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*Attached per 3.1  
of the June 22, 1995  
teleconference Draft  
Meeting Summary.*



Department of Energy  
Washington, DC 20585

May 23, 1995

The Honorable Robert C. Smith  
Chairman, Superfund, Waste Control,  
and Risk Assessment Subcommittee  
Committee on Environmental and Public Works  
United States Senate  
Washington, D.C. 20510-2903

Dear Mr. Chairman:

At the hearing on Federal facilities and Superfund on Tuesday, May 9, 1995, you asked me to provide information regarding natural resource damages at Department of Energy (DOE) facilities. DOE is involved in several efforts that will support the definition and resolution of issues related to natural resource damages.

First, the Administration has convened a process to facilitate dialogue with the Congress and with affected parties over Superfund's natural resources damages provisions. DOE representatives will be participating in that dialogue. The Administration process, and the Administration's position on natural resource damages in general, are outlined in the letter to you dated May 2, 1995, signed by the Assistant Secretary for Oceans and Atmosphere at the Department of Commerce and the Assistant Secretary for Policy, Management, and Budget, at the Department of the Interior. Throughout, the Administration has strongly supported the natural resource damages programs administered by Federal, State, and Tribal trustees under Superfund. Indeed, DOE itself serves as a trustee for natural resources at its facilities.

\* Second, DOE is working to implement new procedures for coordinating with trustees during all phases of our environmental restoration projects. Under these procedures, we are integrating natural resource risk studies into environmental restoration investigations and will fully consider as a part of remedy selection the effects and mitigative steps needed to protect natural resources. Through this process, we hope to limit or eliminate the potential for significant natural resource damages liability at our facilities--while also recognizing the legitimacy and importance of trustees' authority and responsibilities.

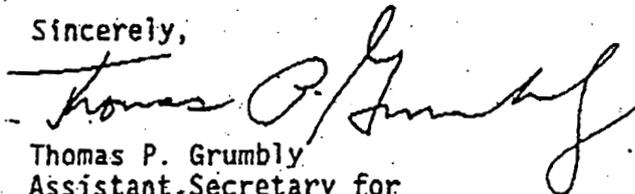
Finally, it should be noted that, to date, only one natural resource damages claim has been filed against DOE, and it has not been pursued. This is at least in part the result of a 1986 amendment to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which provides that natural resource damage claims cannot be filed before selection of the remedial action if the site is being diligently investigated as required by CERCLA.



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Thank you for the opportunity to provide this information. I look forward to working with the Committee to review options for effective Superfund reform. If you have further questions, please contact me, or have a member of your staff contact Ms. Anita Gonzales, Office of Congressional and Intergovernmental Affairs, at (202) 586-1750.

Sincerely,



Thomas P. Grumbly  
Assistant Secretary for  
Environmental Management

cc: The Honorable Frank R. Lautenberg  
Ranking Minority Member