



## Department of Energy

Washington, DC 20585

ES96-002170  
(Background)

March 5, 1996

The Honorable Joe Barton  
Chairman, Subcommittee on Oversight and Investigations  
Committee on Commerce  
U.S. House of Representatives  
Washington, D. C. 20515-6115

Dear Mr. Chairman:

Thank you for your letter of February 8, 1996, requesting information regarding the characterization and privatization programs for the Hanford tank wastes. Given the fact that this is a procurement in progress with legal sensitivities, the Secretary requested that I respond to your letter.

In items one and four of your letter you ask for letters, memoranda, reports, and other documentation dealing with the characterization program regarding Defense Nuclear Facilities Safety Board Recommendation 93-5 and the Department's tank sampling program. Due to the extensive quantity of documentary material covered by this request, it will take several weeks to assemble and copy the documents containing this information. After telephone consultation with Mr. Cates of the Subcommittee staff, we have indicated that we will be able to provide this information, under separate cover, within two weeks of the date of this letter.

Our response to the questions posed in items three, five and six is enclosed. With respect to item two, provided herewith is a copy of the Independent Feasibility Assessment of the Hanford Tank Waste Remediation System Privatization prepared by Smith Barney, Inc. We are reviewing other relevant documentation to determine what else is responsive to your request.

Some of the materials you have requested may constitute "source selection information," access to which and disclosure of which are limited by the Procurement Integrity Act, 41 U.S.C. §423, and its implementing regulations (48 C.F.R. §3.104). Disclosure by any person of source selection information outside the government, unless authorized by the procuring agency, would be unlawful because it could potentially prejudice the ongoing competitive acquisition at Hanford. Therefore we will provide the source selection information that is responsive to your request under separate cover, with appropriate markings to indicate "source selection information," and anticipate that the Subcommittee will protect that information accordingly.



**Clarification of information request question #1 of Mr. Barton's Feb. 8, 1996 letter to Secretary O'Leary regarding tasks and initiatives in Recommendation 93-5 Implementation Plan for characterizing Hanford tank wastes.**

The purpose of this request is to document the progress DOE has made in meeting milestone commitments agreed to in the 93-5 Implementation Plan. This request asks the DOE to document each commitment as it has been met. For clarification, this request can be met by providing the specific "deliverable" document(s) referred to in each commitment. For instance, commitment 4.2 requires "DOE-RI to submit a request for delegation of authority to DOE-HQ." The "deliverable" specified in commitment 4.2 is a "letter from RL to HQ making the request." One (1) copy of this letter will meet the intent of the request.

If the commitment has not been met, it is assumed a deliverable cannot be provided. In this case the request specifies "if completion dates were passed, include any letters, memoranda, reports and other documentation identifying and justifying these changes." This request may be met by 1) a written text explanation from DOE why the commitment schedule benchmark date was missed, and 2) one (1) copy of any letter or other document from DOE to a program officer within DOE, the Defense Nuclear Facility Safety Board, or to Congress indicating that this commitment schedule benchmark date was missed, why it was missed, or when it will be completed.

Furthermore, it has come to the Subcommittee's attention that the DOE has promised the DNFSB a revised implementation plan which modifies the 93-5 Implementation Plan. One (1) copy of this report from the DOE and any other reporting stakeholder was also requested on March 5, 1996.

Should you or the Subcommittee have any additional questions regarding this matter, please contact me or Agnes Dover, Deputy General Counsel for Technology Transfer and Procurement, at 202-586-5246.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Nordhaus', with a long horizontal line extending to the right.

Robert R. Nordhaus  
General Counsel

Enclosure

cc: The Honorable Peter Deutsch  
Ranking Minority Member