

STATEMENT OF

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DEPARTMENT OF ENERGY

BEFORE THE

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT
COMMITTEE ON APPROPRIATIONS
UNITED STATES HOUSE OF REPRESENTATIVES

MARCH 16, 2010

Good morning Mr. Chairman, Ranking Member Frelinghuysen, and distinguished members of the Committee. My name is Dave Geiser and I am the Director of the Office of Legacy Management (LM) at the Department of Energy (DOE). LM is responsible for ensuring that DOE's post-closure responsibilities are met by providing: long-term surveillance and maintenance of environmental remedies; access to historical records and information; contractor benefits continuity; and, beneficial reuse of Federal property no longer needed for Departmental missions.

OPENING REMARKS

The Department created LM seven years ago to provide a long-term, sustainable solution to the legacy of the Cold War. Congress supported the creation of this office in Fiscal Year 2004 and recommended merging the Office of Worker and Community Transition (WT) with the legacy components of the Office of Environmental Management (EM). With LM having the lead for post closure responsibilities, the Department is better positioned to focus its major programs and personnel on continuing missions. Independent operation by LM allows the Assistant Secretary for EM to concentrate on the remaining site cleanup activities and risk reduction.

LEGACY MANAGEMENT MISSION AND GOALS

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

- 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 work force structured to accomplish the Department's missions and assure contractor worker pension and medical benefits; and,
- Manage legacy land and assets, emphasizing protective real and personal property reuse and disposition.

LEGACY MANAGEMENT FISCAL YEAR 2011 FUNDING REQUEST

The Fiscal Year 2011 budget request for LM is \$189 million; the request is tied directly to achieving our core mission and goals. The majority of the request (\$122 million) will ensure adequate funding for contractor pension plans and post retirement benefits for over 14,000 retired contractor workers. The budget includes \$36 million to protect human health and the environment at DOE legacy sites and \$11 million to preserve,

protect, and make accessible legacy records. Managing legacy lands and assets will require about \$6 million. Approximately \$1 million will be used to manage the Department's environmental justice program and \$13 million will be used to cover the cost of federal salaries, training and travel.

(Dollars in thousands)

FY 2009 Appropriation	FY 2009 Recovery Act	FY 2010 Request	FY 2010 Appropriation	FY 2011 Request
\$185,981	\$0	\$189,802	\$190,802	\$188,626

LONG-TERM SURVEILLANCE AND MAINTENANCE

We are requesting \$36 million to protect human health and the environment at, and near, our legacy sites. An essential component of our mission is to ensure that environmental remedies at all sites are effective and that we are in compliance with environmental regulations. This is the Department's commitment to address the environmental legacy responsibilities associated with the activities of the Department and predecessor agencies during World War II and the Cold War. In conducting this mission, LM has developed a strong reputation for working closely and effectively with our stakeholders, regulators, and representatives from local and state governments, and Tribal Nations.

At the end of Fiscal Year 2009, LM was responsible for 85 sites that had played a role in the Nation's nuclear weapons production effort. Our site responsibility is currently distributed across 28 states, and range from the Aleutian Islands to Puerto Rico. As a result of past cleanup efforts, many of these former nuclear weapons production sites serve as wildlife refuges and nature preserves or support private sector commercial activities.

LM has made steady progress in our ability to manage increased program responsibilities while meeting the President's goals for reducing costs and increasing efficiency. LM's site responsibility is expected to grow to 95 sites by the end of this Fiscal Year and to 109 sites by the end of Fiscal Year 2015. This growth includes sites remediated by the U.S. Army Corp of Engineers (the Formerly Utilized Sites Remedial Action Program), former uranium-milling sites after cleanup by their current owners, and sites managed by EM. The next major site to be transferred from EM is the former Mound Plant in Miamisburg, Ohio. The formal site transition is scheduled for October 1, 2010. We have continued to work closely with our colleagues in EM to ensure a seamless handoff of site responsibilities.

LEGACY RECORDS

We are requesting \$11 million to manage legacy records. Integral to the cleanup and closure of sites is the preservation, protection, and public access to records and electronic information. Our records include historical site records, cleanup and long-term surveillance and maintenance records, and former contractor personnel and medical records.

LM now manages more than 100,000 cubic feet of physical records and a large amount of electronic information. 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. LM expects to process over 2000 requests for information under the Privacy Act, Freedom of Information Act, Energy Employees Occupational Illness Compensation Program Act, and other inquiries.

In December 2009, we started to consolidate our records management operations at the LM Business Center in Morgantown, West Virginia. This facility, constructed by the General Services Administration, is National Archives and Records Administration (NARA) 2009 compliant and will house LM's records collection and meet our requirements for managing electronic information. We have applied for, and hope to receive, the U.S. Green Building Council's "Gold" Leadership in Energy and Environmental Design (LEED) certification for this facility.

MANAGEMENT OF POST-CLOSURE CONTRACTOR RESPONSIBILITIES

We are requesting \$122 million to support post-closure contractor responsibilities. Specifically, the LM request provides for continuity of either pensions or post-retirement benefits or both for over 14,000 former contractor workers. Those former contractor workers are associated with the following sites: Rocky Flats, Fernald, Mound, Pinellas, Grand Junction, Portsmouth and Paducah. Under LM oversight, the contractor pension plan assets have increased and the volatility has been reduced through a more conservative investment approach.

PROPERTY AND BENEFICIAL REUSE

We are requesting \$6 million for property management and beneficial reuse. One of LM's goals is to enable beneficial reuse of our sites while still ensuring the protection of human health and the environment. Where possible, LM makes land and facilities available for government, public, and private use consistent with the tenets of sustainability and good land management practices. Currently LM has almost 4000 of our 13,000 acres in reuse. The types of reuse under consideration include: disposition (the preferred reuse option), conservation, commercial and industrial activity, community infrastructure, grazing, and forestry.

LM has responsibility for several sites where conservation is a priority. The 1,300 acre Rocky Flats site in Colorado is largely surrounded by 4000 acres transferred by the Department to the U. S. Fish and Wildlife Service. The natural features of the 1050 acre Fernald Preserve in Ohio have been restored and include upland forests, open water, the beginnings of a tall grass prairie and a 10,000-square foot, LEED Platinum-certified Visitors Center. The Weldon Spring Site in Charles County, Missouri has been enhanced for both recreation and education including a hike-and-bike trail and a 9,000 square foot Interpretive Center. In October of last year the Interpretive Center recorded our 100,000th visitor. LM is currently working with the State of Mississippi to transfer the 1476 acre Salmon Site to the Mississippi Forest Commission as wildlife refuge and forest demonstration project.

Once cleanup actions are completed, LM will work with EM to support the transfer of the 306 acre Mound Site to the Miamisburg Mound Community Improvement Corporation (MMCIC) for community reuse. MMCIC has been working with DOE since 1993 to develop the property as a light industrial park and to date the Department has transferred 179 acres to MMCIC.

Finally, LM has worked closely with GSA to dispose of three properties in the last two years, the Wayne Interim Storage Site and the New Brunswick Laboratory in New Jersey, and a portion of the Canonsburg Disposal Site in Pennsylvania. LM is currently working with GSA to provide two additional sites, located in Monticello, Utah and Grand Junction, Colorado, for community reuse.

CONCLUSION

In closing, the Secretary is committed to ensuring that the Department meets our post-closure responsibilities. These include: the protection of human health and the environment, access to records and information, meeting our commitment to former contractor workers, and, maximizing the beneficial reuse of properties no longer needed for Departmental missions.