

Management System Description: Site Transition

Management System Owner: Terry Brennan

Point of Contact: Sue Smiley

Issue Date: 08/22/12

CBC MS Revision: 0

1.0 Purpose

The purpose of the Environmental Management Consolidated Business Center (EMCBC) Site Transition Management System is to ensure the most efficient and effective approach to the integration of all required functional areas involved in planning for the transition of responsibility for any and all facilities, infrastructure, and programs/policies/plans/procedures that are necessary for the performance of long term surveillance and maintenance (LTS&M) of the environmental remedy post-EM exit from a site.

At the present time, there are no DOE Orders or Guides that include specific “site transition” planning requirements or recommendations, however, there are a variety of DOE memoranda, fact sheets and other reference materials on the subject of site transition. These include three (3) separate “terms and conditions” agreements between EM and DOE Landlord organizations that govern the site transition process at closure sites (Landlord organization is the Office of Legacy Management [LM]) or at ongoing mission sites (Landlord organization is the Office of Science [SC] or the National Nuclear Security Administration [NNSA]). The site transition process at closure sites is performed in accordance with the EM-1/LM-1 memorandum entitled “Development of Site Transition Plan, use of the Site Transition Framework, and Terms and Conditions for Site Transition” dated February 15, 2005. The site transition process at ongoing mission sites operated by SC is performed in accordance with the EM-1/SC Director memorandum entitled “Terms and Conditions for Site Transition” dated February 9, 2006; and the site transition process at ongoing mission sites operated by NNSA is performed in accordance with the EM-1/NNSA Associate Administrator for Infrastructure and Environment memorandum entitled “Terms and Conditions for the Transfer of Completed Environmental Projects from EM to NNSA” dated September 5, 2006. Currently, there is no terms and conditions agreement that would apply to site transition activities at ongoing mission sites operated by the Office of Nuclear Energy (NE).

At closure sites, site transition planning must be conducted in coordination with LM, the scope of transition is broader than just activities associated with LTS&M of the remedy, and may include the following additional items:

- Transfer of all Government-owned records to an LM-approved storage facility (including the responsibility for processing any future records requests under the Freedom of Information Act [FOIA], Privacy Act or other requests for historical information);

- Transfer of responsibility for support to the U.S. Department of Labor for any claims under the Energy Employees Occupational Illness Compensation Act (EEOICPA);
- Transfer of responsibility for other required programs not associated with the environmental remedy per se (e.g., protection of cultural and historic resources, Environmental Justice, Clean Water Act, Clean Air Act, National Environmental Policy Act [NEPA], real and personal property management); and
- Transfer of responsibility for administration of contractor employee pension and benefits programs.

At ongoing mission sites, such as those operated by the NNSA or the SC, the scope of transition may be limited to transfer of responsibility for LTS&M of the environmental remedy, since the Landlord Program (i.e., NNSA, SC) is responsible for all mission-related and compliance activities at the site, as well as performance of LTS&M activities post-EM exit.

Site Transition requirements and guidance is contained in a variety of DOE memoranda, fact sheets and other reference materials that are listed in Section 4.0 (Requirements), Section 5.0 (Subject Areas, Program Descriptions, Guidance Documents) and Section 6.0 (References) of this management system. In the event of inconsistencies between the information provided in this management system and provisions of regulatory guidance, the regulatory guidance prevails. Please report any apparent inconsistencies to the Management System Owner (MSO).

2.0 Responsibilities

The table below represents roles and responsibilities specific to the Site Transition management system. A vital component of the site transition process is the formation of a Site Transition Team that is staffed by, at a minimum, Federal personnel from the EM site office, the EMCBC, and the Landlord organization (e.g., LM, SC, NNSA). Additional Federal staff from EM and/or the Landlord organization at DOE Headquarters may also participate on the Site Transition Team. The team's role is to plan and coordinate all aspects of the site transition process, including planning for and assuring compliance with any site transition requirements contained in DOE Orders or EM Directives, and planning for and assuring adherence to any applicable site transition recommendations contained in DOE Guides, EM guidance documents or other site transition references. The primary responsibility of the Site Transition Team is to provide a cross-functional team of subject matter experts that are focused on a common goal, i.e., to establish and execute a site transition plan that integrates all applicable DOE requirements (e.g., project management, budget, real property and records management) over the three-year period preceding the fiscal year in which site transition is scheduled to occur. The Site Transition Team, or typically a subset of the team, is also responsible for completion of any post-transition action items, such as the transfer of EM Government-owned records to the Landlord organization once EM no longer has a business need for those records.

The table below identifies roles and responsibilities of various Federal staff which directly, or indirectly, support a typical Site Transition Team. The below table may not be all-inclusive, since the site transition process at each site must be tailored to specific DOE or regulatory

requirements or issues, stakeholder questions or concerns, day-to-day Landlord organization activities that affect the EM project, etc.

Roles	Responsibilities
EMCBC Site Transition Coordinator	Responsible for overall site transition planning, including the integration of site transition, budget, project and program management planning requirements and associated input from designated subject matter experts. Responsible for overall site transition execution, including leading or facilitating a site transition team and preparing all required deliverables such as Site Transition Plans or Project Closeout and Transition Plans, post-closure LTS&M budgets, Transfer Memoranda to the DOE Chief Financial Officer, and Transition Readiness Assessments.
EM Federal Project Director (FPD)	Responsible for managing the cost, schedule and scope elements of the Performance Baseline, as required under DOE O 413.3B (Program and Project Management for the Acquisition of Capital Assets) or the “Policy and Protocol for EM Operations Activities” (EM-2 memo dated 3/15/12). Responsible for participating on the site transition team, as needed, and ensuring site transition requirements are considered during the planning and execution of all EM activities at the site. NOTE: The Federal Project Director may also be the designated Contracting Officer’s Representative (COR).
Project Manager in Landlord organization (e.g., LM, SC, NNSA)	Responsible for participating on the site transition team and interfacing with the EMCBC Site Transition Coordinator during all phases of the site transition, planning and execution processes. Responsible for representing the Landlord organization’s perspective in any negotiations with EMCBC.
EMCBC Budget Director	Responsible for development of the annual Integrated Priority List (IPL) and associated EM budget request for post-closure LTS&M activities. Responsible for assisting the EMCBC Site Transition Coordinator with development of Transfer Memoranda to the DOE Chief Financial Officer and interface with the EM Office of Budget (EM-61). Responsible for representing the EMCBC on any LTS&M budget planning or budget

Roles	Responsibilities
	execution discussions with the Landlord organization.
EMCBC Contracting Officer	Responsible for participating on the site transition team, as needed, in order to advise the EMCBC Site Transition Coordinator on whether proposed “EM” site transition requirements are within the EM contractor’s scope of work; and recommending if expanded scope work could be performed by EM Federal staff or (funds permitting) by an EM contractor.
EMCBC Real Property Officer	Responsible for participating on the site transition team, as needed, and performing any real property tasks necessary for successful site transition (e.g., development of licenses/easements for access to privately owned properties for environmental remedy monitoring purposes, updates to the Facilities Information Management System [FIMS], interface with the Real Property Officer in the Landlord organization).
EMCBC Records Officer	Responsible for participating on the site transition team, as needed, and for developing Information and Records Management Transition Plans, or equivalent, and interface with the Records Officer in the Landlord organization. Responsible for assisting the FPD and other EM site staff with the identification, scheduling and disposition of Government-owned records in accordance with all applicable requirements.
EMCBC Office of Chief Counsel	Responsible for representing EM on legal matters (if any) that arise during the site transition planning process, including response to questions posed by the Landlord organization on current or possible future “EM” litigation associated with the site. Responsible for advising the EMCBC Director/Deputy Director, FPD and EMCBC Realty Officer on any environmental compliance or real property issues that arise during the site transition planning process (e.g., CERCLA 120.h requirements for property transfer, execution of an Environmental Covenant). Responsible for maintaining any EMCBC (or EMCBC customer site, if applicable) FOIA and/or EEOICPA program files prior to site transition, and coordinating as necessary with the Landlord office in its plans to establish and maintain program files post-transition.
Other EMCBC Subject Matter Experts (e.g., personal property, ES&H, QA, security, emergency management)	Responsible for participating on the site transition team, as needed, to ensure all applicable EM requirements are met. Responsible for interfacing with subject matter expert counterparts at the site and within

Roles	Responsibilities
	the Landlord organization.
Subject Matter Experts in Landlord organization (e.g., LM, SC, NNSA)	Responsible for participating on the site transition team, as needed, to ensure all applicable Landlord organization requirements are met. Responsible for interfacing with EM subject matter expert counterparts at the site or within EMCBC.
EM Waste Management Mission Unit (EM-30) Site Lead	Responsible for supporting EMCBC line management and the EMCBC customer sites with implementation of site transition requirements. Works directly with the EMCBC Site Transition Coordinator on any site transition matters.
EM Office of Budget (EM-61), Designated Budget Analyst	Responsible for providing budget formulation and lifecycle planning support to EMCBC line management and the EMCBC customer sites, as it pertains to development of the five-year LTS&M budget, and execution of site-specific Transfer Memoranda to the DOE Chief Financial Officer.

3.0 Management System Operation

3.1 Overview

As stated in Section 1.0 of this management system, the site transition process at closure sites and ongoing mission sites is performed in accordance with three (3) separate “terms and conditions” agreements between EM and the Landlord organization (i.e., LM, SC, NNSA). Currently, there is no terms and conditions agreement that would apply to site transition activities at ongoing mission sites operated by the Office of Nuclear Energy (NE).

The Site Transition Management System contains three major process areas. The first process area is site transition planning requirements that are mandated by separate “terms and conditions” (T&C) agreements that EM has negotiated with LM, SC and NNSA (NOTE: EM has yet to negotiate T&C with the Office of Nuclear Energy [NE]). Activities conducted under this process area typically begin three years before the planned date of site transition. The second process area is budget planning, and is limited to development of the five-year post-closure LTS&M budget and ensuring Landlord organization receipt of target funding for same. The third and final process area is project management, and is limited to project activities necessary to obtain Acquisition Executive approval of Critical Decision 4 (Approve Start of Operations or Project Completion) for capital asset projects (or the equivalent approval for operations activities)

For the site transition process area, this management system establishes the basic process for site transition planning and execution, including accomplishment of post-site transition actions. **For the budget planning and project management process areas, it is vital that activities conducted under the site transition process area be coordinated with other EMCBC management systems and any applicable subordinate subject area descriptions and/or**

procedures. Specifically, in the budget planning process area, this management system relies on the management system belonging to the EMCBC Office of Financial Management (e.g., formal or desktop procedures for budget formulation); and in the project management process area, this management system relies on the management system belonging to the EMCBC Office of Cost Estimating and Project Management Support (i.e., the EMCBC Project Management Organization (PMO) – a web-based application that was launched in December 2011 – Subject Area: Critical Decision Management, [Process # 5 – Critical Decision 4](#); and Subject Area: Project Delivery, [Process # 9 – Managing the Project Transition/Closeout Phase](#)).

3.2 Key Functions/Services and Processes

The EMCBC Site Transition Management System is designed to capture all necessary steps required to achieve *EM Completion*, as defined in EM-1 memorandum entitled “Definition of Environmental Completion,” dated February 12, 2003.

EM Completion occurs when:

- (1) all required short-term response activities are complete (e.g., soil excavation, cap construction, building D&D);
- (2) all required long-term response measures (e.g., groundwater treatment system) are constructed and determined to be operational and functional;
- (3) all required documentation is in place (e.g., operating permits); and
- (4) the site has been administratively transferred from EM to another DOE, Federal, state, or private entity.

Administrative Transfer of Programmatic Responsibility is accomplished via:

- (1) transfer, or return, to another DOE office; or
- (2) transfer to another Federal government agency; or
- (3) transfer to a state government agency or a private entity.

While not specifically called out in the EM-1 memo dated February 12, 2003, EM achievement of “Physical Completion” and “Regulatory Completion” are sub-elements of *EM Completion*. It is also important to note that *EM Completion* does not mean the DOE has no further responsibility for the site. At a minimum, the DOE (e.g., LM, NNSA, SC) will have continuing responsibility to manage Government-owned records associated with the site. And in many cases, the DOE (e.g., LM, NNSA, SC) will also have responsibility to manage long term response actions (LTRA) at the site, such as operation of a pump and treat system or performance of long-term groundwater monitoring. In a budget sense, such LTRA scope constitutes the continuing DOE Environmental Liability for a site that has been cleaned up.

Long Term Response Action (LTRA) follows EM Completion. LTRA may occur for an indefinite period, or may end upon Response Action Completion when a specific response achieves its response action objective/cleanup criteria such that no land use restrictions remain.

Definition of DOE Site Closure:

- at a non-DOE owned site, is achieved upon cessation of DOE mission.
- at a DOE-owned site, is achieved upon transfer of ownership of real property to a non-DOE entity.
- DOE Site Closure is not required for *EM Completion*.

The EMCBC Site Transition Management System includes a single Subject Area Procedure that describes the below essential steps to complete site transition planning and execution requirements as defined in the aforementioned Terms and Conditions agreements that EM has negotiated with LM, SC and NNSA:

- Development of Site Transition Plan (at closure sites that LM will inherit, or at ongoing mission sites operated by SC) or Project Closeout and Transition Plan (at ongoing mission sites operated by NNSA);
- Formulation of LTS&M Budget for first five years post-closure;
- Issuance of Transfer Memorandum to the DOE Chief Financial Officer;
- EM achievement of Physical Completion;
- Independent verification of achievement of cleanup objectives;
- Disposition of inactive EM Government-owned Records;
- Site Transition Readiness Review/Assessment;
- EM achievement of Regulatory Completion;
- Programmatic transfer of responsibility for LTS&M to DOE Landlord organization;
- EM achievement of CD-4 for capital asset project (or equivalent approval for operations activity);
- EM development of Post-CD-4 Lessons Learned Report for capital asset project (or equivalent for operations activity);
- EM contract closeout; and
- EM Final Project Closeout Report for capital asset project (or equivalent for operations activity).

4.0 Requirements

4.1 Primary Responsibility

This Management System has primary responsibility for (i.e., "owns") the following requirements:

Document	Title
EM-1/LM-1 memorandum	EM-1/LM-1 memorandum entitled <i>Development of Site Transition Plan, use of the Site Transition Framework, and Terms & Conditions for Site Transition</i> , dated February 15, 2005.
EM-1/SC-1 memorandum	EM-1/SC Director memorandum entitled <i>Terms and Conditions for Site Transition</i> , dated February 9, 2006.

Document	Title
EM-1/NNSA memorandum	EM-1/NNSA Associate Administrator for Infrastructure and Environment memorandum entitled <i>Terms and Conditions for the Transfer of Completed Environmental Projects from EM to NNSA</i> , dated September 5, 2006.
EM-1 memorandum	EM-1 memorandum entitled <i>Definition of EM Completion</i> (dated February 12, 2003)

5.0 Subject Areas, Program Descriptions, and Guidance Documents

The following Subject Area Procedure is maintained by this Management System:

- [Essential Steps to Site Transition](#)

6.0 References

Document	Title
EM-1 memorandum	EM-1 memorandum entitled <i>Transition of Long-Term Response Action Management Requirements</i> , dated June 10, 2003
DOE Long Term Stewardship (LTS) website	http://www.em.doe.gov/ltstewardship/ltstewardship.aspx