



Department of Energy

Oak Ridge Office of Environmental Management
P.O. Box 2001
Oak Ridge, Tennessee 37831

August 9, 2017

MEMORANDUM FOR GEOFFREY L. BEAUSOLEIL
MANAGER
NATIONAL NUCLEAR SECURITY ADMINISTRATION
PRODUCTION OFFICE, NA-NPO-1

FROM:


JOHN A. MULLIS II
ACTING MANAGER

SUBJECT: TRANSFER OF OPERATIONAL RESPONSIBILITY OF THE Y-12 NATIONAL
SECURITY COMPLEX AREAS DESIGNATED FOR THE OUTFALL 200
MERCURY TREATMENT FACILITY

Attached you will find a Memorandum of Agreement (MOA) between the U.S. Department of Energy Oak Ridge Office of Environmental Management and the National Nuclear Security Administration Production Office.

The MOA outlines the terms and conditions for transfer of operational responsibility of the Y-12 National Security Complex areas planned for the Outfall 200 Mercury Treatment Facility. We are currently planning to begin mobilization of contractor(s) to the site this fiscal year and will begin early site preparation field activities in first quarter of Fiscal Year 2018. This MOA has been reviewed by our respective staffs and signed by me.

If you concur with the language in the MOA, please sign in the designated location and return to this office.

If you have questions or if we can be of any further assistance, please contact Joy Sager at (865) 574-9157.

Attachment

cc w/attachment:

James Donnelly, NA-NPO-60
Daniel Gelb, UCOR, K-1330, MS-7119
ETTPDMC@ettp.doe.gov
Jason Darby, EM-921
Joy Sager, EM-921

**Memorandum of Agreement
Between the
U. S. Department of Energy
Oak Ridge Office of Environmental Management
And the
National Nuclear Security Administration Production Office
For the Transfer of Operational Responsibility of the Y-12 National Security Complex
Areas Designated for the Outfall 200 Mercury Treatment Facility**

This Memorandum of Agreement (MOA) is entered into by and between the U. S. Department of Energy (DOE) Oak Ridge Office of Environmental Management (OREM) and the National Nuclear Security Administration Production Office (NPO), collectively referred to as “the Parties.”

I. Purpose

This MOA outlines the terms and conditions of the transfer of operational responsibility for areas within the Y-12 National Security Complex (Y-12) designated for the Outfall 200 Mercury Treatment Facility (OF200 MTF), as described in Section II.

This MOA also identifies the roles and responsibilities for a) executing Environmental Management (EM) work in certain areas where the operational responsibilities have not been transferred to EM, and remain with NPO, and b) executing work performed by NPO’s management and operating contractor in areas where the operational responsibilities have been transferred to EM.

II. Background

Operational responsibility for the Headworks and Treatment Plant areas is being transferred to enable construction and operations of the OF200 MTF under the requirements of the *Amendment to the Record of Decision for Phase I Interim Source Control Actions in the Upper East Fork Poplar Creek Characterization Area, Oak Ridge, Tennessee, Water Treatment at Outfall 200* (DOE/OR/01-2697&D2). The transfer of operational responsibility from NPO to EM will take place for Y-12 areas designated for the Treatment Facility and for the Headworks Facility.

The Y-12 plant area, bounded by Second and Third Streets on the north and south, respectively, the current access road to the east, and B Road to the west of the former Building 9720-8 slab, is the designated area for the OF200 MTF Treatment Facility. This area contains a nominally 800 by 200 ft. of paved area, or 3.7 acres. The area east of the Building 9720-8 slab will be used for construction laydown. (Outlined in Attachment A)

The Y-12 plant area bounded by the alley immediately south of Building 9204-1 (along the headwaters of Upper East Fork Poplar Creek), Third Street to the south, “E” Road on the west, and Chromium Drive on the east, is the designated area for the OF200 MTF

Headworks Facility. The following Y-12 plant areas will be used for construction laydown areas near the Headworks Facility footprint: 1) the area immediately to the east side of the Headworks Facility south of the steam condensate piping and north of 3rd Street, and 2) the area across the street to the west on the west side of "E" Road and north of 3rd Street. (Outlined in Attachment A)

NPO will retain operational responsibility for all other Y-12 areas outside the Treatment Facility and Headworks Facility footprints identified above and in Attachment A where OF200 MTF construction work will occur. These areas include the transfer pipeline corridor between the Treatment Facility and Headworks Facility, and areas adjacent to the Treatment Facility and Headworks Facility site boundaries where plant utilities will be routed to these sites.

The Headworks and Treatment Facility areas are joined by an interconnecting transfer pipeline and fiber optic data cable. This pipeline and fiber optic connection is generally located along a narrow corridor on the south side of Upper East Fork Poplar Creek (UEFPC), north of 3rd Street. The pipeline and fiber optic cable cross to the east side of 3rd Street via an underground road crossing and to the north side of UEFPC via an above grade pipe bridge near the treatment plant site. The pipeline will be routed to minimize interferences with Y-12 site infrastructure and operations, and will include road crossings and pedestrian access crossings as appropriate. (Outlined in Attachment A)

III. Roles and Responsibilities

A. OREM will:

1. Manage the work through the OREM Contracting Officer and OREM Contracting Officer's Representatives who have sole responsibility for providing "Performance Direction" to the OREM Contractors.
2. Maintain full responsibility for all Environmental, Safety, and Health functions following the operational transfer except for facilities and systems that NPO has operational responsibility for as described in III.B.4. Example functions include oversight, occurrence reporting, and emergency notification development of new or revised safety basis documentation (if needed).
3. Evaluate applicable documents and prepare applicable facility safety classification documents and safety basis documents, as deemed necessary. OREM and its Contractors' plans and procedures will be used for the execution of this Comprehensive Environmental Response, Compensation, and Liability scope. Scope may include geotechnical investigations, site characterization, construction, and operations.
4. Consider NPO's programmatic concerns and expectations for all work performed in this area.
5. Conduct the work in accordance with applicable Comprehensive Environmental Response, Compensation, and Liability requirements.
6. Have responsibility as the lead for regulatory interactions under the Federal Facilities Agreement (FFA) for the Oak Ridge Reservation with assistance from NPO in

- resolving any issues with the regulators. OREM will be responsible for all FFA compliance deliverables related to this project.
7. Coordinate necessary interfaces with the FFA parties, address documentation and Administrative Record requirements, and mediate FFA regulatory disputes concerning this project.
 8. Coordinate with NPO to maintain appropriate access to NPO facilities and infrastructure co-located within the areas of OREM operational responsibility.
 9. Be responsible for any operational upsets, failures, spills, etc., attributed to the construction of and operation of the Headworks Facility, Treatment Facility, and the interconnecting overland pipeline between the Headworks Facility and the Treatment Facility. NOTE: NPO will assist OREM in resolving any issues with the regulators related to this project and, upon request, will provide data and information to OREM as appropriate.
 10. Maintain the subject property in good order for all present and future mission need, including providing grounds maintenance at the Treatment Facility and the Headworks Facility during construction.
 11. Fund minimum required accommodations for access to areas affected by road closures due to OF200 MTF construction activities (e.g., funding has been provided in modification 5 of Inter-Entity Work Order M1SOFPER15R8 to provide accommodations for closure of the alley immediately south of Building 9204-1.)
 12. Fund reconfiguration of de-chlorination facilities at Outfall 200.
 13. Design and reconfigure existing underground and overhead active utilities needed to construct the OF200 MTF (storm drains, sanitary sewers, potable water, steam condensate return, electrical power, and communications systems).
 14. Own and maintain the Emergency Notification system in the OF200 MTF.
 15. EM contractors will perform work in accordance with the requirements of their programs and procedures, as well as applicable NNSA-site specific requirements (e.g. security, emergency response, etc.). EM contractors will obtain release from the NPO Facility Manager prior to performing work in areas where the operational responsibility is retained by NPO.

B. NPO will:

1. Through its management and operating contractor, provide any characterization data for the designated areas, safety related data/documents, or other pertinent data on the sites that is requested.
2. Provide emergency response in all situations.
3. Have the lead for regulatory interactions under the National Pollution Discharge Elimination System (NPDES) permit. NOTE: OREM will assist NPO in resolving any issues with the regulators related to this project and as requested will provide data and other required reporting input to NPO. NPO will be responsible for UEFPC National Pollutant Discharge Elimination System (NPDES) regulatory monitoring and reporting.
4. Retain operational responsibility for active facilities and infrastructure associated with NPDES compliance and Y-12 Plant operations that are located within the area designated for transfer to OREM. These facilities and infrastructure include:

- a. Existing underground and overhead active utilities (storm drains, sanitary sewers, potable water, steam condensate return, electrical power, and communications systems);
 - b. Active monitoring, instrumentation, and infrastructure associated with Outfalls 200 and 135;
 - c. Building 9422-6 environmental monitoring station and appurtenances;
 - d. Building 9422-14 environmental compliance support Facility;
 - e. Building 9417-10 de-chlorination station and associated tank and appurtenances.
5. Have responsibility for normal site maintenance activities (e.g. mowing, weed control, etc.) for the interconnecting overland pipeline between the Headworks Facility and the Treatment Facility.
 6. Have responsibility as the design authority for utility connections.
 7. Be responsible for any operational upsets, failures, spills, etc., not attributed to the construction of and/or operation of the Headworks Facility, Treatment Facility, and the interconnecting overland pipeline between the Headworks Facility and the Treatment Facility.
 8. Ensure the construction laydown areas at the Treatment Plant site and at the Headworks site are free and clear of all materials and equipment at the time the transfer of operational responsibility of these laydown areas occurs.
 9. Through its management and operating contractor, obtain release from the EM Facility Manager prior to performing work in areas where the operational responsibility has been transferred to EM.

IV. Points of Contact

The following points of contact are responsible for ensuring maximum coordination and communications between the Parties:

OREM: Joy Sager

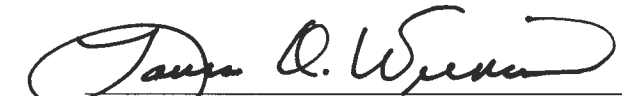
NPO: Jim Donnelly

V. Return of Operational Responsibilities


- A. EM anticipates returning operational responsibility of the construction laydown areas to NNSA after construction completion, and will ensure the construction laydown areas are free and clear of all materials and equipment at the time the return of operational responsibility of these laydown areas occurs.
- B. The OF200 MTF is anticipated to operate for a period of approximately 30 years. At that point, the Parties may consider a return of the areas to NPO.

VI. Miscellaneous

- A. This MOA in no way restricts either of the Parties from participation in any activity with other public or private agencies, organizations or individuals.
- B. This MOA is neither a fiscal nor a funds obligation document. Nothing in this MOA authorizes or intended to obligate the Parties to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value.
- C. This MOA is strictly for internal management purposes for each of the Parties. It is not legally enforceable and shall not be construed to create any legal obligation on the part of either Party. This MOA shall not be construed to provide a private right or cause of action for, or by, any person or entity.
- D. Subject to the Freedom of Information Act (5 U.S.C. § 552), decisions on disclosure of DOE/NNSA information to the public regarding projects and programs referenced in this MOA shall be made by DOE/NNSA following consultation with the other Party.
- E. Conflict resolution of issues related to this MOA that arise between the Parties shall be handled through each Party's responsible manager. An effort shall be made by all participants to resolve conflicts with a spirit of cooperation at the working levels of both organizations.
- F. This MOA may be amended by written agreement of the Parties. This MOA may be terminated by mutual written agreement of the Parties, or by either party upon sixty (60) days written notice to the other party.
- G. This MOA shall become effective on September 11, 2017 or the date when the last party to sign executes the MOA and sends notice to the other party that it has done so, whichever is later. It shall remain in effect for thirty years from the effective date, unless terminated earlier as provided herein as set forth in paragraph VI.F above.


for John A. Mullis
Acting Manager
Oak Ridge Office of Environmental Management

8/9/17
Date


Geoffrey Beausoleil
Manager
NNSA Production Office

25 SEP 2017
Date

ATTACHMENT A



HEADWORKS SITE



TREATMENT PLANT SITE