



Department of Energy

Washington, DC 20585

December 16, 2020

MEMORANDUM FOR INGRID KOLB

DIRECTOR
OFFICE OF MANAGEMENT

THROUGH

CARMELO MELENDEZ 
DIRECTOR
OFFICE OF LEGACY MANAGEMENT, LM-1

Carmelo Melendez
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Carmelo Melendez
Date: 2020.12.17
09:42:22 -05'00'

FROM:

BRIAN STEWART
SAFETY AND HEALTH PROGRAM MANAGER
OFFICE OF LEGACY MANAGEMENT, LM-20

SUBJECT:

Department of Energy Office of Legacy Management
Exemption to Specific DOE Order 151.1D, Comprehensive
Emergency Management System Requirements

This memorandum forwards the approved *U.S. Department of Energy Office of Legacy Management Request for Exemption from DOE Order 151.1D Chg 1 Requirements* that relieves Category 1 and 2 sites (and future sites of the same categories) managed by the U.S. Department of Energy (DOE) Office of Legacy Management (LM) locations from DOE Order 151.1D Chg 1, *Comprehensive Emergency Management System*, for appropriate posting by the Departmental Directives Program on the DOE Directives website.

LM used the following process steps to make the exemption determination:

1. Reviewed DOE Order 251.1D, [Departmental Directives Program](#).
2. Assessed the Order's applicability to LM sites using the *LM Site Management Guide* (SMG) (Guide 3-20.0-1.0-20-4). The SMG defines Category 1, 2, and 3 sites.
3. Collaborated with Office of Primary Interest and their relevant General Council office.
4. Completed an emergency management risk assessment for each of the Category 2 sites.
5. Conducted All-Hazards Surveys for each of the Category 3 sites.



As Head of the Departmental Element, I granted this exemption only after confirming that the exemption:

1. Is not contrary to law or regulations;
2. Ensures adequate protection of the public, workers, and the environment; and
3. Remains consistent with the primary goal, intent, and purpose of the directive.

Please contact me, or Brian Stewart at (720) 377-3814, if you have any questions.

Attachment

cc w/attachment via email:

Charles Hopkins III, DOE-EO

Jeff Austin, DOE-LM

Jay Glascock, DOE-LM

Jeanie Gueretta, DOE-LM

Brian Stewart, DOE-LM

David Shafer, DOE-LM

Peter O’Konski, DOE-LM

Kenneth Thomas, DOE-NNSA HQ

Stephen Browning, Navarro

Teresa Gildersleeve, Navarro

Matthew Hadacek, Navarro

DOE Read File

File: FED/20/38

Separation Page Only for

**U.S. Department of Energy Office of Legacy Management Request
for Exemption from DOE Order 151.1D Chg 1 Requirements**

U.S. Department of Energy Office of Legacy Management Request for Exemption from DOE Order 151.1D Chg 1 Requirements

The U.S. Department of Energy (DOE) Office of Legacy Management (LM), established in 2003, manages DOE's responsibilities associated with the closure of World War II and Cold War-era sites that the federal government operated to research, produce, and test nuclear weapons and conduct other scientific and engineering research.

The operations that were conducted in this vast network of industrial facilities left a legacy of radioactive and chemical waste, environmental contamination, and hazardous facilities and materials at more than 100 sites.

LM has long-term stewardship responsibility and an obligation to protect human health and the environment at these sites, which do not have continuing missions. Each year, LM issues the *LM Site Management Guide* (Guide-3-20.0-1.0-20.4) as a reference document for LM and its contractors. It provides accurate and consistent information regarding the regulatory driver, programmatic framework, and categorization of LM's sites. The most recent edition was published in March 2020. The primary elements of the *Site Management Guide* are as follows:

- Site name and location (state)
- Pre-LM name
- Transferring organization
- Actual transfer date (fiscal year [FY])
- Planned transfer date (FY)
- Regulatory drivers and programmatic framework
- Site category

The guide includes data for the 100 sites currently under LM jurisdiction and the schedule for transfer of projected future sites. Of particular interest to this discussion, the guide categorizes each site based on the actual or anticipated long-term surveillance and maintenance (LTS&M) activities associated with that site. The site category indicates the level of LTS&M activities that are expected for each site. The long-term management of each LM site is designated as one of three categories.

Using the *Site Management Guide* categorization criteria, LM requests the following exemptions from the requirements of DOE Order 151.1D Chg 1, *Comprehensive Emergency Management System*, by category for current and future sites:

Category 1 Sites

The *Site Management Guide* defines category 1 as sites that “typically include records-related activities and stakeholder support.” Forty-three sites are currently classified as category 1.

By definition, LM provides only the records-retention function. LM has no daily physical presence or ongoing mission activity at these sites. In addition, LM is not responsible for any

physical location that the records reference or the facility at which they originated. For these reasons, there is no increase in the risk to human health or the environment associated with records-related activities or performance of stakeholder support functions.

Request: *Based on the absence of risk associated with the category 1 sites, a “categorical exemption” to the requirements of DOE Order 151.1D Chg 1 is requested.*

Category 2 Sites

The *Site Management Guide* defines category 2 sites as those that “typically include routine inspection (any site visit needed to verify the integrity of engineered or institutional barriers) and monitoring/maintenance, records-related activities, and stakeholder support.” At sites characterized as category 2, workers are not physically present every day. Forty-eight sites are currently classified as category 2.

These category 2 sites do not have active missions, and hazardous materials do not exceed threshold quantities or may be excluded from further analysis because of their physical form or other factors. Routine inspections are provided at various intervals and are needed to verify the integrity of engineered or institutional barriers.

For category 2 sites, the implementation of a fully compliant Emergency Management System would place undue financial stress on LM and provide little or no benefit of additional protection to workers and the environment.

Request: *Based on the absence of additional risk posed by inspection and monitoring at category 2 sites, a “categorical exemption” to the requirements of DOE Order 151.1D Chg 1 is requested, with the caveat that measures are in place to protect inspection workers in the event of an emergency.*

The following measures will be implemented:

1. Employee training on how to safely evacuate the site and notify LM and local emergency response authorities, as needed, of emergency conditions.
2. A site emergency management risk assessment will be completed for any exempt category 2 site to confirm they do not pose additional risk to the protection of human life and the environment.
3. If a remedial action system undergoes temporary operational or maintenance activity, the activity will be evaluated to determine if the site will require additional emergency management attention or recategorization during the activity.

Category 3 Sites

The *Site Management Guide* defines category 3 sites as those whose “activities typically include operation and maintenance of active remedial action systems, routine inspection (any site visit needed to verify the integrity of engineered or institutional barriers) and monitoring and maintenance, records-related activities, and stakeholder support.” These sites add active operational and maintenance activities to the functions associated with category 2 sites. Daily physical presence of employees is expected, and the performance of these functions has the potential to add some risk to the protection of human life and the environment.

Currently, nine LM sites are classified as category 3. However, seven of the category 3 sites are populated by 10 or fewer employees. If this exemption is approved, the following sites would be exempt from DOE Order 151.1D Chg 1 Section 14(2)(b) (annual exercise) requirements:

- Grand Junction, Colorado, Disposal/Processing Sites
- Monticello, Utah, Disposal and Processing Sites
- Mound, Ohio, Disposal Site
- Pinellas County, Florida, Site
- Rocky Flats Site, Colorado
- Shiprock, New Mexico, Disposal Site
- Tuba City, Arizona, Disposal Site

An exemption from DOE Order 151.1D Chg 1 requirements is also requested for general office buildings owned or leased by DOE to fulfill LM’s mission. These facilities will be managed in accordance with federal, state, and local standards applicable to general use facilities. If this exemption is approved, the following general office buildings owned or leased by DOE would be exempt from DOE Order 151.1D Chg 1 requirements:

- LM Business Center at Morgantown, West Virginia
- LM Field Support Center at Grand Junction, Colorado (LM office at Grand Junction, Colorado)
- LM office in Pinellas County, Florida
- LM Operations Center at Westminster, Colorado (LM office at Westminster, Colorado)
- LM office at Window Rock, Arizona

An All Hazards Survey (AHS) is required for each category 3 site with documentation that hazardous materials do not exceed threshold quantities or that they may be excluded from further analysis because of their physical form or other factors. When this is not the case, a quantitative

Emergency Planning Hazards Assessment must be documented and further emergency management-related requirements may apply as delineated in DOE Order 151.1D Chg 1 Attachment 4, “Emergency Management Hazardous Materials Program.”

***Request:** Each of the nine category 3 sites have been evaluated against the appropriateness of each functional element in DOE Order 151.1D Chg 1 Attachment 3, “Emergency Management Core Program.” Specific relief from the annual site-level exercise requirement in Section 14, “Readiness Assurance,” (performing exercises) is requested.*

This requirement seems to be impractical when the category 3 site has 10 or fewer assigned workers. When a category 3 site has greater than 10 workers assigned, all functional elements in Attachment 3 will be incorporated into LM’s Emergency Management Program.

The selection of 10 or fewer employees as the quantifying number for this exemption request is based on National Fire Protection Association Standard 1.01 Paragraph 7.2.1.1.3.1, which uses greater than 10 people as the threshold to define an occupied building, and Title 29 *Code of Federal Regulations* Section 1910.38(b) (29 CFR 1910.38[b]), which similarly allows emergency action plans to be communicated orally (instead of in writing) if the workforce consists of 10 or fewer employees. Conducting the annual site-level exercises at locations populated with more than 10 workers would provide a more realistic venue for testing and validating organizational emergency plans and procedures.

It is understood that all category 3 sites would conduct worker drills at the required frequency specified in Attachment 3 Section 5(d)(1) and emergency response organization member drills specified in Section 5(e)(1). The annual site-level exercise required in Attachment 3 Section 14(2)(b) would be rotated among hazards and risks identified in the AHS at sites having a population exceeding 10 employees.

Approvals

This U.S. Department of Energy Office of Legacy Management Request for Exemption from DOE Order 151.1D Chg 1 Requirements was prepared in accordance with DOE Order 151.1D Chg 1.

Approved: **Carmelo Melendez** Digitally signed by Carmelo Melendez
Date: 2020.12.16 16:43:05 -05'00' Date: _____

Carmelo Melendez
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Office of Legacy Management

Reviewed: **Carmelo Melendez** Digitally signed by Carmelo Melendez
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Peter O’Konski
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Reviewed: **David S. Shafer** Digitally signed by David S. Shafer
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David S. Shafer, PhD
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Reviewed: **Jay D. Glascock** Digitally signed by Jay D. Glascock
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Reviewed: **Brian S. Stewart** Digitally signed by Brian S. Stewart
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Brian Stewart
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