



Office of Legacy Management
U.S. Department of Energy



Program Update

January–March 2007

Welcome to the January–March 2007 issue of the U.S. Department of Energy (DOE) Office of Legacy Management (LM) Program Update. This publication is designed to provide a status of activities within LM. Please direct all comments and inquiries to LM@hq.doe.gov.

Goal 1

LM Implements 10 CFR 851–Worker Safety and Health Program

Note: The following material is reprinted from 10 CFR 851 "Worker Safety and Health Program" and is available at http://hss.energy.gov/HealthSafety/WSHP/rule851/851_Bulletin

The 2002 Bob Stump National Defense Authorization Act amended the Atomic Energy Act by adding Section 234C "Worker Health and Safety Rules for Department of Energy Nuclear Facilities." It required DOE to promulgate a worker safety and health rule. DOE published the rule in the *Federal Register* on February 9, 2006. It establishes worker safety and health requirements that govern the conduct of contractor activities at nonnuclear, as well as nuclear, sites.

The rule requires that DOE contractor workers are provided with a workplace that is free from recognized hazards that can cause death or serious physical harm. To accomplish this objective, the rule establishes management responsibilities, worker rights, safety and health standards, and required training. The rule will replace the Contractor Requirements Document (CRD) of DOE O 440.1A "Worker Protection Management for DOE Federal and Contractor Employees."

DOE contractors and their workers are covered by the rule. Contractors include parent corporations and subcontractors that have responsibilities for performing work at a DOE site in furtherance of a DOE mission.

DOE is required to review and approve the contractor Worker Safety and Health Program (WSHP) by May 25, 2007, oversee contractor's implementation of their WSHP, and approve facility hazard controls.

Joseph (Joe) Desormeau Joins U.S. Department of Energy Office of Legacy Management

On February 2, 2007, Joseph (Joe) Desormeau joined the DOE-LM team at Grand Junction, Colorado, as a general engineer with primary responsibilities in Health and Safety, including oversight of the LM contractor's implementation of Title 10 *Code of Federal Regulations* Part 851 (10 CFR 851) Worker Safety and Health Program.

After completing a mechanical engineering degree from Clarkson University in 1980, Joe pursued his career in government service. His credentials include supporting the Strategic Defense Initiative (Star Wars) as a mechanical systems design engineer with the U.S. Air Force; safety engineer and nuclear quality assurance lead auditor at the DOE West Valley, New York, Project Office; and construction safety engineer for the DOE Fernald Closure Project, where he was qualified as a waste processing facility representative and listed as the subject matter expert for fire protection, construction, and construction safety.

DOE Contractor's must provide DOE with a WSHP that describes the methods they will use to implement the requirements of the rule. Contractors must submit a WSHP to DOE by February 26, 2007, give labor organizations timely notice of development of the WSHP, comply with all requirements by May 25, 2007, and identify facility hazards and controls within 90 days of identifying those hazards.

Visit us at www.LM.doe.gov



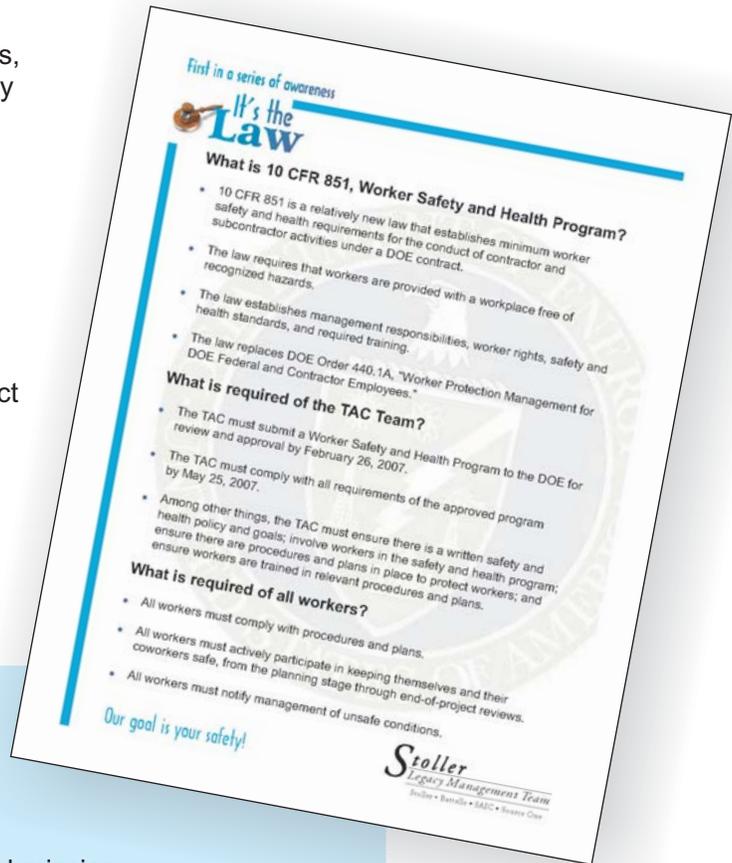
Contractors have additional responsibilities such as establishing written safety and health policy and goals, providing mechanisms to involve workers in the safety and health program, establishing procedures for workers to report hazards and stop work, and to use qualified safety and health professionals. Workers must comply with the safety and health requirements of the rule. They also have certain rights such as having access to safety and health information, observing the monitoring of hazardous chemicals, and receiving results of monitoring and inspections.

Contractors that fail to comply with the rule are subject to civil penalties up to \$70,000.00 per violation or contract penalties.

Additional information associated with 10 CFR 851 can be obtained on the web at: <http://hss.energy.gov/HealthSafety/WSHP/rule851/851final.html>

What is the Current Status of the LM Worker Safety and Health Program?

LM has reviewed and approved the contractor's submission of the Worker Safety and Health Program and is in excellent position for full implementation of the program by May 25, 2007. Currently both DOE and their contractor are performing self-assessments to ensure a successful launch of the new codified rule. No issues to date have been identified that would challenge the successful implementation of 10 CFR 851 by May 25, 2007.



An example of a 10 CFR 851 notice distributed by the LM contractor.

Goal 1

New Strategic Plan To Be Published

In May 2007, the U.S. Department of Energy Office of Legacy Management will publish a new strategic plan. This new plan provides a program-specific supplement to the Department's newly issued 2006 Strategic Plan. The strategic plan examines a planning horizon to the year 2020 and details the objectives, strategies, and success indicators for the four program goals of (1) long-term surveillance and maintenance, (2) archives and information management, (3) pension and benefit continuity, and (4) land and asset management. Further, it provides the same information for a fifth goal of business management of the Office and its programs.

The draft was issued for public review and comment in late October 2006. The comment period was in excess of 60 days to allow as much opportunity for public review and comment as reasonably possible. The draft received comments from approximately 15 respondents. These comments were reviewed and the document was revised.



Goal 1

The U.S. Department of Energy's Environmental Justice Program Leads Environmental Justice Conference

More than 500 participants registered for and attended the State of Environmental Justice in America 2007 Conference held March 29–31, 2007, at Howard University School of Law. The U.S. Department of Energy's (DOE) Office of Legacy Management (LM) organized this conference as part of DOE's Environmental Justice Program, along with the National Small Town Alliance, the U.S. Department of Agriculture, and the Howard University School of Law. The conference brought together federal employees, academic institutions, business and industry, non-profit organizations, faith-based organizations, local community activists, and others to take part in a discussion on achieving equality in environmental protection. This event served as an academic, legal, and policy forum to advance scholarship and actions on environmental justice. The conference also exposed law students to the myriad and complicated aspects of environmental law and environmental justice.

All of the sessions at the conference were well attended, and in many cases there was standing room only. The attendance at this conference shows a great demand for environmental justice activities. People from all over the country are ready to work toward implementing practical solutions to seemingly intractable environmental justice problems. The



Pictured left to right: Michael W. Owen, Director, Office of Legacy Management; Melinda Downing, Program Manager, Department of Energy's Environmental Justice Program; Ellen Livingston-Behan, Partner K&L Gates; John Cruden, Deputy Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice; and Granta Nakayama, Assistant Administrator for Enforcement and Compliance Assurance, U.S. Environmental Protection Agency.

planners hope that the conference will be a catalyst for a sustainable effort against environmental injustice.

Federal agency exhibitors included the U.S. Departments of Energy, Agriculture, Interior, and Justice, and the U.S. Environmental Protection Agency.

Highlights of the conference included an environmental justice and nuclear power roundtable, a daylong environmental health symposium, a legal series on land use and environmental justice, and approximately 50 papers presented by participants from various sectors across the country. There were also presentations from Congressman Albert Wynn; Michael Owen, Director, Office of Legacy Management, United States Department of Energy; Granta Nakayama, Assistant Administrator, United States Environmental Protection Agency; John Cruden, Deputy Assistant Attorney General, United States Department of Justice; and William Kovacs, Vice President, United States Chamber of Commerce.

The conference was fortunate to have Mrs. Dianne Bodman attend for two days. Mrs. Bodman is an attorney and former instructor of environmental law and environmental justice at a law school in Texas. She attended the "Environmental Justice and Nuclear Power" roundtable on Thursday afternoon. She also attended other sessions on Friday morning and discussed the details of the conference with Kurt Schmoke, Dean of the Howard University School of Law and one of the conference conveners.



Pictured left to right: Leslie Price, Manager, Washington Savannah River; Mrs. M. Diane Bodman; John Rosenthal, Conference Coordinator; and Melinda Downing.



Goal 4

Uranium Leasing Program

The Uranium Leasing Program (ULP) currently includes 38 lease tracts located in Mesa, Montrose, and San Miguel counties, Colorado. The ULP has been a federal government program for more than 60 years. The U.S. Atomic Energy Commission, a predecessor agency to the U.S. Department of Energy (DOE), was initially responsible for ensuring an adequate reserve of uranium and vanadium ore for the nation's defense program. In the 1970s, that responsibility changed to support domestic commercial nuclear power. The ULP was initiated to lease the withdrawn tracts of land to private industry to mine uranium and vanadium ore. Currently, DOE has 13 lease tracts actively held under lease and 25 inactive lease tracts.

Prior to the scheduled expiration of DOE's current leases, DOE initiated a programmatic environmental assessment (PEA) to determine how it should proceed with the ULP. Three alternatives were assessed within the PEA.

- The Expanded Program alternative (DOE's preferred alternative) would continue the ULP for an additional 10-year period, extend the 13 current leases for that same 10-year period, and expand the program to include the offering of new 10-year leases on up to 25 additional lease tracts to the domestic uranium industry through a competitive bid process. This alternative supports the Energy Policy Act of 2005 and continues a revenue source to the federal government from mining royalties.
- The Existing Program alternative would continue the ULP for an additional 10-year period and extend the 13 current leases for that same 10-year period. The 25 inactive lease tracts would remain inactive. Mineral royalties provided to the federal government would be reduced.
- The No Action alternative would allow the existing leases to expire as scheduled and all leaseholder operations would be reclaimed. Following reclamation, the DOE-managed lands would be retained by DOE indefinitely without leasing, or they would be restored to the public domain (under the administrative jurisdiction of the U.S. Bureau of Land Management) and the ULP would end.

The draft PEA was released for public comment on July 12, 2006, and three public information meetings were held during the 45-day review period. Comments to the draft PEA (both written and verbal) were received from approximately 100 separate entities. Approximately one-half of the comments were supportive of DOE's preferred alternative. The remaining comments were critical of DOE's preferred alternative, citing concerns over the increase in local truck traffic (under the worst-case scenario) or the need to complete an environmental impact statement that would look at the entire nuclear fuel cycle. DOE reviewed and considered all comments received and revised the PEA to incorporate those comments as appropriate.



Top: The C-JD-8 Mine Site is located in Paradox Valley on the northern flank of Monogram Mesa, southwestern Colorado. Bottom: C-JD-8 Mine Portal.



Office of Legacy Management Program Update

Digitizing Administrative Records
of the U.S. Department of Energy Office of Environmental Management (EM) and Office of Legacy Management (LM) Ohio Sites

Public Involvement in Remediation

- As the government concludes remediation of former weapons sites, continued public participation is essential to the success of long-term surveillance and maintenance activities.
- Public involvement was key to the government's efforts during the cleanup process.
- The U.S. Department of Energy (DOE) Office of Legacy Management (OLM) is continuing to collaborate with community members as part of the decision-making process for long-term surveillance and maintenance of these sites.
- The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Administrative Records (ARs) are the documents that form the basis for selecting remediation actions. The CERCLA ARs are available to the public, historians, and researchers. These records include information on cultural considerations (e.g., historic sites), natural resources, environmental justice issues, locations of sensitive, geographic and strategic information, and locations of wildlife protection areas.
- OLM is using digitizing technology to enhance public access to legacy CERCLA AR documents and information relating to ongoing surveillance and maintenance efforts. Lessons learned from a previous effort facilitated OLM's digitizing efforts for legacy remediation sites in Ohio.

Benefits of Digitizing Records

Digitizing records includes the following benefits:

- Less space required to maintain paper record collections.
- Search and retrieval capabilities via the Internet enhance public access, permitting secure global access to records.
- Automated indexing and searching of key fields. Digitizing using optical character recognition (OCR) allows for full-text search capability.
- Electronic back-up and recovery of documents in the event of a disaster.
- Standard file formats provide a user-friendly system.

Scanning Process Description

Prepare documents to be scanned

- Scan documents
- Reassemble the document (Reverse), view/OC document
- Upload files to storage

Scan Documents

Reassemble, View/OC Document

Web-Enabled Index DB

Upload Files to Storage

Searchable Digitized Documents

Lessons Learned From Earlier Efforts

We learned that digitizing software used with a server digitizing effort required public access to the Web-based records offering:

- The public reported problems with a special device needed to interact with the proprietary software.
- The software's search capability was not intuitive for standard users, significantly reducing usability and access.
- Attempts to modify the digital system were difficult to accomplish, and creation of customizable queries proved difficult.

We also learned that digitizing images in TIFF format is less desirable than PDF format. TIFF formatting required an individual file for each page of a record. The TIFF files were large and resulted in long download times over lower speed Internet connections.

Scanning the Ohio Sites' Records

- The digitizing project involved retrieval and preparation of the Federal and Memorandum System projects CERCLA AR records.
- Records were scanned at a resolution of 300 dpi per inch and converted to PDF format for Web-based display. The use of OCR software allowed preservation of the original scanned image combined with fully searchable text.
- A detailed quality assurance process was used to confirm each batch of scanned documents.
- Scanned images were posted to the Internet in a database that allows the public to search, sort, and view the files. The database can serve up to 100 concurrent Web users. Most single record queries in a file or subject field took just a few seconds.
- Once scanned, the original paper records were archived in government record centers.

Goal 2

U.S. Department of Energy Office of Legacy Management Participated in 2007 Annual Waste Management Conference

The U.S. Department of Energy Office of Legacy Management (LM) participated in the 2007 Annual Waste Management Conference held in Tucson, Arizona, February 25–March 2. LM's participation included submission of papers and oral presentations for a panel session that focused on long-term stewardship. The presentations provided an overview of the office and its responsibilities and the role of institutional controls in long-term legacy management. In addition, the session also provided discussions of science and technology improvements, post-closure ground water remediation, and the Geospatial Environmental Mapping System.

LM also participated in a poster session on public communication, participation, education, and training. The LM poster titled *"Digitizing the Administrative Records of the U.S. Department of Energy Office of Environmental Management (EM) and Office of Legacy Management (LM) Ohio Sites"* received an award for best poster in its category.

Goal 3

Work Force Information System Is Updated

The Work Force Information System (WFIS) is DOE's corporate level mechanism for recording, storing, and assessing compensation and benefits; equal employment opportunity; and other information about employees of contractors who operate DOE's production, environmental cleanup, research, and other facilities. An updated version of WFIS was activated in March 2007. This version of the WFIS application is a browser-based interface system that has enhanced features based on input from WFIS users at Headquarters and in the field. The WFIS application utilizes *Microsoft SQL Server 2005* as the relational database management system and employs

a set of web pages for the user interface. The system does not contain information about individual employees.

The Office of Legacy Management is the corporate owner of the WFIS and assists DOE federal employees and contractor employees in obtaining access or resolving problems with the system. Module owners include the Office of Management, the Office of Equal Rights and Diversity, and the Office of Legacy Management. The application is accompanied with a user manual and the WFIS Handbook. WFIS is used by approximately 200 employees throughout the DOE complex.



Goal 4

Manage Legacy Land and Assets, Emphasizing Protective Real and Personal Property Reuse and Disposition

The U.S. Department of Energy (DOE) provides available office and laboratory supplies and equipment (personal property) to communities that host DOE's facilities. We also provide land and buildings (real property) that are excess to departmental needs. Our transfer of personal and real property to local communities strengthens their economic vitality. DOE favors leasing or use agreements for land that will remain in federal custody. This includes the following land reuse strategies and options:

- Agricultural use by local ranchers for livestock grazing and crop production.
- Energy produced by wind, solar, and other renewable energy resources.
- Conservation management by nonprofit and other government organizations for sites with significant ecological resources and associated human resource benefits (e.g., recreation, natural resources, education, wildlife refuge, and tourism).

DOE's on-site users can enhance site surveillance with unusual occurrence reporting while ensuring best practices in land and natural resource management. We will continue to work with our environmental regulators, communities, and reuse partners to ensure that in-place engineered containment cells and monitoring systems and controls continue to maintain their integrity and protect human health and the environment.

The U.S. Department of Energy Office of Legacy Management Goal 4 brochure is available at http://www.lm.doe.gov/documents/brochures/goal4_2007.pdf.



Goal 5

LM Director Testifies on FY 2008 Budget

On Thursday, March 8, 2007, Michael Owen, Director of the Office of Legacy Management testified before the House Appropriations Subcommittee on Energy, Water, and Related Agencies regarding the President's FY 2008 budget request for the Office of Legacy Management. For FY 2008, the President's request for LM activities is \$194 million, a reduction of approximately \$7 million from the FY 2007 budget request. This request includes \$133 million to pay the pension and post retirement benefits to the former contractor workforce, \$40 million to protect human health and the environment through effective and efficient long-term surveillance and maintenance, \$7 million to effectively oversee records management activities, and \$2 million to manage the natural and cultural resources, while emphasizing property reuse and disposition. Director Owen's testimony before the Subcommittee is available at <http://www.lm.doe.gov/spotlight/testimony20070308.pdf>.



Goal 4

Celebrating Closure

The Fernald Preserve—From a Dream to Reality

On January 19, 2007, more than 700 people gathered to celebrate the closure of three Ohio sites—Ashtabula, Columbus, and Fernald. The celebration occurred in one of the five buildings that remain from the 289 buildings that once covered the Fernald site. Members of the community, former workers, the media, and stakeholders including Secretary of Energy Samuel Bodman; Environmental Protection Agency Administrator Stephen Johnson; Ohio Senator George Voinovich; and other dignitaries commemorated the end of the U.S. Department of Energy's cleanup operation.

“Today we honor the rich past of these sites and also celebrate the work done to restore their environmental health without erasing their past,” said Secretary Bodman. “Here in Ohio, we have returned the land as a living tribute to all that has occurred here. This is a legacy of which we can be proud.”

As part of Fernald's restoration, environmental engineers developed nearly 400 acres of woodlots, 327 acres of prairie, over 140 acres of open water and wetlands, and 33 acres of savanna. Their efforts made the regulators' and community's end-state vision of an undeveloped park possible; a park that emphasizes wildlife and education.

The process to renovate an existing building for the Visitors Center at the Fernald Preserve is underway with a planned dedication in summer 2008. “The Visitors Center will inform the public about current environment protection activities and tell the story of Fernald—from Native American land, an agricultural setting through production and cleanup, to the undeveloped park,” said Jane Powell, Fernald Preserve Site Manager.

The next public meeting is scheduled for Wednesday, June 6, 2007, at 6:30 p.m. The meeting will be held at the Fernald Preserve on the future site of the Visitors Center.



Secretary Samuel W. Bodman addresses the hundreds of guests gathered to honor the restoration and closure of the Fernald Preserve.



Legacy Management Goals



Goal 1: Protect human health and the environment through effective and efficient long-term surveillance and maintenance.

This goal highlights the Department's responsibility to ensure long-term protection of people, the environment, and the integrity of engineered remedies and monitoring systems.

Goal 2: Preserve and protect legacy records and information.

This goal recognizes Legacy Management's commitment to successfully manage records, information, and archives of legacy sites under its authority.



Goal 3: Support an effective and efficient work force structured to accomplish departmental missions and ensure continuity of contractor worker pension and medical benefits.

This goal recognizes the Department's commitment to its contracted work force and the consistent management of pension and health benefits. As sites continue to close, the Department faces the challenges of managing pension plan and health benefits liability.

Goal 4: Manage legacy land and assets, emphasizing protective real and personal property reuse and disposition.

This goal recognizes a departmental need for local collaborative management of legacy assets, including coordinating land use planning, personal property disposition to community reuse organizations, and protecting heritage resources (natural, cultural, and historical).



Goal 5: Improve program effectiveness through sound management.

This goal recognizes that Legacy Management's goals cannot be attained efficiently unless the federal and contractor work force is motivated to meet requirements and work toward continuous performance improvement.