Office of Legacy Management
U.S. Department of Energy

Program Update

April–June 2007

Welcome to the April–June 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 2

Freedom of Information/ Privacy Act Requests

Effective immediately, all Freedom of Information and Privacy Act inquiries should be directed to:

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All requests should continue to be submitted to:

The Chief Freedom of Information Officer
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

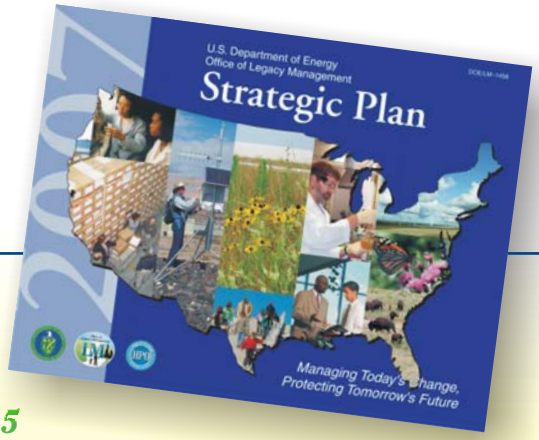
Goal 4

DOE's Former Rocky Flats Weapons Production Site to Become National Wildlife Refuge

The U.S. Department of Energy (DOE) has announced the transfer of nearly 4,000 acres of its former Rocky Flats nuclear weapons production site to the Department of the Interior's U.S. Fish and Wildlife Service (FWS) for use as a National Wildlife Refuge. After more than a decade of environmental cleanup work, the transfer creates the Rocky Flats National Wildlife Refuge, 16 miles northwest of Denver, Colorado, and marks completion of the regulatory milestones to transform a formerly contaminated site into an environmental asset.

Assistant Secretary of Energy for Environmental Management James Rispoli said, "We are proud to transfer this space to the U.S. Department of Interior and we will continue with plans to complete environmental cleanup work at five more sites across the country by 2009."

From 1951 until 1989 the Rocky Flats plant manufactured the trigger mechanism for nearly every nuclear weapon in the United States. The manufacturing processes resulted in radiological and hazardous material contamination; including beryllium, plutonium, uranium, and hazardous chemical compounds that were released into the air, ground, and water surrounding the plant.



Goal 5

LM Strategic Plan

The new *Strategic Plan* for the Office of Legacy Management (LM) was issued in June 2007 following a 60-day public comment period. This new plan supports the Department's *Strategic Plan* issued in 2006. The LM plan replaces the former LM *Strategic Plan* published in 2004 and will be used to guide Legacy Management's activities through 2020. It is oriented toward LM's five management goals and provides objectives, strategies, and success indicators for each goal.

The *2007 Strategic Plan* is available on the LM website at http://www.lm.doe.gov/documents/3_pro_doc/1_strategic_plan/strat_plan200705.pdf.

In 2005, DOE certified the environmental cleanup work at the former Rocky Flats Site complete. The 10-year environmental cleanup of the site cost approximately $7 billion and finished significantly ahead of initial forecasts and for nearly $30 billion less than estimated in 1994. The Rocky Flats Site encompasses approximately 6,200 acres of high prairie. During production and cleanup, a 5,800-acre buffer zone surrounded the 400-acre industrial area.

"With the transfer of nearly 4,000 acres from the Department of Energy, the U.S. Fish and Wildlife Service will establish the Rocky Flats National Wildlife Refuge in order to conserve the rare and unique tall-grass prairie found along Colorado's Front Range," U.S. Department of Interior's Director of the Fish and Wildlife Service H. Dale Hall said. "As intended by Congress, the refuge will preserve a lasting wildlife and habitat legacy for future generations."

Since 2005, DOE has worked to finalize regulatory requirements and prepare to transfer the site to FWS. In May 2007, the U.S. Environmental Protection Agency completed regulatory certification and released the lands for use as a National Wildlife Refuge.

DOE will retain approximately 1,300 acres in the center of the site for long-term surveillance and maintenance. This area is protected by engineered and institutional controls and contains surface and ground water monitoring equipment, four ground water treatment systems, and two closed landfills.

The Rocky Flats National Wildlife Refuge abuts the site of the DOE National Renewable Energy Laboratory's Wind Technology Center.

FWS is the principal federal agency responsible for conserving, protecting, and enhancing fish, wildlife, and plants and their habitats for the continuing benefit of the American people. In 2005, FWS announced a comprehensive conservation plan and associated environmental impact statement for the refuge that creates a management framework for the next 15 years. Pursuant to the plan, public use will increase gradually over the 15-year life of the plan as resources become available. FWS announced that visitor use facilities will eventually include approximately 16 miles of trails, a seasonally staffed visitor contact station, trailheads with parking, and developed overlooks. Most of the trails will use existing roads and public access will be by foot, bicycle, horse, or car and the FWS plans to develop a limited public hunting program. FWS will publish official notice of the refuge establishment in the *Federal Register*.

The newly established Rocky Flats National Wildlife Refuge comprises nearly 4,000 acres of the former DOE Rocky Flats Site. DOE will retain approximately 1,300 acres in the center of the site for long-term surveillance and maintenance.

Goal 4

Open House at the Fernald Preserve

Over a four-day period, June 7–10, 2007, more than 800 former workers, curious neighbors, and nature lovers visited the Fernald Preserve to see a living transformation. The 1,050-acre site once housed a uranium foundry until workers removed or buried tons of waste in a cleanup effort that took 10 years and cost $4.4 billion. Visitors now see a green space growing into a nature preserve.

The event was designed to raise awareness about the new Fernald Preserve mission and give the public an opportunity to participate in activities that will eventually become full-time programs.

A former warehouse, the future site of the Visitors Center, served as a greeting area, housing children's activities, displays, and a starting point for tours and hikes. Tours included stops at the wetland, prairie, and woodlot areas as well as a hike to the top of the On-Site Disposal Facility.

Volunteers from the Stoller team and members of the public led tours of the local ecosystems and engaged children of all ages in family activities such as coloring nature pictures and identifying birds and trees. One activity that was especially fun for kids was checking net cone traps for various types of amphibious wildlife in the wetlands. A picture display inside the warehouse featured pictures of workers from the 1950s to the present. Binoculars and bird and tree guides were also available to help visitors identify the abundant species of plants and birds that now thrive at the site.

Tom Schneider, Ohio EPA, pulls traps from a pond in search of frogs and snails.

Sue Walpole, Fernald Preserve Community Relations Lead, and Bill Hertel, Fernald Preserve Aquifer Restoration Project Lead, guide visitors to a prime bird-watching area near a wetland.

"Our goal is to make the Fernald Preserve a destination not only for anyone interested in the history of the Fernald site but also for birders and other nature-minded folks," said Jane Powell, manager of the site for the U.S. Department of Energy's Office of Legacy Management.

A nearby neighbor commented that "it's good that Fernald is being given back." Remarks like these made the work of the Fernald Preserve Open House organizers and weekend volunteers worth the effort.

The event was the first time the public has been invited to the site since the completion of the cleanup. LM expects to open the preserve in the summer of 2008 when the Visitors Center is finished.

Hats off to all the volunteers that made this event such as success!

Fernald Preserve

Goal 3

DOE Idaho Inspector General Audit Report on the Voluntary Separation Program at the Idaho Cleanup Project

On May 18, 2007, the Idaho Inspector General (IG) released an audit report on the Voluntary Separation Program at the Idaho Cleanup Project.

Background

On May 1, 2005, CH2M-WG Idaho, LLC (CWI), assumed responsibility for the management and operation of the U.S. Department of Energy's (DOE or Department) environmental remediation project at the Idaho National Laboratory. In the contract proposal, CWI included a strategy for work force restructuring to optimize employment levels and obtain the proper skills mix to safely address the project's objectives. The Department approved a two-phase restructuring approach, permitting CWI to separate up to 700 employees by offering a voluntary separation program in January, 2006; and, if necessary, an involuntary separation program in March 2007. CWI separated 291 employees voluntarily at a cost to the Department of $14 million.

The IG conducted this audit to determine whether the cost and benefits associated with CWI's voluntary separation program were consistent with recent similar efforts at other DOE facilities, and whether the separation was structured to ensure that the Idaho Cleanup Project retained the skill mix necessary to meet mission objectives.

Results of the Audit

The IG found that the voluntary separation program: provided significantly higher incentives than were offered in other recent comparable Department separation programs; used costly incentives that did not have analytical support to justify the additional benefits paid; and did not retain critical skills of certain employees needed to accomplish the Idaho Cleanup Project's work scope.

DOE Response and Action

DOE's response, in its entirety, can be found on page 16 of the audit http://www.ig.energy.gov/documents/IG-0765.pdf. In summary, DOE concurred as stated with the audit recommendations; however, DOE believes the report findings did not take into consideration the different circumstances underlying contractor work force actions across the DOE complex such as differing mission objectives (i.e., on-going versus closure work); the number of employee separations determined necessary by a contractor for the necessary skill mix to successfully complete the required contractual work scope; site labor agreements; funding availability; contract type; and site-specific stakeholder input. DOE also believes the report discounted the contractor's estimate of a net life cycle savings of $143 million to be realized over the term of the contract.

In summary, DOE has agreed to examine current departmental guidance to determine whether improvements can be made. Even though different sites necessarily must undertake different work force restructuring actions, DOE will consider whether it is appropriate to issue guidance with common objectives for all field sites.

Goal 1

Office of Legacy Management Participated in State and Tribal Government Working Group Meeting

The Office of Legacy Management (LM) participated in the State and Tribal Government Working Group Meeting held in Santa Fe, New Mexico, May 15–17, 2007. LM, along with the National Nuclear Security Administration and the U.S. Environmental Protection Agency Federal Facility Restoration and Reuse Office, lead a panel session that focused on Long-Term Stewardship. LM's presentation provided an overview of the LM office and its responsibilities and the use of institutional controls. The session also explored the roles, responsibilities, and relationships between various U.S. Department of Energy offices tasked with long-term stewardship activities.

Goal 5

Congress Funds Office of Legacy Management FY 2008 Budget

The fiscal year (FY) 2008 budget has been marked up by both houses of Congress and in both houses the Office of Legacy Management (LM) is fully funded at the President's request. The House mark includes language which would move LM under the Office of Environmental Management (EM). The Senate version does not address the potential consolidation. This difference will be resolved in conference committee so the ultimate outcome is unknown.

The Department disagrees with the House language for the following reasons:

1. **Visibility of LM and the Department's commitment:** A separate Office of Legacy Management provides a strong and visible commitment that the Department is prepared to protect human health and the environment at closed sites and ensure the continuity of pensions and post-retirement benefits to retired contractor workers.
2. **Management focus on cleanup:** LM has responsibility for over 80 closed sites—the number will grow to 120 sites by 2015. Those sites are distributed in over 30 states and require about $50 million per year and a different approach than expensive, large-scale cleanup activities at a dozen large operating sites. LM can efficiently manage the closed sites as a separate, stand-alone organization focused on that mission. This approach allows EM senior management to focus on the $5–6 billion of cleanup concentrated at a dozen large sites with significant waste and contamination issues and not have to address the smaller, less costly issues associated with previously closed sites.
3. **Clarifies completion and enhances communication:** An organizational hand off from EM to LM actually improves both communication and clarity of responsibility. Two separate organizations must negotiate the handoff and work cooperatively to define the transition point and roles and responsibilities. The result is that the closure of any site is clearly defined and actions are assigned to appropriate organizations.
4. **Formal reviews and external analysis reduce post-closure costs:** The hand off or transfer approach requires EM to dispose of personal property and real property that are not longer needed for the Department's missions. LM and EM also agreed that all records would meet the requirements of the National Archives and Records Administration before transfer. In addition, LM and EM jointly review the relevance of information technology and electronic data and systems for post-closure use. These actions have significantly reduced the post-closure costs associated with site management.
5. **Cleanup activities and legacy management require different skill mixes:** The skills mix needed for management of post-closure activities are substantially different from those associated with cleanup. LM has acquired unique federal expertise in the areas of realty management, records management, actuarial services, and long-term surveillance and maintenance that are neither core functions within the EM program nor critical to the management of cleanup activities.
6. **LM is currently a High Performing Organization:** Legacy Management has recently been designated by OMB as a high performing organization. This designation is the result of a series of successful actions taken by LM management between December 2003 and January 2007. Those efforts reduced federal staff from 81 to 58 employees during a time when LM was adding to its mission through the transfer of the EM closure sites and sites from the U.S. Army Corps of Engineers cleanup and private licensee cleanup of uranium mining sites. To move LM back into EM would reverse three years of concerted effort to improve effectiveness and reduce cost.

LM Public Document(s) Request Form