

October 10, 2003

Mr. Michael Owen  
Director, Office of Legacy Management  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Mr. Owen:

As co-leads of the National Governors Association's Federal Facilities Task Force, we support the creation of your Office. The 14 member states on our task force welcome this move to highlight the significance of long-term stewardship (LTS) activities for protecting public health and promoting sound reuse of former nuclear weapons and research sites.

As you may recall from its meeting in Washington, DC this past May and in early November, our task force is greatly concerned about the potential risks that residual contamination at these sites poses to public health, to the environment, and to economic redevelopment projects at and near the sites. The states will, of necessity, be held accountable along with USDOE to assure our citizens that the stewardship of these sites will be effective, uninterrupted, and adequately funded, all over an extraordinarily long time. Please know we stand ready to work with you to ensure the success of your mission.

As you get started, we want you to be aware of three of our key concerns:

**First, the states must be assured that long-term stewardship concerns are fully integrated into remedial action decisions as they are made.** The Office of Legacy Management must not passively "accept" sites for stewardship; it must ensure that the full range of stewardship costs, institutional controls, and operational concerns are considered as part of the cleanup decision process.

**Second, it is critical for DOE to work with the states to generate public confidence by ensuring that institutional controls—the key for the protection of public health at LTS sites—will be effective over time.** While it is our preference that cleanup be as complete as possible, thus reducing the need for LTS activities and institutional controls, we understand that *complete* cleanup is not always possible. In such cases, state laws (and local ordinances derived from state laws) are the

foundation for success of many institutional controls and they must be fully invoked in order to develop this crucial confidence. DOE should unequivocally assert its intention to comply with state laws in this regard, and work collaboratively with the states to best identify and implement local, state and federal LTS tools.

**Third, we strongly encourage you to engage the states in an ongoing exchange of information and policy dialogue on long-term stewardship.** A wide range of issues remain to be resolved both at the national and site-specific levels. Collaborative dialogue between the states and DOE has proven to be extraordinarily valuable for addressing issues before they become problems. We believe the Task Force offers you an existing and proven vehicle to keep the lines of communication open with the states.

Given the importance and depth of these issues, we have asked the directors of our respective environmental departments and NGA's senior staff to meet with you in Washington, DC, to discuss long-term stewardship in more detail. NGA staff will be in touch with your office.

Again, the states stand ready to assist in whatever way possible to help you succeed, and we look forward to much more dialogue at all levels between your Office and the states.

Sincerely,

Gary Locke  
Governor of Washington  
Co-lead, NGA's Federal Facilities  
Task Force

Bill Owens  
Governor of Colorado  
Co-lead, NGA's Federal Facilities  
Task Force

cc: Spencer Abraham, Secretary of Energy  
Jessie Roberson, Assistant Secretary of Energy for Environmental Management