b. Shall request USACE to conduct additional FUSRAP cleanup in a manner consistent with those procedures described in Article III section D, FUSRAP ELIGIBILITY (NEW SITES);

c. Shall be successor to USACE in Federal Facility Agreements for long-term surveillance, operation and maintenance, for which DOE is responsible under the provisions of this MOU;

d. Shall be responsible for administration of payments in lieu of taxes for any federally-owned lands held in connection with FUSRAP; and

e. Upon completion of FUSRAP activities by USACE, shall be responsible for: surveillance, operation and maintenance, including monitoring and enforcement of any institutional controls which have been imposed on a site or vicinity properties; management, protection and accountability of federally-owned property and interests therein; and any other federal responsibilities, including claims and litigation, not directly arising from USACE FUSRAP response actions.

2. USACE:

a. Shall assume no responsibility for the completed sites listed in Attachment "A" unless additional response actions are determined to be necessary under the provisions of Article III paragraph B.1.a. and Article III section D; and

b. In accordance with Article III section B.1.a., will provide funding to DOE for administrative actions required to finalize completion of the sites in Attachment "A".

Such funding will be requested in USACE FUSRAP budget requests, or provided through Congressionally-approved reprogramming actions.

C. ACTIVE SITES.

1. DOE:

a. Upon request from USACE, shall provide USACE with site designation decision documents and reports, contractual documents, program administration files, technical records, and documents related to federally-owned property, including associated financial records, cost estimates, schedules of program activities, and supporting data;

b. Hereby provides USACE with authorization for access to such lands or interests in land for which DOE has administrative accountability or to which DOE otherwise is authorized to provide access pursuant to statute, permit, license or similar agreement, to the extent that it may do so under the terms of any such agreements;

c. Upon request from USACE, to the extent permitted by law, shall acquire, using funds appropriated for FUSRAP activities, such additional real property and interests therein as may be required by USACE to execute the program, if USACE cannot otherwise accomplish the acquisition under its own authority;

d. To the extent permitted by law, hereby agrees to provide such authorization to USACE as may be required to terminate any existing leases, licenses, permits, or other agreements for access to, and the use of, land or facilities which USACE determines are no longer required to execute FUSRAP;

e. Beginning two years after closeout, shall be responsible for long-term surveillance, operation and maintenance, including monitoring and enforcement of any institutional controls which have been imposed on a site or vicinity properties, and, upon closeout, shall accept the transfer of federally-owned real property and interests therein, acquired by USACE for FUSRAP execution;

f. Shall be responsible for administration of payments in lieu of taxes for any federally-owned lands held by either USACE or DOE in connection with FUSRAP;

g. Shall be responsible, only after a determination of liability by a court of competent jurisdiction and exhaustion of applicable appeal rights, for payment of claims by property owners for damages to property and personal injuries due to DOE's actions prior to October 13, 1997, provided that:

i. This MOU does not alter or diminish the right of DOE to raise any defenses available under law, including sovereign immunity, in the case of any third party

claims, whether in an administrative or a judicial proceeding; and

ii. Nothing in this agreement shall be interpreted to require any obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. § 1341);

h. Shall have accountability for federally-owned real property interests acquired by or transferred to DOE, including inventory reporting to the General Services Administration as may be required by that agency; and

i. To the extent permitted by law, hereby agrees to make such outgrants on federally owned real property interests, referred to in paragraph h. above, as may be requested by USACE in connection with the relocation of utilities and facilities or to otherwise facilitate FUSRAP execution.

2. USACE:

a. Shall be responsible for property management and response action activities at active FUSRAP sites, except for DOE's inventory reporting of federally owned real property interests related to FUSRAP under Article III paragraph C. 1.h. and as otherwise provided in this section;

b. Shall be responsible for site cleanup in accordance with its obligation to administer and execute FUSRAP imposed by Public Law 105-62; Public Law 105-245; any subsequent laws specifically relating to FUSRAP; CERCLA; and the NCP;

c. Shall accordingly be responsible for site closeout in accordance with CERCLA, the NCP, and USACE procedures;

d. During cleanup operations and for the first two years after site closeout, shall be responsible for surveillance, operation and maintenance, as required, and for management and protection of federally-owned real property in connection with FUSRAP;

e. Shall establish cleanup standards in consultation with federal, State and local regulatory agencies;

f. Within its authorities, may acquire real property and interests therein required for FUSRAP execution;

g. Shall maintain accountability for real property and interests therein which USACE

acquires under its authorities for FUSRAP execution, until such time as such real property and interests therein are transferred to DOE;

h. Shall be responsible, in cooperation with the Department of Justice, for identifying and for seeking recovery from Potentially Responsible Parties (PRPs) under CERCLA for response actions performed at eligible FUSRAP sites;

i. Shall accept responsibility as DOE's successor for all response actions required by Federal Facility Agreements executed between DOE and EPA at eligible FUSRAP sites;

j. Shall determine the need for response actions under FUSRAP of any vicinity property;

k. Shall conduct a technical review of the adequacy of USACE-selected remedies on the fifth anniversary of site closeout where necessary;

l. Shall execute and sign new FFA's and permits required for FUSRAP activities;

m. Shall coordinate with DOE as appropriate on issues relating to activities on:

> i. DOE's inventory reporting of federally-owned real property referred to in Article III paragraph C. 1.h., above;
>
> ii. Any DOE outgrants on federally-owned real property interests referred to in Article III paragraph C.1.i., above; and
>
> iii. Changes to existing FFA provisions or to new provisions that relate to long-term surveillance, operation and maintenance by DOE referred to in Article III paragraphs C.2.i. and l. above;

n. Shall be responsible, only after a determination of liability by a court of competent jurisdiction and exhaustion of applicable appeal rights, for damages due to the fault or negligence of USACE or its contractors, and shall hold and save harmless DOE free from all damages arising from USACE FUSRAP activities to the extent allowable by law, provided that:

> i. This MOU does not alter or diminish the right of USACE to raise any defenses available under law, including sovereign immunity, in the case of any third party claims, whether in an administrative or a judicial proceeding; and
>
> ii. Nothing in this agreement shall be interpreted to require any obligation or

payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. § 1341);

o. Upon completion of FUSRAP activities, shall provide a copy of surveys, findings, decision documents, and access agreements for property not owned by the government, as well as close out documents, to DOE for the historical record. This includes all sites determined eligible, whether or not any response action was taken.

D. FUSRAP ELIGIBILITY (NEW SITES).

1. DOE:

a. Shall perform historical research and provide a FUSRAP eligibility determination, with historical references, as to whether a site was used for activities which supported the Nation's early atomic energy program;

b. Shall provide USACE with the determination, a description of the type of processes involved in the historical activities at the site, the geographic boundaries of those activities. (as reflected by documentation available to DOE), and the potential radioactive and/or chemical contaminants at the site; and

c. Shall maintain records of determination of eligibility and other files, documents and records associated with the site.

2. USACE:

a. Upon receipt of DOE's determination and its description of the type of processes involved in the historical activities at the site and potential radioactive and/or chemical contaminants, shall conduct necessary field surveys and prepare a preliminary assessment in accordance with CERCLA and the NCP;

b. Shall determine the extent of FUSRAP-related contamination at the eligible site, at vicinity properties, and at other locations where contamination originated from the eligible site;

c. Shall determine if the contamination is a threat to human health or the environment;

d. Shall consult with DOE if USACE surveys, investigations, and data analyses are inconsistent with the DOE description of the potential radioactive and/or chemical contaminants and processes involved in the historical activities at the site;
e. Shall determine the extent to which response action under CERCLA is required to address FUSRAP-related contamination at the site; and

f. Upon completion of FUSRAP activities, shall provide a copy of surveys, findings, decision documents, and access agreements for property not owned by the government, as well as close out documents, to DOE for the historical record. This includes all sites determined eligible, whether or not any response action was taken.

ARTICLE IV – FURTHER ASSISTANCE

DOE and USACE shall provide such information, execute and deliver any agreements, instruments and documents, and take such other actions, to include DOE assistance with technical and waste disposal matters, as may be reasonably necessary or required, which are not inconsistent with the provisions of this MOU, in order to give full effect to this MOU and to carry out its intent.

ARTICLE V - DISPUTE RESOLUTION

A. Every effort will be made to resolve issues between USACE and DOE by the staff directly involved in the activities at issue, through consultation and communication or other forms of non-binding alternative dispute resolution mutually acceptable to the parties. If a mutually acceptable resolution cannot be reached, the dispute will be elevated to successively higher levels of management up to, and including, the Secretary of Defense and the Secretary of Energy.

B. In the event such measures fail to resolve the dispute, the parties shall refer the matter to the Office of Management and Budget (OMB) for resolution, unless the dispute involves questions of law, which shall be referred to the Office of Legal Counsel of the Department of Justice pursuant to Executive Order 12146.

ARTICLE VI - AMENDMENT AND TERMINATION

ARTICLE VI - AMENDMENT AND TERMINATION

This MOU may be modified or amended in writing by the mutual agreement of the parties. Either party may terminate the MOU by providing written notice to the other party. The termination shall be effective sixty (60) days following notice, unless a later date is agreed to by the parties.

ARTICLE VII - EFFECTIVE DATE

This MOU shall become effective when signed by authorized officials of DOE and USACE.

U.S. Department of Energy

James M. Owendoff

James M. Owendoff
Acting Assistant Secretary
For Environmental Management

Date: 3/17/99

U.S. Army Corps of Engineers

Russell L. Fuhrman

Russell L. Fuhrman
Major General, U.S. Army
Director of Civil Works

Date: 16 Mar 99

Attachments:
A. List of Completed Sites
B. List of Active Sites

Attachment A
Completed FUSRAP Sites

Site Name	City and State
Kellex/Pierpont	Jersey City, New Jersey
Acid/Pueblo Canyon	Los Alamos, New Mexico
Bayo Canyon	Los Alamos, New Mexico
University of California	Berkley, California
Chupadera Mesa	White Sands Missile Range, New Mexico
Middlesex Municipal Landfill	Middlesex, New Jersey
Niagara Falls Storage Site Vicinity Properties	Lewiston, New York
University of Chicago	Chicago, Illinois
National Guard Armory	Chicago, Illinois
Albany Research Center	Albany, Oregon
Elza Gate	Oak Ridge, Tennessee
Seymour Specialty Wire	Seymour, Connecticut
Baker & Williams Warehouses	New York, New York
Granite City Steel	Granite City, Illinois
Aliquippa Forge	Aliquippa, Pennsylvania
C.H. Schnoor	Springdale, Pennsylvania
Alba Craft Laboratory	Oxford, Ohio
HHM Safe Company	Hamilton, Ohio
Associate Aircraft	Fairfield, Ohio
B & T Metals	Columbus, Ohio
Baker Brothers	Toledo, Ohio
General Motors	Adrian, Michigan
Chapman Valve	Indian Orchard, Massachusetts
Ventron	Beverly, Massachusetts
New Brunswick Laboratory	New Brunswick, New Jersey

Attachment B
Active FUSRAP Sites

Site Name	City and State
Latty Ave. Properties	Hazelwood, Missouri
St. Louis Airport	St. Louis, Missouri
Vicinity Properties	Hazelwood & Berkley, Missouri
St. Louis Downtown Site	St. Louis, Missouri
DuPont	Deepwater, New Jersey
Maywood	Maywood, New Jersey
Wayne	Wayne, New Jersey
Middlesex Sampling Plant	Middlesex, New Jersey
Ashland 1	Tonawanda, New York
Ashland 2	Tonawanda, New York
Seaway Industrial Park	Tonawanda, New York
Linde Air Products	Tonawanda, New York
Niagara Falls Storage Site	Lewiston, New York
Colonie	Colonie, New York
Bliss & Laughlin Steel	Buffalo, New York
Luckey	Luckey, Ohio
Painesville	Painesville, Ohio
CE Site	Windsor, Connecticut
Madison	Madison, Illinois
Shpack Landfill	Norton, Massachusetts
W.R. Grace	Curtis Bay, Maryland

Mackenzie

Department of Energy

Washington, DC 20585

April 8, 2002

Brigadier General Robert H. Griffin
Director of Civil Works
U.S. Army Corps of Engineers
Department of the Army
Washington, D.C. 20314-1000

Dear General Griffin:

This is in response to your December 4, 2001, letter concerning procedures to be followed to meet our respective responsibilities under the Memorandum of Understanding (MOU) signed by the Department of Energy (DOE) and the U.S. Army Corps of Engineers (USACE) in March 1999. The MOU delineates the responsibilities of DOE and the USACE regarding program administration and execution of the Formerly Utilized Sites Remedial Action Program (FUSRAP). This letter summarizes the position of the Department regarding certain procedures that we propose to be followed regarding the addition of new sites to FUSRAP and the transfer of completed sites for long-term stewardship.

1. **Addition of New Sites to FUSRAP:**

   The Department will evaluate the eligibility of sites for possible inclusion as new sites in FUSRAP against the criteria in the FUSRAP Summary Protocol-Identification-Characterization-Designation-Remedial Action-Certification dated January 1986. This summary protocol is referenced and summarized in the DOE FUSRAP Management Requirements and Policies Manual dated May 5, 1997. Any site identified as a potential new site for FUSRAP will be referred to the USACE for further evaluation.

   My staff will continue their practice of immediately notifying your staff of any inquiry that would result in an eligibility review. Typically, an eligibility review is undertaken based on several inquiries or new pieces of information regarding a site, rather than a single specific request. To ensure that the USACE is aware of inquiries into sites that are being considered for eligibility for inclusion in FUSRAP, it has been my staff's practice for the past year to meet monthly with your staff and discuss FUSRAP activities. A portion of these meetings has been, and will continue to be, devoted to a discussion of any inquiries DOE or the USACE has received regarding FUSRAP.

2. Transfer of Completed Sites:

For privately owned FUSRAP sites where the long-term stewardship responsibility will be limited to record keeping, we support the three step transfer process outlined in your December 4 letter. For the number of sites that are currently Federally-owned, DOE would like to continue to work together with USACE at the staff level to facilitate the transfer of title to those properties to private or local government ownership, or to transfer the real property interests to other Federal agencies, as appropriate. Our two agencies have successfully coordinated the transfer of the New Brunswick FUSRAP site and the same procedure may be applicable for the remaining Federally-owned FUSRAP sites.

In addition, we will arrange a meeting so that our staffs have an opportunity to further discuss the 1999 MOU between our two agencies. I have designated Mr. James Owendoff, Deputy Assistant Secretary for Science and Technology as my representative for this effort.

If you have any further questions, please contact me at (202) 586-7710, or contact Jim Owendoff at (202) 586-6832.

Sincerely,

Jessie Hill Roberson
Assistant Secretary for
Environmental Management

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

DEC -4 2001

Programs Management Division
Directorate of Civil Works

Jessie Roberson
Assistant Secretary for Environmental Management
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Ms. Roberson:

The Memorandum of Understanding (MOU), signed by the Department of Energy (DOE) and the U.S. Army Corps of Engineers in March 1999, defines the roles and responsibilities of both agencies in the management and execution of the Formerly Utilized Sites Remedial Action Program (FUSRAP). It also establishes a framework for the execution of FUSRAP. It does not specify the procedures that each agency shall follow to meet its responsibilities. The Corps and DOE have identified two areas where agreement on the procedures to be followed is needed in order to address issues currently facing both agencies. These two areas are the addition of new sites to FUSRAP and the transfer of completed sites to long term stewardship. This letter summarizes the understandings regarding procedures in these two areas that the Corps has reached with your staff.

Addition of new sites to FUSRAP. Corps authority for the cleanup of radiologically contaminated sites is limited to the authorities provided under the Energy and Water Development Appropriations Acts, 1998, 1999 and 2000 for the Corps to serve as the lead agency for the cleanup of FUSRAP sites under the Comprehensive Environmental Response, Liability and Compensation Act (CERCLA). In addition, we do not believe Congress intended to increase the scope of FUSRAP to include sites that did not meet DOE criteria when it transferred responsibility for the administration and execution of FUSRAP to the Corps. Accordingly, we request that DOE evaluate potential new sites against the criteria in the DOE FUSRAP Management Requirements and Policies Manual (MRPM), dated May 5, 1997, and refer to the Corps for evaluation only sites meeting the DOE eligibility criteria.

Generally speaking, these are sites where there is a potential for radiological contamination (i.e., releases of radioactive material into the environment in amounts unacceptable when measured against federal or state standards, permits or licenses) and where DOE has liability for radiological contamination through predecessor operations in support of the Manhattan Project or early Atomic Energy Commission activities. Sites where remaining radioactive material is not due to DOE predecessor operations in support of the Manhattan Project or early Atomic Energy Commission activities, or where another

governmental organization is responsible for the radiological material (as would be the case if the material were subject to a Nuclear Regulatory Commission (NRC) license), or where the material is being addressed under another remedial action program are not eligible.

We also request that DOE coordinate its new site designation activities with the Corps to ensure that there is a smooth transition with minimal duplication of effort or lost time. Specifically DOE would notify the Corps as soon as an event occurs, a letter of inquiry for example, that could result in an eligibility review and a referral to the Corps, and provide the Corps with copies of all documentation and historical records pertinent to its eligibility determination at the earliest opportunity.

Transfer of completed sites. In accordance with the general process in the MOU, the Corps will employ a three-step process for transfer of completed sites, beginning when the Record of Decision (ROD) is signed. The Corps will provide DOE with a copy of the ROD, a separate general description of the site and remedial action goals, estimated remedial action schedule, and anticipated land use controls and operations and maintenance requirements.

The second step will occur after the site closure report is complete and a declaration of completed action has been signed. At that time, in addition to a copy of the site closure report and declaration, the Corps will provide DOE with letters from regulators acknowledging that remedial action goals have been met, as well as operations and maintenance, and land use control implementation plans, as required and available. The Corps will also advise DOE of the dates when short-term maintenance starts and ends and provide an estimate of annual out-year cost requirement, and general description of the remedial goals and any restrictions remaining on the property.

The third step will occur when the Corps has completed all remedial activities at the site and ninety days before the end of the two-year short-term operations and maintenance for which the Corps is responsible. At that time the Corps will notify DOE of the effective date of transfer to DOE for long-term operations and maintenance. Accompanying this notification will be a complete copy of the administrative record, the operations and maintenance plans and the actual costs of operations and maintenance for the first two years, and a description of the long-term actions required by DOE.

In addition the Corps will provide DOE with informational copies of draft site specific land use controls and implementation plans being coordinated with regulators and other stakeholders, and keep DOE informed of changes in completion schedules and other events/issues that might impact DOE's future responsibilities at a site. Corps regional FUSRAP program managers have been encouraged to invite DOE to participate in public meetings, especially at sites that will require significant long-term operation and maintenance activities, and/or the maintenance of land use controls.

If the procedures described above are acceptable to the DOE, please notify me in writing. Once in place, these procedures will facilitate each agency's meeting its continuing FUSRAP responsibilities.

Sincerely,

Robert H. Griffin
Brigadier General, U.S. Army
Director of Civil Works

Appendix B

Excerpt from *Formerly Utilized Sites Remedial Action Program,* ER 200-1-4, August 29, 2014 (Appendixes F and G)

APPENDIX F

Transfer of Completed FUSRAP Sites to DOE

Transfer of Completed FUSRAP Sites to DOE

This appendix outlines the procedures for transmitting Completed FUSRAP sites to the Department of Energy. It applies to all USACE commands involved with the execution of FUSRAP. These activities will be performed in accordance with the MOU in Appendix A.

PROCEDURES

Transmittals: All official transmittals to DOE will require a receipt of acceptance. All transmittal letters will be included as part of the Administrative Record. The executing district shall send the transmittals directly to DOE, with signed copies of the transmittals (without enclosures) sent to Division and HQ.

Record of Decision (ROD). After the ROD is signed and regulators have concurred, then a copy of the ROD with a transmittal letter will be sent to DOE. ROD transmittals are to be addressed to the current U.S. Department of Energy point of contact available from the HQUSACE National FUSRAP Execution Manager. The transmittal letter will include the following information:

a. General description of site and remedial action goals;

b. Estimated Remedial Action Schedule – Projected start and completion dates;

c. Anticipated land use controls;

d. Anticipated Operations and Maintenance requirements;

e. Location of Administrative Record; and

f. Enclosures. Enclosures to be included in the transmittal at the time of final ROD distribution are:

(1) ROD; and

(2) Responsibility Matrix.

Site Closeout. Refer to site closeout requirements in paragraph 6.g. of this ER for necessary submittals from the executing district and division to HQUSACE. After site closure report is complete and declaration of remedial action complete has been signed, a copy of site closure report will be submitted to DOE. Site closeout transmittals shall be addressed to the current U.S. Department of Energy point of contact available from the HQUSACE National FUSRAP Execution Manager. The site closeout transmittal letter will include the following:

a. General description of response action taken;

b. General description of remedial goals and ROD requirements;

c. General description of long term stewardship requirements (e.g. O&M, monitoring, land use controls, inaccessible soils);

d. Date that the two-year period begins and ends thereby transferring responsibility for the site to DOE;

e. Any estimated out-year cost requirements;

f. Location of Administrative Record;

g. Enclosures. Enclosures to be included in the closeout transmittal are:

(1) Site Closeout Report;

(2) Letter(s) from appropriate regulators that the remedial goals have been met;

(3) Letter of site closeout notification to non-federal landowner; and

(4) Responsibility Matrix.

Site Transfer–Transfer of Site to DOE from USACE. At the end of the two-year maintenance period specified in the close out letter to DOE, USACE will transfer the responsibility for the site to DOE. During the two-year maintenance period, the executing district should routinely coordinate with DOE to ensure that all necessary issues are being addressed. Reference j. herein and the Site Transition Framework attached to it, though not directly applicable to FUSRAP sites provide DOE policy outlining issues common to all site transitions to DOE Legacy Management. Ninety days prior to this two-year transfer date, the executing district shall send a transfer letter to DOE notifying them of the date of transfer. Site transfer transmittals shall be addressed to the current U.S. Department of Energy point of contact available from the HQUSACE National FUSRAP Execution Manager. USACE will provide a letter to DOE including the following:

a. Transfer of responsibility to DOE on specified date;

b. A statement describing that USACE no longer will be responsible for site;

c. A brief history of the site remedial actions and cleanup goals;

d. Any long-term actions required by DOE;

e. Actual two-year costs for O&M or LUCs;

f. POC at USACE for future questions including office responsible for FUSRAP at HQ;

g. Current status of property;

h. Documents included in the transmittal will include:

(1) Complete copy of Administrative Record;

(2) Operations and Maintenance Plan and/or scope of work from existing O&M contract;

(3) Operations and Maintenance Reports; and

(4) Responsibility Matrix.

Project Files. Project files will be retired to the appropriate National Archives and Records Administration (NARA) administered records center facility in accordance with AR 25-400-2.

APPENDIX G

Revised Mandatory Review Requirements for the Formerly Utilized Sites Remedial Action Program

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

CECW-ZA

SEP 4 2007

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Mandatory Review Requirements for the Formerly Utilized Sites Remedial Action Program (FUSRAP)

1. References

a. Memorandum ASA(CW), 21 Jul 1998, Subject: Delegation of Authority for Approval and Signature of Decision Documents, Including Records of Decision (RODs) and Agreements, for the Formerly Utilized Sites Remedial Action Program (FUSRAP)

b. Memorandum HQUSACE, CECW-BA, dated 19 November 2001, Subject: Revised Delegation of Approval Authorities Under the Formerly Utilized Sites Remedial Action Program

2. The purpose of this memorandum is to advise you that a change has been made to the Mandatory Review and Approval Authority Matrix for FUSRAP. The responsibility for the mandatory legal review is now delegated to MSCs rather than the Hazardous, Toxic, and Radioactive Waste Center of Expertise (HTRW-CX). This change allows the Legal Community of Practice to utilize all of its resources while still ensuring a quality product in a timely manner. Document approval and signature authorities remain unchanged.

3. Although the responsibility for conducting the mandatory legal review is transferred from the HTRW-CX to the MSCs, the MSCs still have the option to utilize the HTRW-CX or other resources to perform the legal review as the MSC Counsel deems appropriate.

4. The attached matrix has been revised to show an "RT" for mandatory technical review, an "RL" for a mandatory legal review, and an "RP" for a mandatory policy review. The RT, RL, and RP are the mandatory review responsibility for the HTRW-CX, the MSCs, and HQ respectively.

5. I commend your effective use of the horizontal and vertical project management teams in the past and encourage you to continue this practice. I remind you that Districts must provide justification if they decline to accept significant recommendations of the HTRW-CX or HQUSACE FUSRAP teams.

6. The change in the approval matrix mandatory legal review responsibilities is effective immediately.

Encl

DON T. RILEY
Major General, US Army
Director of Civil Works

CECW-ZA

SUBJECT: Revised Mandatory Review Requirements for the Formerly Utilized Sites Remedial Action Program (FUSRAP)

DISTRIBUTION:

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CDR, US ARMY ENGR & SUPPORT CENTER, ATTN: CENWO-HX –S (Hines)
CDR, US ARMY ENGR DIV, MISSISSIPPI VALLEY, ATTN: CEMVS-OC (Levins/Wunsch/Bonstead)
CDR, US ARMY ENGR DIV, NORTH ATLANTIC, ATTN: CECC-NAD (Cox/Falcigno)
CDR, US ARMY ENGR DIV, GREAT LAKES & OHIO RIVER, ATTN: CELRB-OC (Barczak)
CDR, US ARMY ENGR & SUPPORT CENTER, ATTN: CEHNC-OC (Simmons)
CDR, US ARMY ENGR DIV, MISSISSIPPI VALLEY, ATTN: CECC-MV (Barnett/Merritt)
CDR, US ARMY ENGR DIV, NORTH ATLANTIC, ATTN: CECC-NAD (Cox/Falcigno)
CDR, US ARMY ENGR DIV, GREAT LAKES & OHIO RIVER, ATTN: CECC-LRD (Budzynski)
CDR, US ARMY ENGR DIV, GREAT LAKES & OHIO RIVER, ATTN:
CELRD-PDM (Church)
CDR, US ARMY ENGR DIV, MISSISSIPPI VALLEY, ATTN: CEMVD-RB-M (Sandles)
CDR, US ARMY ENGR DIV, NORTH ATLANTIC, ATTN: CENAD-MT (Orgel)

10 Aug 07

FUSRAP REVIEW AND APPROVAL AUTHORITY MATRIX

Document/Activity	MSC	HTRW-CX Technical	HTRW-CX Legal	HQ	DOE
Determination of Site Eligibility					D
Addition/Elimination of Eligible Site to/from FUSRAP	D	I	I	A	I
Determination and Designation of Vicinity Property	D, A	I	I	I	
Preliminary Assessment/Site Inspection	D, A, RL	RT	I	I	
Remedial Investigation	D, A, RL	RT	I	I	
Non-Time Critical Removal (EE/CA) Documents:					
- $5M and less	D, A, RL	RT	I		
- Over $5M	D, A, RL	RT	I	RP	
Time Critical Removal Document	D, A, RL	RT	I	I	
Feasibility Study	D, A, RL	RT	I	RP	
Proposed Plan	D, A, RL	RT	I	RP	
Record of Decision/Decision Document	D, A, RL	RT	I	RP	I
Disposal Strategy	D, A, RL	RT	I		
Land Use Implementation Plan	D,A, RL	RT	I	RP	I
Federal Facility Agreement	D, A, RL	RT	I	RP	
Declaration of Response Complete	D, A, RL	RT	I	I	I
Site Closeout Report	D, A, RL	RT	I	RP	I
No Further Action (NOFA)	D, A, RL	RT	I	RP	I
Regulatory Manifests	D, A				
Grants and Cooperative Agreements	D, A		I	I	
Operation and Maintenance (O&M) Plan	D, A, RL	RT		I	I
O&M Records/Reports:					
- First 2 Year O&M	D, A				
- Year 3 and On	I				D
- 5 Year Reviews before Transfer to DOE	D, A	RT	I	I	R
- Second 5 Year Review and On					D
Project Coordination/Transmittals to DOE	D,A	I	I	I	I

Concept: FUSRAP functions with vertical and horizontal teams. This table identifies responsibilities of vertical team members and assumes that the HQ, MSC and HTRW-CX are involved throughout the process with the district during project execution and the development of documents. The MSC may delegate the mandatory legal review to the HTRW-CX or other appropriate legal resource, but the MSC remains responsible ensuring for the legal review is accomplished and for the quality of the overall document.

Legend:
A – Approval/Signature
D – Develop/Execute
I – Information Copy
RT - Mandatory Technical Review; RL - Mandatory Legal Review; and RP: Mandatory Policy Review.
FUSRAP – Formerly Utilized Sites Remedial Action Program
MSC – Major Subordinate Command (included the Regional Integration Team and the districts)
HTRW-CX – Hazardous, Toxic and Radioactive Center of Expertise
HQ – HQUSACE
DOE – Department of Energy

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON DC 20314-1000

REPLY TO
ATTENTION OF

CECC-E

17 Jan 2011

MEMORANDUM FOR CENAD-OC, CELRD-OC, CEMVD-OC

SUBJECT: FUSRAP Approval Authority Matrix

The latest FUSRAP Approval Authority Matrix (Enclosure 1, dated 4 Sep 07) was changed to delegate the responsibility for Mandatory Legal Reviews to the MSCs rather than to the CX. That change was made due to a lack of counsel resources at the HTRW-OC. The memo provides that the change "allow[ed] the Legal Community of Practice to utilize all of its resources while still ensuring a quality product in a timely manner."

I retain the focus on ensuring a quality product in a timely manner, however, since that Matrix was adopted, the HTRW-CX was merged with another CX and reformed as the Environmental and Munitions Center of Expertise (EM CX) under the management of the Huntsville Center. This new CX has a new charter and substantial legal resources dedicated to it. FUSRAP is a core part of that charter. I want to ensure that we fully exploit the benefit of the expertise currently present at the fully staffed CEHNC-CX. Therefore, and consistent with the prior Approval Authority Matrix (Enclosure 2, dated 19 Nov 2001), while the responsibility for the Mandatory Legal Reviews remains with the MSCs per the 2007 matrix, CEHNC-CX-OC should review all FUSRAP documents prior to HQ Legal review and MSCs should resolve all comments prior to that HQ review.

Divisions are to ensure that adequate funds are provided to the EM CX to accommodate this review and this memorandum has been coordinated with both CEMP-IS (Ms. D'Arcy) and CECW-IN (Ms. DaCosta-Chisley). Although this review is not focused on monetary considerations, I note that review by the EM CX will result in greater efficiency by ensuring all FUSRAP documents are reviewed by the same lawyer.

I can be reached at (202) 761-8538 for questions and/or comments.

Chris Carey

Christopher Carey
Assistant Counsel for Law and
Regulatory Programs

Enclosure
As stated

Cc:
CEMP-IS (Ms. D'Arcy)
CECW-IN (Ms. DaCosta-Chisley)
CEHNC-CX-OC (Mr. Roberts)

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Appendix C

Site Transition Framework Checklist Template
(LM-Template-4-20-3.0)

Site Transition Framework Checklist Template
(LM-Template-4-20-3.0-0.0)
Last Updated: January 24, 2022

Introduction and Site Information

This Site Transition Framework (STF) Checklist was developed for the U.S. Department of Energy (DOE) Office of Legacy Management (LM) as a tool to support the process of transferring site responsibilities to LM for long-term stewardship (LTS). The purpose is to provide an effective and consistent method to initiate collection of site information prior to transfer of site responsibilities to LM. Additionally, the data collected via this checklist should be used to verify all requirements of the Site Transition Framework are adequately addressed and understood before transition occurs. LM will work with the Transferring Organization to complete the transition information. The STF checklist will be used in conjunction with (1) a punch list to track action items and/or (2) scope, schedule, and cost baselines. Transition activities include development of an LTS requirements document and *Site Management Requirements and Practices* (SMRP) document.

Information collected to complete the checklist should be directed toward the expected end-state conditions at the site rather than current conditions.

Site Name (Pre and Post LM) _____**Site Acronym** _____

Site Address _____**State** _____**Zip Code** _____

USEPA ID No. (as applicable) _____**State ID No. (as applicable)** _____

Nearest Major City/Town _____

Transferring Organization Information:

Contact Person _____

Contact Person Phone Number_____

Contact Person Email Address _____

Website Address _____

Major Milestones

What are the major milestones for site transfer to LM and the status for each?

_____

What is the official target date for transfer to LM? Is the site working toward the target date or to another date?

_____

What other dates are significant to the site regarding transitioning activities?

_____

Contents

1.0 Authorities and Accountabilities Are Assigned and Documented

1.1 General Information

1.1.1 Under what authority or authorities are the cleanup and the LTS being undertaken?

1.1.2 What agencies have oversight or regulatory roles (e.g., U.S. Environmental Protection Agency, state, U.S. Nuclear Regulatory Commission, etc.) at the site?

1.1.2.1 What are the agency roles during LTS?

1.1.3 List any Notices of Violation that have been received during or after remediation.

1.1.4 List any compliance actions that have not been completed.

_____

_____

_____

1.2 Points of Contact and Interfaces

1.2.1 Who are the primary points of contact for communication for the transferring organization and LM personnel? List may include subject matter experts as well as project leads.

1.2.2 Who are the primary points of contact for the oversight and/ or regulatory agencies?

_____

_____

_____

1.3 Agreements, Orders, or Treaties

1.3.1 Cooperative agreements

1.3.1.1 What, if any, cooperative agreements are in effect with other entities, such as Native American tribes, other federal agencies, states, or local governmental agencies, and where can the agreements be accessed?

1.3.2 Interagency agreements

1.3.2.1 What, if any, agreements are in effect with other federal agencies?

1.3.3 Federal Facility Agreements

1.3.3.1 Is this site subject to the Federal Facility Act? If yes, how can that agreement be accessed?

1.3.3.2 What, if any, post closure agreements have been discussed, started, or completed?

1.3.4 Other

1.3.4.1 Are there any other legal agreements that LM needs to know about and may need to become a party to? If yes, explain.

1.3.4.2 What closeout actions for agreements are still in progress?

2.0 Site Conditions Are Accurately and Comprehensively Documented

2.1 History of Site

2.1.1 What documents provide a brief overview of industrial activities and environmental issues at the site that would give LM personnel a synopsis of its history and relevant issues? What is the status of remediation at the site?

_____

_____

_____

2.2 Remedial Action

2.2.1 Technical documents

2.2.1.1 Which documents describe the remedy for each relevant operable unit, area, or medium? How can those be accessed? The documents may include:

- Site characterizations (e.g., conceptual site models, risk assessments, feasibility studies)
- Descriptions of site, contaminants, cleanup levels, and risk (e.g., a Remedial Investigation/Feasibility Study or equivalent)
- Decision documents (e.g., Records of Decision, Corrective Action Plans, etc.)
- Remedial Action Plans, remedial design reports, activity reports

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2.3 End-State Description

2.3.1 What documents describe the end state and have those been received? These may include:

- Remedial action reports
- Risk assessments and conceptual models
- Closeout reports
- Regulatory concurrence
- Notice that the site has been removed from the USEPA National Priorities List
- Site management plans

2.3.2 Have the remedial actions and associated documentation been approved by the oversight agencies?

2.4 Final Conditions

2.4.1 Are final physical conditions described, including the locations of site features?

2.4.1.1 Items to be documented could include:

- Physical features and attributes (e.g., topography, vegetation)
- Built features (e.g., buildings, water control structures, roads)
- Engineered structures (e.g., disposal structures, access controls)
- Treatment systems
- Monitoring infrastructure (e.g., groundwater wells and wastewater outfalls)

2.4.2 Is residual contamination documented (i.e., its location, nature, and extent)?

2.4.3 What documents contain the descriptions? How can they be accessed?

2.4.4 Which documents describe the LTS requirements? How can those be accessed?

2.4.5 Are there any issues with EPA emerging contaminants and/or Federal Facility Contaminants of Concern (https://www.epa.gov/fedfac/emerging-contaminants-and-federal-facility-contaminants-concern)?

2.4.6 Are there any natural disasters common to the site or surrounding areas?

2.4.7 Have site, structures, and systems been assessed for climate change/resilience? (https://www.epa.gov/climate-change)?

2.4.8 List any areas where LTS requirements are not yet defined.

3.0 Engineered Controls, Operations and Maintenance Requirements, and Emergency and Contingency Planning Are Documented

3.1 Physical (including engineered) Controls

3.1.1 Site maps and drawings

3.1.1.1 Has the transferring organization provided or identified locations of site features, infrastructure (e.g., utilities) and monitoring stations (see Section 7.4)?

3.1.1.2 Has the transferring organization provided the environmental data (see Section 7.5)?

3.1.1.3 What drawing sets depict engineered systems and structures?

3.1.1.4 What other reports describe site physical and radiological conditions?

3.1.1.5 Are operating manuals and procedures needed and available?

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3.2 Costs and Schedules

3.2.1 What is the site's work breakdown structure for LTS?

3.2.2 Has LTS scope been identified and have costs been estimated?

3.2.3 Has a life-cycle baseline been developed for LTS activities?

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3.3 Operations and Maintenance

3.3.1 What are the types and locations of remedy facilities (e.g., surface water treatment systems, groundwater treatment systems, landfills, caps, soil covers)?

3.3.2 Conduct a physical inspection of the facility.

3.3.3 Procedures and plans

3.3.3.1 Obtain existing maintenance and operations plans and procedures (e.g., for storm water; Spill Prevention, Control, and Countermeasure; emergency preparedness; treatment systems). Do the plans describe performance requirements for the systems?

3.3.3.2 Are current and final construction specifications for the remedy systems and site reconstruction available?

3.3.3.3 Are the design files for the remedy system and site reconstruction available?

3.3.3.4 What items will have a warranty after transition?

3.3.4 Waste management

3.3.4.1 What waste-generating operations are expected to continue, after transition, for LTS activities?

3.3.4.2 What are the waste streams resulting from the ongoing waste-generating operations?

3.3.4.3 What is the frequency and amount of waste disposal?

3.3.4.4 What are the requirements and procedures for management of the waste?

3.3.4.5 Will anything currently known about future land use require new or different waste streams or disposal paths under LTS?
If yes, describe.

3.3.5 Permits

3.3.5.1 What permits are needed for LM operations? When will the permits be transferred to new parties responsible for maintaining them?

3.3.5.2 List the closeout actions in progress that need to be completed before transition of LTS to LM.

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3.4 Monitoring

3.4.1 Sampling and analysis

3.4.1.1 What sampling requirements will be required by LM and are they in place (e.g., surface water, air, groundwater, soil, biota,)?

3.4.1.2 What types of long-term monitoring are required by permits or other documents? (e.g., threatened and endangered species, invasive vegetation, air quality)

3.4.1.3 Are procedures and protocols for sampling and analyses available?

3.4.1.4 What equipment and automated data collection systems are in use?

3.4.1.5 Has an exit strategy been established for when long-term monitoring can cease?

3.4.2 Data validation

3.4.2.1 What are the requirements and procedures for data validation?

3.4.2.2 Who is on the distribution list to receive monitoring data (e.g., regulators, landowners or lessees, information repository for groundwater quality data)? How is the information distributed?

3.4.3 Analytical chemistry laboratory services

3.4.3.1 Determine the requirements for an analytical chemistry laboratory subcontract, including detection limits, analytical procedures, reporting, electronic data deliverables, laboratory quality control, sample media, and certifications.

3.4.4 Database management (e.g., geographic information system) (See Section 7 for additional details)

3.5 Performance Evaluations

3.5.1 Verification process

3.5.1.1 What is the process for verifying the remedy is successful, and how is that documented?

3.5.1.2 How often is the remedy verified and who performs the verification?

3.5.1.3 What contingency plans are required and in place?

3.5.1.4 Obtain copies of procedures, plans, and similar documentation.

3.5.1.5 Who is on the distribution list for remedy verification reports?

3.6 Revegetation and Reclamation

3.6.1 What are the revegetation and reclamation commitments for the site?

3.6.1.1 What are the maintenance and inspection requirements for these measures?

3.6.1.2 Who will be responsible for these activities?

3.7 Emergency Response Plan

3.7.1 Is an emergency response plan needed for site operations, environmental remediation and/or LTS?

3.7.2 How can the emergency response plan be accessed?

3.7.3 Have requirements been defined to ensure the emergency response plan is effective?

3.7.4 Has the emergency response plan been implemented?

4.0 Institutional Controls, Real Property Records, and Enforcement Authorities Are Identified

4.1 Institutional Controls

4.1.1 What institutional controls (ICs) are necessary for the entire site, portions of the site, or for any medium (e.g., for groundwater)?

4.1.2 What agreements documenting ICs, such as an environmental covenant with the state or a deed restriction with a landowner, have been prepared? Where are these instruments located and are they recorded?

4.1.3 What physical controls are in place or needed for the site (e.g., fencing, roads, signs, and other controls)? Are any of these physical controls considered interim (temporary for cleanup action or security)?

4.1.4 Is there residual contamination on the site that requires administrative controls (e.g., mechanisms to prohibit drilling or land disturbance)?

4.1.5 Have the ICs been accepted and adopted by all affected parties?

4.1.5.1 If not, what is the process for reaching agreement?

4.1.5.2 What are the management requirements for the ICs?

4.1.5.3 Has enforcement authority for ICs been established and documented?

_____

_____

_____

4.1.6 Future plans

4.1.6.1 What plans are being developed for the site and are they available for review?

4.1.6.2 Does the site have a future land-use map?

4.1.6.3 What are the future land-use plans for adjacent properties?

4.1.6.4 What are the impacts, if any, of local zoning on future plans?

4.1.6.5 Who will be the site owner(s) after transition to LM?

4.1.6.6 Are future plans protective of human health and the environment?

_____

_____

_____

4.2 Real Property

Identify and obtain documentation for the real property assets listed below. Real property assets are defined as any interest in land, together with the improvements, facilities, structures, and fixtures located thereon, including prefabricated movable structures and appurtenances thereto, under the control of DOE. Real property assets are further defined in the *Federal Management Regulations* Section 101-476.103-12. An evaluation of real property assets includes the following:

- Determine what interests will remain at closure, both onsite and offsite, including land, easements, mineral or water rights, well permits, licenses, and permits.
- Determine any other ingrants or outgrants proposed for transfer to LM.
- Obtain information on each grantor.
- Determine future land use for property.
- Obtain as-built drawings for any remaining improvements and utilities.
- Obtain existing maintenance and operations plans and procedures.
- Perform a physical inspection of facility.

4.2.1 Other questions to be considered are: What authority was used to acquire the interests? What jurisdiction exists? Do proprietary, exclusive, or other federal interests include offsite interests such as easements, licenses and permits?

4.2.2 Land

4.2.2.1 What is the current land use?

4.2.2.2 What type of title exists and is it in the name of the agency or the United States government?

4.2.2.3 Have real estate records from the transferring organization or other agency been requested?

4.2.2.4 Where are the real estate records now? Is the real estate record complete, including acquisition instrument and deeds, withdrawal records and Federal Register notices, title plats, legal descriptions and plats, surveys, and maps?

4.2.2.5 List any outstanding interests, such as outleases or easements, deed restrictions, or nonfederal controls or other burdens on the property.

4.2.2.6 List any federally funded offsite improvements (e.g., roads, traffic lights).

4.2.2.7 Have all unneeded real property ingrants and outgrants been terminated?

4.2.2.8 Are there any oversight transfer restrictions (i.e., subsequent to the Resource Conservation and Recovery Act [RCRA] or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [CERCLA])?

4.2.2.9 What local government has jurisdiction for the property? Are the realty instruments recorded? If so, where?

4.2.2.10 What is the zoning for the site? Are there any zoning or property tax issues?

4.2.2.11 Has the DOE Real Property Asset Management (RPAM)-required, 10-Year Plan been written?

4.2.2.12 List any subsurface rights (e.g., for minerals, oil, gas).

4.2.2.13 List any water rights.

4.2.2.14 List any well permits.

4.2.3 Maps, plats, and exhibits

4.2.3.1 Where are the official land surveys, monumentation records, and cadastral surveys records stored and available for use?

4.2.3.2 Where can the official site maps, mineral rights maps, water rights maps, well permit maps, easement maps and legal descriptions, oil and gas lease maps, and tribal trust land maps be accessed?

4.2.3.3 Where can the master title plats, title plats, and county title plats be accessed?

4.2.3.4 Where can the legal descriptions and recorded data be accessed?

4.2.3.5 Where can the existing and abandoned utility improvement easements maps be accessed?

4.2.4 Outgrants and use agreements

4.2.4.1 Are use agreements in effect for portions of the property or for the entire site? If yes, how can these be accessed?

4.2.4.2 Are there outgrants for grazing, access, or research? Describe the revenues generated and the procedure for processing the revenues.

4.2.5 Ingrants and Access Permits, Easements, and Licenses

4.2.5.1 Are there any access agreements that are needed for ongoing operations? If yes, how can these be accessed?

4.2.5.2 What real estate permits or instruments, such as access agreements, are in place to allow for monitoring? Are they in written form and, if so, where can the records be accessed?

4.2.6 Mineral rights

4.2.6.1 What mineral interests are owned by the United States government?

4.2.6.2 Were any minerals severed from the surface estate?

4.2.6.3 List any permitted mining operations.

4.2.7 Water rights

4.2.7.1 What water rights are owned by the United States government?

4.2.7.2 List any water rights retained by former owners of the property.

4.2.7.3 List any outstanding water conveyances on the property and identify the easement holders. Provide copies of the easements.

4.2.8 Wells and well permits

4.2.8.1 What wells and well types are associated with the site?

4.2.8.2 What well permits are held by the United States government?

4.2.8.3 Does the state have any well abandonment requirements? Who is the state regulatory authority and point of contact?

4.2.8.4 List any offsite permits and access agreements. Provide copies of the records and instruments.

4.2.9 Leasehold interests

4.2.9.1 What leases exist and are they expected to continue into LTS? Provide copies of the contracts.

4.2.9.2 List any granted leaseholds to others (outgrants).

4.2.10 Other real property interests

4.2.10.1 List any real estate ICs, such as deed restrictions, covenants, zoning agreements, or easements.

4.2.10.2 Are there any restrictions on the use of airspace over the site? If yes, who is the point of contact?

4.2.11 Infrastructure

4.2.11.1 What buildings or other structures will remain?

4.2.11.2 Are there any leasehold interests associated with any buildings and other structures that will remain in place after transition? If so, provide addresses of the leaseholders and copies of the contract. What are the costs, restoration requirements, cancellation or termination costs, and time frame for notices?

4.2.11.3 List any other structures that will remain after transition. List any dam/water impoundment safety requirements or any required annual inspections and reports. Relevant infrastructure components include:

- Power generation systems
- Treatment systems
- Roads
- Fencing

- Disposal facilities
- Electrical distribution stations
- Extraction wells
- Injection systems
- Surface water structures (e.g., drainage channels, streams, dams, pond flow controls, flow diversions)

4.2.11.4 What utilities will remain in place after transition?

- Identify the types and names of service providers (e.g., transmission or service, electric, natural gas, domestic water, sewage, etc.)

4.2.12 Are Facilities Information Management Systems (FIMS) reporting requirements being met?

4.2.12.1 Who is the FIMS administrator for the property and are the records (required fields) populated?

4.2.13 Are there beneficial reuse opportunities that could be considered for the real property? Is beneficial reuse occurring at the real property? What beneficial reuse opportunities have been considered?

4.2.14 What security requirements will remain after transition or be required through the transition process?

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4.3 Personal Property

4.3.1 What personal property inventory will remain after site transition?

4.3.2 What disposition efforts for personal property are scheduled prior to the site closure?

4.3.2.1 Determine screening and transfer using appropriate mechanisms (e.g., U.S. General Services Administration, Computers for Learning Program, etc.)

_____

_____

_____

5.0 Regulatory Requirements and Authorities Are Identified

5.1 Federal (e.g., RCRA, CERCLA, Uranium Mill Tailings Radiation Control Act, Clean Water Act, Clean Air Act, Endangered Species Act, National Environmental Policy Act, National Historic Preservation Act, Floodplain Management, Wetland Protection, etc.)

5.1.1 What federal regulations apply?

5.1.2 List all federal statutory requirements that have yet to be completed or transferred.

5.1.3 Are there legislative constraints or requirements for the property?

_____
_____
_____

5.2 Native American Tribal

5.2.1 What tribal regulations apply to cleanup and LTS?

_____
_____
_____

5.3 State

5.3.1 What state regulations apply (e.g., solid waste disposal, mined land reclamation, well permits, water regulations)?

5.3.2 List all state requirements that have yet to be completed or transferred (e.g., noxious weeds, well permits, groundwater, or surface water points of compliance).

_____
_____
_____

5.4 Local

5.4.1 What local governmental regulations apply?

5.4.2 List any local requirements yet to be completed or transferred.

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_____
_____

5.5 Other

5.5.1 What DOE orders apply?

5.5.2 List any other regulatory drivers not already addressed.

5.5.3 What regulatory issues are most problematic?

5.5.4 What, if any, lawsuits, or natural resource damage claims are pending or in process?

5.6 Corrective Action

5.6.1 List any long-term corrective actions resulting from audits or other processes that will continue after transition.

5.7 Regulatory Reporting

5.7.1 Identify reports and due dates for all reporting requirements (e.g., CERCLA Five-Year Reviews).

5.7.2 Does this site require an annual site environmental report per DOE Order 231.1A?

6.0 Long-Term Surveillance and Maintenance Budget, Funding, and Personnel Requirements Are Identified

6.1 Long-Term Surveillance and Maintenance Funding

6.1.1 Has a budget request been submitted?

6.1.2 Has funding been appropriated for the current fiscal year?

6.2 Outyear Scope and Cost Estimates—See Sections 3.2 and 10.1

6.3.1 Have LTS staffing requirements been established?

6.3.2 Has a determination for onsite personnel been made for LTS and the specific duties that may be required?

7.0 Information and Records Management Requirements Are Satisfied

7.1 Records Identification and Administration

7.1.1 Identify the agency and contractor points of contact for site records management and document control activities.

7.1.1.1 Identify agency and contractor points of contact for Freedom of Information Act (FOIA) and Privacy Act requests and responses.

- What are the projected volumes and types of FOIA and Privacy Act requests at the time of site closure or transfer?

7.1.1.2 Since LM does not take responsibility for classified records, identify agency and contractor points of contact for management of classified records.

7.1.1.3 Work with records and site manager staff to identify any required reference material that has not been assigned to a DOE record retention schedule. Capture the material location and points of contact to decide if the material should transfer to LM for continued LTS in most cases non-record material is not expected to need to be transferred).

- Identify those required for LTS activities.
- What recommendations have been received for donations of non-record material in the following sequence (1) Office of Environmental Management and LM offices, (2) other DOE sites and offices, and (3) other federal agencies?

7.1.2 Has an activity schedule been developed to identify information and records activities? If yes, does this schedule include actions, responsibilities, and milestones? Are updates adequate?

7.1.3 Has or will the transferring organization provide a records index for current site holdings?

7.1.3.1 Does the index include volumes, media types, records schedule identification, and storage locations?

7.1.3.2 Are there any electronic records? If so, what is the plan for disposition?

7.1.3.3 What indices, tracking databases, and finding aids are used?

7.1.3.4 Have copies of the transmittal and archive forms been provided (SF-135s and SF-258s)? In what media (e.g., electronic or paper)?

7.1.3.5 Has an SF-115 been prepared for any unscheduled records?

7.1.4 Have all records to be received by LM to support LTS been identified and segregated for post closure maintenance of the site?

7.1.4.1 Has the media been identified and accepted by LM?

7.1.4.2 Has a process been established for the transfer of records?

7.1.5 Where is the Administrative Record (AR) or local information repository maintained?

7.1.5.1 What are the AR requirements and has a plan been established to manage the AR?

7.1.5.2 What is the AR volume and media?

7.1.5.3 Where will the AR be located after site transition and who will provide long-term maintenance?

7.1.6 What are current and projected volumes and costs for records at records storage locations?

7.1.7 Have National Archives and Records Administration and other records facilities been formally notified of the change in records custodianship?

7.1.8 Are proper billing procedures in place for LM?

7.1.9 Have points of contact been identified at each records storage location?

7.1.10 Are there any special needs records (e.g., contaminated, damaged, deteriorating x-rays)? If so, what is the plan of action for these records?

7.1.11 Are there any records-related issues that will impact LM?

7.2 Existing Engineered Systems and Structures

7.2.1 Obtain the following drawing sets or documents associated with site-wide and remedy systems that will remain in place at transition, and incorporate into LM systems:

- Final design drawings
- Design specifications
- As-built drawings
- Operating manuals and procedures

7.3 Official Land Survey

7.3.1 Obtain the official land survey documents and drawings associated with:

- Plats

- Other legal and real property instruments (deeds, restrictions, ICs, etc.)
- Drawing or coordinate listings, or both, of all horizontal and vertical control points used to establish site features and legal boundaries. This must include the controlling monument and other set, or found monuments.
- Coordinate system information, geographic or projected (horizontal and vertical datums)
- Coordinate system conversion information (if any information, data, or drawings to be provided is in a modified or local system)

_____

_____

_____

7.4 Site Mapping Features and Metadata

7.4.1 Obtain detailed mapping information and Federal Geographic Data Committee (FGDC)-compliant metadata for the following in electronic format. (It is assumed that the information provided will be in a single geographic or projected coordinate system and that coordinate system information will also be provided)

- Coordinate system information, geographic or projected (horizontal and vertical datums)
- Coordinate system conversion information (if any information, data, or drawings to be provided are in a modified or local system)
- Drawings or coordinate listings of all horizontal and vertical control points used to establish site features and legal boundaries, including the controlling monument and other set, or found monuments
- Site map and boundary
- Aerial imagery (orthophotos, quad sheets, etc.)
- Existing site features
- Remedial design, as-built drawings, and estimated area of concern
- IC boundaries
- Vegetation, wetlands
- Structures (buildings, tanks, fences, etc.)
- Topography
- Contamination areas and inaccessible areas (soil, groundwater, etc.)
- Geology
- Water features (lakes, rivers, drainages, etc.)
- Easements and rights of way

- Property ownership (site boundary, land ownership, etc.), including surface and mineral ownership
- Land use
- Transportation (roads, railroads, etc.)
- Survey control and other monuments
- Utilities (gas, electric, water, phone, other piping, etc.), both active and abandoned, utility corridors, and easements
- Historical features (former features of historical significance)
- Gamma walkover survey (GWS) data
- Final design drawings
- Design specifications
- As-built drawings
- Information on any available web-based mapping applications

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7.5 Environmental Monitoring Data

7.5.1 Obtain *all* environmental sampling databases in electronic format. The following list is not exhaustive. LM's environmental data are currently supported by Environmental Quality Information System (EQuIS).

- Information on data dictionaries and documents on database or geodatabase structure
- Basic site data (name, location, coordinate systems, etc.)
- Sampling locations (onsite and offsite)
- Sampling location access agreements
- Sampling field measurements
- Field sampling data sheets
- Well and borehole construction and lithology data and logs
- Well permit data
- Water levels
- Automated measurements
- Pumping and flow data
- Radiation measurements (GWS, contamination surveys, downhole surveys)

- Air monitoring data (volumetric, air particulate, contaminant)
- Meteorological data
- Ecological data (wildlife and plant surveys, etc.)
- Chemistry data (water, soil, sediment, vegetation, biota, air filter, etc.)
- Physical data associated with applicable parameters (soil texture, geologic formation, hydraulic conductivity, porosity, etc.)
- Standards, site-specific standards, permit limits, action levels, cleanup goals, and so on
- Laboratory data, including validation qualifiers

8.0 Public Education, Outreach, Information, and Notice Requirements Are Documented and Satisfied

8.1 Stakeholders

8.1.1 Who are the major stakeholder groups, citizen advisory organizations, landowners, tribes, other government entities, and key individuals who will likely be interested in the site after transition? Do any Environmental Justice communities exist in the vicinity?

8.1.2 Is there a Community Involvement Plan (or similar document) available for the site?

8.1.3 What is the relationship between the site and these entities (e.g., is it cooperative or adversarial)?

8.1.4 Have any major issues with any stakeholder groups been identified? Who is actively involved and what is the resolution status?

8.1.5 How active are the stakeholders (what is their interest level, how organized are they)?

8.1.6 How are stakeholder groups funded (e.g., grants)? Can the funding mechanism be transferred?

8.1.7 How does the site communicate with the stakeholder groups?

8.1.8 Have natural resource trustees been involved and has their approval been documented for remediation and LTS plans?

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8.2 Contact Information

8.2.1 Is there a contacts database of information on stakeholders?

8.2.2 Obtain electronic copies of key contacts mailing lists.

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8.3 Public Commitments

8.3.1 List any transferring organization commitments to stakeholder groups or others to transmit data other than required by regulation (e.g., posting information on websites, general availability of information, opportunity to review and comment on documents).

8.3.2 What commitments to stakeholder groups or others are required by regulation (e.g., maintaining an Administrative Record)? Who identifies that a regulation requires engagement and who implements engagement?

8.4 Websites

8.4.1 Does the site have any website(s)? If yes, document the address(es)?

8.4.2 If the site has a website, what types of information are posted on it?

8.4.3 Who controls release of the information for posting? Does information need reviewed by a DOE elemental classification officer before release?

8.5 Post Closure Public Involvement

8.5.1 Who will be responsible for public involvement activities after transfer to LM?

8.5.2 Will there be a local DOE presence after closure?

8.5.3 Include what and how LM activities will be communicated to the public and the frequencies of communication (e.g., for annual stakeholder and public meetings).

8.5.4 Establish protocols for the release of information.

8.5.5 Include how LM will establish and maintain relationships with stakeholders and the media.

8.6 Public Reading Rooms

8.6.1 Is a local information repository required?

8.6.2 Have one or more public reading rooms been established?

8.6.2.1 If yes, where are they currently located and what are the plans for maintaining them?

8.6.2.2 If no, where can the public access data and information about the site?

8.6.3 What, if any, contracts are in place with reading room entities?

8.6.4 How much space is required for the reading rooms?

8.6.5 What types of information do the reading rooms contain (ARs, general project documents, news releases)?

8.6.6 What media are used for storage in the reading rooms (paper, electronic, microfiche)?

8.6.7 How much public use is anticipated after closure based on DOE evaluations? Is this consistent with other involved entities?

9.0 Natural, Cultural, and Historical Resource Management Requirements Are Satisfied

9.1 Tribal Resources

9.1.1 Is the site within the exterior boundaries of a Tribal/Native American reservation or on Tribal/Native American-owned land?

9.1.2 Does the site have resources that are important to Tribal/Native American people?

9.1.3 Is the site in an area where important Tribal/Native American resources are known to exist?

9.2 Does the site contain known cultural resources?

9.2.1 Does the site have a Cultural Resource Management Plan?

9.2.2 Have any cultural resource surveys, such as historic building surveys and archeological inventories, been developed for any portion of the site?

9.2.3 Have any National Historic Preservation Act consultations (including for Section 106 and Section 110, as appropriate) been performed regarding the site during the past 10 years?

9.3 Does the Site Have Any Sensitive Areas?

9.4 Are the Areas Documented and Is the Descriptive Information Available?

9.5 Are the Management Requirements Established?

9.6 Are Management Plans in Place?

9.7 Has a Subject Matter Expert Reviewed the Management Requirements and Plans?

9.8 Have the Management Requirements Been Incorporated into the LTS Plan?

10.0 Project Management

10.1 Programmatic Plans

Programmatic plans may include safety and health, quality assurance, program management, contracts, life-cycle baseline, staffing, and other plans.

10.1.1 What are the pertinent DOE programmatic planning documents and procedures and how can they be accessed?

10.1.2 What changes to the programmatic plans are required as the site closes and LTS begins?

10.1.3 What management systems (e.g., integrated safety management, quality assurance, environmental management system, radiation protection, FIMS, Information and Communication Technologies , real property) are established that will need to be maintained? How can the implementing plans be accessed?

10.1.4 Is the transitioning site included in out-year planning and have the planning documents been updated based on the transition schedule and LTS scope?

Appendix D

FUSRAP-Specific Site Transition Plan Outline

RSI ENTECH
In Partnership with Amentum and TFE
United for the Legacy Management Mission

LMS/XXX/XXXXX

Site Transition Plan and Schedule for the [Site Name]

[Date]

Work performed under DOE contract number 89303020DLM000001
for the U.S. Department of Energy Office of Legacy Management.

This document has been designed for online viewing.

Site Transition Plan Approval

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Figure 2. Timeline

Figure 3. Location of FUSRAP Areas,

1.3 Goals and Objectives

1.4 Requirements and Development Process

Figure 4. Transition of Active to Completed Site

2.0 Site Transition Framework

2.1 Authorities and Accountabilities

2.1.1 Current Status

Table 1. Milestones for Site Transition Tasks

Milestones	Schedule	Fiscal Year

2.1.2 Assumptions

2.1.3 Uncertainties and Risk Management

Table 2. Milestones, Assumptions, and Risks for Section 2.1 Tasks

Milestones	Owner	Date
Assumptions		
Risks		

2.2 Site Conditions

2.2.1 Current Status

2.2.1.1 Remedial Investigation

2.2.1.2 Record of Decision

Human Health Risks

2.2.2 Schedule of Activities and Milestones

2.2.3 Assumptions

2.2.4 Uncertainties and Risk Management

2.2.4.1 Inaccessible Material

Table 3. Milestones, Assumptions, and Risks for Section 2.2 Tasks

Milestones	Owner	Date
Assumptions		
Risks		

2.3 Engineered Controls, O&M, and Emergency Planning

2.3.1 Engineered Controls

2.3.2 Operations and Maintenance

2.3.3 Emergency Planning

2.3.4 Schedule of Activities and Milestones

2.3.5 Assumptions

2.3.6 Uncertainties and Risk Management

Table 4. Milestones, Assumptions, and Risks for Section 2.3 Tasks

Milestones	Owner	Date
Assumptions		
Risks		

2.4 Institutional Controls, Real and Personal Property, and Enforcement Authorities

2.4.1 Institutional Controls

2.4.2 Real and Personal Property

2.4.3 Schedule of Activities and Milestones

2.4.4 Assumptions

2.4.5 Uncertainties and Risk Management

Table 5. Milestones, Assumptions, and Risks for Section 2.4 Tasks

Milestones	Owner	Date
Assumptions		
Risks		

2.5 Regulatory Requirements and Authorities

2.5.1 Current Status

2.5.2 Schedule of Activities and Milestones

2.5.3 Assumptions

2.5.4 Uncertainties and Risk Management

Table 6. Milestones, Assumptions, and Risks for Section 2.5 Tasks

Milestones	Owner	Date
Assumptions		
Risks		

2.6 LTS Budget, Funding, and Personnel

2.6.1 Current Status

2.6.1.1 Funding

2.6.1.2 Personnel Requirements

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2.6.2 Schedule of Activities and Milestones

2.6.3 Assumptions

2.6.4 Uncertainties and Risk Management

Table 7. Milestones, Assumptions, and Risks for Section 2.6 Tasks

Milestones	Owner	Date
Assumptions		
Risks		

2.7 Information and Records Management

2.7.1 Current Status

2.7.2 Schedule of Activities and Milestones

2.7.3 Assumptions

2.7.4 Uncertainties and Risk Management

Table 8. Milestones, Assumptions, and Risks for Section 2.7 Tasks

Milestones	Owner	Date
Assumptions		
Risks		

2.8 Public Education, Outreach, Information, and Notice

2.8.1 Current Status

2.8.2 Schedule of Activities and Milestones

2.8.3 Assumptions

2.8.4 Uncertainties and Risk Management

Table 9. Milestones, Assumptions, and Risks for Section 2.8 Tasks

Milestones	Owner	Date
Assumptions		
Risks		

2.9 Natural and Cultural Resource Management

2.9.1 Current Status

2.9.2 Schedule of Activities and Milestones

2.9.3 Assumptions

2.9.4 Uncertainties and Risk Management

Table 10. Milestones, Assumptions, and Risks for Section 2.9 Tasks

Milestones	Owner	Date
Assumptions		
Risks		
.		

2.10 Business Functions Including Contractor Pensions and Benefits

3.0 Verification of Readiness

4.0 References

Appendix A

Environmental and Geospatial Data Required for Long-Term Stewardship

Appendix B

Site Transition Framework Checklist

Appendix E

U.S. Department of Energy Office of Legacy Management Data Needs List for Formerly Utilized Sites Remedial Action Program Sites 2023

U.S. Department of Energy Office of Legacy Management
Data Needs List for Formerly Utilized Sites
Remedial Action Program Sites 2023

1.0 Purpose

The data created by the U.S. Army Corps of Engineers (USACE) and its subcontractors during the environmental remediation and closure of the Formerly Utilized Sites Remedial Action Program (FUSRAP) sites contain important information about each site's history, its legacy mission, and the remediation performed thereon. As the agency responsible for the long-term stewardship of the FUSRAP sites, the U.S. Department of Energy Office of Legacy Management (LM) requires this information to maintain the remedy put in place by USACE to ensure that the remedy implemented is protective of human health and the environment over the long term and to respond to stakeholder inquiries about remediation of the site's legacy waste.

The following tables identify the types of information required for a successful site transition from USACE to LM. LM requests that the types of information listed be transferred from USACE to LM as part of the site transition activities. The following lists focus on major areas of interest and are not all-inclusive; it is understood that each site is unique and the site information will vary accordingly.

2.0 Site[1] Environmental Modeling Data

All environmental sampling databases should be obtained in electronic format. The list presented in Table 1 is not all-inclusive. LM's environmental data are currently supported by the Environmental Quality Information System (EQuIS). Metadata and additional information about the environmental data are important to include in data transfers.

Table 1. Required Environmental Data for Long-Term Stewardship

Primary Description	Secondary Description
Database information	Data dictionary, valid value tables, entity relationship diagrams, and database manuals
Site information	Name, locations, and coordinate system information
Sampling location information	Coordinates and elevations (of onsite and offsite locations), access agreements, location types (wells, surface locations), etc.
Analytical sample results	Recent and historical laboratory results for water, soil, sediment, vegetation, biota, air filter, and gas sampling events, including validation qualifiers; volumetric, air particulate, and contaminant air monitoring data
Field sample results	Recent and historical field measurement data, field sample logs, and water level data
Well construction information	Well logs, well development information, and completion reports
Permit information	Well and water use permits
Well decommissioning information	Date of decommissioning or abandonment

[1] The term "site" is inclusive of all vicinity properties and operable units and the extent of contamination.

Table 1. Required Environmental Data for Long-Term Stewardship (continued)

Primary Description	Secondary Description
Hydrologic and geochemical information	Lithology logs, geophysical logs, geologic units, and geochemical testing reports and results
Radiological survey data	Gamma radiation walkover surveys and contamination surveys
Electronic environmental monitoring data	Data logger and transducer data
Ecological data	Wildlife and plant surveys
Meteorological data	Automatically recorded weather measurements
Site-specific standards	Action levels, cleanup goals, maximum contaminant levels, etc.
Completion and closeout reports	If applicable

3.0 Site Mapping Features and Metadata

Detailed mapping information, computer-aided design mapping information, and Federal Geographic Data Committee-compliant metadata should be obtained for the materials listed in Table 2 in electronic format. (It is assumed that the information provided will be in a single geographic or projected coordinate system and that coordinate system information will also be provided.)

Table 2. Required Geospatial Data for Long-Term Stewardship

Primary Description	Secondary Description
Real property boundaries	Onsite and adjacent: property boundaries, ingrants, outgrants, water rights, grazing rights, mineral rights, surface ownership, subsurface ownership, and institutional controls (e.g., groundwater restrictive covenants)
Political boundaries	Local boundaries only (e.g., municipal, county, special districts)
Structures	As-built or design drawings with engineering specifications (e.g., mill buildings, evaporation or holding ponds, groundwater corrective action system features, offices, storage sheds, erosion control, surface water diversion channels, aprons, toe drains, fences)
Adjacent structures	Structures up to 0.25 mile from the site's boundary
Utilities	Current, abandoned, and removed; surface and subsurface; location and ownership
Topography	Original and final topography surfaces (e.g., digital elevation model, point clouds, triangulated irregular network, mass points, breaklines, contours)
Imagery (orthorectified or georeferenced preferred)	Aerial imagery, historical aerial imagery, historical photos, constructions photos, and progress photos
Land features	Water courses, land forms, former open-pit mines, and mine shafts
Models	Groundwater models (flow, fate, and transport models, geochemical) and associated applications, including predictive plume maps for modeled constituents (i.e., 10-year, 20-year, 50-year, 100-year, 200-year, 500-year, and 1000-year time frames) and the saved modeling files
Ecology and vegetation	Abundance and diversity studies; sensitive, endangered, or invasive species studies; wetlands
Cultural resources	Features and characteristics of places of significance in history, architecture, engineering, or society
Geology	Geographically referenced data pertaining to the origin, history, composition, structure, features, and processes of the solid earth
Surface remedy	As-built and engineering specifications of the final configuration of engineered structures, including cover details for developing a cross section

Table 2. Required Geospatial Data for Long-Term Stewardship (continued)

Primary Description	Secondary Description
Three-dimensional models	Structures, surfaces, groundwater, and plumes
Location of residual contamination	Inaccessible areas, contamination areas, and institutional controls
Transportation	Onsite and near-offsite (e.g., roads, trails)
Coordinate system information	Current system and conversion to or from historic or well-known systems
Survey	Survey files, including files from the survey company, stamped or sealed land surveys, real property documents, and monumentation (e.g., boundaries, section corners, site control, control points)
Signage	Boundary markers, warning signs, welcome signs, site markers, and gates
Web maps	Information on any available site web-based mapping applications

Refer to the *Joint U.S. Army Corps of Engineers and U.S. Department of Energy Office of Legacy Management Information Transfer/Transition Protocol for the Formerly Utilized Sites Remedial Action Program* (DOE and USACE, 2023) for information related to scanning specifications, resolution guidance and other specifics on data format and file types.