Department of Energy
Washington, DC 20585

February 15, 2005

MEMORANDUM FOR FIELD DISTRIBUTION

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ENVIRONMENTAL MANAGEMENT

SUBJECT: Development of Site Transition Plan, Use of the Site Transition Framework, and Terms and Conditions for Site Transition

On June 16, 2004, Michael W. Owen, Director, Office of Legacy Management (LM) and Jessie H. Roberson, Assistant Secretary, Office of Environmental Management (EM) co-signed a memorandum titled "*Transition of Sites from Environmental Management.*" The memorandum described EM's and LM's expectations on site transition process and requirements. The memorandum stressed the importance of two documents: the Site Transition Plan (STP) and the Critical Decision-4 (CD-4) package. This memorandum provides additional guidance on preparation of the STP. The specific requirements for the CD-4 package are outlined in *DOE O. 413.3 Program and Project Management for Acquisition of Capital Assets* and in an EM guidance memorandum dated July 13, 2004. It is important to note that the CD-4 package documenting the end of EM's mission at the closure sites should be prepared for closure of the site and not be limited to completion of the cleanup project.

The STP represents EM and LM's joint expectations up to and including the point of programmatic transfer. This will normally be the start of the fiscal year following EM physical completion. The STP should be developed through a collaborative effort by EM and LM staff and be guided by the *Terms and Conditions for Site Transition* provided in Attachment A. Each site's plan should describe the key transition activities, including schedule, milestones, and required resources. Additional guidance on the STP is provided in Attachment B.

The *Site Transition Framework* (STF), provided in Attachment C, should be used in the development of the STP. The STF represents requirements or conditions that must be addressed before a site can be transferred 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.

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It should be noted that the STP and the STF are living documents that will be updated periodically as EM and LM work toward the successful transition of sites. The organization of the STP is expected to mirror the STF and the full scope of the STF is to be addressed in the CD-4 package.

Questions regarding this memorandum should be directed to Dr. Robert Goldsmith, Director, Office of Core Technical Group (EM-23) at 301/903-4954 or Dave Geiser, Director of Policy and Site Transition (LM-40) at (202) 586-8324.

3 Attachments:
Attachment A – Terms and Conditions for Site Transition
Attachment B – Site Transition Plan Guidance
Attachment C – Site Transition Framework

ATTACHMENT A

Terms and Conditions for Site Transition – February 2005

This document outlines proposed terms and conditions for managing and funding site transition activities between the Office of Environmental Management (EM) and the Office of Legacy Management (LM).

Planning/Process

- EM and LM will conduct the site transition process in accordance with the applicable regulations and DOE Orders (mainly *DOE O. 430.1B Real Property Asset Management* and *DOE O. 413.3 Program and Project Management for Acquisition of Capital Assets*).

- EM-1 and LM-1 will meet quarterly to discuss the status of site transition.

- EM and LM will work together to develop planning documents and estimates for the management of post-closure activities at the sites. EM and LM will develop and implement a process for resolving differences in estimates.

- The EM Site Manager, in coordination with the LM Site Transition Coordinator and the EM Site Transition Coordinator, will submit a quarterly progress report on transition activities to EM-1 and LM-1 starting April 1, 2005.

- The EM Site Manager will submit a final comprehensive Transition Lessons Learned document for the site to EM and LM

- EM and LM will jointly develop the Site Transition Plan.

- EM will lead development of the Critical Decision-4 (CD-4) Package with support from LM for those portions of CD-4 Package that address LM activities.

- LM will lead development of the Long-Term Surveillance and Maintenance Plan (LTS&M Plan) with support (i.e., providing site maps, data, engineering drawings, etc.) from EM.

- LM will conduct Readiness Reviews and provide findings to EM for inclusion in the CD-4 Package. EM will provide appropriate level of staff support to the review teams.

Budget Responsibility

- The budget responsibility for a site remains with EM until the beginning of the fiscal year following site cleanup completion[1]. LM will assume budget responsibility for site activities and contractor pensions and benefits in the fiscal year following EM physical completion.

- Where appropriate and beneficial to both organizations, EM and LM will work together to provide EM funds to LM's contractors in advance of programmatic transfer. This would enable EM to shift some functions from the closure contractor to LM's surveillance and maintenance contractor prior to programmatic transfer.

- EM will develop and provide a validated baseline and supporting basis of cost estimates for the first five years of post-closure management, two years prior to the planned date of transfer. This baseline will be the basis for the 5 year funds transfer in the PBD.

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[1] EM completion occurs when: short-term response activities are complete; long-term response measures are established and determined to be operational and functional; institutional controls are in place; and the necessary documentation is in place.

- EM will develop the DOE environmental liability estimate in accordance with Departmental policies and procedures. Responsibility for developing the environmental liability estimates will transfer to LM upon programmatic transfer.

- EM will prepare the formal transfer memo proposing the transfer of programmatic responsibility and budget for LM concurrence.

- EM will capture and include all post-closure work scope (e.g., expected surveillance and maintenance, public outreach, state funding, contractor benefits, etc.) in EM outyear planned estimates until the out year funding for the site is formally transferred.

- Funding for and management of the following activities will be the responsibility of EM until they are completed:

  - EM is responsible for NRDA settlements until two years after the programmatic transfer of the site. (Future NRDA claims based on failure to maintain the remedy are LM's responsibility);
  - Litigation regarding EM cleanup or other EM activity;
  - The closeout of all contracts associated with cleanup and closure of the site; and
  - Records of Decision and other regulatory drivers.

Work Force

- EM's existing Closure Contracts will be used as the mechanism to administer and pay pensions and post retirement benefits, until such time that a new contract vehicle can be put in place by LM.

- Until transfer occurs, EM will continue to fund contractor pension plans to satisfy all applicable requirements.

- EM will retain responsibility for open worker compensation claims under the state Workers Compensation System.

Records Management/IT

EM will:

- Plan, budget, and provide qualified resources to manage federal and contractor record inventories and information technology systems in accordance with all Federal, National Archives and Records Administration (NARA), and DOE Orders (Draft *DOE O. 243.X Records Management Program, DOE O 200.1 Information Management Program, 36 CFR, and 44 USC*) through programmatic transfer.

- Ensure, for both Federal and Closure Contractor staff, that standard practices and procedures for the transition of records and information systems are consistent with requirements established by the *Legacy Management Information and Records Management Transition Guidance* (March 2004), and *Site Transition Framework* (September 2004).

- Ensure that each STP includes an Information and Records Management Transition Plan (IRMTP). The IRMTP will assist both organizations in organizing records and information transfer tasks; establishing a timetable and milestones for their completion; and identifying manpower, funding and other resources that will be needed to complete the ownership transfer.

- Transfer all remaining records inventories, both federally- and contractor-held, to LM approved record storage facilities prior to site transfer. Prior to disposition in approved records storage facilities, all records inventories shall meet NARA storage requirements.

- Ensure that agreements are in place to disposition records, prior to actual site transfer, that do not transfer to LM (e.g., current contract close-out records, ongoing litigation and FOIA/Privacy Act requests, transuranic (TRU) waste-related records, and classified records).

- Disposition all classified records to authorized facilities and identify long-term custodian prior to programmatic transfer.

- Plan, budget, and execute the work necessary to digitize, in approved electronic format, the CERCLA Administrative Record for all EM Closure Sites under CERCLA requirements.

- Provide User and System Documentation for all IT systems/applications that are necessary to execute LM missions. Particular focus should be applied to IT applications currently used to support and manage, records and information management systems, employee compensation claims (i.e., EEOICPA), and environmental data necessary for long-term surveillance and maintenance activities.

- Transfer to LM all IT system/application licenses that are required to meet LM mission objectives.

- Provide electronic conversion of environmental and record data for post-closure management and support services in accordance with the specifications and conditions defined by LM.

- Provide consultation services by IT and data subject management experts to assist LM in understanding the operation, maintenance, data structures and contents, and systems configuration requirements for the applications necessary to conduct stewardship activities.

- Provide exports of databases and program source code for Information Systems being migrated to LM for stewardship operations and services.

LM will:

- Define the records, data, and format (electronic and hard copies) that are needed for post-closure management of the site.

- Provide, when requested by EM during site transition, records management services for frequently accessed, short-term records that are agreed to be transferred prior to physical site transfer. EM will reimburse LM for these services.

- Provide renewals of all IT system/application licenses that are required to meet LM mission objectives.

- Identify IT applications needed for post-closure management of and support services for the site. EM is responsible for disposition of all IT applications/systems not needed by LM.

- Specify the system and data content and format requirements for the IT applications needed for post-closure management and support. EM is responsible for minor formatting associated with IT applications/systems in order to transition data to LM.

Contracts and Grants

- For contracts and/or grants that are transferring to LM, EM will provide copies of procurement documents to LM and work with LM to identify points of contact in appropriate business centers.

Real Property

- For real property transferring to LM, EM will develop and provide: real property records, including access agreements for off-site wells or land parcels required for LTSM.

- The EM Site Manager will ensure that the FIMS is maintained and current prior to site transfer.

- EM will initiate the documentation to transfer real property from EM to LM and coordinate the finalization with LM and ME.

Contingency

- EM will provide funding to LM for any unfunded activities (e.g., an EM post-closure regulatory decision) that result from EM decisions. This includes, but is not limited to, funding for any remedy modification (e.g., installation of additional monitoring wells) for sites that do not have a final Record of Decision or equivalent. Funds transfer will be limited to the period covered by the PBD.

- Significant remedy failures which require modification of the remedies outside of the capabilities of the LM will be coordinated with EM. EM and LM will raise the issue to the Under Secretary for resolution.

ATTACHMENT B

Site Transition Plan Guidance

Goal: The Site Transition Plan (STP) is the primary tool intended to assist in successful closeout or transition of the Office of Environmental Management (EM) site responsibilities to the Office of Legacy Management (LM) for post-closure management. Within this framework, the STP is intended to achieve several specific objectives:

- Ensure efficient transfer of EM activities that remain after physical site completion to the EM Consolidated Business Center (CBC) or other appropriate organization.
- Provide requirements for, and support the preparation of, the Critical Decision-4 (CD-4) documentation for project closeout.
- Establish a common understanding of EM and LM financial, programmatic, and legal responsibilities throughout the transition period.
- Ensure the requirements of the Site Transition Framework (STF) are met.
- Establish requirements for LM post-closure responsibilities.
- Describe the approach to disposition real property, records, and data by EM and LM where appropriate.

It should be noted that the STP should include all work scope that will transition (i.e., to LM, EM, or some other entity) upon completion of EM work at the site.

Explanation of Terms: Transition is viewed as a process. Thus, for EM and LM the transition is the passage from the phase during which engineered, near-term actions are taken to mitigate environmental and human health risks to the next phase where residual risks are maintained in a sustainable safe condition to allow beneficial use. Transfer is the handoff of programmatic and financial responsibility from one program to another. Thus, upon completion, EM closure sites go through *transition* (a process) to achieve *transfer* (a milestone). The transition period ends on September 30th of the fiscal year in which EM completes its mission at the site. This date coincides with the projected transfer of programmatic responsibility for the site to LM.

DOE Order 430.1B Real Property and Asset Management Requirements: EM and LM intend to use two primary documents to achieve transition and comply with the requirements of *DOE Order 430.1B Real Property and Asset Management.* The STP will meet the requirement for a disposition plan and the long-term surveillance and maintenance plan (LTS&M Plan) will meet the Ten Year Site Plan requirement. A site specific STP should include:

- The projected date and end-point criteria for programmatic transfer.
- A summary of transition cost, scope, and schedule including organizational responsibility for major actions.
- Major milestones and deliverables that will be placed under configuration control administered by LM-1 and EM-1.
- A records turnover or retention plan, including the management of FIMS data and information.
- The information necessary to meet the requirements identified in *DOE O. 430.1B* for transfer of real property.

Development Process: The STP is developed using a joint EM-LM team. LM has the lead role in developing the STP with extensive support from EM staff. The STP should be developed two years prior to the planned transfer date. The STP also serves as the formal document for the transfer scope, date, and level of responsibilities, funding and control and custody for the property conveyed. The STP is approved by EM-1 and LM-1.

Use and Update of the STP: After the STP is approved, the critical milestones are placed under configuration control, and STP activities are executed by EM and LM staff. The site

manager, in coordination with the LM Site Transition Coordinator reports progress to EM-1 and LM-1 on a quarterly basis. The STP should be updated periodically by assessing transition progress against the STF requirements. The STP should reflect the latest activities and/or management decisions.

Relationship between the STP and the STF: The STF is the framework for developing the STP and includes a set of requirements that must be met before programmatic transfer of a closure site (see Box 1). The STF serves as the primary tool to evaluate whether all relevant transition activities and end-point criteria have been identified. It should be noted that the STP and the STF will be updated periodically as EM and LM work toward the successful site transition.

Box 1. The Site Transition Framework Establishes Requirements for 10 Areas

1. Authority and Accountability
2. Site Conditions
3. Engineered Controls, Operation & Maintenance Requirements, and Emergency/Contingency Planning
4. Institutional Controls and Enforcement Authorities (Real Property)
5. Regulatory Requirements and Authority
6. Long-Term Surveillance and Maintenance
7. Information and Records Management
8. Public Education, Outreach, Information and Notice
9. Natural, Cultural, and Historical Resource Management
10. Business Functions including Contractor Pensions and Benefits

Organization of the STP: The STP should be structured to address the STF's ten functional areas. Each functional area should include:

- The status of relevant site characteristics at the time the STP is submitted.
- A schedule of key activities and milestones associated with the functional area.
- Key assumptions associated with the transition and/or transfer.
- Risk management activities to address the major transition uncertainties.

Other Characteristics: A typical STP is expected to be 20-30 pages in length; a shorter length may be appropriate for smaller or less complex sites. The STP should address the full transition period. The STP is a management tool and not a regulatory document; it is not enforceable by external parties. However, DOE will provide the STPs to regulators and stakeholders for information upon request. The following items are considered standard for all STPs unless specifically waived:

- Disposition of the EM responsibilities or "Sunset Project."
- Development and approval of the LTS&M Plan.
- The approach to complete regulatory documentation and description of the post-closure regulatory framework.
- Schedule for known or anticipated real property transfer.

The STP and Critical Decision-4: As the site approaches closure, a CD-4 package must be developed in accordance with the *DOE O. 413.3 Program and Project Management for Acquisition of Capital Asset.* A CD-4 package documents the completion of the EM mission at the site and validates the successful execution of the STP to the transfer point. Thus the CD-4 package represents agreement between EM and LM on the status of the site and associated remaining activities at the time of transfer. Actions in the STP that remain at transfer are documented in the CD-4 package. The CD-4 package is signed by the Under Secretary for Energy, Science and Environment.

For additional information, please contact:

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ATTACHMENT C

Site Transition Framework for Long-Term Surveillance and Maintenance

This Site Transition Framework (STF) provides a framework for all U.S. Department of Energy (DOE) facilities and sites where DOE may have anticipated long-term surveillance and maintenance (LTS&M) responsibilities. It is a tool to help facilitate a smooth transition from remediation to LTS&M, providing a systematic process for affected parties to utilize in analyzing the baseline, and to understand and manage actions from completion of the Environmental Management (EM) mission through site transition into LTS&M.

The STF is not intended to provide an exhaustive list of the specific requirements and information. Sites will have unique considerations that may not be adequately addressed by this tool, and it is anticipated that a team consisting of the transferring and receiving organizations will use judgment in utilizing these requirements and augmenting them with other DOE guidance. However, the STF should be followed to the extent possible at each site and adapted to accommodate unique site-specific requirements, needs, and documents.

Ideally, this STF should be used as early in the remediation process as possible. Subsequent applications of the STF to the site should be conducted periodically and used to verify that all appropriate steps have been or will be taken to close out the site and that actions by both organization to transfer the site to LTS&M are identified. The requirements are provided in the following sections and attachments of this document:

- Section I. Authorities and Accountabilities Are Assigned and Documented
- Section II. Site Conditions Are Accurately and Comprehensively Documented
- Section III. Engineered Controls, Operation and Maintenance Requirements, and Emergency/Contingency Planning Are Documented
- Section IV. Institutional Controls, Real and Personal Property, and Enforcement Authorities Are Identified
- Section V. Regulatory Requirements and Authorities Are Identified
- Section VI. Long-Term Surveillance and Maintenance Budget, Funding, and Personnel Requirements Are Identified
- Section VII. Information and Records Management Requirements Are Satisfied
- Section VIII. Public Education, Outreach, Information, and Notice Requirements Are Documented and Satisfied
- Section IX. Natural, Cultural, and Historical Resource Management Requirements Are Satisfied
- Section X. Business Closure Functions, Pension and Benefits, Contract Closeout or Transfer, and Other Administrative Requirements Are Satisfied
- Attachment 1, Real Property Requirements
- Attachment 2, Post-Closure Benefit Information and Data Needs

I. Authorities and Accountabilities Are Assigned and Documented

All interested parties' assignments of accountabilities and authorities for LTS&M have been identified and documented.

A. All documents allocating the roles and responsibilities of interested parties have been approved and signed (e.g., Memorandum of Agreement, Memorandum of Understanding, Interagency Agreement, Cooperative Agreement).

B. Each federal or non-federal entity that will be responsible for LTS&M activities listed in Section I-A has been identified. Funding sources for each activity have been identified and documented in Section VI.

C. Appropriate governmental requirements, policies, and procedures for managing resources have been incorporated into the LTS&M Plan and agreements.

D. The legal authority under which LTS&M will be conducted has been identified and documented or a "reservation of rights" has been indicated.

E. Section IV presents a discussion of authorities related to institutional controls.

II. Site Conditions Are Accurately and Comprehensively Documented

All documentation identifying site historical uses characterization, and remedial action, including the Preliminary and Final Closeout Reports, has been completed and made available to the public. Where available, the information identified in this section should be of survey quality and have Geographical Information Systems (GIS) references.

A. The site at the time of closure, including all remedies and remaining hazards, has been described. Examples include, but are not limited to, the following components:

   1. Physical features of the site, including, site topography, geology, hydrogeology, geomorphology, seismicity, site and area boundaries, and other features relevant to the long-term performance of the site.
   2. Locations of active, inactive, and decommissioned buildings, structures, and surface and subsurface infrastructure (e.g., utilities).
   3. Locations of residual hazards and associated engineered and institutional control systems.
   4. Locations of groundwater wells, wastewater outfalls, and air quality monitoring stations. Information has been depicted on site maps.
   5. For those sites undergoing closure, locations of off-site buildings and structures, important ecological resources, and associated potential receptors in the vicinity of the site.
   6. Characteristics of the remaining contaminants (e.g., radioisotope, activity, and physical and chemical form).
   7. Descriptions of the initial risk at the site and the risk remaining at the site following remediation. This information will be used to provide a reference baseline.
   8. The existence of and basis for decisions on cleanup levels for the end state, such as a "No Further Action," should be indicated.

B. For those sites undergoing closure, a conceptual site model for LTS&M has been completed (if deemed applicable) that shows the relationships between existing residual hazards, environmental transport mechanisms, exposure pathways, and human/ecological receptors.

C. All remedial action(s) and associated documentation have been completed and approved by regulators.

D. Results of any Natural Resource Damage Assessment claims, where applicable, with associated documentation have been identified. This assessment should discuss the Department's potential environmental liability at the site.

III. Engineered Controls, Operation and Maintenance Requirements, and Emergency/Contingency Planning Are Documented

A. Engineered controls have been identified and documented. The information should include, but not be limited to, the following elements:

   1. Design and construction drawings, specifications, and completion report.
   2. Site physical and geotechnical data.
   3. Locations of engineered controls accurately identified and depicted on site maps.
   4. Identification of ongoing remediation and related waste management activities.
   5. Performance history assessments indicating successful operation.

B. A life-cycle cost estimate, including basis and assumptions. The life-cycle cost estimate should be based on best available data but should also include a reasonable and prudent amount for future contingencies, recognizing that in most cases LTS&M activities may be ongoing until such a time that no hazards remain to human health and the environment. The results of the life-cycle cost should be documented in Section VI-B.

C. A master schedule of ongoing activities has been made available.

D. The risk-based end state, including exit criteria outlining if and/or when engineered controls will no longer be necessary, should be identified along with the supporting information. If exit criteria will be implemented while hazards to human health and the environment remain, a Probabilistic Risk Assessment over several half-lives should be provided to justify the exit strategy and the discontinuance of the engineered controls.

E. Operation and maintenance (O&M) activities have been documented, funding is in place, and a party has been selected to perform the necessary activities.

   1. Surveillance and monitoring requirements have been documented (e.g., scope frequency, reporting, process descriptions, and analytical parameters and methods). This document should allow for optimization that is consistent with the selected remedy.
   2. The cost, including basis and assumptions, of operations, maintenance, and surveillance activities has been estimated, documented, and revised periodically as experience dictates. The request for funding should be in accordance with applicable budget appropriations procedures.
   3. An agreement and/or contract is in place for performance of all O&M activities during LTS&M if an outside party will be performing these activities.

III. Engineered Controls, Operation and Maintenance Requirements, and Emergency/Contingency Planning Are Documented (continued)

F. Emergency/contingency planning and the authority and responsibilities to implement have been identified.

1. Uncertainties associated with residual hazards, fate-and-transport mechanisms, exposure pathways, and the effectiveness of LTS&M activities have been identified.
2. Scenarios related to each uncertainty have been identified (e.g., failure scenarios).
3. Roles, responsibilities, and procedures to respond to each scenario have been established.
4. The conceptual site model developed in support of the remedial action or closure decision should be routinely reviewed, updated, and re-evaluated based on new technical information and on monitoring data collected during stewardship of the site.
5. Emergency and catastrophic planning for events such as fires, floods, etc., shall be documented.

IV. Institutional Controls, Real and Personal Property, and Enforcement Authorities Are Identified

A. Land use/institutional controls have been identified, approved by the regulator(s) (if applicable) and implemented. All institutional control components of each implemented remedy are described (e.g., future land-use assumptions upon which each implemented remedy is based, associated land-use restrictions). If engineered barriers will be relied upon as part of the remedy requiring institutional controls, assumptions regarding the longevity and performance of these barriers should be identified.

1. On-site and off-site land uses for each area (property) and its associated land-use assumptions have been identified.
2. Procedures for managing, assessing potential changes in, and enforcing on-site and off-site (as appropriate) land uses have been documented and are being conducted.
3. Institutional controls established as part of an implemented remedy have been identified, and a process is in place to monitor and document these institutional controls.
4. Roles and responsibilities that have been outlined for responding to requests to change existing land uses are consistent with the land use assumed during implementation of the selected remedy.
5. Procedures have been put in place for periodic review of land uses and institutional controls to ensure that they are being maintained and remain protective. Performance history indicating successful operation has been documented.
6. Procedures for management and periodic reassessment of institutional control restrictions are in place.
7. Off-site easements implemented to ensure the protectiveness of the remedy have been documented, and a process is in place to enforce/maintain these easements.
8. Exit criteria outlining when engineered controls/institutional controls will no longer be necessary have been documented, if not previously documented, in the Record of Decision (ROD) or other appropriate document.

B. Property records (as required by applicable regulations and/or guidance) are complete. Examples of property records follow; Attachment 1 provides a more complete list of property records.

1. The site's real estate history has been documented, including identification of former property owners, deed restrictions, or other land-use restrictions.
2. Site boundaries and site markers are easily identified and have been documented.
3. On-site and off-site easements, rights-of-way, and other property access rights have been established and documented. Preferably, this information should be depicted on site maps.
4. Water, mineral, and other natural resource rights have been identified.
5. Tribal treaty rights and other U.S. Government obligations have been identified.
6. Areas where LTS&M activities will be conducted have been documented in the property records.

IV. Institutional Controls, Real and Personal Property, and Enforcement Authorities Are Identified (continued)

C. Personal Property Transfer Requirements

The personal property transfers are completed in accordance with Title 41 *Code of Federal Regulations* (CFR) Part 101, Federal Management Regulations, and DOE Property Management Regulations (PMR).

V. Regulatory Requirements and Authorities Are Identified

Regulatory requirements regarding residual contamination have been identified. Pertinent regulatory documents are maintained and available to the public (e.g., RODS, Resource Conservation and Recovery Act (RCRA) permits and Corrective Action Decisions, Consent Orders, Interagency Agreements, and Federal Facility Agreements).

A. All regulatory decision documents and associated site characterizations have been identified and are either complete or scheduled for completion (e.g., all remedial action activities regarding the soil have been completed, but the impacted groundwater is in the process of being resolved) and are maintained in accordance with regulatory requirements.

B. The implemented remedy and associated LTS&M activities are verified to be in compliance with all regulatory requirements [e.g., appropriate agreements have been entered into with appropriate regulator(s)].

C. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Five-Year Review or other review results are available. Future periodic reviews (not to exceed 5 years), including supplemental analysis of site-wide Environmental Impact Statements (if applicable and/or required), should be planned and consistent with existing guidance.

D. The U S. Environmental Protection Agency (EPA) National Priority List (NPL) status and/or RCRA permit status or state requirements and the basis for these requirements have been clearly indicated (e.g., delisting, partial delisting, and non-NPL).

E. U.S. Nuclear Regulatory Commission (NRC) license status has been established. This status information should identify the license holder and the development of license transfer plans.

F. Locations of documents have been identified, and the documents are accessible. A process should be in place to ensure that the documents are maintained and kept current (e.g., new technology updates for records management).

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

Sites should be consistent with and follow their prescribed guidance in determining budget, funding, and personnel requirements. Some of the elements in this section may not apply.

A. A technical baseline document for LTS&M programs and activities at the site has been developed. The LTS&M baseline includes activities to be conducted by the receiving organization.

B. Funding (consistent with technical baseline) and supported by cost-estimates (Section VI).

   1. Any funds for LTS&M have been identified and are available.
   2. Estimates for the annual funding requirements for LTS&M activities, associated oversight, and information management requirements have been derived and have been included in the Annual Budget Request to Congress.
   3. Funding assurances have been made based on those estimates.
   4. Mechanisms to transfer funds required for LTS&M have been established.
   5. Funding mechanisms for LTS&M activities and regulatory oversight activities conducted by other federal and non-federal entities have been established (e.g., documentation of financial assurance agreements for long-term monitoring and surveillance funding).
   6. Estimates required for financial assurance payments have been determined.
   7. Authority has been granted to the steward to use, or have access to, funds related to LTS&M.

C. Personnel requirements have been identified (for activities not previously addressed within this set of criteria).

   1. All personnel functions and qualifications necessary for the technical implementation and administration of LTS&M activities have been identified.
   2. A determination for the need of other on-site personnel has been made and the specific duties that may be required have been identified.
   3. A closeout plan for the disposition of excess federal full-time equivalents has been developed.

D. A business closeout process has been developed (see Section X).

VII. Information and Records Management Requirements Are Satisfied

Records and information for LTS&M turnover or retention plans are reflected in post-closure or disposition plans.

A. Transfer of information and records.

1. Agreements are in place that identify the disposition of records transfer to the site custodian and records that transfer to other organizations (i.e., contract closeout records, ongoing litigation records and FOIA/Privacy Act requests, transuranic waste-related records, classified information).
2. Information and records needed for LTS&M, property management, contractor personnel benefits other than pensions, worker compensation, and Energy Employees Occupational Illness Compensation Program Act (EEOICPA) have been identified.
3. Practices and procedures for the transition of information systems and records have been established. Guidance is provided in the document *Legacy Management Information and Records Management Transition Guidance (March 2004).*
4. The guidance and operations information for information systems transferring to the site custodian, including metadata, have been identified and transferred along with the information systems.
5. A Site Information and Records Transition Plan has been developed and approved that establishes a framework to address site-specific records and information requirements, including storage locations, special handling needs, geospatial data, and access and retrieval requirements.
6. The location(s) for storage and maintenance of site records and information systems has been identified and approved.
7. A records tracking system has been implemented, and standards for data formats, finding aids, and indices have been provided to the transfer site.
8. Information from the transfer site's records tracking systems has been migrated to the tracking system, along with locator guides and indices.
9. Records and record locations specified in agreements (Section V) are identified along with points of contact.

B. Information and records management planning has been performed and is acceptable to the stakeholders, as required under regulatory requirements for stakeholder involvement and public availability.

1. Systems and procedures for the archival of LTS&M information in one or more on-site or off-site repositories have been developed.
2. Retention schedules that are appropriate for the management of records for LTS&M and for continuity of benefits, worker compensation, and EEOICPA claims have been developed.
3. Systems and procedures to establish and facilitate public access to and retrieval of records and information critical to LTS&M are in place. Examples could include, but are not limited to, Internet access, local library, and on-site information center (e.g., Interpretive Center, museum).

VII. Information and Records Management Requirements Are Satisfied (continued)

B. Information and records management planning has been performed and is acceptable to the stakeholders, as required under regulatory requirements for stakeholder involvement and public availability (continued).

4. The National Archives and Records Administration (NARA) has been engaged, through the DOE Office of Chief Information Officer, to approve any transfer of records past their retention dates or the loan of current records to organizations outside of DOE.
5. The DOE Librarian and DOE Historian should be consulted regarding the transfer of non-record materials, such as library materials and other items that may have historic value, before agreements are made regarding their transfer to non-DOE entities.
6. Classes of LTS&M information users and their access requirements have been identified and solutions have been implemented.
7. Information in DOE-approved information systems, such as those identified in DOE Order 430.1B, *Real Property Asset Management*, required for LTS&M has been identified.

VIII. Public Education, Outreach, Information, and Notice Requirements Are Documented and Satisfied

Any community involvement and associated Community Relations Plans should be governed by existing participation standards and systems.

A. List of site stakeholders with associated address information has been developed and a process is in place for updating this list.

B. Annual or more frequent updates of the Administrative Record and on-site information repository are available to interested parties. Community involvement tools have been developed (e.g., fact sheets, newsletters, email notifications, public meetings, etc.).

C. Costs associated with public involvement have been estimated (e.g., oversight committees, meeting locations). Funds sufficient for public involvement should be included in the funding requests.

IX. Natural, Cultural, and Historical Resource Management Requirements Are Satisfied

A. A discrete system or process is in place to protect information about sensitive and natural resources from inappropriate or unauthorized use or access.

B. Biological resources, threatened and endangered species, archaeological and cultural resources, Native American treaty rights, and/or other natural and cultural resources requirements have been identified and satisfied.

C. Precise locations and characteristics of natural and cultural resources that require LTS&M have been identified. A management system is in place and operating successfully.

X. Business Closure Functions, Pension and Benefits, Contract Closeout or Transfer, and Other Administrative Requirements Are Satisfied

Actions required by the completing organization and the receiving organizations related to business closeout functions are identified and reflected in requirements, policies and procedures (Section I-C), schedules and cost estimates (Sections III-B and III-C), and budget (Section VI)

A. Responsibilities have been determined for the administration and funding of

1. Retiree benefits and pension fund(s)
2. Workforce transition services (e.g., outplacement assistance)
3. National Defense Authorization Act for Fiscal Year 1993, Section 3161 Tuition Reimbursement Program and Relocation and Entrepreneurial Resource Program
4. Worker compensation claims
5. EEOICPA claims

B. Current contractor pensions and benefits needs are identified and planned (see Attachment 2 for more details):

1. Information about current pensions and benefit plans has been obtained.
2. Post-closure benefits administrator and providers have been identified and appointed.
3. Employment dates, salary, and security clearances have been verified.
4. Personnel-related databases (including manual systems) and records responsibility have been identified:
   a. Employment history and personnel files
   b. Historical radiological dose records
   c. Medical records
   d. Retiree pension and benefit records
   e. Security clearance history files
   f. Training records

C. Status of pending litigation and liabilities identified (Generally, these actions should be completed by the transferring organization.):

1. Pollution liability policy
2. Auto liability policy
3. General liability policy
4. Fiduciary/crime/medical malpractice liability policy
5. Government rating plan for workers compensation
6. Non-government rating plan workers compensation claims
7. Equal Employment Opportunity (EEO) and discrimination cases
8. Unresolved hourly employee claims
9. Beryllium liability claims
10. State or community litigation or claims

X. Business Closure Functions, Pension and Benefits, Contract Closeout or Transfer, and Other Administrative Requirements Are Satisfied (continued)

C. Status of pending litigation and liabilities identified (generally, these actions should be completed by the transferring organization) (continued)

11. Pending citizen action suits
12. Department of Labor, Administrative Review Board cases, and/or Federal court litigation relating to Labor Standards (e.g., Service Contract Act, Davis-Bacon Act)

D. Contract termination actions (These actions will normally be completed by the transferring organization unless contracts are required for LTS&M.):

1. Contract closeout actions for closure of restoration contracts shall be identified.
2. Contracts and financial agreements required for LTS&M identified (see Section I-B).

E. Requirements of DOE orders satisfied.

1. Facility Authorization Basis terminated
2. Price Anderson Authorities oversight
3. Reporting to International Atomic Energy Association (IAEA) terminated
4. Disposition of personal property items

Attachment 1, Real Property Requirements

I. Real Property Information Requirements

All real property information requirements must be identified and documentation must be obtained prior to the transfer of any site to the Office of Legacy Management (LM). Real property assets are defined as any interest in land, together with the improvements, facilities, structures, and fixtures located thereon, including prefabricated movable structures and appurtenances thereto, under the control of DOE. Real property assets are further defined in the *Federal Management Regulations*, Sections 101-476.103-12. Consider the following elements, as applicable:

- Determine what interests will remain at closure both on site and off site, including land, easements, minerals, water rights, well permits, licenses, and permits.
- Determine any other in grants or out grants proposed for transfer to LM.
- Determine future land use for property.
- Obtain as-built drawings for any remaining improvements and utilities.
- Obtain existing maintenance/operations plans and procedures.
- Perform a physical inspection of facility.
- Complete information on any ongoing acquisition/disposal efforts.

Where applicable, the following real property information requirements must be met prior to transfer of a property to LM.

II. General Information Needed

All the following information should be documented, stored, and available for LM use:

- Identification of authority used to acquire the interests
- Identification of all jurisdictions that exist
- Identification of proprietary, exclusive, or other federal interests, including off-site interests such as easements, licenses, and permits
- Identification of each grantor
- Indemnification granted

III. Budget and Accounting Data

- The budget authority for any area, such as leases, operation and maintenance of improvements, and infrastructures, that will be transferred to LM.
- PILT money
- Integrated facility infrastructure documentation
- MARS record
- Quarterly maintenance

Attachment 1, Real Property Requirements (continued)

IV. Land

All the following information should be documented, stored, and available for LM use:

- Identification of the type of title and the holder of the title (the agency or the United States).
- Request U.S. Army Corps of Engineers or other agency real estate records.
- Identification of where original real estate records are located and whether the real estate record is complete, including acquisition instrument and deeds, withdrawal records and *Federal Register* Notices, title plats, legal descriptions and plats, surveys, and maps
- Identification of outstanding interests, such as out leases or easements, deed restrictions, or non-federal controls or other burdens on the property (such as highway and utility rights-of-way).
- Identification, if applicable, of any federally funded off-site improvements (e.g., roads, traffic lights).
- All unneeded real property in grants and out grants must be terminated prior to transfer.
- Identification of any RCRA/CERCLA transfer restrictions.
- Identification of local government with jurisdiction for the property.
- Realty instruments have been recorded and any zoning or tax issues have been identified.
- Real Property Asset Management (RPAM)-required, 10-Year Plan has been completed.
- Identification of existing land uses, zoning, and proposed land use if available.
- Identification of any subsurface (mineral, oil, gas) rights.
- Identification of any water rights and well permits.
- PILT requests granted or pending.
- FIMS is complete and up to date.

V. Maps, Plats, and Exhibits

All the following information should be documented, stored, and available for LM use:

- Official land surveys, monumentation records, and cadastral surveys records stored and available for use.
- Official site maps, mineral rights maps, water rights maps, well permit maps, easement maps and legal descriptions, oil and gas lease maps, and tribal trust land properly geo-referenced in accordance with state or latitude/longitude coordinates and standards.
- Master title plats, title plats, and county title plats.
- Legal descriptions and recorded data.
- Existing and abandoned utility improvement easements maps.
- Locations of monuments.

Attachment 1, Real Property Requirements (continued)

VI. Mineral Rights

All the following information should be documented, stored, and available for LM use:

- Identification of mineral interests owned by the United States
- Locations of minerals severed from the surface estate
- Locations of any permitted mining operations

VII. Water Rights

All the following information should be documented, stored, and available for LM use:

- Identification of water rights owned by the United States.
- Location of water rights retained by the former owner of the property.
- Location of outstanding water conveyances on the property and information on the easement holders; provide copies of the easements.
- Description of surface water rights.
- Description of the surface water impoundments.

VIII. Well Permits

All the following information should be documented, stored, and available for LM use:

- Identification of well permits that exist for the United States.
- Identification of any state abandonment requirements.
- Identification of the state regulatory authority and point of contact.
- Identification of any off-site permits and access agreements; provide copies of the records and instruments to LM
- Data for FIMS are complete and up to date.

IX. Leasehold Interests:

All the following information should be documented, stored, and available for LM use:

- Identification of any existing leases and expected expiration dates; provide copies of the contracts to LM.
- Identification of any granted leaseholds to others (out grants).
- Data for FIMS are complete and up to date.

Attachment 1, Real Property Requirements (continued)

X. Other Real Property Interests

All the following information should be documented, stored, and available for LM use:

- Identification of any real estate institutional controls, such as deed restrictions, covenants, zoning agreements, or easements.
- Identification of any restrictions on the use of airspace over the site and point of contact if there are any restrictions
- Subordinated rights of others

XI. Infrastructure

All the following information should be documented, stored, and available for LM use:

- Identification of buildings or other structures that will remain.
- Identification of any leasehold interests associated with any buildings and other structures that will remain; if so, provide addresses of the leaseholders and copies of the contract.
- Identification of the costs, restoration requirements, cancellation or termination costs, and time frame for notices.
- Identification of any dam safety requirements or required annual inspections and reports:
  - Power generation systems
  - Treatment systems
  - Fencing
  - Disposal facilities
  - Electrical distribution stations
  - Extraction wells
  - Injection systems
  - Surface water structures (e.g., drainage channels, streams, dams, ponds flow controls, flow diversions)
- Identification of existing utilities that will remain.
- Identification of types and names of service providers (e.g., transmission or service, electric, natural gas, domestic water, sewage).
- FIMS requirements must be met, and applicable fields must be populated, complete, and up to date
- Identification of the FIMS administrator for the property
- Identification of security requirements that will remain or will be needed with the transition.
- Identification of maintenance management system used.

Attachment 2, Post-Closure Benefit Information and Data Needs

I. Pension Plans

Provide a list of current defined benefit plans. The following information is needed for each plan.

A. Financial/Custodian Data

1. Statement of assets
2. Reconciliation of market value of assets from period to period
3. List of benefits paid

B. Actuarial Information

1. Complete table of disability rates
2. Complete table of withdrawal rates
3. Actuarial valuation for each plan
4. Any assumption studies that have been performed in the past 5 years
5. Any other assumptions not explicitly detailed in the actuarial reports
6. The census data used for the actuarial valuations for the most recent plan year

C. Employer Plan Documents

1. With all updated amendments and Summary Plan descriptions for all plans
2. Most recent 5500 filings

II. Health and Welfare Benefit Plans

The following information is needed for each health and welfare plan (such as medical, dental, life insurance, vision and prescription drug) that is currently extended to or continues post-employment and is likely to continue for retirees and/or for other selected former employees post-closure (if different). The types of financial data required will vary based on the plan's funding arrangement, as outlined in the following subsections:

A. Financial Data

1. Fully Insured Plans
   a. Current rates
   b. Rates for the prior 2 plan years
   c. Copies of renewal letters
   d. Claims experience and participation history for the past 2 years (separated by plan)
   e. Premium history for the past 2 years

Attachment 2, Post-Closure Benefit Information and Data Need (continued)

II. Health and Welfare Benefit Plans (continued)

A. Financial Data (continued)

2. Self-Funded Plans
   a. Premium equivalent rates for the past 2 years
   b. Administrative rates for the past 2 years
   c. Reinsurance rates for the past t2 years
   d. Monthly participation history for the past 2 years
   e. Monthly incurred/paid claim data for the past 48 months (separated by plan, and by actives and retirees)

3. All Plans Regardless of Funding
   a. Employee and retiree contribution rates for the past 2 years
   b. Claim utilization reports for the past 2 years

B. Insurance Company Documents

1. Insurance contracts
2. Certificates of Insurance
3. Reinsurance contracts for self-funded plans

C. Employer Plan Documents(including Section 125 document, if applicable, and retiree health care document)

D. Employee Communication Materials

1. Summary Plan Descriptions
2. New hire orientation
3. New hire benefit enrollment (both health and welfare and retirement benefits)
4. Annual benefit enrollment materials and employee contributions
5. Employee newsletters and other regular communication
6. Retiree communications

E. Pension and Health and Welfare Benefit Plans Census Data Elements

1. Status [active, disabled, Consolidated Omnibus Budget Reconciliation Act (COBRA), terminated vested, retired]
2. Employee identification
3. Name
4. Date of birth
5. Sex
6. Date of hire
7. Zip code
8. Salary (base pay only)

Attachment 2, Post-Closure Benefit Information and Data Need (continued)

II. Health and Welfare Benefit Plans (continued)

E. Pension and Health and Welfare Benefit Plans Census Data Elements (continued)

9. Pension compensation [a description of the salary being provided (e.g., W-2 wages plus 401(k) deferrals)]
10. Prior plan year's hours
11. Job description (or title)
12. Employee classification (salaried or hourly)
13. Other employee classification (if applicable)
14. Prior pension plan accrued benefits (if applicable)
15. January 1, 1976, accrued benefit
16. Any supplemental benefits being paid (if applicable)
17. Date of disability, retirement, or COBRA qualifying event
18. Date of pension benefit commencement (if applicable)
19. Monthly pension benefit (if in pay status)
20. Form of benefit (if in pay status)
21. Beneficiary date of birth for pension (if applicable)
22. Medical plan election
23. Medical coverage tier (individual, family, etc.)
24. Dental coverage tier (individual, family, etc.)
25. Vision coverage tier (individual, family, etc.)
26. Amount of basic life insurance

In addition to the documents and data LM needs to collect, LM needs to develop an understanding about what is expected to happen to the plans and the workforce through site closure and beyond. The following questions include some of the questions LM has regarding pension and health and welfare benefit plans:

- Does the site anticipate changing the asset allocation in any of the pension plans from now until closure?
- What baseline date is the site using for site closure? What is the possibility that the actual site closure will be sooner or later?
- Does the site expect to hire any new employees (additional or replacement) from now until closure?
- What turnover pattern does the site expect for the site employees from now until closure (please provide separately for salaried and hourly employees)?
- What salary increases does the site expect from now until closure?
- Does the site expect to implement early retirement incentive programs or any changes to the site pension or health and welfare plans from now until closure ?
- Does the site expect any cost of living adjustments for retirees in the pension plans from now until closure?
- When do terminated vested participants generally start collecting benefits?