



Program Update

April–June 2008

Welcome to the April–June 2008 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 4

Construction Progressing at the Fernald Preserve Visitors Center

This spring's unusually wet climate caused slight delays in the Fernald Preserve Visitors Center construction schedule. However, with the onset of warmer, drier weather, construction activities are reaching a peak on the project and completion is now expected to support a public opening in late August 2008. Most importantly, the building project is being accomplished with an exemplary safety record—no accidents or lost-time injuries have occurred through all 6 months of construction efforts.

Framing, including installing and painting drywall, is complete. Installation of the heating, ventilating,



Construction on the Visitors Center is expected to be completed in late August 2008.

and air conditioning system is nearing completion as is the installation of the sprinkler system. Fabrication of the exhibit panels is also well underway. Developed in cooperation with the University of Cincinnati's College of Design, Architecture, Art, and Planning, the exhibits will not only depict the history of the Fernald site, but will also place Fernald's history in the context of the Cold War and other world events.

Construction of the biowetland system began in April 2008 and will be completed by June 30, 2008. The biowetland will process all wastewater from the Visitors Center and is a sustainable component in receiving Leadership in Energy

Legacy Management Goals

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

Goal 2: Preserve, protect, and make accessible legacy records and information.

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

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

Goal 5: Improve program effectiveness through sound management.

See page 7 for a more detailed version of LM's goals.

Continued on page 3



Goal 4

Uranium Leasing Program: Inactive Lease Tracts Bid Solicitation Update

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) currently administers the Department's Uranium Leasing Program (ULP). LM manages 32 lease tracts (25,000 acres), all located within the Uravan Mineral Belt in southwestern Colorado. Thirteen of these lease tracts are actively held under lease, and the remaining 19 lease tracts are currently inactive. On April 30, 2008, DOE extended the 13 active leases for an additional 10-year period. Furthermore, on March 7, 2008, DOE offered the 19 inactive lease tracts to the domestic uranium industry through a web-based competitive bid solicitation. Over 100 interested parties were on the potential bidder's list when the solicitation began. Following the 60-day solicitation period and the subsequent review and evaluation of all bid submittals, new 10-year leases will be executed with the successful bidders.

The public bid opening was completed on May 15, 2008, in Denver, Colorado, with great success. Only 2 of the 19 lease tracts received no bids and only 2 lease tracts received only 1 bid. All of the successful bids were good numbers for the respective lease tracts and the range of the bids was from 7.67 percent up to 28.61 percent. There were 4 bids over 20 percent, 11 bids over 10 percent, and 2 bids over 7 percent, with 2 tracts having no bids. This is great news and the program will continue in good standing. It is interesting that this is the first bid opening of this kind in 34 years. The results will be posted on our website and letters will be sent out to all of the bidders at this time.

The lease contract template used for each of the 19 lease tracts and the lease language for the 10-year extensions for the 13 active leases all contain general and specific stipulations resulting from the *Programmatic Environmental Assessment* that DOE completed with its Finding of No Significant Impact in July 2007. In addition, ongoing discussions with the Bureau of Land Management and state agencies for transportation, reclamation and mine safety, and wildlife ensure that exploration and mining plans are reviewed and appropriate mitigation is in place prior to environmental impacts and mining activities. Of the 25,000 acres withdrawn from the public domain and under the control of DOE for uranium mining purposes, the 13 active mines have only about 300 acres of surface disturbance and the

19 new lease tracts are only estimated to have an additional 410 acres of surface disturbance.

Built into the DOE lease contracts are performance bonds that are put in place prior to the beginning of mine operations that cover all reclamation activities to close and reclaim the lease tracts at the termination of the leases. These 30 lease contracts provide a base annual royalty whether mining actually occurs, which will return about \$500,000 per year in royalties. In addition, lessees will pay a production royalty on the uranium and vanadium produced on the dry tons of ore received at the mill. These production royalties are established as a bid-percentage of the fair market value of the ore, which in turn is calculated from the quarterly weighted average price of uranium (derived from the long-term and spot market prices for uranium) and the quarterly average price of vanadium. The uranium production averages about 4 pounds of uranium per dry ton of ore and vanadium production averages about 24 pounds of vanadium per dry ton of ore.

The estimated ore reserves on the 32 lease tracts in southwestern Colorado is 13.5 million pounds of uranium, which accounts for less than 2 percent of the country's known uranium reserves (estimated at almost 900 million pounds). The national reserves of uranium then are only 8.6 percent of the global reserves. LM manages the DOE ULP under the authority and in accordance with Title 10 *Code of Federal Regulations* Part 760 (10 CFR 760) and in cooperation with the U.S. Bureau of Land Management and the State of Colorado.



Ore is loaded into a truck at C-JD-9.



Goal 4

DOE Co-Sponsors State of Environmental Justice in America 2008 Conference

More than 300 participants registered for and attended the State of Environmental Justice in America 2008 Conference May 21–24, 2008, at Howard University School of Law. This is the second conference of this nature with the initial conference held last year. The conference brought together federal employees, academic institutions, business and industry, non-profit organizations, faith-based organizations, local community activists, and others to participate in dialog on achieving equality of environmental protection. This event served as an academic, legal, policy conference 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. One of the conference highlights was a special session with Acting Deputy Secretary Kupfer, who released the revised and updated U.S. Department of Energy (DOE) Environmental Justice Strategy. Mr. Kupfer discussed all of the elements of the strategy and laid the foundation for two additional strategy presentations during the conference.

Mike Owen, director of DOE's Office of Legacy Management, gave the second strategy presentation during another special DOE session entitled "Environmental Justice at the U.S. Department of Energy (DOE): A New Strategy and Implementation Plan." Other presenters in this session included Jeffrey Allison, manager of the Savannah River Operations office and Gerald Boyd, manager of the Oak Ridge Operations office. In addition to the new DOE Environmental Justice Strategy, this session described environmental justice activities at the Savannah River and Oak Ridge Operations offices.

The third session that discussed the revised and updated DOE Environmental Justice Strategy followed the Owen, Allison, and Boyd presentation. Seven members of the DOE Environmental Justice Task Force discussed how the task force was established and completed its work. All of the DOE strategy presentations produced a number of questions and interest in our updated and revised strategy.

The State of Environmental Justice in America 2009 Conference is scheduled for May 16–17, 2009, in Washington, DC. Planning for next year's conference will start in July, 2008.



Left to right: Michael Loya, Gerald Boyd, Michael Owen, James Woolford, and Jeffrey Allison participated in a Special Session titled Environmental Justice at the U.S. Department of Energy: A New Strategy and Implementation Plan.

Continued from page 1

Construction Progressing at the Fernald Preserve Visitors Center

and Environmental Design (LEED) Gold certification from the U.S. Green Building Council. The building's use of a closed loop geothermal heating and air conditioning system is another key factor in achieving certification. Coils installed in an adjacent pond will extract heat from the water in the winter and dissipate heat from the building into the water during the summer.

The Visitors Center will also feature a meeting room with full multi-media capabilities that will not only be used to host the Fernald Preserve's community meetings, but will also be available for use by community groups. The public will get its first view of the Visitors Center during a community meeting on August 20, 2008.



Goal 1

Mill Raffinate Waste and Residual Tailings Materials Collocated at the Naturita Disposal Site

The Office of Legacy Management recently completed its annual inspection of the Naturita, Colorado, Disposal Site. The disposal site is approximately 13 miles northwest of the Naturita Processing Site and is historically unique because residual radioactive materials (RRM) from the UMTRA Title I processing site at Naturita were collocated adjacent to raffinate crystals and associated materials originating from the Uravan UMTRA Title II Processing Site. Both waste sources are impounded at the Upper Burbank engineered disposal cell, which is a former quarry used to obtain source rock for the remediation of other UMTRA Title II tailings impoundments at Uravan, Colorado.

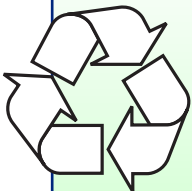
Today, a fence that runs northeast-to-southwest across the rock-covered disposal cell separates the waste from these two sites. Using the open pit quarry as a paid-for excavation to accommodate tailings and RRM from two separate facilities exemplifies how engineering talent and know-how were combined to construct a disposal cell that benefited both private industry and the U.S. Department of Energy (DOE).



Above: The Upper Burbank Disposal Site near Uravan, Colorado, showing DOE's portion of the property in the foreground.



Right: DOE site manager Mark Kautsky at the 2008 inspection of the Naturita, CO, Disposal Site.



We are environmental stewards, continually seeking opportunities to protect tomorrow's future, and one simple step we can take toward improving environmental consciousness is to print this Program Update, and subsequent updates, on recycled paper.

To further lessen our impact on the environment, we can send an electronic link to Program Update newsletters via e-mail instead of sending a printed copy. Please use the instructions on page 8 of this newsletter to send us your current e-mail address if you prefer to receive the newsletter electronically.



Printed on recycled paper



Goal 2

Build-To-Suit Lease Awarded for the Office of Legacy Management's Records Storage Facility

The General Services Administration has awarded a lease contract on behalf of the U.S. Department of Energy Office of Legacy Management (LM) for a records management and operations facility to be located in Morgantown, West Virginia. The development team for the facility includes developers FD Partners, LLC and Petroplus & Associates, Inc.; building designer Paradigm Architecture; and general contractor Dick Corporation.

The 59,000-square-foot facility will be located on a 10-acre site in the West Virginia University Research Park and will house more than 90 federal and contractor personnel supporting LM's mission. The facility will contain nonclassified records from the Cold War nuclear legacy. The records, which are maintained at several federal records centers, will be centralized at the Morgantown facility and will be accessible to researchers, former contractor employees, and other authorized people both in on-site records research facilities and via a state-of-the-art electronic record keeping system.

In keeping with the federal government's support of environmentally friendly buildings, the project's goal is to achieve Silver certification for the facility from the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program. Construction is planned to commence this summer and is expected to be completed in November 2009.

Goal 2

The Office of Legacy Management's Records Management Program

The Office of Legacy Management (LM) is an integral part of the U.S. Department of Energy's (DOE) strategy to ensure that legacy responsibilities for former nuclear production sites are properly managed following completion of environmental cleanup activities.

LM's records management program complies with all legal requirements and follows the guidance promulgated by the National Archives and Records Administration (NARA) and DOE. As sites are identified for mission closure, remediation, and are transferred into LM's authority, the associated site records and information are transferred. For example, following closure and transfer of the Fernald, Mound, and Rocky Flats sites, LM became the custodian of approximately 100,000 cubic feet of records and many terabytes of database information. LM's responsibility will eventually include managing the records for more than 100 sites across the country.

The electronic information inherited by LM includes records-finding tools, as well as environmental and business data necessary to meet LM's long-term stewardship responsibilities. The records, along with the electronic information, are used in fulfillment of the Freedom of Information Act; the Privacy Act; the Energy Employees Occupational Illness Compensation Program Act; and the Comprehensive Environmental Response, Compensation, and Liability Act Administrative Record requests from the public and other stakeholders. Our records are also subject to review or subpoena in litigation. To date, LM has already responded to more than 3,300 requests for information.

LM takes its records mission very seriously and manages, preserves, and protects all official federal records in our custody in accordance with federal requirements and consistent with federal guidance. For additional information contact John V. Montgomery, Archives and Information Team Lead at John.Montgomery@LM.doe.gov.



New Human Resources/ Administrative Team Leader and Information Technology Specialist Join LM Team

Human Resources/Administrative Team

Leader—Patricia Poole-Shirriel joins the Office of Legacy Management as the Human Resources/Administrative Team Leader in the Office of Business Operations. Patricia comes to us immediately from the Office of Program Analysis and Evaluation in the Office of the Chief Financial Officer, U.S. Department of Energy (DOE), where she served as the Program Support Specialist responsible for all human resource and administrative functions of the office. Patricia has 24 years experience in administrative support functions, 10 years in private industry, and 14 years with the federal government. Patricia has a broad knowledge of DOE and other agency policies and procedures regarding human resources and administrative functions and will be a great asset for LM.

Information Technology Specialist—

Trisha Garlow joins the Office of Legacy Management (LM) from the U.S. Customs and Border Protection agency's Office of Information Technology. She joined LM on June 22, 2008, as an information technology specialist, located in LM's Morgantown, West Virginia, office.

Trisha's experience includes many years in program management and information technology. As project lead with the Border Enforcement and Management Systems branch, Trisha provided direction to teams consisting of programmers, contractors, and analysts.

Open Government Act 2007 Freedom of Information Bill

On December 31, 2007, President Bush signed the Open Government Act, which amends the Freedom of Information Act (FOIA) to compel agencies to ensure that requests under FOIA are responded to timely and to assist requesters in tracking their request. The law also demands that agencies be more accountable for denying records in response to FOIA requests. Implementation of these provisions must be in place by December 31, 2008.

The new bill consists of the following:

- A tracking system for FOIA requests will assign a public number to each request and create a hotline for agencies to deal with problems.
- FOIA will apply to government records held by private contractors.
- Complaints about FOIA processing will be received by an ombudsman at the National Archives and Records Administration.
- Agencies that fail to respond within FOIA's required 20-day limit will lose the ability to recoup research and copying costs from requesters.
- Requesters will have increased power to sue to recover court costs and attorney's fees. Payments to settle damages or disputes will now come from agency budgets and not out of a central judgment fund.

The new bill would add new transparency and accountability standards when Congress considers adding new FOIA exemptions to the law.

According to a press release on Senator Leahy's website (<http://leahy.senate.gov/press/200803/031208c.html>) dated March 12, 2008, "The exemptions to FOIA addressed in the OPEN FOIA Act, known as (b)(3) statutory exemptions, are typically buried in complex and lengthy legislative proposals, making it difficult for requestors to determine whether access to information is subject to FOIA. The OPEN FOIA Act would provide more transparency when Congress includes such exemptions in legislation."



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, protect, and make accessible 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 assure 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.



Office of Legacy Management Program Update

Please help us reduce mailing costs — To reduce mailing costs, we would like to send electronic links to information from the U.S. Department of Energy Office of Legacy Management via e-mail. Please provide us with your current e-mail address and contact information so that we may update our files. Thank you.

Request for LM Public Documents

Name _____

Organization _____

Position _____

Street Address _____

City, State, and Zip Code _____

Phone Number _____

Fax Number _____

E-mail Address _____

Documents Requested

1. _____

2. _____

3. _____

4. _____

5. _____

Fax or Mail to:

Ms. Sheila G. Dillard
U.S. Department of Energy
Office of Legacy Management
1000 Independence Avenue, SW
Washington, DC 20585
Fax: (202) 586-1540

or E-mail Your Information to:

LM@hq.doe.gov

**To remove your name from the Program Update mailing list,
send your request to the address or fax number specified above.**