

**Office of Legacy Management and
Office of Environmental Management**

Site Transition Plan for the Rocky Flats Environmental Technology Site

March 2005



1/28

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Office of Environmental Management**

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Rocky Flats Environmental Technology Site**

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Work Performed by S.M. Stoller Corporation under DOE Contract No. DE-AC01-02GJ79491
for the U.S. Department of Energy Office of Legacy Management, Grand Junction, Colorado

**Site Transition Plan for the Rocky Flats
Environmental Technology Site**

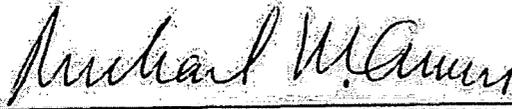
Signature Page



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Office of Environmental Management

25 March 05

Date



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3/25/05

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Contents

Signature Page	ii
Acronyms	iv
Executive Summary	v
1.0 Introduction	1
1.1 Site Background	1
1.2 Goals and Objectives	3
1.3 Transition Process	5
1.4 Responsibilities	6
1.5 Major Assumptions	6
1.6 Uncertainties and Risks	7
2.0 Site Transition Activities	7
2.1 Authorities and Accountabilities	7
2.2 Site Conditions	9
2.3 Engineered Controls, Operations and Maintenance Requirements, and Emergency/Contingency Planning	9
2.4 Institutional Controls, Real Property Records, and Enforcement Authorities	11
2.5 Regulatory Requirements and Authorities	12
2.6 Long-Term Surveillance and Maintenance Budget, Funding, and Personnel Requirements	13
2.7 Information and Records Management Requirements	14
2.8 Public Education, Outreach, Information and Notice Requirements	15
2.9 Natural, Cultural, and Historical Resource Management Requirements	16
2.10 Business Closure Functions, Pension and Benefits, Contract Closeout or Transfer, and Other Administrative Requirements	17
3.0 Lessons Learned	18
4.0 Transition Costs	18

Figures

Figure 1. Transition Timeline	vi
Figure 2. Rocky Flats Site Map	2
Figure 3. Anticipated Land Boundaries Held by DOE and USF&WS	4

Tables

Table 1. Risk Condition and Mitigation Plan	vii
Table 2. Major Milestones	viii
Table 3. Organizations and Responsibilities	6
Table 4. Estimated LM Transition Costs	18

Attachment

Attachment 1. Information Management and Records Transition Plan	TBD
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Acronyms

CAD/ROD	Corrective Action Decision/Record of Decision
CD-4	Critical Decision-4
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CDPHE	Colorado Department of Public Health and Environment
COBRA	Consolidated Omnibus Budget Remediation Act of 1985
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
EEOICPA	Energy Employees Occupational Illness Compensation Program Act
EM	DOE Office of Environmental Management
EPA	U.S. Environmental Protection Agency
FY	fiscal year (October 1 – September 30)
HAZMAT	hazardous materials
IT	Information Technology
K-H	Kaiser-Hill
LM	DOE Office of Legacy Management
LSO	Local Stakeholder Organization
LTS&M	long-term surveillance and maintenance
LTS&M Plan	Long-Term Surveillance and Maintenance Plan
MOU	Memorandum of Understanding
NNSA	National Nuclear Security Administration
NPL	National Priorities List
NRC	U.S. Nuclear Regulatory Commission
NSE	National Stewardship Entity
O&M	operations and maintenance
PBD	program budget decision
PIP	Public Involvement Plan
PSO	Program Secretarial Organization
RCRA	Resource Conservation and Recovery Act
RFCA	Rocky Flats Cleanup Agreement
RFCAB	Rocky Flats Citizens Advisory Board
RFETS	Rocky Flats Environmental Technology Site
RFPCA	Rocky Flats Post-Closure Agreement
RFCOLG	Rocky Flats Coalition of Local Governments
RFPO	Rocky Flats Project Office
RI/FS	Remedial Investigation/Feasibility Study
STC	LM Site Transition Coordinator
STF	Site Transition Framework
STP	Site Transition Plan
USF&WS	U.S. Fish and Wildlife Service

Executive Summary

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) and Office of Environmental Management (EM) have initiated the transition of the Rocky Flats Environmental Technology Site (RFETS) into LM for long-term surveillance and maintenance (LTS&M) and for certain legacy worker and contract liabilities. The Site is on an accelerated cleanup schedule with an anticipated completion of all physical remediation in early fiscal year (FY) 2006 (Figure 1). The transition will occur through two specific periods: Physical Completion and Regulatory Closure. Physical Completion will occur first with the completion of all physical remedial action activities. LM will take over responsibility for LTS&M activities to maintain the Site upon Physical Completion. Regulatory Closure will occur on a later date following completion and approval of all regulatory documentation with LM expecting to become fully responsible for the Site at final transition (beginning of FY 2007). EM will remain functionally and financially responsible for all activities at the Site through final transition which will occur at the beginning of FY 2007.

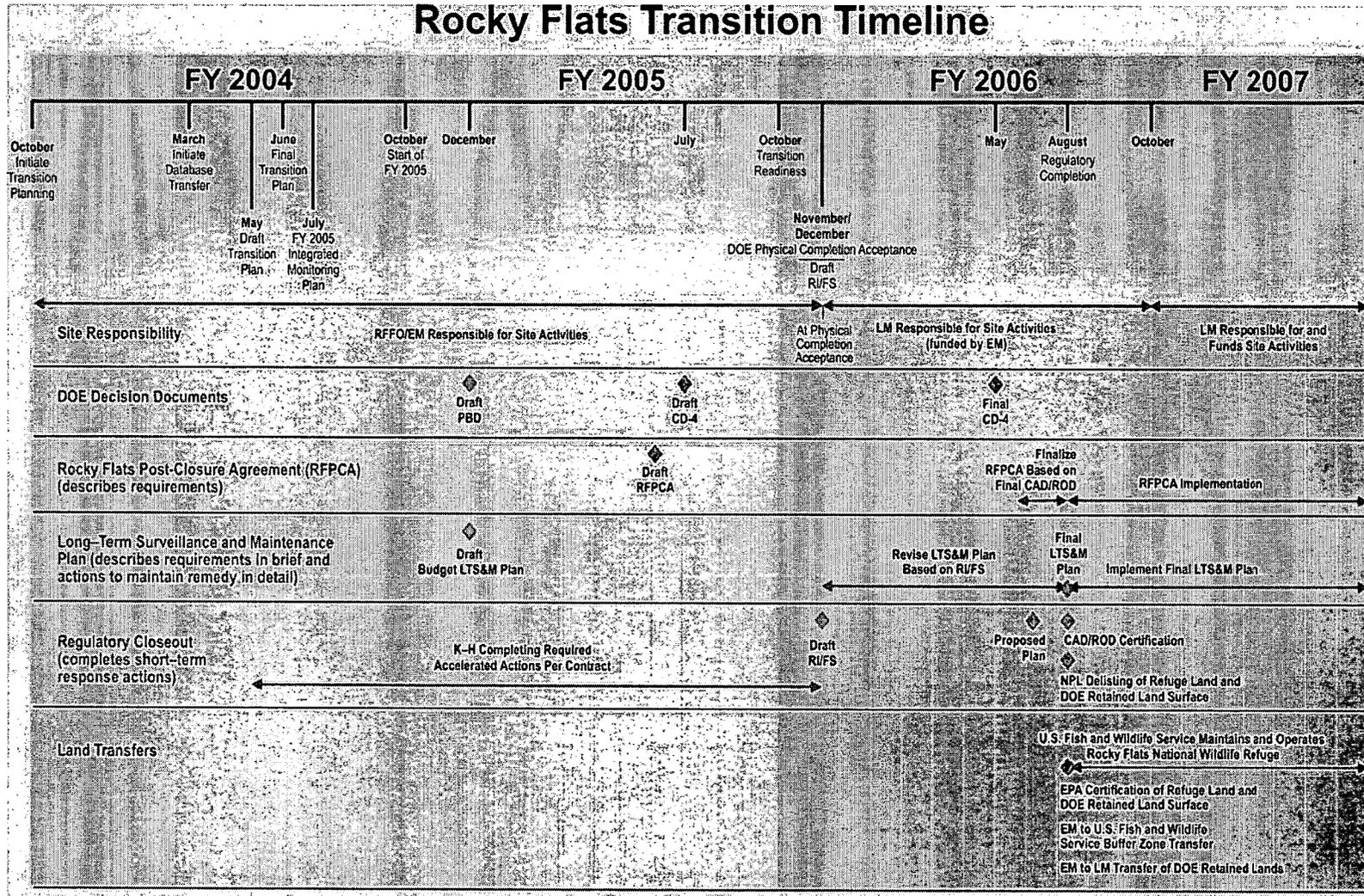
The Rocky Flats Site is a Comprehensive Environmental Responsibility, Compensation, and Liability Act (CERCLA) site and Resource Conservation and Recovery Act (RCRA) site with the U.S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE) sharing regulatory authority during cleanup. The Rocky Flats Cleanup Agreement (RFCA) outlines the objectives and overall schedule for cleanup of the Site. The Rocky Flats Post-Closure Agreement (RFPCA) will replace the RFCA and will provide the regulatory framework and guidance for all long-term surveillance and maintenance activities at the Site. Long-term surveillance and maintenance requirements and protocols will be documented in the Long-Term Surveillance and Maintenance Plan (LTS&M Plan). The future land use for the majority of the Site was established by the Rocky Flats National Wildlife Refuge Act of 2001.

The primary goal of the Rocky Flats Site transition is the efficient closeout of EM site activities and transfer of all long-term DOE responsibilities from EM to LM in a timely manner with no disruption of services and no negative effects on the ongoing closure mission. To ensure transition progresses on schedule, it will be managed as a project, with tracking of specific actions within each major functional transition area. EM and LM will use this Site Transition Plan (STP) as well as other management tools to capture key activities and track progress. The STP is an internal DOE management tool, and not an enforceable regulatory document. The STP was developed in accordance with the Site Transition Framework (STF) guidance.

Major transition assumptions for the Rocky Flats Site include the following:

- Availability of funding for LM to assume responsibility for all LTS&M activities at the Site no later than October 2005.
- Site LTS&M activities will transfer from EM to LM in FY 2006 utilizing EM budget in FY 2006 and LM budget in FY 2007 and beyond. EM will remain responsible for Contract and Regulatory Closeouts of the Site.
- Regulatory negotiations and approvals proceed on schedule as anticipated.
- EM will remain responsible for land transfer of Refuge Lands to USF&WS after Regulatory Closeout and Certification. EM will retain responsibility for Regulatory Closure. LM will be the lead organization for the RFPCA.

Rocky Flats Transition Timeline



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Figure 1. Transition Timeline

Key uncertainties and risks associated with the transition process, identified below, will be aggressively addressed to mitigate issues and keep the transition process effectively moving forward. Risk management/mitigation steps and alternatives analyses will not be addressed in this document, but will be identified and implemented for specific situations and issues as they occur (see Table 1).

Table 1. Risk Condition and Mitigation Plan

Risk Condition	Consequence	Risk Handling Strategy
The availability of a national contract for pensions and benefits management at physical completion is uncertain.	HIGH: The Kaiser Hill contract allows for DOE direction regarding continued management of the pensions and benefits until a national contract is in place. This will require Kaiser Hill to maintain current systems indefinitely. Transition of applications and data to LM will occur after Physical Completion and may be critical path if all other EM activities are completed.	MITIGATION PLAN: 1. EM will negotiate a contract with Kaiser Hill to continue management of pensions and benefits. 2. LM is pursuing a national contract to perform this task.
Lack of agreement between DOE and regulatory agencies on RFPCA.	MEDIUM: Lack of agreement will delay close out of the current RFCA and delay finalizing LTS&M plans. This could also involve a lengthy legal engagement.	MITIGATION PLAN: 1. The current RFCA will continue in force until a new agreement is in place. 2. DOE and regulatory agencies are continuing negotiations and gaining agreement by section. 3. As sections of the RFPCA near agreement, information will be incorporated into drafts of the LTS&M Plan.
Final disposition of orphan waste	MEDIUM: No final solution for disposition of 8 orphan waste drums had been identified. Disposition paths being worked.	MITIGATION PLAN: 1. EM will retain responsibility for disposition of waste. 2. EM is minimizing waste and aggressively pursuing options for disposition.
Timing of regulatory closure	MEDIUM: Delay of regulatory closure will impact finalization of the LTS&M Plan and may require revision to other documents.	MITIGATION PLAN: 1. EM is responsible for regulatory closure. 2. Revisions to LTS&M Plan and RFPCA will incorporate updates to the CAD/ROD and other documents as available.
Establishment of LSO	HIGH: The LSO legislation requires an LSO to be established no later than 6 months prior to physical completion.	MITIGATION PLAN: 1. The RFCAB and RFCLOG will continue their roles for EM through regulatory closure. 2. LM is working with both citizen's groups and offices of legislators to develop the LSO.
Transfer of Refuge Lands to USF&WS	MEDIUM: An MOU must be executed between DOE and USF&WS to transfer the Refuge Lands. DOE will remain responsible for all activities on the entire Site until the MOU is in force.	MITIGATION PLAN: 1. EM is negotiating with USF&WS on language for the MOU. 2. LM is preparing to manage the entire Site until an agreement is reached.

Major milestones for the transition process and the corresponding schedule timelines are shown in Table 2 and on Figure 1. Major milestones will be placed under configuration control administered by LM-1 and EM-1. These represent the current status of transition activities as of the date of this document. Ongoing progress of Site transition activities will be updated in the quarterly status report to EM-1 and LM-1.

Table 2. Major Milestones

	Milestone	Transition Area	Start Date	Finish Date
1	EM complete remedial actions and CERCLA documentation.	2.2 and 2.5	Ongoing	Fall 2006
2	Negotiation and approval of RFPCA – LM is lead DOE organization. EM is support.	2.2 and 2.5	October 2003	March 2006
3	EM complete transfer of responsibility of DOE Retained Lands from EM to LM.	2.2	June 2005	Fall 2006
4	EM provide as-built drawings, O&M procedures, and Statements of Work for O&M requirements for surface water ponds and ground water treatment system.	2.3	July 2004	October 2004
5	LM develop procedures, identify and secure resources, and perform training to assume responsibility of LTS&M activities – implement agreements to accommodate emergency response requirements - complete LTS&M Plan.	2.3 and 2.6	July 2004	October 2005
6	LM maintain all real property records and leases in coordination with EM – terminate unneeded leases.	2.4	October 2004	October 2005
7	EM transfer all permits and agreements to LM as necessary.	2.4	June 2005	October 2005
8	LM prepare funding requests for FY 2007 for all post-closure responsibilities– including Pensions and Benefits and LTS&M functions.	2.6 and 2.10	January 2005	March 2005
9	LM determine location of final storage of records – EM complete disposition of active and inactive records – EM/LM determine final Administrative Record repository and Reading Room.	2.7	June 2004	October 2005
10	LM complete evaluation and migration of existing computer applications and databases.	2.7	June 2004	October 2005
11	EM and LM prepare and implement PIP – negotiate funding requirements for community groups – involve USF&WS in future planning activities.	2.8	May 2004	June 2005
12	EM and USF&WS implement MOU for management and monitoring of future wildlife refuge – transfer Refuge Lands to USF&WS - resolve issues of outstanding mineral rights.	2.9	October 2004	October 2006

Estimated LM costs for the transition of the Rocky Flats Site from EM to LM during FY 2005 and 2006 is \$1.1 million. This estimated cost does not include LM post-closure costs that will be budgeted starting in FY 2007, and will be summarized in the LTS&M Plan.

The STF establishes requirements for ten functional areas (discussed in Section 2.0) that must be met before programmatic transfer of a closure site from EM to LM. The STF serves as the primary tool to evaluate whether all relevant transition activities and end-point criteria have been identified. Each area is summarized in the following manner: (1) Status and Approach at Signing of This Site Transition Plan; (2) Site Conditions at Transfer; (3) Major Actions and Lead Organizations; and (4) Key Uncertainties and Risks. The major actions/milestones that require close monitoring/tracking are summarized in Table 2 and the transition timeline is shown on Figure 1. Table 2 will be updated periodically and provided as an attachment to the quarterly transition status report to EM-1 and LM-1.

1.0 Introduction

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) and Office of Environmental Management (EM) have initiated the transition of the Rocky Flats Environmental Technology Site (RFETS) into LM for long-term surveillance and maintenance (LTS&M) and for certain legacy worker and contract liabilities. Transition of the Site will be final after all Physical Completion activities are completed and Regulatory Closure is achieved. The Site is on an accelerated cleanup schedule with an anticipated completion of all physical remediation in early fiscal year (FY) 2006. EM will remain responsible for all activities at the Site through final transfer which will occur at the beginning of FY 2007. EM will continue to be responsible for completion of the remedial action, Contract Closeout, and Regulatory Closure. For planning purposes, LM will complete LTS&M activities to maintain the Site after completion of remedial action (at Physical Completion), but EM will remain functionally and financially responsible for the Site from Physical Completion until the beginning of FY 2007 (Figure 1).

Transition of the site will follow the DOE Site Transition Framework (STF). The purpose of this Site Transition Plan (STP) is to document the approach that EM and LM have agreed upon to ensure an expedient and efficient transition of responsibilities at the Site. This plan has been developed consistent with the Site Transition Plan Guidance. It establishes EM and LM responsibilities, the requirements that each party must meet, provides support for preparation of the critical decision documentation, and has been developed through a collaborative effort between EM and LM staff. This STP is an internal DOE management tool and not an enforceable regulatory document.

Section 2.0 of this document provides a description of transition activities. A draft Critical Decision-4 (CD-4) package will be prepared prior to LM taking site responsibility (at Physical Completion). A final CD-4 package will be completed upon Regulatory Closure to accommodate any changes between the assumptions made at the time of Physical Completion and final resolution of those issues once all requirements of the Site transition are complete.

To ensure that transition of the Rocky Flats Site is progressing on schedule, it is being managed as a project, with tracking of specific actions within each major transition area (Section 2.0). In addition to this STP EM and LM will use other management tools to capture key activities and track progress including the Rocky Flats Post-Closure Responsibility Scoping Checklist, the Rocky Flats Sunset Project Schedule, and as actions are completed, a Transfer Form.

1.1 Site Background

The Rocky Flats Site was a key component of the nation's nuclear weapons production program from 1953 to 1994 (Figure 2). In the mid-1990s, the mission changed from weapons production to site cleanup and closure. The Site was proposed for inclusion on the U.S. Environmental Protection Agency (EPA) National Priorities List (NPL) in 1984 because of previous environmental impacts; the listing became final in 1989. The Rocky Flats Site cleanup is under Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Responsibility, Compensation, and Liability Act (CERCLA) authority with EPA and the Colorado Department of Public Health and Environment (CDPHE) sharing regulatory authority during cleanup. In July 1996, EPA, the State of Colorado, and DOE signed the Rocky Flats Cleanup Agreement (RFCA) that outlined the objectives, regulatory requirements, and overall schedule for cleanup of the Site.

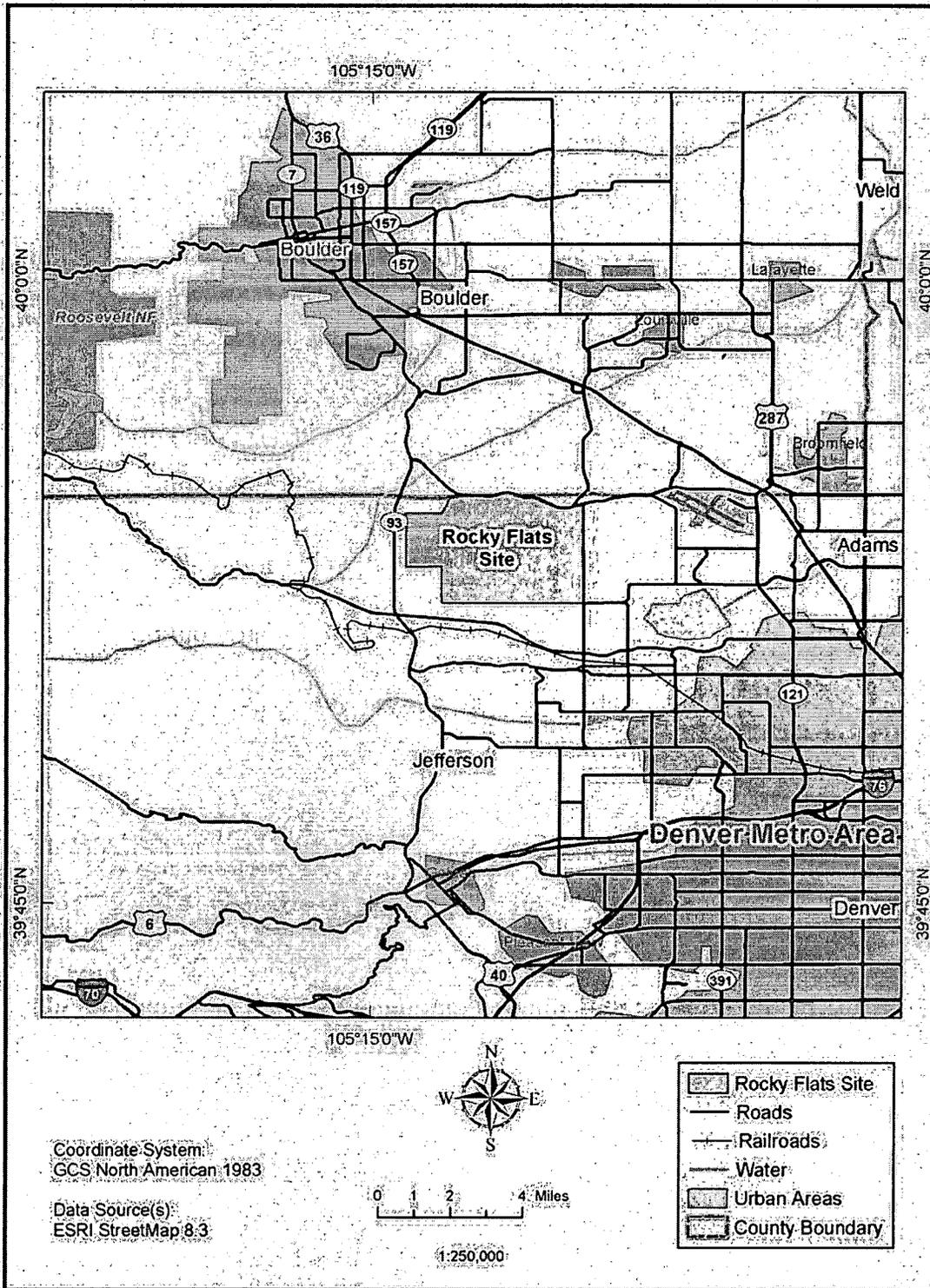


Figure 2. Rocky Flats Site Map

A summary of the history of the site is available in the Rocky Flats Long-Term Stewardship Strategy. Documentation identifying historical uses, characterization, and many of the remedial actions will be included as part of the Regulatory Closure process as identified in the site-wide Remedial Investigation/Feasibility Study (RI/FS) and Corrective Action Decision/Record of Decision (CAD/ROD) [CERCLA closeout documentation].

The Rocky Flats National Wildlife Refuge Act of 2001 was signed establishing the Rocky Flats National Wildlife Refuge, providing permanent Federal ownership of the Rocky Flats Site. Figure 3 shows the anticipated boundary between land held by DOE and the U.S. Department of the Interior (DOI) [U.S. Fish and Wildlife Service (USF&WS)]. The final boundary will be designated in final regulatory closure documentation. Since the anticipated future land use for the majority of the Site is a national wildlife refuge, the Site will meet acceptable risk levels for a wildlife refuge worker. Closure activities are ongoing, consistent with the requirements of RFCA and the Kaiser Hill contract. At Physical Completion, almost all buildings and infrastructure will have been removed to a depth of 3 feet, all waste and special nuclear material will have been shipped off-site, Individual Hazardous Substances Sites will have been remediated, and the Site will have been re-graded and re-vegetated. The only structures planned for retention are associated with the passive ground water treatment systems, the ponds and surface water control features, and the east and west inspection sheds as requested by USF&WS.

Currently, DOE is working with EPA and CDPHE on development of the Rocky Flats Post-Closure Agreement (RFPCA) to replace the RFCA. The RFPCA uses the framework of the RFCA, but is based on ensuring that the final response action remains protective of human health and the environment for the long term. The RFPCA will provide the regulatory framework and guidance for all long-term surveillance and maintenance activities at the Rocky Flats Site. Long-term surveillance and maintenance requirements and protocols will be documented in the Long-Term Surveillance and Maintenance Plan (LTS&M Plan).

1.2 Goals and Objectives

The primary goal of the Rocky Flats Site transition is the efficient closeout of EM site activities and transfer of all long-term DOE responsibilities from EM to LM in a timely manner with no disruption of services and no negative effects on the ongoing closure mission. Figure 1 presents a timeline showing major milestones for Site closure. An effective transition will be accomplished when LM can assume responsibility for all LTS&M activities upon certification of Regulatory Completion, Rocky Flats Project Office (RFPO) site activities are transferred to other EM entities, and internal DOE transition documentation meets the requirements of the EM to LM transition process (Figure 2).

The following goals and objectives have been established for the transition of the RFETS from EM to LM:

- A timely transition of all identified functions and physical items with no service disruption and no negative effects to the closure mission or the future LM mission.
- Coordinate efforts to understand the current functions and the available tools to be able to make informed decisions regarding transfer of functions and to facilitate an efficient and effective transition of responsibility.

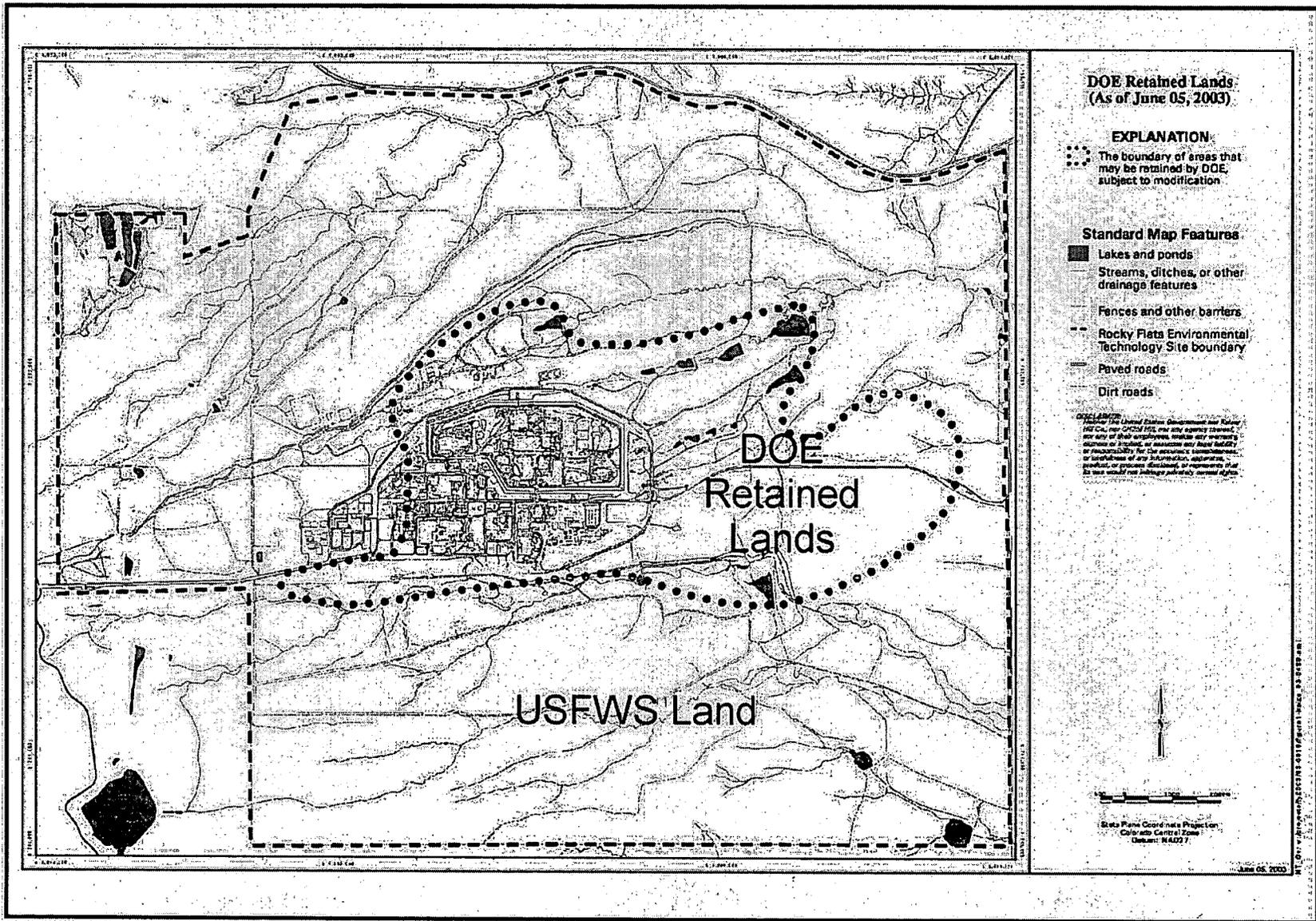


Figure 3. Anticipated Land Boundaries Held by DOE and USF&WS

- Identify and carryout all functions, programs, initiatives, activities, assets, etc., requiring transition from EM to LM or USF&WS or to another EM entity as a result of the successful completion of the Rocky Flats Site closure.
- Identify and carryout all functions for early transfer where appropriate and consistent with EM and LM missions.

1.3 Transition Process

The transition of RFETS from EM to LM was informally initiated in September 2003. A core transition team consisting of site personnel and designated LM personnel was formed and began holding regular meetings and teleconferences. Initial activities included:

- Determining major transition tasks and assigning responsibilities to project teams that included subject matter experts.
- Developing a timeline for major milestones and identifying critical path activities. Identifying tasks for early transition.
- Identifying major issues that could jeopardize the transition schedule.
- Sharing contact information to facilitate communications.
- LM and EM personnel are participating in meetings with stakeholders and regulatory agencies to become familiar with key site issues and to assure these groups that there will be a smooth transition between DOE offices.

The transition will occur through two specific periods: Physical Completion and Regulatory Closure. The Physical Completion will occur first with the completion of all physical remedial action activities. LM will be ready to assume all long-term activities no later than the Physical Completion date. To ensure LM is prepared, a readiness date of October 1, 2005, is being planned. Any activities completed by LM on the site between Physical Completion and the beginning of FY 2007 will be funded by EM. Regulatory Closure will occur on a later date following completion and approval of all regulatory documentation.

The Rocky Flats CD-4 Site Transition implementation approach utilizes a joint EM and LM team following the primary requirements in DOE Order 413.3, *Program and Project Management for the Acquisition of Capital Assets*, and DOE Order 430.1B, *Real Property and Asset Management*. These requirements have been further clarified in a variety of guidance documents, manuals, memoranda, and fact sheets. For closure sites, implementation of DOE Order 430.1B is achieved with development of a disposition plan. This STP is intended to meet the DOE requirements for a disposition plan. The STP integrates the requirements for scope, schedule, and budget associated with Physical Completion, transition, and Site turnover to LM.

Major milestones for the transition process and the corresponding schedule timelines are shown in Table 2 and on Figure 1 (located in the Executive Summary). Major milestones will be placed under configuration control administered by LM-1 and EM-1. These represent the current status of transition activities as of the date of this document. Ongoing progress of Site transition activities will be updated in the quarterly status report to EM-1 and LM-1.

More detailed scheduling information and tracking is maintained in the Rocky Flats Post Closure Responsibility Scoping Checklist. Results and updates from these management tools will be included in the quarterly status report. Contingencies and alternative planning for schedule variations in the transition process will be addressed and included in the quarterly status report.

1.4 Responsibilities

The following organizations are responsible for implementing and regulating the Site transition process and activities. Current and expected post-closure responsibilities for the various organizations are shown in Table 3.

Table 3. Organizations and Responsibilities

Organization	Current	Post-Closure
DOE-EM-HQ	Provide funding and overall project guidance for site remediation and closeout – involved with mineral rights issues and orphan waste.	Complete MOU with USF&WS – closeout contracts.
DOE-LM-HQ	Provide funding and overall project guidance for site transition and complete LTS&M activities at Site. Becomes site PSO after closure.	Provide funding and overall guidance to complete LTS&M requirements at Site.
DOE-EM-RFPO	Provide project management and implementation – develop project scope and compliance strategies – establish milestones and stakeholder agreements – oversee contracts – provide interface with public for remediation, regulatory closure, and Site closeout.	Complete closeout of Site activities.
DOE-LM-50-RF Transition Team	Provide project management and implementation – develop project scope for transition and LTS&M activities – establish milestones and stakeholder agreements – provide interface with public for remediation, regulatory closure, and Site closeout.	Implement LTS&M activities.
USF&WS	Work with DOE to transition Site from remediation to wildlife refuge – develop wildlife overview of the Site and complete other tasks in support of Site management as agreed between DOE and USF&WS.	Operate and maintain Rocky Flats National Wildlife Refuge.
EPA	Regulatory oversight for RFCA compliance.	Regulatory oversight for post-closure RFPCA implementation.
State of Colorado	Regulatory oversight for RFCA compliance and CHWA.	Regulatory oversight for post-closure RFPCA implementation.
Kaiser-Hill Company, LLC	EM/RFPO Contractor – provide overall technical and management support – complete remediation and perform closure contract requirements – provide CERCLA documentation.	Contract closeout.
S.M. Stoller Corporation	LM Contractor – provide overall technical and management support in transitioning Site into LM.	Complete assigned LTS&M requirements.
Other Contractors	Provide specialty services.	Contract closeout.
RFCAB	EM funded – provide perspectives and interests of general public – participate in project activities – review and comment on documents – provide stakeholder consideration.	TBD
RFCLOG	LM funded – provide perspectives and interests of neighboring local governments – participate in project activities – review and comment on documents – provide stakeholder consideration.	TBD
LSO	LM funded – Local Stakeholders Organization – being developed	TBD

1.5 Major Assumptions

Major transition assumptions for the Rocky Flats Site include the following:

- Availability of funding for LM to assume responsibility for all LTS&M activities at the Site no later than October 2005.
- Site LTS&M activities will transfer from EM to LM in FY 2006 utilizing EM budget in FY 2006 and LM budget in FY 2007 and beyond. EM will remain responsible for Contract and Regulatory Closeouts of the Site.
- Regulatory negotiations and approvals proceed on schedule as anticipated.
- EM will remain responsible for land transfer of Refuge Lands to USF&WS after Regulatory Closeout and Certification. EM will retain responsibility for Regulatory Closure. LM will be the lead organization for the RFPCA.

1.6 Uncertainties and Risks

Key uncertainties and risks associated with the transition process are identified in Table 1 (located in the Executive Summary). These will be aggressively addressed to mitigate issues and keep the transition process effectively moving forward. Risk management/mitigation steps and alternatives analyses will not be addressed in this document, but will be identified and implemented for specific situations and issues as they occur. Additional details regarding uncertainties and risk mitigation are provided in Section 2.0 of this document.

2.0 Site Transition Activities

The STF establishes requirements for ten functional areas (Sections 2.1 through 2.10 below) that must be met before programmatic transfer of a closure site from EM to LM. The STF serves as the primary tool to evaluate whether all relevant transition activities and end-point criteria have been identified. Each area is summarized in the following manner: (1) Status and Approach at Signing of This Site Transition Plan; (2) Site Conditions at Transfer; (3) Major Actions and Lead Organizations; and (4) Key Uncertainties and Risks.

The major actions that require close monitoring/tracking are summarized in Table 2 (located in the Executive Summary). The transition timeline is shown on Figure 1 (also in the Executive Summary). Table 2 will be updated quarterly and provided as an attachment to the transition status report to EM-1 and LM-1.

Because of the nature of the STF, many of the assumptions, conditions at transition/transfer and major actions/uncertainties contain repeated themes throughout the ten functional areas. An attempt has been made in this plan to reduce these redundancies.

2.1 Authorities and Accountabilities

Sites are required to ensure all documents allocating roles and responsibilities of interested parties have been approved and signed, to identify responsibilities and funding for long-term surveillance and maintenance activities, and incorporate appropriate governmental policies and procedures for managing resources into the LTS&M Plan and respective agreements.

2.1.1 Status and Approach at Signing of This Site Transition Plan

- EM is managing the Site, completing remediation, and preparing for site closeout. EM has a primary contract with K-H to complete this work.
- LM has identified and initiated Site transition protocols and actions to implement effective management of LTS&M of the Site. LM has a contract with the S.M. Stoller Corporation in support of this activity.
- LM is the PSO for negotiation of the RFPCA with the regulatory agencies.
- See Table 3 for organizations and responsibilities.

2.1.2 Site Conditions at Transfer

- LM will be the PSO for the site and will be responsible for management of DOE Retained Lands and all LTS&M requirements.
- All continuing EM activities for the Rocky Flats Site will have been transferred from RFPO to other entities as established in the Rocky Flats Sunset Project Schedule.
- At the time of DOE acceptance of Declaration of Physical Completion, a Memorandum of Understanding (MOU) will be in place between DOE and USF&WS regarding transfer and management of the Refuge Lands and maintenance of the Rocky Flats National Wildlife Refuge.

2.1.3 Major Actions and Lead Organizations

- EM will complete all remedial actions and regulatory closeout documentation.
- The RFPCA will be approved. LM is the lead organization for negotiation with EM in support (see Section 2.5). LM is the lead organization for final document approval.
- EM will complete land transfer of the Refuge Lands to USF&WS.
- Responsibility for the DOE Retained Lands will be transferred from EM to LM.
- Authorities relating to institutional controls are discussed in Section 2.4.

2.1.4 Key Uncertainties and Risks

- State and EPA authorities post-closure must be resolved to complete the RFPCA. The current RFCA will remain in effect until the new agreement is completed. To mitigate this risk the Site Manager and the LM Site Transition Coordinator will continue to negotiate this agreement with EPA and the state and notify DOE-HQ if assistance is required.
- A draft MOU with the DOE (US FWS) was published in the Federal register on March 22, 2005, and has a 60-day public comment period. Agreement on long outstanding mineral right issues between DOE and DOI has not been resolved in the draft document and will need to be resolved in the final MOU. Until the agreement is in place, LM will perform and EM will fund the required monitoring and maintenance of the Refuge Lands and USF&WS support for transition requirements. To mitigate

this risk DOE will continue to push resolution of the MOU between the Secretary of Interior and DOE.

2.2 Site Conditions

Sites are required to ensure all remedies and remaining hazards have been identified and documented at Physical Completion, to complete a conceptual site model for LTS&M, and to ensure all remedial actions and associated documentation has been completed and approved by regulators.

2.2.1 Status and Approach at Signing of This Site Transition Plan

- EM is completing remediation through a Closure Contract with K-H under RFCA authority.

2.2.2 Site Conditions at Transfer

- Site remediation will be complete.
- The Refuge Lands will be maintained as a wildlife refuge by USF&WS.
- The Administrative Record for each hazardous waste area is available to the public in the Rocky Flats Reading Room. Documentation associated with site conditions, such as well permits, off-site licenses and agreements, easements, and land records will be transferred to LM.
- EM will document final site conditions in the RI/FS and CAD/ROD documents.
- Areas subject to "No Further Action" have already been designated in the RFCA and will be documented in the final CAD/ROD.
- LTS&M requirements and protocols will be documented in the RFPCA and the LTS&M Plan.
- LM will be responsible for all LTS&M activities.

2.2.3 Major Actions and Lead Organizations

- EM will complete all remedial actions and CERCLA documentation including the RI/FS, Proposed Plan, and CAD/ROD.

2.2.4 Key Uncertainties and Risks

See Sections 2.3.4 and 2.5.4.

2.3 Engineered Controls, Operations and Maintenance Requirements, and Emergency/Contingency Planning

Sites are required to identify and document all engineered controls, operations and maintenance activities, identify contractor activities and provide funding to perform work, and identify the authority and responsibilities to implement emergency/contingency planning and activities.

2.3.1 Status and Approach at Signing of This Site Transition Plan

- EM is currently responsible for all O&M requirements including emergency/contingency planning. Implementation of most of these actions is through the Closure Contract with K-H. Presently there are 12 agreements (mostly mutual assistance agreements) with Federal, State, and local entities to provide various law enforcement, fire protection, HAZMAT, and other emergency response assistance to the Rocky Flats Site in addition to the significant onsite capability.

2.3.2 Site Conditions at Transfer

- O&M contingency planning and other LTS&M requirements will be documented in the RFPCA and the LTS&M Plan.
- At the time of DOE acceptance of Declaration of Physical Completion, engineered controls include two remediated and vegetated landfills, three (or more) passive ground water treatment systems, ground water monitoring wells, and a group of ponds and dams for management of surface water runoff.
- At the time of DOE acceptance of Declaration of Physical Completion, engineering drawings, as-builts, maps, and other Site documentation will be provided by EM. EM will also provide maps and photographs of all physical and geotechnical features at the site. The Rocky Flats environmental database will be migrated to LM.
- Upon completion of the existing contract requirements between K-H and DOE, no further remediation activities will be necessary. EM will continue with Contract Closeout and Regulatory Closure, and LM will perform required monitoring and maintenance of completed remedial actions.
- At the time of DOE acceptance of Declaration of Physical Completion, minor amounts of waste and contaminated media will continue to be associated with the monitoring of environmental media, covered landfills, and the operation of the passive ground water barriers and will be handled in an appropriate manner.
- At the time of DOE acceptance of Declaration of Physical Completion, there will be no utilities remaining on the Site.
- At the time of DOE acceptance of Declaration of Physical Completion, LM will have all resources in place to perform LTS&M activities including emergency response agreements as required.
- All continuing EM activities for the Rocky Flats Site will have been transferred from RFPO to other entities as established in the Rocky Flats Sunset Project Schedule.

2.3.3 Major Actions and Lead Organizations

- EM will provide as-built drawings, O&M procedures, and Statements of Work for O&M requirements.
- EM will provide the operational history and O&M procedures of the passive ground water treatment systems.
- LM will develop procedures, identify and secure resources (direct hire or subcontract), and perform training to assume responsibility of LTS&M activities.

- LM will implement agreements with appropriate entities to assure capabilities to accommodate emergency response requirements are in place prior to assuming LTS&M functions.

2.3.4 Key Uncertainties and Risks

- Engineering controls may not be effective in meeting the cleanup criteria in the long-term. The LTS&M Plan will describe contingencies to be implemented upon failure or weaknesses of engineering controls. Site Manager and LM Transition Coordinator will assure LTS&M Plan is completed in a timely fashion.
- Final remedial action requirements may change, affecting long-term requirements for monitoring, and O&M. The RFPCA and the LTS&M Plan will be revised as necessary.

2.4 Institutional Controls, Real Property Records, and Enforcement Authorities

Sites are required to identify and document all land use and institutional controls, to ensure they are approved by regulators and implemented, and to ensure property records are complete.

2.4.1 Status and Approach at Signing of This Site Transition Plan

- DOE owns the entire site, with the exception of certain mineral rights. EM is responsible for and manages all site activities through RFPO, the K-H contract, and other agreements.
- Discussions with regulatory agencies are ongoing for potential institutional controls that will be documented in the RFPCA.

2.4.2 Site Conditions at Transfer

- LM will be responsible for management of DOE Retained Lands and all LTS&M requirements.
- Institutional controls for the Site will be in place and defined in the RFPCA. Implementation requirements will be included in the LTS&M Plan. No off site institutional controls are expected.
- LM will provide monitoring of institutional controls as documented in the LTS&M Plan.

2.4.3 Major Actions and Lead Organizations

- EM is responsible for establishing and LM is responsible for implementing institutional controls (as identified in the CAD/ROD) to ensure long-term protection of human health and the environment.
- LM will maintain all real property records that have transferred to the Federal Records Center and make them available for EM use, to complete final transfer of property to USF&WS upon certification as required by the Rocky Flats National

Wildlife Refuge Act of 2001. Final transfer of the jurisdiction to USF&WS will be completed by EM.

2.4.4 Key Uncertainties and Risks

- The State of Colorado may insist on the State Environmental Covenant applying to Federal property which may require a lengthy legal engagement to resolve. Without timely resolution to this issue, the land transfer to USF&WS and final institutional controls on the DOE Retained Lands may be delayed. However, DOE will continue to maintain control of the Site and no inappropriate use of the Site will occur.
- Transfer of the Refuge Lands to the USF&WS is dependent upon approval of the MOU and resolution of outstanding mineral rights issues. DOE will remain responsible for all site activities until the MOU is final and the land transferred.

2.5 Regulatory Requirements and Authorities

Sites are required to identify all regulatory decision documents and associated site characterizations that have been completed or closed-out, to verify implemented remedy and associated LTS&M activities are in compliance with regulatory requirements, to make available results of CERCLA Five-Year Reviews and other information based on future periodic reviews, to clearly indicate EPA NPL status and/or RCRA permit status, and to identify location of pertinent regulatory documents.

2.5.1 Status and Approach at Signing of This Site Transition Plan

- Rocky Flats is a RCRA and CERCLA site with EPA and CDPHE sharing regulatory authority during cleanup. The RFCA provides the regulatory framework for site cleanup. All remediation is being managed under the RFCA by EM.
- All regulatory decision documents scheduled for completion prior to closure are being completed according to requirements in the RFCA. All remaining actions will be identified in the RFPCA and will be finalized in accordance with that agreement.
- Documentation identifying historical uses, characterization, and the completed remedial actions will be included in the RI/FS and CAD/ROD prior to Regulatory Closure.

2.5.2 Site Conditions at Transfer

- All remediation will be complete and regulatory approvals secured.
- The RFPCA will be the legal authority governing all activities at the site and will identify and describe regulatory requirements, authorities, roles, and responsibilities between DOE, regulatory agencies, and major stakeholder groups. LTS&M requirements and implementation activities will be included in the LTS&M Plan.
- All permits and agreements required for LTS&M activities will be current and transferred to LM.
- Appropriate governmental policies and procedures for managing resources will be incorporated into the RFPCA.

- Funding sources for each activity will be identified (see Section 2.6).

2.5.3 Major Actions and Lead Organizations

- Actions are identified in previous sections.

2.5.4 Key Uncertainties and Risks

- Requirements of NPL and RCRA permit status will not likely be complete at the time of Physical Completion. As the final CAD/ROD and the RFPCA are finalized, EM and LM will continue to monitor progress on permit status.
- State and EPA post-closure authorities must be resolved to complete the RFPCA. The current RFCA will remain in effect until the new agreement is completed.

2.6 Long-Term Surveillance and Maintenance Budget, Funding, and Personnel Requirements

Sites are required to develop technical baseline documents for LTS&M activities and to identify funding and personnel requirements for such activities.

2.6.1 Status and Approach at Signing of This Site Transition Plan

- EM is funding Physical Completion and Regulatory Closure actions through completion, and is managing resource requirements as necessary towards a FY 2006 completion.
- LM is requesting funding for LTS&M activities beginning FY 2007. A draft of the Rocky Flats life-cycle notebook has been prepared and includes general scope, schedules, and costs for FY 2007 and out-year activities.
- Agreements with other agencies and entities are being discussed and will be finalized prior to Physical Completion – these agreements will describe long-term activities and funding, including funding vehicles, as necessary.

2.6.2 Site Conditions at Transfer

- The RFPCA and LTS&M Plan will be approved.
- All personnel will be trained and ready to perform LTS&M tasks according to approved plans and procedures.
- All contract and subcontracted resources, supplies, and equipment will be available to support LTS&M activities.

2.6.3 Major Actions and Lead Organizations

- LM will secure and train required human resources.
- LM will secure required material resources.
- LM will prepare funding requests for FY 2007.

- LM will identify personnel needed for long-term activities beginning in early FY 2005 as remedial actions are completed and long-term activities are better defined.

2.6.4 Key Uncertainties and Risks

- Final remedial action requirements may change, affecting long-term requirements. Funding flexibility based on the time of these decisions may leave EM and LM short of funds required in FY 2006 and FY 2007. To mitigate this concern additional contingency should be considered in these budget cycles.

2.7 Information and Records Management Requirements

Sites are required to identify and transfer all information and records and to perform information management planning as required.

2.7.1 Status and Approach at Signing of This Site Transition Plan

- EM is dispositioning records to the Denver Federal Records Center and the Veterans Affairs Record Center in Neosho, Missouri, as required.
- EM will have custodianship of classified and litigation-related records access and storage.
- EM and LM are evaluating future requirements for records access and storage.
- LM is evaluating existing computer applications and databases to determine future requirements.

2.7.2 Site Conditions at Transfer

- All EM records transferred to the Denver Federal Records Center will be transferred to LM for custody. Select records that will be retained by EM or transferred to other agency offices, have been identified and will remain in the custody of that office until the records requirements are satisfied.
- LM is custodian for records including storage, access, and disposition.
- LM has required computer applications and databases functioning that are necessary to support all LTS&M activities and accommodate access and finding of Rocky Flats records.
- All records to be retained by EM will be officially transferred to new custodians by RFPO.
- All litigation records and related IT applications will be transferred to the EM CBC.

2.7.3 Major Actions and Lead Organizations

- LM will determine storage locations for unclassified records.
- EM will complete disposition of active and inactive records to LM or other designated entity, except for classified records retained by EM.

- LM will complete evaluation and migration of existing computer applications and databases as required for records management.

2.7.4 Key Uncertainties and Risks

- Determination of retention of records for continuing EM functions, such as litigation and contract closeout.
- Functions of the EM Consolidated Business Center are uncertain regarding its role in responding to Energy Employees Occupational Illness Compensation Program Act (EEOICPA) claims. This could have a significant impact on LM records custodianship and responsibilities.
- LM must establish proper review procedures to support retrieval requests for Freedom of Information Act, Privacy Act, and EEOICPA and other requests. Approximately 60 percent of the inherited records will be Unclassified Controlled Nuclear Information or Official Use Only.

2.8 Public Education, Outreach, Information and Notice Requirements

Sites are required to develop and maintain a list of stakeholder and address information, to provide periodic updates of the Administrative Record and on-site information repository available to interested parties, to develop community involvement tools, and to estimate and fund adequate public involvement activities.

2.8.1 Status and Approach at Signing of This Site Transition Plan

- EM has transferred responsibility of the Public Reading Room to LM.
- EM and LM are developing a Public Involvement Plan for transition activities through post closure.
- Out-year funding for community groups has been estimated.
- EM will continue to update the Administrative Records quarterly through Regulatory Closure.
- LM is determining future requirements for Internet Web sites, public information approaches, and content.
- An evaluation of options for construction of a museum is underway.
- A local stakeholder organization (LSO) is being implemented.

2.8.2 Site Conditions at Transfer

- LM will be responsible for all public relations activities.
- LM will have implemented the LSO legislation.
- LM will locate personnel, the reading room, and the Administrative Record in locations suitable for LTS&M activities. If and when a decision for the museum is made, discussions on co-locating services will take place.

2.8.3 Major Actions and Lead Organizations

- EM/LM are preparing and implementing the Public Involvement Plan (PIP).
- EM/LM are negotiating funding requirements for community groups.
- EM/LM are determining final Administrative Record repositories.
- EM/LM are determining and implementing final outreach information and methods for post closure communications.

2.8.4 Key Uncertainties and Risks

- LSO legislation will impact LM approach to post-closure community involvement. Funding of community group must be developed and requested in a changing environment.
- The results of the museum study may affect future LTS&M activities, in which case, a modification to the RFPCA and LTS&M Plan may be required.

2.9 Natural, Cultural, and Historical Resource Management Requirements

Sites are required to implement appropriate systems or processes to protect information about sensitive and natural resources, identify and satisfy all natural and cultural resource requirements, and identify and successfully manage locations and characteristics of natural and cultural resources needing long-term surveillance and maintenance.

2.9.1 Status and Approach at Signing of This Site Transition Plan

- Resolution of mineral rights issues at the Rocky Flats Site is in progress. A draft MOU between DOE and DOI was released march 22, 2005, for 60-day public comment. A final MOU will be required to address the mineral rights issue, and will be required for transition of the future refuge lands from DOE to DOI.
- Monitoring and management of ecological resources are currently described in the Integrated Monitoring Plan Background Document and the Annual Vegetation Management Plan.
- USF&WS currently conducts wildlife surveys.

2.9.2 Site Conditions at Transfer

- At the time of DOE acceptance of Declaration of Physical Completion, restoration plans, with accompanying revegetation and wildlife habitat creation goals, will have been implemented on the DOE Retained Lands. Revegetation and habitat creation goals will be consistent with those established for the Refuge Lands.
- At the time of DOE acceptance of Declaration of Physical Completion, USF&WS will have completed the Comprehensive Conservation Plan, and an Environmental Impact Statement, concerning the future use of the site as a wildlife refuge.

- At the time of DOE acceptance of Declaration of Physical Completion, EM and USF&WS will have entered into a MOU concerning management of the future wildlife refuge.
- At the time of DOE acceptance of Declaration of Physical Completion, EM will have identified archaeological, cultural, and/or historical features on the site and developed plans for managing these resources.

2.9.3 Major Actions and Lead Organizations

- EM and LM will identify all resources requiring protection under law in the RFPCA.
- EM and/or USF&WS will establish success criteria for creating plant communities and wildlife habitat in remediated areas.

2.9.4 Key Uncertainties and Risks

- Mineral rights issues will need to be resolved.
- Future success of revegetation efforts, habitat creation, and weed control is not predictable. Contingency funding for additional revegetation will be added to the baseline and contingencies described in the LTS&M Plan.

2.10 Business Closure Functions, Pension and Benefits, Contract Closeout or Transfer, and Other Administrative Requirements

Sites are required to identify and plan responsibilities for administration and funding of pensions and benefits, resolve all claims, and identify contract termination actions along with assurance that requirements of DOE Orders have been satisfied.

2.10.1 Status and Approach at Signing of This Site Transition Plan

- An exhaustive actuarial analysis has been conducted by Aon Consulting for LM to estimate post-closure benefits liability for 2006–2010.
- Discussions are ongoing concerning the proposed scope of the National Stewardship Entity (NSE) as well as the vehicle for procurement. The NSE will be capable of handling all post-closure employee benefits including, but not limited to, pension, medical, displaced worker medical, COBRA, life insurance, and worker compensation.

2.10.2 Site Conditions at Transition

- Career Transition Center functions will continue for a minimum of 6 months following DOE acceptance of Declaration of Physical Completion
- An assessment will be conducted 3 to 6 months prior to Physical Completion to determine any post-closure impacts of claims related to pollution liability, auto liability, general liability, etc. Currently, no claims exist. Any outstanding items will be handled by the contract closeout team and most likely will not be turned over to LM.

- All EM CD-4 requirements related to DOE Order 413.3 are met and are reviewed and approved by LM.

2.10.3 Major Activities and Lead Organizations

- LM is finalizing a process for the selection of an NSE to administer retiree benefits post-closure.
- EM is responsible for crafting the CD-4 package for delivery to LM

2.10.4 Key Uncertainties and Risks

- It is not yet known if the NSE will be in place prior to Physical Completion.

3.0 Lessons Learned

Upon completion of the transition a lessons learned document will be prepared. The intent of the lessons learned process is to provide effective information to assist existing and future projects undergoing the transition and project closeout process. The Rocky Flats Transition Team will identify and document pertinent information throughout the phases of transition and project closeout. Lessons learned that have been identified prior to financial transfer on October 1, 2007 will be included in the quarterly status report to EM-1 and LM-1. Additionally, the EM-Consolidated Business Center, in consultation with LM, will submit a comprehensive Transitions Lessons Learned document to EM and LM by September 30, 2007.

4.0 Transition Costs

The estimated costs for the transition of the Rocky Flats Site from EM to LM during FY 2005 and 2006 for the various cost categories are shown in Table 4. Cost estimates include contract costs but do not include transition costs for Worker Pension and Benefits at this time. Costs for FY 2006 assume acceptance of Physical Completion by November 1, 2006. The costs in Table 4 do not include LM post-closure costs that will be budgeted starting in FY 2007 (and will be summarized in the LTS&M Plan).

Table 4. Estimated LM Transition Costs

Site Transition Plan Cost Elements	FY 2005 (\$000)	FY 2006 (\$000)	Total (\$000)
Program Management	199.2	19.9	219.1
Environmental	194.8	19.5	214.3
Regulatory Requirements	8.7	1.0	9.7
Property Management	14.5	15	29.5
Records Management	118.3	11.8	130.1
Information Management	334.7	33.5	368.2
Community/Stakeholder Relations	43.5	4.3	47.8
Procurement	74.7	7.5	82.2
Worker Pension and Benefits	0		
Total	988.4	112.5	1,100.9

Attachment 1
Information Management and
Records Transition Plan
(under development)