



# PEIS Lawsuit Settlement Activities and Schedule for Compliance (Overall Status)

April 19, 1999

Fact Sheet

On December 12, 1998, DOE settled a lawsuit with the Natural Resources Defense Council (NRDC). NRDC, acting on behalf of itself and 38 other environmental organizations, contended that DOE had violated a 1990 settlement agreement by failing to prepare an Environmental Restoration and Waste Management Programmatic Environmental Impact Statement (ER/WM PEIS). The terms of the settlement agreement require DOE to complete three major items: (1) develop and deploy a central Internet database (Settlement Database) with information on waste, facilities, and contaminated media; (2) conduct a study on long-term stewardship; and (3) establish a \$6.25 million fund for technical and scientific reviews. **This fact sheet summarizes each of these three activities and outlines DOE's initial plans for meeting its obligations.**

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## Settlement Database

**Background.** The settlement agreement requires DOE to establish a central database (Settlement Database), available to the public through the Internet, that will contain information on the wastes, contaminated media, facilities, spent nuclear fuel (SNF), and materials in inventory managed by the Offices of Environmental Management, Defense, Science, and Nuclear Energy. The Settlement Database will also include data from FUSRAP sites managed by DOE and sites governed by Section 151(b) of the Nuclear Waste Policy Act that have been transferred to DOE ownership.

DOE is responsible for providing several specific types of information for each of the above categories of wastes and materials. For example, for waste and contaminated media, DOE must provide available information on waste types and volumes of material and waste in storage, as well as

newly generated, treated, and disposed waste. DOE must also provide information about the mass of SNF in storage and the annual receipts of SNF. For waste, contaminated media, and SNF, DOE also must identify the major constituents and radionuclides of concern and the program responsible for generation and disposition. For facilities, DOE must identify location, managing program, approximate square footage, status, and type and extent of contamination. (See settlement agreement for a complete list of requirements.)

The settlement requires that the Settlement Database include only data that are presently available and collected or planned to be collected in the future by DOE on a national level. The Settlement Database will not include any information that is classified, controlled, or proprietary. DOE must make the Settlement Database available to the public on the Internet through a web-based reporting tool (e.g., web site) that provides

the capacity to generate standard reports and perform searches and queries.

In addition to development and maintenance, DOE must also sponsor national stakeholder forums to address issues relating to the Settlement Database. The first forum will be held June 3-4, 1999 at the Columbia Inn Hotel and Conference Center (a.k.a. Sheraton Columbia Hotel) in Columbia, Maryland. The purpose of the first forum will be to review the proposed outline and structure of the Settlement Database, and linkages to other web sites. For detailed information on the forum, and to register, go to the Settlement web site at <http://www.em.doe.gov/settlement>.

At least one year after the Settlement Database becomes operational, the Department will sponsor a second forum to review its performance. DOE is required to maintain the Settlement Database for a minimum of five years following the second national stakeholder forum. Upon request, DOE will sponsor a third national stakeholder forum to consider the issue of whether DOE will maintain and operate the Settlement Database beyond the required five-year period.

**Initial Plans.** DOE's initial concept for the Settlement Database incorporates several key principles.

- The Settlement Database will be closely coordinated with the ongoing development of the IPABS-IS EM Corporate Database and the Analysis and Visualization System (AVS) .
- DOE is including representatives from the Offices of Science, Defense Programs, Field Management, and Nuclear Energy, Science, and Technology, and Field Offices to avoid redundant data collection and to ensure that existing data are used to the degree

possible to meet settlement milestones.

- DOE will maintain a continuous and ongoing dialogue with stakeholders concerning Settlement Database system requirements and other specific planning issues such as scheduling, format, agendas, and location of meetings/forums.

DOE identified Jim Werner of EM-24 as point-of-contact for implementing the Settlement Database. Additional questions and requests for information relating to the Settlement Database should be addressed to him at 202-586-9280.

### **Study on Long-Term Stewardship Activities**

Under the terms of the settlement agreement, DOE will prepare and invite public comment on a study on its long-term stewardship, that is, the physical controls, institutions, information, and other mechanisms needed to ensure protection of human health and the environment at sites where DOE has completed or plans to complete cleanup. In the study, DOE will discuss, as appropriate, alternative approaches to long-term stewardship and the associated environmental consequences.

### **Citizen Monitoring and Technical Assessment Fund**

DOE will establish a \$6.25 million fund for the purpose of assisting citizens' groups and tribes in conducting technical and scientific reviews of environmental management activities at DOE sites. DOE has selected RESOLVE, Inc. as the Administering Organization of the fund. In compliance with the terms of the settlement agreement, as of February 1999, DOE has obligated \$1.25 million to RESOLVE, Inc. for dispersal to eligible organizations.