

**Office of Legacy Management: First Five Years of  
Managing the Department of Energy's Legacy Responsibilities—10381**

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**ABSTRACT**

The U.S. Department of Energy established the Office of Legacy Management (LM) to provide a long-term, sustainable solution to environmental wastes that remain from the Cold War. These legacy wastes have created environmental impacts at over 100 sites. Workers associated with historical and current activities at the sites number in the hundreds of thousands. When LM was established on December 15, 2003, it became responsible for 60 sites where active environmental remediation was completed. Currently, LM is responsible for long-term surveillance and maintenance of environmental remedies, promotion of beneficial reuse of land and buildings, and management of records and information at 85 sites in 28 states and Puerto Rico. LM is also responsible for meeting contractual obligations associated with former contractor worker's pensions and post-retirement benefits. Effectively addressing this environmental and human legacy will continue to require a focused and well-managed effort.

**INTRODUCTION**

During World War II and the Cold War, the federal government developed and operated a vast network of industrial facilities for research, production, and testing of nuclear weapons and for conducting other scientific and engineering research. The decades of work at these facilities left a legacy of radioactive and chemical waste and environmental contamination at more than 100 sites. Since 1989, the U.S. Department of Energy (DOE) has taken an aggressive accelerated, cleanup approach to reduce risks and cut costs.

This effort was enhanced when DOE established the Office of Legacy Management (LM) on December 15, 2003. A separate office for long-term surveillance and maintenance of legacy sites demonstrates DOE's strong commitment to protect human health and the environment at closed sites and ensure the continuity of pensions and post-retirement benefits to retired contractor workers. As of the end of fiscal year (FY) 2009, LM has responsibility for 85 closed sites, and the number will grow to about 113 sites by 2015. These sites will be located in more than 30 states and require about \$50 million per year to manage. DOE can efficiently manage the closed sites by using LM as a separate, stand-alone organization focused on that mission. This approach allows DOE's Office of Environmental Management (EM) to focus on cleanup concentrated at a dozen large sites with significant waste and contamination issues.

## **MISSION**

The LM mission is to manage DOE's post-closure responsibilities and ensure the future protection of human health and the environment. LM's five primary goals are to:

- Protect human health and the environment through effective and efficient long-term surveillance and maintenance.
- Preserve, protect, and make accessible legacy records and information.
- Support an effective and efficient workforce structured to accomplish DOE missions and ensure continuity of contractor worker pension and medical benefits.
- Manage legacy land and assets, emphasizing protective real and personal property reuse and disposition.
- Improve program effectiveness through sound management.

LM has two agency-wide coordination functions:

- Oversee implementation of Executive Order 12898, "Federal actions to Address Environmental Justice in Minority Populations and Low-Income Populations."
- Review, approve, and report on contractor workforce restructuring actions

## **ACCOMPLISHMENTS**

LM has achieved significant accomplishments thus far, including the following:

- Environmental remedies at all LM sites remain protective of human health and the environment. LM is responsible for 85 sites that were formerly part of the nation's nuclear weapons production effort. The sites are in 28 states and the commonwealth of Puerto Rico, and locations range from northern Alaska and the Aleutian Islands to Puerto Rico and from the west coast of California to the east coast of Massachusetts. The sites include wildlife refuges, nature preserves, and light-industry facilities.
- In February 2007, the Office of Management and Budget designated LM as the second high-performing organization in the federal government. LM's success in achieving this designation included meeting numerous program-specific performance measures and achieving a \$15 million reduction in the cost of federal staff over a five-year period.
- LM ensured the continuity of pensions and post-retirement benefits for over 10,000 former contractor workers following site closures and contract transitions. Under LM oversight, the pension plan assets have increased, and the volatility has been reduced through a more conservative investment approach.
- DOE has strengthened its environmental justice activities. DOE sponsored the first annual State of Environmental Justice in America Conference in March 2007 and released a new strategic plan for environmental justice in 2008. LM also expanded DOE's environmental justice activities to include Native Americans in the Southwest in 2008.
- LM increased access to uranium and vanadium deposits by expanding DOE's uranium leasing program to 31 active leases using a Web-based competitive bidding process. The new lease arrangements are projected to increase revenue to the federal government by as

much as \$10 million per year while ensuring adequate funding for future mine reclamation activities.

- In August 2008, LM opened the 1,050-acre Fernald Preserve (a former uranium-processing facility) in Ohio and the Fernald Preserve Visitors Center to the public. The Visitors Center, an educational and outreach facility, received Platinum certification from the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED).
- LM provided public access to documents and information contained in over 100,000 cubic feet of records. In fiscal year (FY) 2007 alone, LM responded to over 3,500 requests associated with the Energy Employees Occupational Illness Compensation Program Act, Freedom of Information Act, Privacy Act, and other inquiries.
- In October 2008, LM joined with the General Services Administration to break ground on the LM Business Center, a LEED Silver-certified facility in Morgantown, West Virginia. The Business Center will house LM's records collection, the Consolidated Data Center, and LM federal and contractor employees working at the Morgantown site.

### **REQUESTED BUDGET**

The Fiscal Year 2011 budget request for LM is about \$189 million. A major portion of the budget is for pension plans and post-closure benefits for former contractor employees at the closure sites nationwide, and the remainder is for long-term surveillance and maintenance of the sites. LM's responsibility includes managing activities at the Fernald and Mound, Ohio, and Rocky Flats, Colorado, closure sites.

### **SITE MANAGEMENT**

The increase in the number of LM sites by 2015 includes 18 sites from the Formerly Utilized Sites Remedial Action Program (FUSRAP) expected from the U.S. Army Corps of Engineers, 17 former uranium-milling sites from their current owners, and sites from EM. The growth in the number of sites is dependent on the current owners completing cleanup as scheduled. The next major site to be transferred from EM is the former Mound Plant in Miamisburg, Ohio. Assuming responsibility for the Mound Site, currently scheduled for 2011, will make a significant addition to LM's records management responsibility and to the number of contractor retirees for whom LM administers pensions and post-retirement benefits. Fig. 1 shows the LM sites projected through 2010.



Fig.1. LM sites through 2010.

LM has made steady progress in positioning itself to manage increased program responsibilities while meeting the DOE’s goals for reducing costs, increasing efficiency, and being protective of human health and the environment. In addition to the recent transfers of Rocky Flats, Fernald, and the Offsites locations, LM is also expecting to receive the Mound and Ashtabula, Ohio, Sites from EM as well as three FUSRAP and 11 Uranium Mill Tailings Radiation Control Act Title II sites over the next two years.

## RECORDS AND INFORMATION TECHNOLOGY

Preservation and protection of records and information are integral to the cleanup and closure of sites. LM has developed a plan for accepting and maintaining all legacy records. These records include historical site records, cleanup and long-term surveillance and maintenance records, and former contractor personnel and medical records. LM manages these records in compliance with legal and regulatory requirements, using the National Archive and Records Administration and DOE guidance.

As of the end of FY 2009, LM manages more than 100,000 cubic feet of physical records and 6 terabytes of electronic information. LM’s information management program is expanding to include over 100 different applications and databases necessary to support long-term mission needs. In addition to the physical records collection, LM will manage a smaller collection of special media that includes X-rays, photographs and negatives, video and audio tapes, and architectural drawings that require special environmental controls to maintain the integrity of the

materials. LM will also process over 2,500 requests for information under the Privacy Act, Freedom of Information Act, Energy Employees Occupational Illness Compensation Program Act, and other inquiries.

## **CONTRACTOR WORKFORCE**

The completion of missions at certain DOE sites also affects former contractor employees at the sites. After the completion of site cleanup, the contractor is no longer on site to administer contractor pensions and other long-term benefits. To meet DOE's objective of avoiding benefit interruption or inconvenience to plan participants, the administration of pensions and benefits at closed sites was either transferred to other DOE contracts or retained by modifying the current contract.

LM and DOE leaders have developed a course of action to maintain the quality of post-retirement benefits for contractor workers at closure sites as well as at active sites across the DOE complex. LM has worked to ensure a seamless transition of post-retirement benefits to the former contractor employees at the closure sites that have transferred or will transfer to LM.

LM has DOE-wide policy responsibility for implementing Section 3161 of the National Defense Authorization Act for Fiscal Year 1993. Section 3161 was enacted to mitigate the impacts of the end of the Cold War on employees of defense nuclear facilities.

The number of contractor separations within the DOE complex has decreased significantly over the past few years. As a result, the need for Section 3161 funding has diminished to the point that FY 2004 was the last year funds were appropriated for that purpose. LM has used appropriated funds from prior years to ensure limited enhanced benefits, such as outplacement, educational, and relocation assistance to former workers of the closure sites.

## **REAL PROPERTY TRANSFER**

LM is also responsible for the transfer or reuse of sites that no longer support an ongoing DOE mission and reviews transition plans and closure plans for sites that will come under LM stewardship, such as the Mound and Fernald Sites in Ohio and the Rocky Flats Site in Colorado. LM works with other federal agencies such as the General Services Administration and the U.S. Department of Housing and Urban Development as well as local and state governments to transfer excess real and personal property from DOE to private businesses and local governments. LM recently transferred a site in Wayne, New Jersey, to a local government for parkland and sites in New Brunswick, New Jersey; and Canonsburg, Pennsylvania; to private businesses. LM's current priority is to transfer or lease portions of federal properties associated with the Weldon Spring Site in Missouri and the Salmon Site in Mississippi.

Through these efforts, LM is trying to reduce DOE's "footprint" by transferring property back into productive uses such as grazing, conservation, forestry, or reindustrialization. As of the end of FY 2009, LM manages approximately 60,000 acres of federal property.

## **CONCLUSION**

LM has made major strides in positioning itself to manage increased program responsibilities while meeting DOE's goals for reducing costs and increasing efficiency. LM will continue to perform its critical function in a manner consistent with its designation as a high-performing organization. As part of this effort, LM has tied specific performance measures to each of the five goals discussed in the Introduction. LM also recognizes that these goals can only be achieved through close coordination of legacy management activities with stakeholders, Congress, regulators, and state, tribal, and local governments.