

ORO CONTROL FORM - FINAL DIRECTIVE

PART A (To be completed by the Division of Primary Interest (DPI))

1. NUMBER AND TITLE OF DIRECTIVE: **ORO O 230, Chapter III, Change 4, COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) REQUIREMENTS**
2. PURPOSE OF TRANSMITTAL: New Directive Revised Directive
3. THIS DOCUMENT MAY AFFECT THE WORK PERFORMED BY THE FOLLOWING CONTRACTORS: (Check appropriate boxes)
- No (all contractors)
- Yes If yes, whom? Bechtel Jacobs Co. ORAU UT-Battelle ISOTEK (Bldg. 3019, ORNL)
- Other contractors (list by type) Other contractors involved in environmental restoration (ER) activities, or operating facilities at which ER activities are taking place.

Many ORO contractors have approved Standards/Requirements Identification Documents (S/RIDs) or Work Smart Standards (WSS) Sets that may affect applicability of contractor requirements from this directive. Applicability of contractor requirements must take into account the approved standards set for each particular contract.

4. SIGNIFICANT PROVISIONS: Are there any significant changes or impacts? No Yes
If yes, describe: This ORO Chapter is part of the ORO sunset review process. Changes were made to reflect change to (1) Paragraph 3 to add statement regarding Y-12 Site Office applicability; (2) editorial changes; and (3) update Paragraph 6, References.
5. CONTACT POINT: Richard Martin Environmental Protection Group, SE-30-1 576-9428
Name Organization Telephone

PART B (To be completed by the Directives Management Group (DMG)):

6. FILING INSTRUCTIONS:
- | <u>Remove</u> | <u>Dated</u> | <u>Insert</u> | <u>Dated</u> |
|----------------------------|--------------|----------------------------|--------------|
| ORO Control Form | 03/05/2002 | ORO Control Form | 06/22/2004 |
| ORO O 230, Ch. III, Chg. 3 | 03/05/2002 | ORO O 230, Ch. III, Chg. 4 | 06/22/2004 |

ORO Directives are available on the ORO Directives Management Group Home Page at http://www.ornl.gov/doe/doe_oro_dmg/oro_dir.htm. The ORO Directives will no longer be mailed in printed copy unless you do not have Internet capabilities.

7. APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH THE OFFICIAL DIRECTIVES DISTRIBUTION LIST:

Original Signed By
Wayne H. Albaugh 06/22/2004
Signature: DMG Team Leader, AD-440 Date

INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED

Rev. 06/14/2004

NNSA/YSO CONTROL FORM – FINAL DIRECTIVE

PART A (To be completed by the ORO DIRECTIVES MANAGEMENT GROUP, AD-440):

DIRECTIVE NUMBER, TITLE, AND DATE:

ORO O 230, CHAPTER III, CHANGE 4, COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) REQUIREMENTS, dated 06/22/2004

PURPOSE OF TRANSMITTAL: New Directive Revised Directive

DOES THIS DIRECTIVE CANCEL/REPLACE OR EXTEND ANY OTHER DIRECTIVES? Yes No
If "Yes," list what action (cancel/replace or extend) and list the Directive(s), including the number(s), title(s), and date(s):

This Directive cancels and replaces ORO O 230, Chapter III, Change 3, COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) REQUIREMENTS, dated 03/05/2002.

The attached Directive is forwarded for review and action. Complete Part B and forward this form to ORO DMG, AD-440, by 07/07/2004.

PART B (To be completed by the NNSA Y-12 SITE OFFICE, Y12-01):

CONTRACTOR APPLICABILITY:

Does this Directive affect the work performed by BWXT Y-12, L.L.C.? Yes No

Does this Directive affect the work performed by BWXT Y-12, L.L.C., subcontractors? Yes No

If "Yes," list the subcontractors:

Many contractors have approved Standards/Requirements Identification Documents (S/RID) or Work Smart Standards (WSS) Sets that may affect applicability of contractor requirements from this Directive. Applicability of contractor requirements must take into account the approved standards set for each particular contract.

SIGNIFICANT PROVISIONS: Are there any significant changes or impacts? Yes No

List summary of Directive changes and, if "Yes" above, describe the significant changes or impacts:

IMPLEMENTATION: Does the Directive contain special implementation requirements and/or dates? Yes No

If "Yes," describe:

FOR DOE DIRECTIVE – SUPPLEMENTAL DIRECTIVE REQUIRED?

Is a new or revised supplemental Directive required? Yes No

If "Yes," target date for submission of YSO Directive is _____.

IDENTIFY CONTACT POINT: James Donnelly 574-6260
Name Telephone

APPROVED BY COR FOR DIRECTIVES: Diane McCarten 07/13/2004 576-9330
Signature Date Telephone

PART C (To be completed by the ORO DIRECTIVES MANAGEMENT GROUP, AD-440):

DOE Directives are available on the DOE Directives Portal at <http://www.directives.doe.gov/>. ORO Directives are available on the ORO Directives Management Group Home Page at http://www.ornl.gov/doe/doe_oro_dmg/oro_dir.htm. Directives will no longer be mailed in printed copy unless you do not have Internet capabilities.

APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH OFFICIAL DIRECTIVE DISTRIBUTION LIST:

Wayne H. Albaugh, AD-440 07/15/2004
Name Date

INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED.

(Revised 11/06/2003)

U.S. Department of Energy

Oak Ridge Operations

ORO O 230
Chapter III
Change 4

DATE: 06/22/2004

SUBJECT: COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) REQUIREMENTS

1. PURPOSE. This Chapter assigns responsibility and accountability and provides administrative and/or contractual guidance to Oak Ridge Operations (ORO) and its contractors. Nothing in this issuance changes any requirements contained in any Department of Energy (DOE) Directive.
2. CANCELLATION. This Chapter cancels and replaces ORO O 230, Chapter III, Change 3, COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) REQUIREMENTS, dated March 5, 2002.
3. APPLICABILITY. The provisions of this Chapter apply to ORO and National Nuclear Security Administration Y-12 Site Office (YSO) Principal Staff, management and operating contractors, management and integrating contractors, and other contractors involved in environmental cleanup, compliance, and waste management activities at DOE-owned or -leased facilities, as provided by contract. References to the Y-12 Site Office are to clarify the interface between ORO and YSO and are not intended to indicate direction to YSO by ORO. This guidance does not assign responsibility or authority for the YSO to ORO.
4. RESPONSIBILITIES. Many ORO and YSO contractors have developed Standards/Requirements Identification Documents (S/RIDs) or Work Smart Standards (WSS) Sets that may not include requirements referenced or included in related DOE Directives or this Chapter. Interpretation and performance of Federal responsibilities outlined below must take into account the approved standards set for each particular contract and must not be deemed to add any requirements to the approved set.

CERCLA requirements address emergency and nonemergency actions. Emergency actions are those taken immediately in response to a release, while nonemergency actions include removals, both time critical and nontime critical, and remedial activities conducted subsequent to emergency actions, if any. This Chapter applies only to the nonemergency actions. Emergency actions are addressed in ORO O 150, Chapter I, Change 6, COMPREHENSIVE EMERGENCY MANAGEMENT SYSTEM, dated April 22, 2004, and any subsequent revisions.

- a. Team Leader, Emergency Management Team, ensures adequate DOE representation and participation on appropriate Regional Response Teams.

- b. Assistant Manager for Environmental Management (AMEM).
- (1) Oversees all ORO response actions for compliance with applicable requirements of CERCLA, as amended, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the requirements of this Chapter, and applicable DOE policies, requirements, and procedures. This includes making all required notifications, preparing and submitting all required documents, and integrating the procedural and documentation requirements of CERCLA and the National Environmental Policy Act, wherever practical, in a timely manner.
 - (2) Gathers information with respect to releases and potentially imminent releases of hazardous substances and maintain an ORO-wide record of all actions taken under this Chapter; CERCLA, as amended; the NCP; and applicable DOE policies, requirements, and procedures related to such releases.
 - (3) Takes such actions as deemed necessary to ensure that all ORO personnel responsible for conducting activities under this Chapter have maintained contact with appropriate Environmental Protection Agency (EPA), State, and local officials with regard to the need for and execution of response actions; obtained all appropriate EPA guidance documents applicable to CERCLA-related steps for which they are responsible; and received training designed to ensure ORO compliance with applicable CERCLA requirements.
 - (4) Prior to initiation of the remedial action process under CERCLA, as amended, determine with advice from the Assistant Secretary for Environment, Safety and Health (EH-1), the Cognizant Secretarial Officer, and Office of the General Counsel (GC-1), whether corrective actions carried out under the Resource Conservation and Recovery Act of 1976, Sections 3004(u) or (v) or 3008(h), or under State law are inconsistent with the NCP and may be used to satisfy CERCLA requirements.
 - (5) Requests such funds as deemed necessary to ensure that sufficient resources are included in the budget to implement the DOE CERCLA Program.
 - (6) Coordinates the development, implementation, and revision of agreements with other organizations, as necessary, which define the division of responsibilities for CERCLA and the NCP. The agreements will be reviewed every two years and revised as necessary.
- c. Principal Staff.
- (1) Review and concur with agreements as described in Paragraph 4b(6) above, that contain provisions affecting them.
 - (2) Carry out responsibilities that are assigned to them in agreements.
- d. Contracting Officer's Representatives (or designees), will participate in development, implementation, and revision, when necessary, of agreements with the AMEM which will define the division of responsibilities for implementation of CERCLA and the NCP.

5. REQUIREMENTS AND PROCEDURES. See Paragraph 6 of this Chapter.
6. REFERENCES.
 - a. National Environmental Policy Act.
 - b. Resource Conservation and Recovery Act of 1976.
 - c. National Oil and Hazardous Substances Pollution Contingency Plan.
 - d. ORO O 150, Chapter I, Change 6, COMPREHENSIVE EMERGENCY MANAGEMENT SYSTEM, dated April 22, 2004, and any subsequent revisions.
 - e. Memorandum of Agreement between the AMEM and the ORNL Site Manager regarding AMEM Activities at the ORNL Site.
 - f. DOE/ORO-2016, Service Arrangement between Oak Ridge Operations Office and Y-12 Site Office, National Nuclear Security Administration.
7. DEFINITIONS. None.
8. CONTRACTOR REQUIREMENTS DOCUMENT. See Contractor Requirements Document, Attachment 1 of this Chapter.
9. ATTACHMENTS.
 - a. Attachment 1 - Contractor Requirements Document.

CONTRACTOR REQUIREMENTS DOCUMENT

Contractors identified in Paragraph 3 of this Chapter will establish and maintain programs and management systems that conform to the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act and the National Oil and Hazardous Substances Pollution Contingency Plan, as directed by the Cognizant Contracting Officer's Representatives and/or as set forth in their contract.