

**Statement of David Geiser  
Director, Office of Legacy Management  
U.S. Department of Energy  
FY 2012 Appropriations Hearing**

Good morning Mr. Chairman, Ranking Member Visclosky, and distinguished members of the Committee. My name is David 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 eight 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 responsible for post closure activities, the Department is better positioned to focus resources on continuing missions, allowing the Assistant Secretary for Environmental Management to concentrate on the remaining site cleanup activities and risk reduction.

*LEGACY MANAGEMENT MISSION AND PROGRAM GOALS*

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

- Protect human health and the environment;
- Preserve, protect, and share records and information;
- Meet commitments to the contractor work force; and
- Optimize the use of land and assets.

*LEGACY MANAGEMENT FISCAL YEAR 2012 FUNDING REQUEST*

The Fiscal Year 2012 budget request for LM is \$170 million and the request is tied directly to achieving our core mission and goals. The majority of the request (\$95 million) will ensure funding for contractor pension plans and post retirement benefits for more than 12,000 retired contractor workers. The budget includes \$39 million to protect

human health and the environment at DOE legacy sites and \$14 million to preserve, protect, and make accessible legacy records. Managing legacy lands and assets will require about \$8 million. Approximately \$1 million will be used to manage the Department's environmental justice program and \$13 million, roughly 7 percent of the LM request, will be used to cover the cost of federal salaries, training, and travel.

**(Dollars in thousands)**

<b>FY 2010 Actual Appropriation</b>	<b>FY 2012 Request</b>
<b>\$190,802</b>	<b>\$170,100</b>

### *PROTECT HUMAN HEALTH AND THE ENVIRONMENT*

We are requesting \$39 million to protect human health and the environment at our legacy sites. An essential component of our mission is to ensure that systems installed to protect people and the environment are effective and that we are in compliance with applicable environmental requirements. The Department is committed to addressing 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 2010, LM was responsible for 87 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 are now 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 Administration's goals for reducing costs and increasing efficiency. LM's site responsibility is expected to grow to 91 sites by the end of this Fiscal Year, to 94 sites by the end of Fiscal Year 2012, and to 129 sites by the end of Fiscal Year 2020. 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. We have continued to work closely with our colleagues in EM to assure a seamless handoff of site responsibilities. LM's FY 2012 budget request contains funding for Mound.

## *PRESERVE, PROTECT AND SHARE RECORDS AND INFORMATION*

We are requesting \$14 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 manages more than 100,000 cubic feet of physical records and a large amount of electronic information. Part of the physical records collection includes a smaller collection of special media such as x-rays, photographs and negatives, and video and audio tapes that require special environmental controls. In addition, LM expects to process more than 1,500 requests for information under the Privacy Act, Freedom of Information Act, Energy Employees Occupational Illness Compensation Program Act, and other inquiries during Fiscal Year 2012.

In December 2009, we started to consolidate our records management operations at the LM Business Center in Morgantown, West Virginia. This facility was constructed by the General Services Administration and is compliant with National Archives and Records Administration (NARA) requirements. The LM Business Center houses the majority of LM's records collection and serves as LM's electronic data center. In 2010, DOE was awarded two "Gold" Certifications in Leadership in Energy and Environmental Design (LEED) from the U.S. Green Building Council for this facility. This is the first LEED double-gold building in West Virginia.

At the end of Fiscal Year 2010 LM, was assigned the responsibility of managing Yucca Mountain records and information systems, including the Licensing Support Network. We have been performing this function with prior year funds associated with the former Office of Civilian Radioactive Waste Management. The FY2012 request is the first time this responsibility is requested in the LM budget and is a \$3 million increase.

## *MEET COMMITMENTS TO THE CONTRACTOR WORK FORCE*

We are requesting \$95 million to support post-closure contractor responsibilities. The LM request provides for payment of either pension plan contributions or post-retirement benefits or both for over 12,000 former contractor workers. Those former contractor workers are associated with the following sites: Rocky Flats and Grand Junction in Colorado, Fernald, Mound, and Portsmouth in Ohio, Pinellas in Florida, Paducah in Kentucky, and the Yucca Mountain Project in Nevada.

Under LM oversight, the contractor pension plan assets have increased and the volatility of payments has been reduced. With Congressional appropriations and solid pension plan investment returns, overall pension plan assets/liability ratios are at 90 percent or higher. As such, LM's request for pension plan payments has been reduced by around \$40 million over four years. The cost of meeting contractor commitments for the Yucca Mountain project is \$1.4 million; this is the first year this request is in the LM budget.

## *OPTIMIZE THE USE OF LAND AND ASSETS*

We are requesting \$8 million for property management and beneficial reuse. One of LM's goals is to enable beneficial reuse of our sites while still assuring 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 4,000 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 land and wildlife conservation is a priority. The 1,300 acre Rocky Flats site in Colorado is largely surrounded by 4,000 acres transferred by the Department to the U. S. Fish and Wildlife Service. The natural features of the 1,050 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. The two centers, established as part of the environmental remedy, are averaging over 20,000 visitors a year. They serve to inform the surrounding communities about site conditions and have proven to be an effective institutional control.

LM is working closely with EM to transfer the remaining parcels of the 306 acre Mound Site to the Mound Development Corporation (MDC) for community reuse. MDC has been working with DOE since 1993 to develop the property as a light industrial park. To date the Department has transferred 179 acres to MDC.

Finally, LM has sold or transferred five properties in the last four years. These sites include: the Wayne Interim Storage Site and the New Brunswick Laboratory in New Jersey, a portion of the Canonsburg Disposal Site in Pennsylvania; and the Blackridge site in Grand Junction, Colorado. In December 2010, LM transferred the surface of the 1,500 acre Salmon Site to the Mississippi Forest Commission as a wildlife refuge and forest demonstration project. This transfer made more than \$2 million in timber available to the State of Mississippi. LM is currently working with the General Services Administration to transfer two additional sites, located in Monticello, Utah.

## *CONCLUSION*

In closing, the Secretary is committed to assuring 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 optimizing the use of land and assets no longer needed for Departmental missions.