



Department of Energy

ORNL Site Office
P.O. Box 2008
Oak Ridge, Tennessee 37831-6269

November 22, 2016

MEMORANDUM FOR TODD A. SHRADER
MANAGER, CARLSBAD FIELD OFFICE
CB

FROM: JOHNNY O. MOORE 
MANAGER, ORNL SITE OFFICE
SC-OSO

SUBJECT: MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE U.S. DEPARTMENT OF ENERGY (DOE) OFFICE OF ENVIRONMENTAL MANAGEMENT (EM) CARLSBAD FIELD OFFICE (CBFO), OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT (OREM), AND THE OFFICE OF SCIENCE (SC) OAK RIDGE NATIONAL LABORATORY SITE OFFICE (OSO) REGARDING ONGOING WASTE CERTIFICATION OVERSIGHT AND GENERATOR SITE TECHNICAL REVIEWS FROM THE CBFO

Please find attached the subject MOA, which establishes roles, responsibilities, and interfaces required for oversight of the Oak Ridge Transuranic Waste Certification Program between the CBFO, OREM, and OSO. The MOA has been finalized in coordination between all the DOE parties listed above. After your signature has been provided, please provide my office and the OREM with a copy of the signed MOA.

If there are any questions or additional information is required, please contact James Barnard at (865) 574-8266.

Attachment

cc w/attachment:

Roy T Carver, CB
Karen A. Deacon, OREM
William G. McMillan, Jr., OREM
David C. Queen, OREM
Mary D. Copeland, SC-OR
James C. Barnard, Jr., SC-OSO
Martha J. Kass, SC-OSO

MEMORANDUM OF AGREEMENT

Between the Following U.S. Department of Energy Offices:

ENVIRONMENTAL MANAGEMENT, CARLSBAD FIELD OFFICE

And

OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT

And

OFFICE OF SCIENCE, OAK RIDGE NATIONAL LABORATORY SITE OFFICE

PURPOSE

This Department of Energy (DOE) Memorandum of Agreement (MOA) defines the roles, responsibilities, and interfaces between the Environmental Management (EM) Carlsbad Field Office (CBFO), the Oak Ridge Office of Environmental Management (OREM), and the Oak Ridge National Laboratory (ORNL) Site Office (OSO) regarding ongoing Waste Certification Oversight and Generator Site Technical Reviews (GSTRs) from the CBFO which are required as a part of the necessary changes to be implemented for the Transuranic (TRU) Waste Certification Program supporting restart and continued operations of the Waste Isolation Pilot Plant (WIPP). GSTRs consist of reviewing ORNLs TRU waste processes from the point of generation through the point in which waste and information is transferred to OREM contractors (URS|CH2M Oak Ridge, LLC and North Wind Solutions, LLC) managing TRU waste receipt and processing operation at the Transuranic Waste Processing Center (TWPC). The Central Characterization Program (CCP) will remain as the certifying official for the TRU waste shipments to WIPP. This MOA is not intended to override any other agreements between CBFO, OREM, and OSO.

BACKGROUND

The radiological release that occurred at WIPP in February 2014 has resulted in a number of corrective actions required of the CBFO and TRU waste generating sites to ensure that TRU waste is compliant for shipping and disposal at WIPP. CBFO, as manager of the WIPP repository, has the authority and responsibility to conduct oversight of DOE site TRU waste management programs to assure that activities that could affect TRU waste characterization and/or certification are verified to be compliant with the WIPP Waste Acceptance Criteria. This MOA covers TRU waste review/oversight requirements as well as GSTR requirements between the CBFO and the two DOE offices in Oak Ridge that are signatories to this MOA. Waste Certification Oversight and GSTRs are intended to provide assurance that the DOE CBFO and the Central Characterization Project (CCP) have the correct information required for the certification of Oak Ridge TRU waste.

ORNL has ongoing research and development missions which result in newly generated TRU waste. The CBFO in an interactive partnership with the OSO shall conduct GSTRs of these programs which produce newly generated TRU waste destined to be disposed of in the WIPP repository. The GSTRs will be technical evaluations of ORNL's activities and are a continuing effort by CBFO to ensure that the information supplied in acceptable knowledge documentation related to the ORNL's TRU waste is complete and accurate.

OREM is responsible for managing and disposing of previously stored waste known as "legacy" TRU waste. Waste Certification activities will be ongoing at the generator site(s), requiring oversight activities to assure CBFO that TRU waste is in compliance with WIPP requirements prior to being shipped to the WIPP disposal site.

SCOPE

CBFO, in an interactive partnership with OREM and OSO shall routinely review their TRU waste program(s) and processes to include: generation, storage, characterization, treatment, and shipment of TRU waste destined for final disposal at WIPP. This partnership, to include expert resources such as the CCP, shall collaborate in technical, compliance, and resource evaluations to optimize the generator site's TRU waste characterization, packaging, and certification programs prior to shipping to WIPP. The activities that take place under this MOA are intended to provide added oversight (focused on compliance with the WIPP requirements, such as the Waste Acceptance Criteria) to ensure that DOE meets its TRU waste certification and disposal responsibilities. This MOA is limited to the review of Oak Ridge TRU waste operations (legacy and newly generated) with the intent to improve and/or establish the best processes for managing TRU waste from generation to packaging as well as determining how CCP supports the Oak Ridge operations in the characterization and certification of waste for disposal at WIPP.

The GSTR is limited to a technical review of the processes at ORNL that directly affect the origination and documentation of TRU waste primarily from, but not limited to, the Radiochemical Engineering Development Center (REDC) Building 7920, and Irradiated Fuels Examination Laboratory (IFEL) Building 3525. The overall objective for the GSTR is to confirm that adequate programs are implemented and qualified individuals are engaged in the process to support the transfer of TRU waste from the OSO waste generators to the OREM waste processing contractors. This technical review evaluates the effectiveness of the information collection, evaluation, transfer, and feedback process employed by the OSO's contractor to assure that the CBFO CCP has the vital information required for certification. Since the final certification of TRU waste in Oak Ridge for WIPP is currently managed by OREM, the GSTR will include evaluation of the transfer of information to OREM contractors regarding inner waste items that may affect ultimate certification and packaging decisions. In addition, the GSTR will evaluate the information pertaining to legacy waste certification under the responsibility of OREM.

All parties recognize the sensitivity of the information that may be revealed during the course of technical oversight and collaborative discussions. Transparency and openness should be the operating principle for creating a collegial partnership among the parties of this MOA. The interaction should be formally documented as necessary to ensure discussions are well understood by all organizations. In addition to this MOA, OREM, OSO, and CBFO contractors have an Interface Agreement that describes their interactions; this MOA is not intended to restrict the flow of information and collaboration necessary to accomplish the work.

ROLES AND RESPONSIBILITIES OF CBFO, OREM, AND OSO

The roles and responsibilities described herein shall be respected and carried out by each of the participants of the MOA.

CBFO WASTE CERTIFICATION MANAGER

- CBFO shall appoint a Waste Certification Manager who will have overall responsibility for coordinating the CBFO oversight and review activities related to the TRU Waste Certification Program at Oak Ridge.
- CBFO shall provide the necessary resources as required to support the CBFO Waste Certification Manager and GSTR team for delivery of effective oversight activities.
- CBFO and its contractors shall follow site governing procedures and directives to ensure safety, security, regulatory, and operational compliance with existing requirements.
- CBFO shall assist OREM and OSO in the correction of any area of concern to the extent requested.
- CBFO oversight shall not be a substitute for OREM or OSO oversight responsibilities.
- CBFO shall coordinate oversight activities with the respective OREM and OSO Points-of-Contact (POC).
- CBFO shall formally provide all findings and/or issues related to oversight activities as soon as practical, to the OREM or OSO POC responsible for the scope of work.

OREM AND OSO POCs

- OREM and OSO shall each identify a POC who will work with the CBFO Waste Certification Manager to coordinate and participate in oversight activities.
- OREM shall provide the CBFO Waste Certification Manager with adequate office space, computers, phones, and administrative support to effectively integrate into TRU waste programs.
- OREM/OSO (as applicable) shall provide the necessary support to give the CBFO Waste Certification Manager timely access to required training courses, facilities, personnel, and procedures to allow effective oversight.

- To the extent possible, OREM and OSO shall make available the necessary documents needed by the CCP certification program to certify the site's TRU waste for disposal at WIPP.
- If release of the requested documents is not possible, OREM/OSO (as applicable) shall notify CBFO of the status of the requested documents and the security requirements needed by CCP to access the required information in the requested documents.
- OREM/OSO (as applicable) POCs shall review CBFO audits, reports, and management observations related to Oak Ridge operations for factual accuracy prior to final issuance.
- OREM/OSO (as applicable) shall conduct the necessary corrective actions to resolve findings and/or issues.
- OREM/OSO (as applicable) POCs shall report any inability to correct findings or concerns or delays in the correction of findings or concerns to the CBFO Waste Certification Manager and to Oak Ridge senior management.
- OREM and OSO shall continue to be responsible for oversight of their respective contractor's performance in meeting the TRU waste mission assignments.
- OREM/OSO (as applicable) oversight shall include the safe operations of CCP activities at OREM controlled areas/facilities in Oak Ridge.

CBFO ROLE FOR THE GENERATOR SITE TECHNICAL REVIEW TEAM

- CBFO will appoint a CBFO Management Representative who will be the GSTR coordinator and Review Team Leader.
- CBFO and its contractors shall appoint the members of the team to conduct the GSTR. The team may include a representative from the OREM/OSO (as applicable) program offices.
- CBFO shall provide the necessary resources as required to support the GSTR team for delivery of an effective review.
- CBFO and its contractors shall follow site governing procedures and directives to ensure safety, security, regulatory, and operational compliance with existing requirements.
- CBFO will provide a list of every document received from OREM/OSO (as applicable) TRU Waste operations that CBFO is intending to release to the public and shall obtain written agreement from OREM/OSO (as applicable) POCs prior to release.
- CBFO will share a finalized GSTR assessment plan to the OREM/OSO (as applicable) POCs for concurrence prior to the GSTR team's visit.
- CBFO will share a finalized site-specific GSTR checklist to the OREM/OSO (as applicable) POCs for concurrence at least two weeks prior to the GSTR team's visit.
- The GSTR Team is responsible for executing the GSTR in accordance with the assessment plans and site-specific checklists referenced above.

- The GSTR Team shall generate a written report of the GSTR, including delineation of concerns and recommendations, and provide the report to the CBFO Manager through the CBFO Management Representative.
- The CBFO Management Representative shall provide the report to the OREM/OSO (as applicable) Manager.

OREM/OSO (AS APPLICABLE) ROLE FOR THE GENERATOR SITE TECHNICAL REVIEW TEAM

- The OREM/OSO (as applicable) POC will interface and coordinate activities with the GSTR team and assure communications of issues with the field office senior management.
- OREM/OSO (as applicable) will support the GSTR team with resources to support oversight activities such as:
 - Office space and computer access as needed.
 - Required training for site access.
 - Pre-arrangements for required vendor provided training that requires a charge number.
 - Site access arrangements for team members.
 - Access to records and documents as needed for completion of technical review.
- OREM/OSO (as applicable) will work with the CBFO to determine what documents shared during the GSTR are acceptable for public release.
- OREM/OSO (as applicable) will conduct a classification review of the documents provided for the GSTR as necessary and allow for public release of documents to the extent possible. If public release is not possible, OREM/OSO (as applicable) will clearly notify the GSTR team of the status of all documents.
- OREM/OSO (as applicable) will implement corrective actions to remedy the issues identified during the GSTR to the extent possible.
- OREM/OSO (as applicable) will notify CBFO management of any intended process improvement initiatives that cannot be implemented from the GSTR.

MODIFICATIONS

Any modifications to this MOA shall be in writing. Deviation from or changes to this MOA will be by mutual agreement between CBFO, OSO and OREM as applicable and documented.

POINTS OF CONTACT

Communications related to this MOA shall be addressed to the individuals in the following positions:

GSTR:

CBFO: Courtland Fesmire, Professional Engineer
CBFO Management Representative for GSTR
4021 National Parks Highway, Carlsbad, New Mexico 88220
Office Phone: 575-234-7548
Cell Phone: 575 706-0044

Waste Certification

CBFO: Tom Carver, TRU Waste Certification Manager
CBFO POC
EM, Carlsbad Field Office
4021 National Parks Highway, Carlsbad, New Mexico 88220
Carlsbad Office Phone: 575-234-7302
Oak Ridge Office Phone: 865-241-5937
Carlsbad Cell Phone: 575 725-7746
Oak Ridge Cell Phone 865-304-0074

Oak Ridge Representatives

OREM: William G. McMillan
ORNL Portfolio Federal Project Director
U.S. Department of Energy
Post Office Box 2001, EM-92
Oak Ridge, Tennessee 37831
Office Phone: 865-241-6426
Cell Phone: 865-567-8698

OSO: Martha J. Kass, Director
Operations and Oversight Division
ORNL Site Office
U.S. Department of Energy
Post Office Box 2008
Oak Ridge, Tennessee 37831
Office Phone: 865-576-0717
Cell Phone: 865-566-1907

DISPUTES AND PROBLEM RESOLUTION

The CBFO and OREM and/or OSO POCs as applicable, shall work together to resolve any issues relative to execution of this MOA. Conflicts in operating procedures/directives shall be evaluated to determine the intent and actions necessary to comply with requirements and to meet

mutual corporate objectives. If CBFO and the POCs are not able to reach a common resolution, the deputies of the applicable DOE organizations shall work together to determine the outcome.

EFFECTIVE DATE/TERMINATION

This MOA is effective upon the date of the last approving signature. This MOA remains in effect for a period of five years and may be extended by mutual written consent of the Parties for an additional five year term. Each Party shall review the MOA annually to determine if it continues to meet its needs. If any Party wishes to terminate its participation in this MOA, it shall first provide 60 days' notice in writing to the other Parties. Such termination shall be effective for that Party following expiration of the notice period. The remaining Parties shall continue to remain Parties to the MOA unless they mutually agree otherwise in writing.

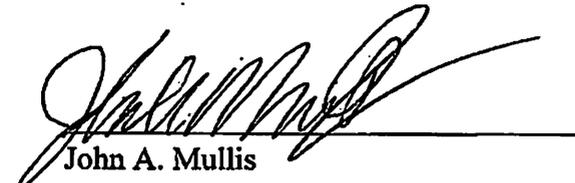
APPROVED BY


for Todd Shrader Deputy
Manager
EM, Carlsbad Field Office
U.S. Department of Energy

1/25/2017
Date


Johnny Mobre
Manager
ORNL Site Office (OSO)
U.S. Department of Energy

11/25/16
Date


John A. Mullis
Acting Manager
Oak Ridge Office of Environmental Management
U.S. Department of Energy

10/24/2016
Date