

Department of Energy

Washington, DC 20585

February 23, 2000

Mr. Earl C. Lemming, Director
DOE Oversight Division
Tennessee Department of Environment and Conservation
761 Emory Valley Road
Oak Ridge, TN 37830-7072

Re: FY 2000 National Defense Authorization Act Report on Long-term Stewardship

Dear Mr. Lemming:

Please excuse this delayed response to your letter dated January 5, 2000. I hope you will find the enclosed information helpful, the additional time for our response allowed us to forward you the most complete information available. Specifically, last Friday, February 18, 2000, the Assistant Secretary for Environmental Management Carolyn Huntoon authorized the release of the *Guidance for the Development of the FY 2000 National Defense Authorization Act (NDAA) Long-term Stewardship Report*.

The data requirements and collection effort included in this guidance document package was coordinated internally with relevant DOE program elements and is a "first step" in the data collection process. It defines the nature and extent of information that is required to comply with the NDAA as well as the information needed to undertake the necessary management and stewardship responsibilities including cost, scope, and schedule. This guidance is applicable to all sites or portions of sites where environmental restoration, waste disposal, and facility stabilization will be completed by approximately 2006.

Although many of your questions should be answered by the information in the guidance package, I would like to take this opportunity to address your insightful comments directly. In response to your specific request for information on:

1. Scope, schedule and outline for the NDAA report. The guidance package seeks to define the scope, schedule and outline for the NDAA report. The critical element in defining the NDAA report is the input provided by the field office staff. Thus far we have received initial input from field staff in defining the sites, portions of sites and related media. (*See Draft Appendix C: List of Proposed Portions*). This list has already undergone significant change and is expected to continue to change as we continue to work the site staff. For example, the Oak Ridge Operations Office staff have subsequently changed the characterization of the Oak Ridge Reservation into the "watershed areas" used in the environmental restoration management program. In addition, the guidance contains *Appendix B: NDAA Report Development Schedule*,

which outlines the schedule of critical activities in preparing the report (i.e., the draft data is due into headquarters on March 10, final data due March 31, 2000). Finally, draft guidance section 4.3 (Site Summary Text Development), outlines the two volume structure of the report (Volume I: Complex Wide Summary, and Volume II: Site Summaries).

2. Draft or final guidance/policy documents to be used at DOE sites for reporting information. In addition to the information provided in the guidance package, we have prepared a companion *User's Manual* which includes the list of the data elements required for the *NDAA Long-term Stewardship Report* and their definitions. Although this document is not a "guidance or policy" document per se, it will help the Field office staff use of the NDAA Long-Term Stewardship Data Collection System. The Data Collection System is a web-based tool that has been designed to collect all of the data elements required for the *NDAA Long-Term Stewardship Report*. Field staff can enter data through at least March 10th and will continue to be able to access the tool through at least March 31st for editing data based on Field/Headquarters review. Data are requested for all of the sites and portions of sites identified in guidance *Draft Appendix C: List of Proposed Portions*. We encourage that you coordinate with your local site office for review and comment of each critical element of data collection, finalization, analysis and report preparation listed in *Appendix B: NDAA Report Development Schedule*.

3. A list of sites and responsible programs which according to the Committee must provide information for long-term stewardship (longer than 30 years). Ultimately, this list will only be compiled in the final report submitted to Congress. However, a list of geographic sites expected to require stewardship was developed for *From Cleanup to Stewardship: a Companion Report to 'Accelerating Cleanup: Paths to Closure' and Background Information to Support the Scoping Process Required for the 1998 PEIS Settlement Study*. Based on this and other information we have identified a preliminary list of sites which must provide information for long-term stewardship (See Guidance Draft Appendix C for the proposed list of NDAA sites and portions). This list is expected to change as we work the site staff, please contact ORO for information on the list of Oak Ridge sites.

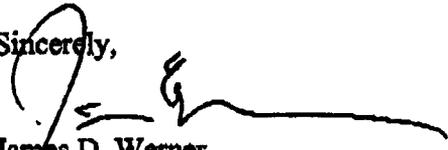
4. A list of sites and responsible programs (if any) which meet the Committee criteria, but are seeking to be excluded from reporting requirements. To date, all relevant sites are fully participating in the NDAA data collection process.

5. Time table for providing future information to this office for review and comment. As indicated in the guidance package, each field office should determine the level and type of appropriate public participation. However, it is strongly recommended that each field office plan to involve the public in the development of the information provided to respond to the Congressional report mandate. We encourage that you coordinate with your local site office for a time table for review and comment of each critical element of data collection, finalization, analysis and report preparation listed in *Appendix B: NDAA Report Development Schedule*. The next critical milestones will be the initial data submission from the field on March 10, 2000, and final data submission March 31, 2000. The State of Tennessee should be provided with the initial data submission information as soon as practicable after the March 10, 2000, deadline.

6. Explain the distinction between the plan and the study and report required by the waste management PEIS lawsuit with the Natural Resources Defense Council. In addition to the NDAA Report on long-term Stewardship the Department is preparing a study on long-term stewardship pursuant to the lawsuit settlement (*Natural Resource Defense Council, et. al. v. Richardson, et. al., Civ. No. 97-963 (SS) (D.D.C. Dec. 12, 1998)*). This study, in contrast to FY 2000 NDAA report, will address national, programmatic, and cross-cutting issues (not site-specific issues) related to long-term stewardship, such as options for financing, legal requirements, and program structure. In essence, the NDAA report is primarily a fact book of information provided by field office staff; whereas the long-term stewardship study is focused on broad policy issues. Headquarters staff are closely coordinating the study with the NDAA report and expect that the two activities will complement each other.

We look forward to continuing to work with you in developing a mutually acceptable report to Congress by the October 1, 2000. If you have any questions or concerns, please do hesitate to contact me (202) 586-9280 or project manager Jonathan Kang (202) 586-5182. We look forward to continuing to work with you in the future.

Sincerely,



James D. Werner
Director, Office of Long-Term Stewardship
Office of Environmental Management

cc: Rod Nelson, DOE-OR
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