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CHU, COOK, JARRETT, AND WATSON NOMINATIONS

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON THE

NOMINATIONS OF DR. MARGARET CHU, NOMINEE TO BE DIRECTOR, OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY; BEVERLY COOK, NOMINEE TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENT, SAFETY AND HEALTH, DEPARTMENT OF ENERGY; JEFFREY D. JARRETT, NOMINEE TO BE DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR; AND REBECCA WUNDER WATSON, NOMINEE TO BE ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

DECEMBER 5, 2001

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CONTENTS

STATEMENTS

	Page
Akaka, Hon. Daniel K., U.S. Senator from Hawaii	3
Bingaman, Hon. Jeff, U.S. Senator from New Mexico	1
Burns, Hon. Conrad, U.S. Senator from Montana	2
Chu, Dr. Margaret, Nominee to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy	9
Cook, Beverly, Nominee to be Assistant Secretary of Energy for Environment, Safety and Health, Department of Energy	11
Craig, Hon. Larry E., U.S. Senator from Idaho	2
Domenici, Hon. Pete V., U.S. Senator from New Mexico	4
Jarrett, Jeffrey D., Nominee to be Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior	16
Murkowski, Hon. Frank H., U.S. Senator from Alaska	3
Watson, Rebecca Wunder, Nominee to be Assistant Secretary, Land and Minerals Management, Department of the Interior	14

APPENDIXES

APPENDIX I

Responses to additional questions 25

APPENDIX II

Additional material submitted for the record 35

CHU, COOK, JARRETT, AND WATSON NOMINATIONS

WEDNESDAY, DECEMBER 5, 2001

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 9:33 a.m., in room SD–366, Dirksen Senate Office Building, Hon. Jeff Bingaman, chairman, presiding.

OPENING STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

The CHAIRMAN. The committee has before it this morning the nominations of Margaret Chu to be the Director of the Office of Civilian Radioactive Waste Management at the Department of Energy, Beverly Cook to the Assistant Secretary for Environment, Safety, and Health at the Department of Energy, Jeffrey Jarrett to be the Director of the Office of Surface Mining Reclamation and Enforcement at the Department of the Interior, and Rebecca Watson to be the Assistant Secretary for Land and Minerals Management at the Department of the Interior.

Without objection, the questionnaires, the financial disclosure statements, and the prepared statements of all four nominees will be entered into the record.

The President has nominated these four individuals to posts of the utmost importance to the work of this committee, the States that we represent and, of course, to the Nation. Each of these jobs faces difficult and pressing challenges.

The Director of the Office of Civilian Radioactive Waste Management is responsible for advising the Secretary of Energy, and ultimately the President, on whether to build the nuclear waste repository at Yucca Mountain. If the President makes the recommendation, the Director will be responsible for establishing the scientific and technical basis for the Nuclear Regulatory Commission's decision to license the repository. This program is already far behind schedule. It faces serious opposition within the State of Nevada and its elected representatives. It is beset by serious budgetary and technical challenges, and it has recently come under severe criticism by the General Accounting Office.

The Assistant Secretary for Environment, Safety, and Health has the important job of protecting the health and safety of Department of Energy workers and the public and, of course, the environment from any Department of Energy operations. She also plays an important role in implementing the energy employees Occupation

Illness Compensation Program, which we enacted this last year in Congress. As one of the principal sponsors of that legislation, I'm troubled by the direction that the Department seems to have taken in its draft rules on the program. They appear to me to be at odds with the intent that Congress had in passing the legislation, and we need to find an opportunity to explore that further.

The Office of Surface Mining is responsible for overseeing State programs regulating coal mining and abandoned mine reclamation and for regulating mining and reclamation on Federal and Indian lands. The Assistant Secretary for Land and Minerals Management oversees the Office of Surface Mining as well as the Mineral Management Service, the Bureau of Land Management, which manages more than a quarter of a billion acres of land in the western United States, over a billion acres of sub-surface mineral estate.

All these programs are of fundamental importance to members of this committee. We share a common interest in seeing these jobs filled with capable people, and hopefully before we adjourn this year, filling these positions. We also share a common interest in wanting to work with the nominees once they're confirmed, to see that their important programs are properly implemented and managed.

Senator Murkowski is not here yet. Let me see if any of my colleagues on the Republican side would like to make opening statements at this time.

Senator Burns.

STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Senator BURNS. Mr. Chairman, I only have a statement with regard to the introduction of one of the nominees this morning. But I would just say at this point, if introductions are not apropos now, that I appreciate all four of them stepping forward and doing this. I don't know of nominees that we have had before this committee that carries more expertise and knowledge of the office of which they are about to enter than the nominees we have before us.

And I thank the chairman for holding these hearings. We're appreciative of that, and we hope that these nominations can be moved along and confirmed very quickly. And thank you, Mr. Chairman.

The CHAIRMAN. Alright. Senator Craig, did you have any general comments before we—I know that you wish to make an introduction of one of the nominees, and Senator Burns, also. Did you have any other comments?

STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

Senator CRAIG. Well, I'll hold my introduction until later, but I guess the only person I've not met here is Jeffrey Jarrett, and I do look forward to working with him.

As Jeffrey knows, and as this committee knows, we've tried to reform the 1872 mining law numerous times here over the last decade to give a variety of new authorities in the responsibility of mining on public lands and environment protection and balance. We've been largely and, strangely enough, by the environmental commu-

nity. And I hope that under your presence, again, we can revisit that law. It is a law that deserves to allow all of the court tests against it to be brought into the public policy in a way that I think balances stewardship and, I would hope, gets us back in the business of mining in this country. I do not see that as a hostile activity.

To the rest of you, I look forward to your service in the Department and working with you. And I'll save my introduction until later, Mr. Chairman.

The CHAIRMAN. Well, Senator Murkowski, did you have an opening statement?

STATEMENT OF HON. FRANK H. MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Senator Bingaman. Well, I'm pleased that we're holding the hearings this morning. It's been a while. As we look to the ultimate wind up of this portion of Congress, I certainly think it's appropriate that we have such qualified nominees.

Margaret Chu, Director of the office of Civilian Radioactive Waste Management, and Beverly Cook, Assistant Secretary of Environment, Safety, and Health, the Department of Energy, and Jeffrey Jarrett, Director of the Office of Surface Mining. I want to welcome them, as well as Rebecca Watson, Assistant Secretary of the Interior, Land and Minerals.

It's pretty hard for the Secretaries to operate and perform their responsibilities without qualified people, so I hope we can proceed with the nominations this morning. I wish you well, and I think that we could probably begin.

The CHAIRMAN. Let me see if—Senator Akaka, did you want to make any general opening statements?

Senator AKAKA. I certainly do, Mr. Chairman.

The CHAIRMAN. Go right ahead.

STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII

Senator AKAKA. Mr. Chairman, thank you so much for holding this hearing. And I want to add my welcome to the nominees this morning and also, if your families are here, to welcome your families to this hearing.

I want you to know I've reviewed your backgrounds and believe that you're all well qualified to serve in the positions for which you have been nominated. These positions offer significant challenges, and I can tell that by the number of Senators who are here this morning. And I look forward to working with you.

I know Ms. Margaret Chu, who is currently the Director of Nuclear Waste Management Program Center at Sandia National Laboratory, who has been nominated to the be the Director of the Department of Energy's Office of Civilian Radioactive Waste Management. Ms. Chu is an excellent choice for this position. She has outstanding technical and managerial credentials. Her experience, particularly in Sandia, will be extremely useful in addressing some of the, let me say, intractable problems associated with the management of the Civilian Radioactive Waste.

Ms. Beverly Cook, who has been nominated to serve as the Assistant Secretary at the Department of Energy's Office of Environment, Safety, and Health, is highly qualified for that important position. Ms. Cook has many years of experience dealing with the challenges faced with the Energy Department in the areas of environment and safety and health.

Mr. Jeffrey Jarrett, who has been nominated to serve as the Director of Department of the Interior's Office of Surface Mining Reclamation and Enforcement, has dealt with diverse issues relating to surface mining and has the experience to undertake this demanding position.

Ms. Rebecca Wanda Watson is the nominee the Department of the Interior's Office of Land and Mineral Management, and appears well qualified for this position.

And I can say I've come here to welcome all of you here this morning and I want to wish you well.

I thank you, Mr. Chairman, and I want you to know I support all the nominations that we are considering, and I hope that they will be nominated expeditiously, Mr. Chairman.

The CHAIRMAN. Well, thank you very much. I am informed that Senator Domenici wanted to introduce Dr. Chu to the committee. And let me call on him at this point.

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator DOMENICI. Senator Bingaman, and Mr. Chairman, I appreciate very much being called upon. I just received a phone call that I have to go over to the leader's office. I have statements that cover three of the nominees, and I want to say that most of my remarks are in behalf of Margaret Chu, who I highly recommended to the president.

I'd like to put a statement in indicating her thorough background in this field. Obviously, this is one of the difficult ones. We don't always make the headway that we—that we think we make. Look back 2 or 3 years of effort, and it sometimes looks like we're going backward. But I have every confidence that if we're going to succeed, you're the kind of person that can do it.

I urge that you really try to make things happen. These are areas that clearly we do know what we ought to do. It's a question of getting it done and making sure that you deliver the message fair and faithfully to people that are affected. And I just want to say to the president, he surely picked a qualified person, in terms of academics, in terms of activity and service, and I wish you the very, very best.

Ms. Rebecca Watson, I want to say I think you're an excellent choice. Senator Bingaman and I come from a State with a lot of public domain. We anxiously await filling the entire Department with nominees so you can get going at full speed with many of the problems and differences of opinion that still plague the Department. And I think the President did a very good job, in terms of nominating you.

And Mr. Jarrett, a strong recommendation from Governor Ridge is pretty good at this point. He's got a big, and he recommends you.

That's enough for me. You have a good background, and I look forward to this occurring quickly.

Mr. Chairman, with everything else you've got, it truly is considerate of you to call this meeting this morning, and I thank you for that.

The CHAIRMAN. Thank you very much. And your statement, of course, will be part of the record.

[The prepared statement of Senator Domenici follows:]

PREPARED STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Mr. Chairman, I'm pleased to introduce a New Mexican, Dr. Margaret Chu, to the Committee today. She has been nominated by President Bush to be Director of the Office of Civilian Radioactive Waste Management at the Department of Energy.

Dr. Chu is an outstanding choice for this tough assignment. Most of her scientific career has been dedicated to finding solutions for nuclear waste issues:

- She supported the EPA and NRC while the regulations for high-level waste were under initial development;
- She worked on problems for low-level waste disposal;
- She worked on safety assessment of mixed waste; and
- She managed research projects on environmental restoration.

Most importantly, Dr. Chu served, through Sandia, as Deputy Manager for the Waste Isolation Pilot Plant (WIPP). There, her technical expertise, her management skills and her leadership were instrumental to the successful certification of the WIPP. WIPP remains the world's one great success story for licensing and operation of an underground repository for nuclear wastes.

At Sandia, her strength in analyzing and developing solutions for large, complex problems involving technical, social and regulatory issues is well established. She is well known for her excellent scientific knowledge, high integrity and dedication. With her passion and experience, she is ideally qualified to tackle a program as difficult as Yucca Mountain.

I've discussed with Dr. Chu my concerns with progress on Yucca Mountain. She is aware that I've supported funding for Yucca Mountain, and that I want progress toward a final decision on its suitability. But I've also pressed the view that we should be promptly moving ahead with monitored retrievable interim storage at one or more highly secure locations and with serious study of alternative management strategies for spent fuel.

I've strongly questioned whether our current policy of simply disposing of spent fuel, with no attempt to reclaim its immense energy resource, is the best national policy. We may be depriving future generations of a precious fuel resource with this short-sighted action.

Our current approach of keeping spent fuel and other high level defense wastes around the nation at many sites until a permanent repository opens is poor public policy. While we strive to keep those temporary storage sites safe, there can be no argument that the materials would be safer in well constructed interim storage areas.

Technologies like reprocessing, transmutation, and advanced fuel cycles can be used to reclaim the energy in spent fuel, recycle some of the most toxic components of spent fuel, and end up with waste products that are far less toxic and less volume than the original spent fuel.

Those final waste products will still require a repository, which could be Yucca Mountain if it proceeds. But now the toxicity of materials in that repository would be dramatically less than spent fuel. Serious research is needed to explore the economic and environmental implications of such technologies. I've been supporting programs to accomplish that goal.

I was very pleased that the President included both reprocessing and transmutation in his National Energy Policy. I certainly hope that will translate into strong support for this research in the President's next budget proposal for the 2003 fiscal year.

I support each of the nominees today, but I'd like to comment briefly on two more of them. Mr. Jeffrey Jarrett comes with the strong recommendation of Governor Ridge. He is well qualified to serve as the Director of the Office of Surface Mining at Department of the Interior.

Ms. Rebecca Watson is an excellent choice to serve as Assistant Secretary of the Interior for Land and Minerals Management. She will bring her experience in practice of environmental and natural resource law. Her current work, plus her experience in the former Bush Administration should prove useful as the current Administration balances environmental concerns with energy needs. As the Committee is well aware, this is vital considering the role public lands should play in this current energy crisis.

With so much public land in New Mexico, we face a variety of challenges. Some of these include:

- Permit renewals for grazing leases and the large backlog that persists with regard to these renewals; and
- Oil and gas permit issues for drilling.

But, these issues do not just exist in New Mexico; they are prevalent all across the West. I look forward to working with Ms. Watson on the challenges that Western states face in balancing resources, conservation and other interests.

Mr. Chairman, I thank President Bush for these excellent nominations and I thank you for holding this hearing. I await the opportunity to vote for these individuals on the floor of the U.S. Senate.

The CHAIRMAN. Let me call on Senator Craig to introduce Ms. Cook or make any other statements he has.

Senator CRAIG. Well, Mr. Chairman, thank you very much. It is a pleasure for me to introduce to the committee Bev Cook. I don't always get the opportunity to say, before the committee, on behalf of nominees, that I have known them personally and worked with them closely and can recommend them with no reservation. That, I can do with Bev Cook.

As you know, she's been nominated to serve as our Assistant Secretary for Environment, Safety, and Health at the Department of Energy. She served most recently for the DOE as the manager of the Idaho Operations Office, which overseas the Idaho National Engineering and Environmental Laboratory. And, of course, that's where I've gotten to know Bev the best.

In addition, she has extensive background associated with DOE at its National Laboratories. Earlier in her career, Bev spent 12 years working at the INEEL focusing on nuclear reactor design and severe-accident research. She also worked here in Washington serving as the Principal Deputy Director of DOE's Office of Nuclear Energy.

Also very fitting, given the position for which she is currently nominated, Bev served with the Defense Nuclear Facilities Safety Board. So she clearly comes qualified. But when it comes to human safety and the environment and health on our reservations—our national laboratories, the one thing that Bev brings along with this expertise is that she is a very competent, caring person. I know that. I know that because I've watched her work with the people at Idaho. So she comes very highly qualified.

I am privileged to introduce her to the committee. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. Senator Burns, you were intending to introduce Ms. Watson. Go right ahead.

Senator BURNS. Thank you, Mr. Chairman, and thanks again for holding these hearings this morning.

And it gives me a great deal of pleasure to welcome and introduce Rebecca Watson to this committee, her nomination for Assistant Secretary for Land and Minerals Management. I'm proud to have her representing the State of Montana as a selection to lead that Department of the Interior.

She brings with her job three, and I think four, major qualities—her experience, her character, and the understanding of the people who are most deeply affected by land-management issues, but also another great quality that she has—she also understands lands in the West and people in the West, and especially the lands and how fragile they are and how—and how we have to be responsible to the fragility of those lands and the management of them.

For more than 20 years, Ms. Watson has dedicated herself to a better understanding of the law, and especially natural law—or natural-resource law. As a part of that, her efforts served in many capacities, including the clerk of a district court judge in Wyoming and in private practice. This nomination to the Department of the Interior is not her first experience as part of the administration, as she served as Assistant General Counsel of the Department of Energy early in the 1990's.

Most recently, she comes to us from Helena, Montana, where she's been practicing in a private practice in 6 years—managing partner, one of the best known law firms in the State, Gaub, Shanahan, Watson, and Waterman. I've had the opportunity to work with her on several occasions and have been impressed by her direct and thoughtful approach.

Her focus on natural-resource law will serve her well as Assistant Secretary because she has such an incredible knowledge in the land, water, and mineral law and how those laws affect this country and also individual communities where this activity carries on. She knows how to build consensus and she's been on the front lines doing that in Montana.

Twenty-seven percent of the State of Montana is Federal lands. And, of course, it affects all of our lives in that State. The wealth of the land, our lives depend on agriculture, mining, oil, gas development, and, of course, logging. And we do these thing in a way that keeps our State beautiful. Becky Watson understands that. She understands the balance that exists between productive use and pristine settings.

But I guess what I most admire about her is her desire to do the right thing. She will be, I think, very forceful before this committee in working with this committee to solve some of the problem that we have on our public lands. She is happy with her place in the world, and the biggest reason that she's in front of us today is because we asked her to serve, and she answered the call, stepping forward to serve her country.

If you show most of the people a picture of Avon, Montana, and a picture of Washington, D.C., and had to vote this morning where you want to live, I know which would come in second.

[Laughter.]

Senator BURNS. I'll guarantee you that. So I thank you for having these hearings, again, Mr. Chairman. I recommend her to this committee, and her confirmation, very quickly. And I thank the Chair.

The CHAIRMAN. Well, thank you very much. Rules of the committee that apply to all nominees require that they be sworn in connection with their testimony. Let me ask each of you to rise and raise your right hand.

Do you solemnly swear that the testimony you're about to give to the Senate Committee on Energy and Natural Resources shall be the truth, the whole truth, and nothing but the truth?

[A chorus of "I do's."]

The CHAIRMAN. Please be seated. Before you begin your statements, let me ask three questions that we address to each nominee before this committee. I'll ask the question, and then I'll just ask each of you to respond in order, and then I'll ask the next question.

Will you be available to appear before this committee and other congressional committees to represent departmental positions and respond to issues of concern to the Congress? Ms. Chu?

Ms. CHU. I will.

The CHAIRMAN. Ms. Cook.

Ms. COOK. I will.

The CHAIRMAN. Ms. Watson.

Ms. WATSON. I will.

The CHAIRMAN. Mr. Jarrett.

Mr. JARRETT. I will.

The CHAIRMAN. The second question is, are you aware of any personal holdings or investments or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the president?

Ms. Chu.

Ms. CHU. My investments, personal holdings, and other interests have been reviewed both by myself and the appropriate ethics counselors within the Federal Government. I have taken appropriate action to avoid any conflicts of interests. There are no conflicts or appearances thereof, to my knowledge.

The CHAIRMAN. Ms. Cook, I'd ask if your answer is the same as we just heard?

Ms. COOK. Yes, sir, it is.

The CHAIRMAN. Ms. Watson.

Ms. WATSON. Yes, sir.

The CHAIRMAN. Mr. Jarrett.

Mr. JARRETT. Yes.

The CHAIRMAN. The third question, are you involved or do you have any assets that are held in blind trust?

Ms. CHU. No.

Ms. COOK. No, sir.

Ms. WATSON. No, sir.

Mr. JARRETT. No, sir.

The CHAIRMAN. Let me, at this point, invite each of the nominees to introduce any family members they brought with them. That's a tradition here in the committee. Ms. Chu, did you have anybody here with you you wanted to introduce?

Ms. CHU. Yes, I have my husband and two of my three children. And my husband, T.Y. Chu here, and my son, Arthur Chu, and my daughter, Mae Mae.

The CHAIRMAN. Well, we welcome them to the committee hearing. Let me ask Ms. Cook the same thing.

Ms. COOK. Yes, sir. I'd like to introduce my daughter, Mary Broughton. She's a senior here at Gaithersburg High School in Maryland at this time.

The CHAIRMAN. We've very pleased to have her here.

Ms. Watson.

Ms. WATSON. Thank you for the opportunity. My father, David Wunder, from Indiana, is here, my brother, Dave Wunder, and his wife, Rose, from North Carolina, my husband, Greg Watson, from Avon, Montana, his mother, Dora Rollings, and her husband, Ed Rollings, from West Virginia.

The CHAIRMAN. Well, we're very pleased to have all of you here. Thank you for coming.

Mr. Jarrett.

Mr. JARRETT. Yes, I'd like to introduce my wife, Janet Goodwin, a long-term Federal employee herself, my daughter, Sarah, and my son, Tyler.

The CHAIRMAN. Well, we're very pleased to have them here. Let's give all these family members a hand.

[Applause.]

The CHAIRMAN. Okay, at this point, why don't we ask each of you to go ahead and summarize your statements, make any comments you want in connection with your nomination? As I indicated earlier, your complete statements will be made part of the record. Ms. Chu, why don't you go ahead?

TESTIMONY OF DR. MARGARET CHU, NOMINEE TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY

Dr. CHU. Thank you. I appreciate the opportunity to appear before this committee today as the nominee for the Director of the Office of Civilian Radioactive Waste Management at the Department of Energy.

Approximately 20 years ago, Congress created this office to address the long-term management and disposal of commercial and defense-spent fuel and high-level waste from our national defense activities. Few envisioned the changes that have occurred over the past two decades in both nuclear power production and the Nation's weapons complex. However, the fundamental mission of this program has never changed—to assure the American people that these radioactive materials will be safety and securely managed for generations to come. It is a mission of vital importance to this nation, and I'm deeply honored to be nominated by the President.

The existence and continuing accumulation of nuclear waste and excess defense nuclear materials in this—in the United States and globally demonstrates that long-term management and disposal is not a matter of choice but a necessity. Prudent management of these materials is a profound and enduring responsibility of the Federal Government, the international community, and of society at large.

If confirmed as the Director of this Office, my role will be to ensure that an efficient management system is in place, that our disposal decisions are based on sound scientific understanding, and that my organization is responsive to Congress, oversight organizations, and the public. These are formidable challenges and have been the subject of much recent scrutiny.

I believe I am prepared to meet these challenges. Most of my professional career has been in managing nuclear waste research pro-

grams and organizations. As Director of the Nuclear Waste Management Program Center at Sandia National Laboratories, I lead a 170-people organization recognized as an international leader in waste management scientific research. I take pride in the reputation we have earned for scientific integrity and open communication with regulators, technical review groups and, most importantly, the public.

From my resume, you know of my long involvement with the Waste Isolation Pilot Plant in my home State of New Mexico. From WIPP we learned that the spirit of scientific inquiry must also be brought to the public policy arena, that we must not be aloof nor avoid dialogue, and, perhaps most importantly, that the process must be seen as serving the needs of the society.

Early in my career, I was involved in developing the technical basis for the regulation of deep geologic repositories for both the Nuclear Regulatory Commission and the Environmental Protection Agency. We would debate late into the night the issues associated with regulating something for tens of thousands of year, speculating on future generations' behavior. We understood back then that designing a balance between the needs of this generation and the legacy we leave to those follow would be the critical question facing future managers of the repository programs. It is perhaps fitting that I now find myself meeting the challenges we debated over 20 years ago.

Earlier this year, Secretary Abraham appeared before this committee and committed to ensuring that progress would be made on this program and that sound science would govern disposal decisions. I am here today to reaffirm that commitment and to assure the committee that, if confirmed, I will carry out these duties to the best of my abilities.

I look forward to my association with this committee and the Congress, and I will be pleased to respond to your questions. Thank you.

[The prepared statement of Dr. Chu follows:]

PREPARED STATEMENT OF DR. MARGARET CHU, NOMINEE TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY

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I look forward to my association with this Committee and the Congress, and I will be pleased to respond to your questions.

The CHAIRMAN. Thank you very much. Ms. Cook, why don't you go right ahead?

TESTIMONY OF BEVERLY COOK, NOMINEE TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENT, SAFETY AND HEALTH, DEPARTMENT OF ENERGY

Ms. COOK. Thank you, Mr. Chairman. members of the committee, Mr. Chairman, thank you for this opportunity to appear before you today in consideration of my nomination for the Assistant Secretary for Environment, Safety, and Health at the U.S. Department of Energy. I know that you have very pressing business and some of you are still working under very difficult office situations. So I know these things are difficult to schedule at this time, and I appreciate having this hearing scheduled on a timely basis.

The environment, safety, and health challenges of the Department of Energy are very complex, and they continue to be. That's due, in a large part, to the wide variety of work that we do and that we have done, and also the wide variety of facilities that we have around the complex. However, DOE employs a world-class, highly-skilled, and technically-qualified work force both in environment, safety, and health at DOE headquarters and at our field operations, both with our Federal Employees and also with our contractors. And I know this firsthand. I have worked with all of these people over the last 27 years, and I am truly impressed by the qualifications of all of our staff and everyone involved with the Department of Energy. I think that gives me some unique experience for this job.

While great progress has been made, especially over the last several years in environment, safety, and health, I believe that there is much that remains to be done. We've come a long way in defining our policies, defining our end goals in the areas of health and safety and the environment, but it's in the implementation of those

policies where sometimes the difficulties arise. Let me just give you an example of each of the areas.

In safety, the Department has instituted an integrated safety management system. And that system is something that I strongly support, that most of our field operations have found very, very useful. However, it's easy to be safe if you don't do work. And now what we have to do is look at those policies and look at the practices we've put in place and look at streamlining those things so not only can we be safe, but we can do work safely. And that's where we're moving next.

In the area of the workers compensation programs, again, a lot has been done over the last few years to implement those programs, but I think there are some real lessons to be learned there also. One of the most difficult issues that I have dealt with is, in fact, generating a worker's work history. And I know that. I'm one of those employees. I have a 27-year history with the Department of Energy facilities, and I have complete records on my radiation exposure for the last 27 years. But I am an engineer, and many times I was in several facilities in any given week and many places around the complex in any given month. For me to generate where I was for the last 27 years will be very, very difficult. And these are my friends and colleagues who are sometimes now trying to address where they've been and what they were exposed to and if that had anything to do with any illnesses they are experiencing at this time. So generating those work histories and getting personnel processes in place so we can better document people's work history is something that we have to move forward with to better be able to fulfill our responsibilities in workers comp programs.

Our environmental policies also need some revisiting, only because they are also difficult to implement. For those of you who have not been to some of the Department of Energy's larger sites, not only are they nuclear sites, and high-hazard facilities that perform some of the Nation's most important programs, but, in fact, most of them are also game reserves, and they have a wealth of protected wildlife and native plant species. And some of them have some of the last critical undisturbed habitats on site. So that is the challenge, to deal, not only with critical, very difficult cleanup at these sites, to deal with the unique habitats that still exist there that we want to preserve, but to also continue the important work that we are doing that is often hazardous. Finding policies that are implementable in all of those areas are sometimes very difficult.

I believe that it would be my job, as Assistant Secretary, to look at the progress we've made to date, though, in all of these areas and to look at those policies and programs we have in place and see where we might clarify or simplify with some of these policies so that we can meet those goals of protecting the environment, protecting the health and safety of our workers and the communities and the people around our sites, but also doing the important job of getting the work done in the most cost-efficient manner possible for the taxpayers.

So, Mr. Chairman and distinguished Senators, it's an honor for me to have been nominated for this position by President Bush and to be considered by this committee. I would be pleased to answer any questions that you have.

[The prepared statement of Ms. Cook follows:]

PREPARED STATEMENT OF BEVERLY COOK, NOMINEE TO BE AN ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENT, SAFETY AND HEALTH, DEPARTMENT OF ENERGY

Mr. Chairman, distinguished members of the committee, thank you for the opportunity to appear before you today as you consider my nomination for Assistant Secretary for Environment, Safety, and Health at the U.S. Department of Energy. I know the committee has many pressing demands, and some of you are working under very difficult office arrangements. I am especially grateful for the effort you have made to schedule my hearing on such a timely basis.

I regret I did not have the opportunity to meet with all of the individual committee members in advance of this hearing. I would like to assure the committee that I am interested in meeting with members individually after this hearing to address any specific questions you may have, and to better under your individual interests and concerns. If I am confirmed for this job, I will also make myself available to meet with you at any time in the future, should a new issue arise that concerns you.

I am deeply honored to be nominated by President Bush to serve as Assistant Secretary for Environment, Safety and Health in the Department of Energy. The environment, safety and health challenges facing DOE have always been, and continue to be, extremely complex. This is due, in large part, to the wide variety of work that the Department has and continues to perform for the American taxpayer. However, DOE employs a truly world class, highly skilled, and technically qualified work force, both within the Office of Environment, Safety and Health and in the field operations with our federal employees and our contractors. They are capable of meeting this challenge. I know this first hand, as I have, over the last 27 years, worked with Department of Energy employees and contractors in all of these roles. I believe this gives me a unique perspective.

I am a metallurgical engineer. I received my bachelors degree in Metallurgical Engineering from the University of Washington in Seattle, Washington. I continued my engineering education with the University of Idaho while I working at the Idaho National Engineering Laboratory as a contractor. As a contractor, I performed nuclear safety research and development, and basic and applied materials research. My experience as a supervisor and manager began very early in my career. I have also worked as a staff member to the Defense Nuclear Facilities Safety Board. I then moved to the Department of Energy's Office of Nuclear Energy, first as part of the staff, and eventually as Principle Deputy Director of the Office of Nuclear Energy at DOE headquarters. My current position is Manager of the Department of Energy's Idaho Operations Office. I believe my experience in a wide variety of roles with the Department of Energy and it's contractors and regulator has allowed me the broadest perspective on what is needed to achieve the department's environment, safety and health goals.

While great progress has been made, especially in the last several years, to define environment, safety and health policies, and to put programs in place that deal with past DOE practices, much remains to be done. Implementation of the new policies has had it's difficulties, as I can tell you from my recent perspective as a Field Manager at a large DOE's site. For example, I am a strong supporter of the Department's integrated safety management system. We have come a long way in putting programs in place that assure the safety of our work, both to our workforce and to the public. Now we need to look at ways to better get work done in that context. We have learned how to be safe. The last step in integrated safety management is continuous improvement. That is the phase the Department and it's contractors are involved with at this time. We need to be safe, but we need to do work in a cost effective manner. That is, we need to do work safely.

The workers compensation programs have begun, with their own unique issues. I believe there are lessons to be learned from our part in the efforts to date, to make the program more effective. As in all things, the proof is in the ability to implement a policy, and to obtain the desired results. Generating a comprehensive work history for individuals is proving to be very difficult. I know, I am long-term DOE worker. I have a complete record of any radiation expose I have had for the last 27 years. I do not, however, have a compete record of which facility I was in at any given time. I am an engineer. I worked in many hazardous facilities, in Idaho and at many other DOE sites. I was often in many facilities in any given week. I do not have a clear record of my potential exposure to chemical or other environmental hazards. We clearly need to look at our personnel records keeping practices, to best provide information to our current workforce for future concerns, while continuing

to assist workers with generating past work histories and correlating illnesses to work environments.

The Department implementation of environmental policies also need revisited. Although the intent is clear, our ability to implement these policies is sometimes difficult, due to a variety of issues. For those of you who have not spent time at some of the larger DOE sites, most of them are not only nuclear, high hazard facilities that perform work on some of the nations most important programs, but they are also game reserves, with a wealth of protected wildlife and native species of plants. Many of the sites contain the last of critical undisturbed habitats. That is the challenge, to deal with not only some of the most well preserved environments, but also some of our nations most difficult cleanup challenges and high hazard work, with one set of policies. We must look at all environmental issues in order to better meet the intent of all of the environmental policies while meeting the goal, to get work done in a cost effective manner for our customers, you and the American taxpayers.

I believe it would be my job, as Assistant Secretary, to look at the progress we have made since these policies and programs have been put in place, and see where we might clarify or simplify implementation so that we can best meet the goals of protecting the health and safety of our workforce and the public, and protecting the environment. Mr. Chairman, distinguished Senators, it is an honor for me to be nominated for this position, and to be considered by the distinguished member of this committee. I would be pleased to answer any questions.

The CHAIRMAN. Well, thank you very much. Ms. Watson, why don't you go right ahead.

TESTIMONY OF REBECCA WUNDER WATSON, NOMINEE TO BE ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Ms. WATSON. Thank you, Chairman Bingaman, Senator Murkowski, and members of the committee. It's humbling to be here before you today, and I'm particularly honored to have been nominated by the President at this time in our country's history.

I think that the responsibilities of the Assistant Secretary for Land and Minerals Management relate directly to who we are as an American people. I think we have dual desires. We want to have a strong economy in our country. We know that a strong economy has to be built on secure energy supplies. Right now, over 30 percent of our energy is supplied from the lands and minerals that the Assistant Secretary manages. At the same time, the American people have a strong desire to protect and conserve the special landscapes and the ecosystems and the wildlife that live on those systems that make us a unique country in the world.

I believe that the job of the Assistant Secretary requires balancing our desire for secure energy without sacrificing ecological integrity. I'm confident that I have the background to do it. Senator Burns kindly summarized that background, and he described where I live and the difficulty of coming back here. I do live in a beautiful place. We live on the Little Blackfoot River. We can drive an hour and fish the Missouri, the Big Blackfoot, the Big Hole River. We have abundant wildlife surrounding us, and we love Montana, and we love the West.

I'm coming back here because I hope that I can make a difference in the lives of the people who live in the public-land States. Yes, they live in a beautiful scenery, but their economic status is really at the margins of our society, particularly in the vulnerable rural communities and the tribal reservations. Montana has seven reservations with 14 tribes, and they suffer from 70-percent unemployment, disproportionate teen suicide rates. Montana has many people in the small towns who struggle to make a living and pro-

vide for their children by working two and three jobs. I'd like to do something to make a difference on the ground and still preserve the ecosystems, to support the wildlife that provide many benefits that the people who live in the West want and that the people around the country treasure.

It's a very tough job. I've gotten a taste of it this week, and I'm optimistic, though, that—working together with members of the committee, members of the government, tribal governments, State governments—that we can work on these complex and controversial issues and find common ground. I look forward to working with the committee, and I pledge to work with you in a collegial fashion and have an open-door policy to you, the members of your staff, and to all the parts of our public that care about the public lands, about offshore mineral development, and certainly surface coal mining.

I thank you for the time and for putting us into your schedule, and I look forward to your questions.

[The prepared statement of Ms. Watson follows:]

PREPARED STATEMENT OF REBECCA WUNDER WATSON, NOMINEE TO BE ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Chairman Bingaman, Senator Murkowski, and Members of the Committee:

It is a humbling experience to come before the United States Senate today. Our country is now faced with a heightened challenge to its security. I am deeply honored to have been nominated by President Bush to serve at this critical time. The events during and after September 11th have reawakened our pride in America and have underlined the goodness and strength that lies in the singular diversity of our citizens.

I believe that the responsibilities of the Assistant Secretary for Land and Minerals Management for the Department of the Interior are related directly to who we are as a Nation. The Office of Surface Mining, Minerals Management Service and the Bureau of Land Management together provide over 28% of our Country's energy. These bureaus also provide timber, clean water, forage for grazing, wildlife habitat and significant recreation opportunities for the rapidly growing populations of the West. In exercising the responsibilities of this office, the Assistant Secretary must seek to balance our desire for a strong and secure economy with our Country's equally strong desire to protect the landscapes and ecosystems that make our country unique.

I think most Americans share the same goal—that we have a secure energy foundation for the continued strength of the American economy, but that this security is achieved in a way that does not sacrifice the environment for short-term gain. I believe that the public lands and minerals can continue to play a key role in contributing to the strength of the national and regional economies, without sacrificing their ecological integrity.

Congress, in a series of laws, has provided clear management direction for public resources—the multiple use concept. Multiple use management recognizes the diverse benefits provided by public resources—food for our table, timber to build homes, energy to light and heat those homes, recreational opportunities to challenge and educate us, and landscapes to refresh our spirits and to support wildlife. The foundation of the multiple use concept is sustainability—meeting those needs not just for today but for the future generations of American citizens. Sustainability—or finding that balance between today's demands and future expectations for public resources—is the challenge that an Assistant Secretary of Land and Minerals Management must grapple with every day she is on the job. I pledge to the Committee that, should I be confirmed, I will meet this challenge with hard work, honesty and a dedication to finding fair and balanced solutions to public resource management issues.

I am confidant that I have a background that will help me fulfill this responsibility to the American people. A first-generation American mother and a father whose ancestors immigrated on the Mayflower raised me in the Midwest. I was brought up to love and honor this Country, to appreciate its diversity, to work hard for my employer, to find pragmatic solutions and to believe that through education I could achieve anything. Sitting here today before this Committee, I know that the guid-

ance of my parents and grandparents was correct. I commit to bring those same values to the responsibilities of this position.

I have lived most of my adult life in the Rocky Mountain West. I left the prairies of the Midwest for the Rockies after I saw my first mountains. The focus of my legal practice has been to serve the people and businesses of the West primarily in natural resource development and public lands management. I was educated and worked in the "New West" urban center of Denver, spent a decade in the "Old West" economy of Wyoming and live now in Montana where the philosophies and economies of the New West and the Old West are often in conflict. I have worked in Washington, D.C. for five years. First, at the Department of Energy helping to develop policy to minimize the environmental impacts from the use and production of energy and, next, at a private law firm where I primarily represented the timber industry on Endangered Species Act and historic resource preservation issues.

Although I enjoyed the national policy-making opportunities in Washington, I returned to the West because I love the landscape, the outdoor lifestyle and most of all the western people. I admire their combination of independence and willingness to reach out to help others in need. Life in the West is not all as portrayed in "A River Runs Through It" and "The Horse Whisperer"—people in the rural West struggle to find good jobs, contribute to their communities and educate their children. As you know, the public land states have a unique challenge that results from federal management of from 30-80% of their surface area. How the federal lands are managed has a direct impact on the health and well being of those states particularly for more vulnerable rural and reservation economies.

I believe that while we must address the sometimes competing demands of the larger American public for development and conservation of the public lands, we must also help the public land states and Tribes develop a diverse and sustainable rural economy. I am optimistic that multiple use management and Secretary Norton's guiding principles of conservation through communication, consultation and cooperation can both meet national needs and help rural and reservation economies find a sustainable future.

If confirmed, I pledge to work with Congress, conservation groups, states, Tribes, local communities and natural resource interests in a bi-partisan and forthright effort to find that often-elusive balance point in the management of public resources. Each of us in this hearing room is well-aware that this will not be an easy task or one lacking in controversy. I am confident, however, that Americans of goodwill can cooperatively work together to find the common ground that best reflects the desires of our citizens for a strong economy and for the conservation of public resources to benefit present and future generations.

I welcome the questions of the Committee.

The CHAIRMAN. Thank you very much. Mr. Jarrett, go right ahead.

TESTIMONY OF JEFFREY D. JARRETT, NOMINEE TO BE DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

Mr. JARRETT. Mr. Chairman, members of the committee, it's a great honor for me to appear before you today as President Bush's nominee for the position of Director of the Office of Surface Mining. President Bush and Secretary Norton have paid me the highest compliment by recommending me for this position.

As you know from my background information that you've all reviewed, I've had an entire career of involvement, substantial involvement, with environmental issues as they relate to coal mining in this country. I've seen those issues from three perspectives. One, as a manager with the coal industry for part of my career. I've seen the issues from the perspective of a Federal overseer of State regulatory programs, and, for the past 6½ years, as a front-line regulator of the mining industry in the State of Pennsylvania.

Having looked at these issues from those three perspectives, I've learned a few things over the years that I would summarize this way. What I've learned is that the regulated community can live

with any reasonable regulation as long as they understand that those regulations are durable. As long as they understand what the ground rules are, what's expected of them, they can comply with those.

At the same time, I've learned that part of the problem over nearly 30 years of involvement is that things do change. The technology changes, the science changes, but, most important, the needs and desires of the people that we all have a duty to protect change. So I see the challenge as how to adapt to those changing attitudes and changing needs of our citizens while at the same time providing the stability and the consistency that the States and regulated communities need.

Mr. Chairman and members of the committee, Secretary Norton has a vision for citizen-centered governments with a commitment to cooperation, consultation, and communication in the service of conservation. I fully embrace that vision, because I have seen how that philosophy has allowed us to accomplish so much in Pennsylvania in the mining program in recent years. And if I'm confirmed as the director of Office of Surface Mining, you have my promise that I will work with both houses of Congress in a nonpartisan way, and you have my promise that I will work with all of the stakeholders to make the promise of Federal Surface Reclamation Act a reality.

Thank you for your time today, and I'll look forward to responding to any questions.

[The prepared statement of Mr. Jarrett follows:]

PREPARED STATEMENT OF JEFFREY D. JARRETT, NOMINEE TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Committee, it is a great honor to appear before you today as the President's nominee for the position of Director of the Office of Surface Mining. President Bush and Secretary Norton have paid me the highest compliment by recommending me for this position.

I started my career almost 27 years ago as an environmental manager with the coal industry in the state of Ohio. I was fortunate to work back in the mid-1970's in a state that had relatively comprehensive reclamation requirements—not too different from the reclamation requirements of all coal producing states today. When the Federal Surface Mining Control and Reclamation Act passed in 1977, when many in industry claimed that they could not comply with the new environmental requirements, I knew otherwise because my company had already learned how to take care of the land and the water. We had already learned that reclamation was not something to be done after the coal was mined, but rather reclamation and environmental protection permeated every aspect of our operations from land acquisition and planning through coal removal and final land restoration. To us, Federal SMCRA meant the elimination of the competitive disadvantage from operators in states with lesser environmental requirements.

During my 13-year tenure with the industry, as an environmental manager, a general manager and as an executive, I was involved in almost every aspect of the coal mining business. I learned what it takes to manage a large organization. I learned about the pressures of being an employer, of securing coal reserves and contracts, and then meeting those contracts while at the same time taking care of the environment. I learned how to adapt to change, but more importantly I learned that it is often not the environmental regulatory requirements that industry has difficulty with, but the uncertainty that those requirements will be durable.

It was my in-depth understanding of the industry and my desire to bring about certainty and stability rather than ambiguity and indecision that I carried with me to my next career as an environmental regulator of the mining industry. For seven years I was the Deputy Assistant Director of Program Operations with the Office of Surface Mining, primarily responsible for conducting oversight of the eastern states in implementing the mandates of Federal SMCRA. For the past six years I

have been responsible for managing the environmental regulatory program over the mining industry in the Commonwealth of Pennsylvania, first as a bureau director, and now as the Deputy Secretary for Mineral Resources Management with the Pennsylvania Department of Environmental Protection.

Mr. Chairman and members of the Committee, I bring a unique perspective earned and learned over a career of involvement with mining and environmental issues, as an operator, as a federal overseer of state regulatory programs, and as a primary regulator of the mining industry in Pennsylvania. But I also bring a more important perspective, one learned because I have been involved in the mining and reclamation business since the beginning of comprehensive regulation of the mining industry. As much as I have always tried to bring certainty to the programs I managed, things do change. The nature of the industry has changed, the technology has changed, the science that we all rely upon has gotten better, and most important, the concerns of the citizens we all have a duty to protect have changed, and will continue to change. In a world of change and shifting viewpoints, the person who is fortunate enough to lead the Office of Surface Mining must be a good listener—someone who listens to concerns and viewpoints of all stakeholders. I am a good listener, and I understand the challenge of finding common ground and common interests upon which to build solutions to often very difficult problems. Communication is the key to understanding, and the cornerstone of stability and certainty.

Mr. Chairman, permit me to talk for a few moments about some of my accomplishments in Pennsylvania over the past six years of which I am very proud. One of my first endeavors in Pennsylvania was a project known as the "Customer Needs Survey." That project is just what it sounds like—we wanted to take the pulse of citizens, the regulated community, the utility industry, the surety industry, our own staff—all of the stakeholders. We wanted to know the good, the bad, and the ugly. We wanted to know what their interests were, what their concerns were, and what their ideas were. We held a series of public meetings across the state; we empowered the staff, from the ranks of the inspectors through the upper levels of management to go to the field to knock on doors, to meet with people individually and collectively and to report back what they learned. What we learned became the cornerstone of our program planning with one simple goal in mind, "We wanted the right people in the right places doing the right things." And we have stuck with it. This program was praised by Governor Ridge, and was later improved upon and expanded to become the standard model for Department-wide program planning.

Here are just a few examples of where this program led us. Our stakeholders reinforced their concerns regarding the 240,000 acres of unreclaimed abandoned mine lands and the 2700 miles of streams impacted by acid mine drainage emanating from those abandoned mines. More importantly, we learned that citizens and industry wanted to be our partners and play a more active role in the restoration of watersheds. Working with these stakeholders we developed numerous programs that encouraged the restoration of abandoned mine lands through remining. These programs have resulted in as much as $33 million worth of free reclamation each year, and have earned Pennsylvania the reputation of being the national leader in achieving restoration through remining.

In addition, three years ago, Governor Ridge and the state legislature enacted Pennsylvania's "Growing Greener" program—a five-year, $650 million program that provides grants to local organizations for environmental remediation projects. Forty—one percent of those funds have been dedicated for abandoned mine land and acid mine drainage remediation projects, and local organizations have contributed an additional 83 percent in matching funds and work-in-kind.

Through all of its programs, in the past six years Pennsylvania and its partners have reclaimed an incredible 29,500 acres of abandoned mine lands, improved 528 miles of acid mine drainage impacted streams, and eliminated 150 miles of dangerous abandoned high walls.

Citizens also expressed serious concerns about the adequacy of Pennsylvania's bonding program for active coal mining operations—concerns that were subsequently reinforced with the filing of a lawsuit in Federal court. Today, Pennsylvania is implementing two new bonding programs that are more equitable, and that provide the highest level of assurance that adequate funds will be available to complete reclamation plans on any future forfeiture site. The new bonding system nearly doubles the amount of bond required for land reclamation, and establishes the first comprehensive program in the nation to provide the financial resources for the perpetual treatment of acid mine drainage on sites where operators default on their obligations to treat water. Once implementation is complete, the financial guarantee program for acid mine drainage will provide income producing investments with a present value of nearly $400 million.

The important point that I want to make about Pennsylvania's new bonding program is that even though it is costly, it was developed and implemented with the unanimous endorsement of Pennsylvania's Mine Reclamation Advisory Board—a statutorily created board with voting members representing the Citizens Advisory Council, Conservation Districts, the mining industry, and members of the state legislature. That unanimous support was the direct result of our willingness to involve the stakeholders in the development of the program, and to address their legitimate concerns.

Finally, as part of the Customer Needs project, our own staff told us that we were not doing a very good job of assigning mine inspector priorities. We responded by reallocating our monitoring and compliance staff to put our inspectors where the critical needs existed, to identify and resolve problems before they became violations. As a result industry compliance rose from 83 percent in 1995 to rates that have been consistently in the mid—90's in recent years.

Mr. Chairman and members of the Committee, Secretary Norton has a vision for citizen—centered governance with a commitment to cooperation, consultation, and communication in the service of conservation. I fully embrace that vision because I have seen how that philosophy has allowed us to accomplish so much in Pennsylvania in recent years. If I am fortunate enough to be confirmed as the Director of the Office of Surface Mining, you have my promise that I will work in a bipartisan way with both houses of Congress, and you have my promise that I will work with all stakeholders to make Secretary Norton's vision a reality.

Thank you for the opportunity to make this statement.

The CHAIRMAN. Well, thank you very much. Let me just ask a few questions of each of you.

Dr. Chu, the General Accounting Office has severely criticized the Department of Energy's Nuclear Waste Program in a report that was just leaked to the press. We haven't gotten a copy here, but we read about it. GAO casts doubt on the scientific basis for recommending construction of the repository at Yucca Mountain and on whether the Department of Energy can get a license from the NRC for that repository.

Do you have any views that you could share with us on this at this point? Does the Department have the technical and scientific basis for recommending Yucca Mountain to the President and for getting a license from the NRC at this point, in your view?

Ms. CHU. Senator, as regarding the GAO report, I have not been briefed by the Department, so I do not have the details for that report. And all my knowledge comes from the *Washington Post.* But I do want to let you know that my plan is, if confirmed, I will look at this issue seriously and quickly. And with my 20-year experience in this area, I'm hoping I can grasp the essence of the issues, and then I will like to give the Secretary my candid advice and then advocate my opinion to him. Thank you.

The CHAIRMAN. Well, thank you. Ms. Cook, I mentioned earlier that one of your main responsibilities will be implementing this new Energy Employee Occupational Illness Compensation Program that we passed in Congress. It was a bipartisan effort, and there's been a lot of concern expressed about the proposed rules to implement that program.

I guess I would just ask—rather than trying to get into a detailed set of questions about those rules, just ask if you would be willing to work with us here in the committee and the Congress to be sure that whatever final rule is adopted is consistent with congressional intent.

Ms. COOK. Yes, sir, I'd be very happy to do that. As I said, that—my perspective, especially recently, is on the implementation end

of these things. So I think that I also have some opinions on the ease of implementing some of these policies, too. I'd be happy to.

The CHAIRMAN. Mr. Jarrett, with most States doing coal mining—regulating coal mining themselves, what role do you see the Office of Surface Mining playing in overseeing these State regulatory programs and the abandoned mine reclamation activities?

Mr. JARRETT. Well, of course, the Federal——

The CHAIRMAN. Do you want to pull that microphone a little closer, please?

Mr. JARRETT. I'm sorry. Federal SMCRA promised a level playing field among the States, so I think one of the primary roles of Federal oversight of the State programs is to ensure that that level playing field exists. Now, that does not mean that some States don't have unique circumstances that require slightly different treatment, but Federal SMCRA provides some minimum standards. And as long as those minimum standards are being met in Federal SMCRA, then I think you have delivered the promise of level playing fields.

The CHAIRMAN. Okay. On September 24, I sent a letter to Secretary Norton on the Salt River Projects mining application for the Fence Lake surface coal mine in western New Mexico. I've not yet received a response to that. The Zuni Pueblo is very concerned about the adverse effects that that mine might have on their tribal resources. Is something you're familiar with, or could you assure me that you will get familiar with it and give consideration to these concerns that we try to raise in the letter?

Mr. JARRETT. Mr. Chairman, I am generally familiar with that issue. I understand that some decisions are pending and perhaps overdue. So it certainly would be one of the issues that I will look further into to get an expeditious and correct answer

The CHAIRMAN. I think one of the issues we raised in that letter—I raised in the letter—is that the State has imposed certain conditions on that project, and we were urging that the Department, the Federal Department consider imposing similar conditions. And I hope that you will look seriously at that.

Ms. Watson, you've spent much of your legal career representing timber, and mining, and oil and gas interests, and that's not uncommon with a successful law practice in the West. And I certainly understand that. Can you assure the committee that, if you're confirmed, you'll be able to put that aside and have the public interests as your primary concern in this new position?

Ms. WATSON. Thank you for the question, Chairman Bingaman. Yes, I can assure the committee that I will do that. As an attorney, I took my representation of my clients seriously, and my obligation under legal ethics to represent my clients zealously. And I've been known as an attorney to represent our clients with passion. I hope to bring that same kind of passion and commitment to public service. And I recognize that my responsibilities in government service are to the public. And that is my—that is where my loyalty will lie.

The CHAIRMAN. One issue that I wanted to just flag for you is one that we're hearing more and more about and—in my State, at least—and that is land owners and environmentalists are contacting us about environmental degradation that they believe is being

caused by coal-bed methane production in the San Juan Basin, in particular. Over the past few years, they've alleged that that degradation that's been caused by that increased production has been allowed to occur by the Federal agencies, and that the BLM, in particular, has not been taken the steps it should have taken to enforce the conditions that are attached to those leases.

Is this something you're familiar with? Are you willing to look at this problem when you get confirmed and try to help us deal with it?

Ms. WATSON. I'm generally familiar with the development of coal-bed methane, but, of course, primarily in the Powder River Basin of Montana and Wyoming. I understand that the development in the San Juan Basin is a little bit different. They're dealing with poorer water quality and a more abundant methane resource. I think this would be something that I would want to take a look at when I got into office. Certainly, I'm aware of the citizen complaints, concerns that they expressed for their safety and the quality of their water, and I would work with the committee to take a look at those and to respond to the concerns of the local community.

The CHAIRMAN. Well, thank you very much. Let me defer to Senator Murkowski for his questions.

Senator MURKOWSKI. Thank you very much. I'm going to confine my questions to Ms. Watson. And I want to start with the North Slope gas development, which I'm sure you're familiar with. In this course of oil discoveries, we've found about 36 trillion cubic feet of natural gas. What we're concerned with is the Bureau of Land Management and the Joint Pipeline Office and how this project is developed, if, indeed, it is developed. The current producers had indicated that, at current prices, it's uneconomic at this time. If you're confirmed, will you act in your role to provide resources needed to the Joint Pipeline Office to help expedite the project?

Ms. WATSON. I'm not familiar with the specifics of the Joint Pipeline Project and the funding sources for it, Senator Murkowski, but that will be something that I would want to look into. I understand the important role that Alaska in providing our country with the energy it needs, and infrastructure is something that I'm very interested in looking at to make sure we have adequate infrastructure in this country.

Senator MURKOWSKI. Well, there is a Joint Pipeline Office proposed in various legislative proposals under the Bureau of Land Management, so it would fall under your area of responsibility. You're also aware that we have, as a State, yet to get completed our land conveyances. We're becoming a little frustrated at that. I assume you'll give us your assurance that you'll review the current program and try and speed up the process. We wonder how long we have to be a State before we finally receive all the land that the Federal Government promised us.

Ms. WATSON. Thank you for the question, Mr. Murkowski. I certainly——

Senator MURKOWSKI. Is it 50 years, or is it a hundred years or—I'll be long gone, obviously, but some of the folks in Alaska do remember that.

Senator Burns talked a little bit about mining. It's my opinion that the previous administration, for all practical purposes, tried valiantly to shut down the small mining on public lands in our country. Through a number of changes that Secretary Norton has proposed, we now have re-proposed regulations for a 60-day public comment period. It's critically important that you and your Department listen carefully to the concerns of the small miners, because it isn't just the big, large international companies that develop our resources. We've always encouraged the small prospector, the small miner. Bonding requirements can simply take the small miner and put him out of reach of being able to become involved in any exploration or development.

So I would appreciate it if you would give us your assurance that you're going to try and review this matter closely and provide protection for the small miner, recognizing that he has to live within the compliance of the environmental oversights.

Ms. WATSON. Senator Murkowski, I'm aware of the importance of small miners. Coming from the State of Montana, I understand that without small miners, large mining companies don't have the discoveries that allow them to produce the minerals that we need. Again, this comes back to a question of balance, we need to provide for reclamation of the environment with a program that works, but I understand the problem, and I will work with you to see that it's addressed.

Senator MURKOWSKI. Two other areas, briefly, the preauthorization of the Trans-Alaska Pipeline System, which we talked about very briefly, that's up for renewal. It was a 30-year authorization. It is the only pipeline re-authorization that I know of that has ever contemplated a full environmental impact statement. The concern we have in Alaska is the cumulative impact analysis that some have proposed dreaming up questions such as what happens if you extend that pipeline another 30 years to air quality in southern California? It's license for full employment of all the environmental lawyers to just wander off. There's got to be some parameters on this that are reasonable. We don't feel it should require a full EIS. An environmental assessment has always been the practical application on renewals.

The other issue is lease sales in NPRA Alaska and the sensitivity of the lakes and the wildlife in that area. I assume you'll familiarize yourself with that, as well, for prospective leases that may occur in the future.

Ms. WATSON. Senator Murkowski, I will, and I'll work closely with Drue Pearce, in the Department of the Interior, to address the issues you raised.

Senator MURKOWSKI. Thank you. I'm just going to take, Mr. Chairman, 30 seconds to put a statement into the record, as a consequence of the position of the minority. Rule 16-3 of the Standing Rules of the Senate requires that committees fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee.

And in compliance with that requirement, the Committee on Energy and Natural Resources had adopted Rule 2 that provides in pertinent part that, quote, "The committee shall meet on the third Wednesday of each month while Congress is in session for the pur-

pose of conducting business." Neither the Standing Rules of the Senate, nor the committee rules, provide an exception to the Democratic leader or anyone else to abolish committees or order them to cease activities whenever there is a likelihood that there may be a bipartisan action that would conflict with this partisan agenda.

Those rules, according to the Democratic leader, evidently don't apply to the Committee on Energy and Natural Resources, or at least he's made an exception for this committee.

The point I want to bring up here, for the record, is we have rules. We should follow them. Apparently, whenever it's convenient, the Democratic leader—to the Democratic leader, the rules of the Senate can be suspended, and the rights of members of the standing committee of the Senate can be abandoned. We have had a notice from the committee chairman that this committee is not going to do any further business the balance of this Congress, which I find unacceptable and very disappointing. I wanted the record to note, from the standpoint of our committee requirements and rules, where we are.

I apologize for interrupting, but we have a vote on, and I wish you all well on your nomination process.

The CHAIRMAN. Let me call on Senator Craig. We have—we're more than halfway through a vote. Did you want us to adjourn and come back so you can ask questions? Or did you want to ask your questions quickly?

Senator CRAIG. Mr. Chairman, I have several questions. None of them are going to make the difference between whether the committee decides to vote these fine folks out or not, and so let me submit them in writing to each one of the nominees. They are important. Clearly, these areas that you've all and we've all discussed at the—these ladies and gentleman are going to be responsible for are going to be critical to the operation of DOE and the Department of Interior and Mining and those issues.

So for the sake of the nominees who are sitting out there and would be for the next 30 minutes, let me do that. I'll submit them in writing. And I thank all of you and look forward to working with you.

The CHAIRMAN. Well, thank you very much. I also have one additional question that I'll submit for the record to Ms. Watson related to fire management and the Office of Wild Land Fire Coordination.

We appreciate you all being, and we will try to act as quickly as possible on your nominations. And thank you all for attending the hearing today.

[Whereupon, at 10:28 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

December 11, 2001.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CANTWELL: Thank you for the opportunity to appear before the Committee on Energy and Natural Resources as the Director of Civilian Radioactive Waste Management nominee at the U.S. Department of Energy.

Enclosed for the record is the answer to the post hearing question submitted to me in writing by you.

Please let me know if I can be of any further assistance.

Sincerely,

MARGARET S.Y. CHU.

[Enclosure]

RESPONSE TO QUESTION FROM SENATOR CANTWELL

Question. Ms. Chu, I recently read a memorandum from Jessie Hill Roberson, DOE's Assistant Secretary for Environmental Management, stating her top priorities. I was concerned to learn that one of the Department of Energy's top environmental management priorities is to "Eliminate the need to process high level liquid wastes. HLW processing is the single largest cost element in the EM program today. Eliminate the need to vitrify at least 75% of the waste scheduled for vitrification today. Develop at least two (2) proven, cost-effective solutions to every high level waste stream in the complex." Clearly, following through on this priority could come in direct conflict with the Department of Energy's legally binding commitments entailed in the Hanford Tri-Party Agreement. What do you think about the cost-effectiveness of the vitrification process in treating nuclear waste?

Answer. The current plan is for vitrified waste to be disposed of in a geologic repository at Yucca Mountain. However, at this time, I cannot comment on the cost of processing and treating this waste because it is under evaluation by the Office of Environmental Management. If confirmed, I expect that Assistant Secretary Roberson and I would discuss issues of mutual importance to integrate our program objectives.

December 7, 2001.

Hon. LARRY CRAIG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CRAIG: Thank you for the opportunity to appear before the Committee on Energy and Natural Resources as the Assistant Secretary for Environment, Safety and Health nominee at the U.S. Department of Energy.

Enclosed for the record are the answers to the post hearing questions submitted to me in writing by you.

Please let me know if I can be of any further assistance.

Sincerely,

BEVERLY A. COOK.

[Enclosures]

RESPONSE TO QUESTION FROM SENATOR CRAIG

Question. The Department of Energy is not regulated by the Nuclear Regulatory Commission for most of its activities—the Yucca Mountain Program being a notable exception. Instead, DOE ensures the safety of its operations through a series of internal "DOE Orders" and directives. Some feel this system of orders is in need of comprehensive reform. If confirmed, would you propose any reform to this system?

Answer. Based on my management experience at the Department of Energy, I agree that DOE should take a careful look at its current system of orders and directives to assure that work is done as safely and efficiently as possible. DOE has already begun an effort to reexamine its safety management system. As part of that effort, we will be looking to clarify or streamline our requirements and standards to better address the changing DOE mission and hazards, with a goal of facilitating innovative cleanup approaches, reducing costs, and assuring protection of workers. If confirmed as Assistant Secretary for Environment, Safety and Health, this would be one of my top priorities.

December 11, 2001.

Hon. PETE DOMENICI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: Thank you for the opportunity to appear before the Committee on Energy and Natural Resources as the Director of Civilian Radioactive Waste Management nominee at the U.S. Department of Energy.

Enclosed for the record are the answers to the post hearing questions submitted to me in writing by you.

Please let me know if I can be of any further assistance.

Sincerely,

MARGARET S.Y. CHU.

[Enclosures]

RESPONSES TO QUESTIONS FROM SENATOR DOMENICI

THE NEED FOR STUDY OF ALTERNATIVE STRATEGIES FOR SPENT FUEL

Question 1. Existing nuclear power plants, especially with license renewals, will generate spent fuel that far exceeds the capacity of Yucca Mountain. The nation will need to either begin work on another repository very quickly after opening Yucca Mountain, or technologies need to be developed for better utilization of Yucca Mountain—along with changes in the enabling legislation.

Do you concur that we need to explore options for management of spent fuel that might lead to far lower toxicity of the final waste products? As you know, such work could enable the residue from far more spent fuel to be placed in Yucca Mountain while still generating far less radio toxicity than is currently planned for the Mountain.

Answer. Senator, I understand that there are promising technologies that are currently being investigated to reduce the volume and radiotoxicity of nuclear materials. When these technologies have matured, I believe that they could complement and possibly enhance the management of our nuclear waste.

If confirmed as the Director of the Office of Civilian Radioactive Waste Management, I will vigorously pursue the authority under the Act to develop a geologic repository, and will remain open to the possibilities that new technologies may offer in enhancing the overall geologic disposal system.

THE ROLE OF SCIENCE IN EVALUATION OF YUCCA MOUNTAIN

Question 2. All sides of the debate over Yucca Mountain talk about the need for good science in reaching decisions on the repository. With your background, you are well suited to evaluating and leading that science.

Do you concur with the importance of using the best scientific knowledge as decisions about any repository are reached?

Answer. Yes, I do concur. I believe that not only must we use the best science available, but also we must communicate this information to the public who are vitally interested in our efforts. I experienced this first-hand in my involvement with the Waste Isolation Pilot Plant, in Carlsbad, New Mexico. My years as a scientist in our national laboratory system have led me to believe that informed, science-based decisions must be made so that both the public and our policy makers will have high confidence in the decisions we make to manage our nuclear materials.

LICENSING OF YUCCA MOUNTAIN ONLY FOR RETRIEVABLE STORAGE

Question 3. One attractive alternative to achieve faster movement of spent fuel from the many spent fuel storage sites around the country might be to consider that the Yucca Mountain facility be licensed only for retrievable storage for 300 years, while continued research into alternative options is pursued.

I realize this would take congressional action to make this change, but would you agree that it should be very simple to license Yucca Mountain for such an interim storage mode?

Answer. I have not looked at this option, because if confirmed, my responsibility would be to carry out what has been mandated under the Nuclear Waste Policy Act.

December 11, 1001.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CANTWELL: Thank you for the opportunity to appear before the Committee on Energy and Natural Resources as the Assistant Secretary for Environment, Safety and Health nominee at the U.S. Department of Energy.

Enclosed for the record are the answers to the post hearing questions submitted to me in writing by you.

Please let me know if I can be of any further assistance.

Sincerely,

BEVERLY A. COOK.

[Enclosures]

RESPONSES TO QUESTIONS FROM SENATOR CANTWELL

Question 1. In recent months the Bush Administration has taken steps that reduce the scope and effectiveness of the Office of Environmental Safety and Health; for example some oversight activities performed by the office have been stopped because they are seen as too obtrusive. I am concerned that these actions—or inactions—could amount to an attempt to dismantle this important worker and environmental protection office in the Department of Energy. Please specify for the record what you see as the future of the Office of Environmental Safety and Health.

Answer. The Office of Environment Safety and Health now plays and will continue to play a key part in the Department of Energy's mission. One of the goals of recent actions taken to restructure the Department was to better direct and focus the Office of Environment, Safety, and Health, not dismantle it. I strongly believe that DOE should set clear environment, safety, and health goals and measure its success by how well it meets those goals. The Office of Environment, Safety and Health will be at the heart at that effort, and will continue to serve as a corporate asset in assessing, facilitating, and achieving continuous improvement in safety management.

Question 2. The Department of Energy's operations at Hanford are of critical importance to me and to my constituents in Washington State. Given your long career within the Department of Energy, you are no doubt well aware of what is going on at Hanford and the problems faced there. Please describe your position on environmental and safety practices at Hanford. What do you see as the critical difficulties at Hanford, and how would you handle them as Assistant Secretary? Finally, please describe what steps you will take to strengthen and improve DOE outreach and coordination with worker health and safety advocacy groups at Hanford.

Answer. Through my experience as a DOE program and field office manager, I know that environmental and safety practices at Hanford continue to improve over past performance. At the same time, the DOE Hanford site has some very unique and difficult issues to address as a result of past missions and practices. The condition of some of the facilities and the composition of some of the waste streams are not well understood. Remediation of those facilities and waste streams will be extremely expensive and take a very long time, given current technologies and practices. The Assistant Secretary of Environmental Management is reviewing the plans for remediation of the Hanford site, looking at using new technology and other ways to complete that work in a safe, cost effective and timely manner. It will be the responsibility of the Office of Environment Safety and Health to assist in this effort and assure the protection of the environment and worker and public health and safety.

I will take a careful look at current outreach programs at Hanford and all of the DOE sites in order to assure effective coordination with worker health and safety advocacy groups. I have been a worker in the DOE complex, at many of the field

facilities, for almost 27 years, and I am interested in assuring that the worker and community health issues are addressed appropriately.

Question 3. The Energy Employees Occupational Illness Compensation Program Act of 2000 established a program to compensate individuals who developed illnesses as a result of their employment in nuclear weapons production-related activities. This initiative is especially important to me given the large number of affected workers in the state of Washington. However, since the passage of the act, the Department of Energy has not moved to properly implement its portion of the worker assistance program, leaving many sick workers and their families on their own to navigate complex worker compensation benefits programs and pay expensive medical bills.

I find this very distressing. These men and women worked very hard under difficult conditions to produce nuclear weapons and help America win the Cold War. Some of them are now seriously ill, and the Department of Energy is doing everything it can to limit eligibility and reduce its own liability.

Please explain how you would implement the Energy Employees Occupational Illness Compensation Program with Congressional intent. It is important that you do this without further obfuscation or delay.

Answer. One of my first priorities will be to evaluate how the Department of Energy is implementing its responsibilities under the Energy Employees Occupational Illness Compensation Program and assure that it is meeting the goals set out in the legislation. While the Department of Labor has the lead in administering the program, I recognize that the Department of Energy has important responsibilities as well. I understand that DOE has made significant progress in meeting its responsibilities to identify and assist workers, and that all agencies involved in implementing the Energy Employees Occupational Illness Compensation Program, including the Department of Energy under Secretary Abraham, are committed to fairly and efficiently administering this program. Be assured that I will work to see this progress continue.

Question 4. Additionally, there are several specific areas of the Energy Employees Occupational Illness Compensation Program I would like you to address. First, regarding the DOE's State Assistance Program: Subtitle D of the Energy Employees Occupational Illness Compensation Program Act instructs the Department of Energy to assist workers with "other" illnesses (not cancer, silicosis, or beryllium disease) in determining if their illnesses are related to working in nuclear weapons production. DOE is to assist workers found to have occupationally-related illnesses in obtaining state workers compensation benefits.

I understand, however, that the Department of Energy has proposed rules that reimpose the very barriers Subtitle D was written to help workers avoid, and that DOE has threatened to refuse to implement Subtitle D. The DOE is ignoring the recommendations of the federally chartered Workers Advisory Committee on how to implement this law. As Assistant Secretary, do you believe it is your duty to implement the legislation in full? How will you implement Subtitle D in a way that fulfills the Department of Energy's obligations to its workers?

Answer. As Assistant Secretary, I would be committed to implementing the Energy Employees Occupational Illness Compensation Act, including Subtitle D that affects DOE workers who have become ill because of exposure to toxic substances at a DOE site. I understand that the proposed rule to implement the program was issued in September and that the Department is in the process of reviewing comments, including those from the Advisory Committee, and drafting the final rule. If confirmed, I will work to assure that DOE's implementation of Subtitle D of the Energy Employees Occupational Illness Compensation Program Act complies with the law and helps workers.

Question 5. I am also concerned about another area of the Energy Employees Occupational Illness Compensation Program—interagency cooperation. Proper implementation of the program requires the cooperation of DOE, the Department of Labor and Health and Human Services. This will certainly pose ongoing challenges for you as Assistant Secretary. Since each agency has its own expertise—labor runs compensation programs, DOE runs the weapons complex, HHS does health studies—how do you plan to handle the inevitable turf battles and work to advance the larger goals of the program? Furthermore, since each agency will require the same documents and will need to share many types of data, it would be logical for the agencies to develop shared information management systems. Since this is a brand new program, the opportunity exists for developing such a system. Do you have plans to develop a shared data and information management system for the Energy Employees Occupational Illness Compensation Program?

A final point of concern regarding the Energy Employees Occupational Illness Compensation Program is the Advisory Committee on Radiation and Worker Health

at HHS. I believe the current composition of this committee's membership is unsatisfactory. As appointed by the White House, this HHS-staffed committee includes numerous DOE contractor representatives and only one worker representative. Both of these aspects run directly counter to Congressional direction in the statute. The presence of several DOE-related members also raises clear conflict of interest issues. If confirmed as Assistant Secretary, will you look into this matter and take all necessary steps to remedy any improprieties?

Answer. The Energy Employees Occupational Illness Compensation Act, and the accompanying Executive Order, provided clear roles for the three agencies drawing on the experience and expertise of each. The federal entitlement program is managed by the Department of Labor. The Department of Health and Human Services assists the Department of Labor by conducting dose reconstructions. The Department of Energy is responsible for providing worker records and data needed to support these efforts. There will be benefits and efficiencies to be gained from close cooperation between the agencies in obtaining records and maintaining databases and general information systems as well as in many other areas related to worker's compensation. Direct and continued dialog at the highest levels between agencies can help to clarify each agency's roles and responsibilities and provide the best value for the taxpayer. I intend to ensure that dialog occurs. Regarding the members of the Advisory Committee on Radiation and Worker Health at HHS, the membership of the Committee was appointed by the White House upon recommendations made by the Secretary of Health and Human Services. I understand that DOE had no input into this matter.

Question 6. I understand a measure passed the U.S. House of Representatives that would require DOE to enforce OSHA standards for occupational safety with the DOE nuclear weapons complex. Please provide your analysis of this legislation. In general, do you support the application of OSHA standards for occupational safety within the DOE nuclear weapons complex?

Answer. I have not had an opportunity to review the proposed legislation and do not have an analysis of that legislation at this time. I certainly understand the intent of the legislation, to provide DOE workers a level of protection equivalent to those provided by OSHA standards, and that is a goal that should be met. In fact, through DOE directives and integrated safety management systems, DOE already requires its contractors to meet industrial safety standards that are the same or comparable to those established by the OSHA.

Question 7. An important part of worker safety and health in the DOE weapons complex is the medical monitoring program for former workers, which is administered by the University of Washington and paid for by grants from the Office of Environmental Safety and Health. As Assistant Secretary, would you continue to support these medical screening and monitoring program? Will you work to ensure adequate funding remains in place for this critical program?

Answer. I support medical screening and monitoring programs that assist in determining health issues of workers associated with their work history. The Former Worker Medical Surveillance Program began in 1996 and now has 12 ongoing projects at 10 DOE sites, including the Hanford site. We expect that most projects will have completed medical screening of interested former workers within the next several years. I will review the current medical monitoring programs to evaluate the effectiveness of the programs, and it will be my responsibility to assure that adequate requests are made to Congress to fund appropriate, effective programs in this area.

Question 8. A final area of concern pertains to regulatory authority over the DOE nuclear weapons complex. Please articulate your position on external regulation of the nuclear weapons complex while maintaining DOE internal oversight.

Answer. While external regulation may be appropriate for specific activities or facilities, such as spent fuel storage facilities, many of DOE's activities are unique. Current regulations promulgated by other agencies are not adequate to provide comprehensive, effective regulation of many of DOE's activities at this time. We have seen that it is possible to manage certain DOE facilities with a combination of external and internal regulation, as is done at DOE's Idaho National Engineering and Environmental Laboratory (INEEL). The Nuclear Regulatory Commission regulates two separate spent fuel storage facilities at INEEL and, as the Manager of the DOE's Idaho Operations Office, it was my responsibility to hold NRC licenses for those facilities. This is certainly an issue we will continue to follow, but at this time, I believe it would be difficult to turn entirely to external regulation and effectively assure the protection of the environment, our workers and the public.

December 7, 2001.

Hon. CRAIG THOMAS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: Thank you for the opportunity to appear before the Committee on Energy and Natural Resources as the Assistant Secretary for Environment, Safety and Health nominee at the U.S. Department of Energy.

Enclosed for the record are the answers to the post hearing questions submitted to me in writing by you.

Please let me know if I can be of any further assistance.

Sincerely,

BEVERLY A. COOK.

[Enclosures]

RESPONSE TO QUESTION FROM SENATOR THOMAS

Question. The President's National Energy Policy recommends that the President direct the Secretary of Energy to explore potential opportunities to develop educational programs related to energy development and use. This should include possible legislation to create public education awareness programs about energy. Can you tell me what the Administration has done thus far or may plan to do concerning this initiative?

Answer. The following are some of the Administration's initiatives to promote public awareness and education on energy issues:

- July 27, 2001—Sec. Abraham announced a number of steps to increase electricity generation from wind power in Illinois

In an effort to improve and expand renewable energy resources in the state of Illinois, a DOE lab developed a wind resource map and sponsored a wind energy workshop which was held on November 27, 2001 in Illinois. The projects could lead to 3,000 to 9,000 megawatts of wind power peak capacity and serve up to 2 million homes.

- November 28, 2001—Joint DOE and Dept. of Interior Summit on Renewable Energy on Federal Land

Secretary Gale Norton co-hosted the summit with Assistant Secretary for Energy Efficiency and Renewable Energy Dave Garman at the Interior Department in Washington, DC. Panels of experts in the private and public sector came to talk about how the federal government can expand its efforts to find renewable energy resources on federal property. The Summit was one of the recommendations in the President's National Energy Policy released in May.

- November 7, 2001—Energy Star® Product Expo Brings Efficiency to Market

In the first gathering of its kind, the U.S. Department of Energy (DOE) brought together manufacturers and retailers of high-efficiency appliances and lighting products under one roof, opening the Energy Star® Product Expo to the public Nov. 9-10. Via taped message, Secretary of Energy Spencer Abraham offered encouragement to consumers to "Look for the Energy Star® label."

- October 5, 2001—Energy Secretary Launches "Energy Awareness Month" and visited home receiving Weatherization Assistance

Secretary of Energy Spencer Abraham launched "Energy Awareness Month" by accompanying professional crews installing energy efficient Weatherization improvements in a home in Arlington, Va. The improvements, managed by Community Housing Partners, are being conducted through the U.S. Department of Energy's Weatherization Assistance Program.

- November 27, 2001—U.S. Department of Energy Celebrates 25th Anniversary of Weatherization Assistance Program

The U.S. Department of Energy's (DOE) Weatherization Assistance Program celebrated its 25th anniversary by commemorating the weatherizing of the five-millionth home under the program. Assistant Secretary for Energy Efficiency and Renewable Energy David Garman delivered keynote remarks at today's National Weatherization Training Conference in Atlanta, Ga., attended by officials from state Weatherization offices and 970 local agencies that carry out home Weatherization improvements.

- September 17, 2001—Energy Department to Award Over $30 Million to Develop New Bioproduct Technologies and Train Graduate Students in the Bioproducts Field

Secretary of Energy Spencer Abraham announced that the U.S. Department of Energy (DOE) will invest $30 million over the next three to five years in 11 projects to develop process technology to produce chemicals, plastics, materials and other products from plant matter and other natural waste materials. The funds will also be used to establish University education and training programs in the area of bio-products. Many of the projects will be cost-shared approximately equally between DOE and its partners.

- October 3, 2001—Energy Department, American Solar Energy Society Announce Public Tours of Solar Powered Home

On October 13, homes powered by the clean, non-polluting and renewable power of the sun will be open to people interested in seeing first-hand how solar energy is being used in today's homes. The U.S. Department of Energy (DOE) is co-sponsoring a tour of more than 800 homes in 43 states and the District of Columbia.

- July 6—Secretary Abraham held town hall meeting with Rep. Judy Biggert

Secretary Abraham traveled to DOE's Argonne National Laboratory to co-host a town hall meeting with Congresswoman Judy Biggert to address the concerns of constituents on energy issues. The town hall was carried live by local networks.

- October 1, 2001—Energy Secretary Abraham Announces National Energy Awareness Month 2001

October 2001 was Energy Awareness Month—the 22nd annual energy awareness campaign sponsored by the Department of Energy (DOE). The goal of Energy Awareness Month is to promote a greater public understanding and awareness of energy sources, how they can be used wisely and effectively, and the importance of energy to the economic prosperity and future of the United States. The Secretary hosted events every week around the country to participate in this education effort.

- October 9, 2001—Energy Secretary, EPA Administrator Whitman Launch 2002 Fuel Economy Guide

Administrator Whitman joined Sec. Abraham in a tour at DOE of the fuel efficient leaders for 2002 as they unveiled the newest edition of the web based Fuel Economy Guide. These guides help consumers select the "safest, cleanest, and most fuel-efficient vehicles" in the marketplace. The web site is produced in partnership with EPA and the National Highway Transportation Safety Administration.

Hon. JEFF BINGAMAN,
Chairman, Senate Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed you will find my response to the written questions following my confirmation hearing before the Senate Energy and Natural Resources Committee on Wednesday, December 5, 2001.

If I can be of further assistance, please let me know.

Sincerely,

REBECCA W. WATSON,
Assistant Secretary—Land and Minerals Management Designate.

[Enclosures]

RESPONSE TO QUESTION FROM SENATOR BINGAMAN

FIRE MANAGEMENT

Question. After the National Fire Plan was put into place last year, the Secretary of the Interior created the Office of Wildland Fire Coordination to ensure implementation of the plan, coordinate all of the agencies' fire policy and measure performance and accountability. It is my understanding that the Secretarial order establishing this Office expires on December 22, 2001. I also raised this issue with Kathleen Clarke during her nomination hearing a [few] weeks ago because BLM plays a major role in Federal wildland fire policy and implementation. Nonetheless, it is my understanding that the Department has made no plans to continue funding and supporting this office beyond December 22. Given a recent GAO report stating that the Federal government needs to increase interagency coordination of fire management, it seems very important to keep this Office up and running. Do you agree?

Answer. I agree that the Office of Wildland Fire Coordination is necessary to increase interagency coordination of wildland fire management. I understand that the existing Secretarial Order that established that office will expire on December 22, 2001. I also understand that the Secretary is taking steps to continue the Fire Co-

ordination Office. This will ensure that coordination of wildland fire management issues in general and the National Fire Plan specifically will be sustained. This action also reflects the Department's commitment to collaboration with its many external partners, and specifically on crosscutting issues as critical as fuels management, restoration and wildfire suppression. I support the Secretary's actions to continue the Wildland Fire Coordination Office and I look forward to working with that staff to advance the goals and objectives of the National Fire Plan.

Hon. LARRY E. CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: Enclosed you will find my response to the written questions following my confirmation hearing before the Senate Energy and Natural Resources Committee on Wednesday, December 5, 2001.

If I can be of further assistance, please let me know.

Sincerely,

REBECCA W. WATSON,
Assistant Secretary—Land and Minerals Management Designate.

[Enclosures]

RESPONSE TO QUESTION FROM SENATOR CRAIG

Question. The BLM uses Oust as a means of controlling cheat grass. Earlier this year, farmers in Idaho, who are adjacent to a control area, discovered impacts ranging from malformed crops to areas of no growth in their crops. Current estimates put the crop damage to potatoes, sugar beets, wheat, barley, corn, and alfalfa at approximately $100 million. It is important that BLM work with states and farmers to prevent such an event from happening again.

Will you commit to include in the BLM budget request for fiscal year 2003 funding to provide compensation payments to these growers?

Answer. I am not familiar with the details concerning this issue. However, if confirmed, I will review this matter and look forward to working with you to address your concerns.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: Enclosed you will find my response to the written questions following my confirmation hearing before the Senate Energy and Natural Resources Committee on Wednesday, December 5, 2001.

If I can be of further assistance, please let me know.

Sincerely,

REBECCA W. WATSON,
Assistant Secretary—Land and Minerals Management Designate.

[Enclosures]

RESPONSES TO QUESTIONS FROM SENATOR DOMENICI

PUBLIC LAND

1. New Mexico has a substantial amount of public land. With this amount of land comes the problem of what will and will not be allowed upon it. Whether the issue is drilling for oil and gas, mining, or recreational use of the land, the problem generally involves access.

Question. Will you work to balance the goals of protecting these lands and their natural resources, while at the same time working to ensure that the land is accessible and mined responsibly?

Answer. Yes. I am committed to working with Secretary Norton to ensure that there is a balance of appropriate uses on lands administered by the BLM through the land use planning process and adherence to all environmental laws. If confirmed, I will strive to achieve this balance for all stakeholders through consultation, communication, and coordination all in the service of conservation.

ENERGY/OIL & GAS

1. The Nation is facing a silent energy crisis. Energy independence should be an important part of the Interior Department's mandate. Such independence would in-

clude opening up responsible mining opportunities and examining possibilities for exploration and development.

Question A. How will you work to protect resources and the environment while encouraging sensible mining practices for energy independence?

Answer. I agree that ensuring our Nation's energy security is of paramount importance. I fully support the President's National Energy Policy which calls for increasing and diversifying our Nation's energy sources, while ensuring sound environmental management. If confirmed, I will work collaboratively with all affected parties to protect the environment while identifying and implementing effective means to explore and develop our Nation's energy resources.

Question B. Will you encourage domestic drilling and allow access to public lands for drilling where known resources exist and little environmental impact would result?

Answer. If confirmed, I will work with Secretary Norton to identify energy resources available for development, and promote environmentally-sound access to these critical energy resources consistent with land use planning.

Question C. What, if anything, do you plan to do to develop and utilize resources from public lands to produce more energy?

Answer. If confirmed, I will work to implement the President's Energy Policy which encourages development of both renewable and nonrenewable energy resources on public lands. I will work with all interested parties to ensure that land use planning is conducted thoroughly, yet expeditiously.

Question D. Will materials produced from the public lands be made available for the production of bioenergy?

Answer. Yes. Utilization of biomass for energy production is consistent with the National Energy Policy objective to increase America's use of renewable and alternative energy sources. Biomass utilization is also consistent with the goals and objectives of the National Fire Plan to reduce accumulations of woody materials that create a fire hazard, and threaten communities, forests and rangelands with catastrophic wildfire.

Question D. While the situation is improving, many drillers are finding undue delays in drilling permit approvals in New Mexico. Will you work to resolve this problem, especially in light of our nation's dependence on foreign oil?

Answer. I am aware that the efficient processing of such permits can help develop a secure source of domestic energy. If confirmed, I will work to ensure that all parties work together to devise a streamlined and efficient process for reviewing and approving drilling permits, consistent with all planning and environmental laws.

GRAZING ISSUES

1. Will you work to reduce the terrible backlog of grazing permit renewals within the BLM? This effects many grazers in the west, to no fault of their own. Congress has been providing money and legislative directives to resolve this situation for several years now.

Question. Will you see that this problem is resolved as soon as possible?

Answer. I am committed to working with the BLM Director with the goal of eliminating this backlog as quickly as possible. I understand the frustration and uncertainty the many grazers in the west are confronted with and, if confirmed, will work to provide them with a resolution, while meeting all legal requirements.

APPENDIX II

Additional Material Submitted for the Record

INTERSTATE MINING COMPACT COMMISSION,
Herndon, VA, August 1, 2001.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the member states of the Interstate Mining Compact Commission (IMCC), I am writing to endorse President Bush's nomination of Jeffrey D. Jarrett to serve as the Director of the Office of Surface Mining (OSM) in the U.S. Department of the Interior. As Governor Tom Ridge's representative for the Commonwealth of Pennsylvania to the Compact, we have had the privilege of working with Mr. Jarrett for many years. He is a thoughtful, dedicated public servant who has effectively represented the interests of Pennsylvania in the Compact, while helping to guide the overall direction and work of the Compact.

Mr. Jarrett has a wide range of experience and perspectives on the critical issues that he will be called upon to manage at OSM. He also demonstrates key leadership qualities, including an ability to balance interests and reach consensus, to fully and expeditiously comprehend the essence of complex issues presented for his consideration, and to work with a variety of interest groups. He is professional in his dealings with others and has always provided us with meaningful counsel and advice based on well reasoned and well articulated positions.

We urge you to schedule a hearing on the nomination of Mr. Jarrett as soon as possible and to approve his nomination expeditiously thereafter. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

GREGORY E. CONRAD,
Executive Director.

STATE OF ALABAMA,
DEPARTMENT OF INDUSTRIAL RELATIONS,
Montgomery, AL, August 15, 2001.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As Governor Don Siegelman's representative to the Interstate Mining Compact Commission (IMCC) for the state of Alabama, I am writing to endorse President Bush's nomination of Jeffrey D. Jarrett to serve as the Director of the Office of Surface Mining (OSM) in the U.S. Department of the Interior.

Mr. Jarrett's wide range of experience with industry, state and federal agencies will be invaluable in managing the critical issues facing OSM. He has a reputation for being able to balance interests and reach consensus, effectively dealing with difficult technical and political issues, and for working with a variety of interest groups.

We urge you to schedule a hearing on the nomination of Mr. Jarrett as soon as possible and to approve his nomination.

Sincerely,

ALICE MCKINNEY,
Director.

COMMONWEALTH OF KENTUCKY,
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET,
Frankfort, KY, August 30, 2001.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to support President Bush's nomination of Mr. Jeffrey D. Jarrett as the Director of the Office of Surface Mining (OSM) in the U.S. Department of the Interior. Through our many years of participation in the Interstate Mining Compact Commission, we have had the opportunity and privilege of working with Mr. Jarrett. The compact is a multi-state governmental organization representing the natural resources and environmental protection interest of its 20 member states. We have always found him to be a very insightful and dedicated public servant who conducts himself in a truly professional manner.

Mr. Jarrett has extensive experience and a thorough perspective on the many critical issues that he would face should he be called upon to manage OSM. I have been advised that he demonstrates strong leadership abilities, fully and expeditiously understands the essence of complex issues presented for his consideration, and can work with a variety of interest groups. He is known for always being courteous and reasonable in his dealings with others and has always provided the member states with meaningful counsel and advice on soundly reasoned and well-articulated positions.

I strongly urge your committee to schedule a hearing on the nomination of Mr. Jarrett as quickly as possible and to approve his nomination shortly thereafter. Should you have any questions or concerns about this matter please do not hesitate to contact me at (502) 564-3350.

Sincerely,

JAMES E. BICKFORD,
Secretary.

December 5, 2001.

ALLEGHENY DEFENSE PROJECT • AMERICAN LANDS ALLIANCE • AMERICAN WILDLANDS • AMERICAN RIVERS • CLEARINGHOUSE FOR ENVIRONMENTAL ADVOCACY RESEARCH • CITIZEN'S COAL COUNCIL • COLORADO ENVIRONMENTAL COALITION • CO PIRG CITIZEN LOBBY • DEFENDERS OF WILDLIFE • ECOLOGY CENTER • ENDANGERED SPECIES COALITION • FINGER LAKES FOREST WATCH CONGRESS • FLORIDA PIRG • FRIENDS OF THE EARTH • IDAHO SPORTING CONGRESS, INC. • INDIANA FOREST ALLIANCE • MINERAL POLICY CENTER • MOVEON.ORG • MONTANA PIRG • MONTANA ENVIRONMENTAL INFORMATION CENTER • PHYSICIANS FOR SOCIAL RESPONSIBILITY • SAN JUAN CITIZENS ALLIANCE • THE WILDERNESS SOCIETY • US PIRG • UTAH ENVIRONMENTAL CONGRESS • WYOMING OUTDOOR COUNCIL • 20/20 VISION

Re: Nomination of Rebecca W. Watson for Assistant Secretary for Land and Minerals Management, Interior Department

DEAR SENATOR: We are writing to express our concerns regarding Rebecca W. Watson, who has been nominated as Assistant Secretary for Land and Minerals Management. The Assistant Secretary for Land and Minerals Management is one of the most important posts at the Department of the Interior, with responsibility for overseeing the operations and policies of the Bureau of Land Management, the Minerals Management Service and the Office of Surface Mining and Enforcement. This position carries with it the responsibility of balancing the use of our public lands for livestock grazing, and energy and mineral production with protection of a host of cultural, archeological, historic and environmental values.

For that reason we would like to urge your close scrutiny of Ms. Watson for this important position. As a partner at the Helena law firm of Gough, Shanahan, Johnson & Waterman, Ms. Watson represented extractive industries in a number of cases that sought to weaken environmental safeguards imposed on those industries by state law.

For example:

- Ms. Watson unsuccessfully represented defendants, including the Seven-Up Pete Joint Venture and Canyon Resources Corporations in a 1999 clean water case that sought to uphold the rights of Montanans to a clean and healthful environment under the Montana constitution. The suit was filed because the Montana Department of Environmental Quality had allowed the Seven-Up Pete Joint Venture to pump, without treatment, millions of gallons of arsenic-tainted water into the Landers Fork and Blackfoot Rivers. The Montana Supreme court upheld the constitution and affirmed Montanans right to a clean and healthful

environment. In response to this decision Watson said, This is another blow at the economic vitality and at the future of Montana and Montana's children.

- In 1996, Ms. Watson represented a group called Montanans for Common Sense Water Laws/Against Initiative 122. Initiative 122 would have required mining companies to remove carcinogens, toxins, metals and nutrients prior to the release of mine discharges into state waters. Although this initiative failed a similar initiative banning the use of cyanide in mines passed in 1998. In response to the passage of this initiative, Ms. Watson published a paper entitled *Democracy Is The Theory That The Common People Know What They Want, And Deserve To Get It Good And Hard,"* which outlined industry strategies for defeating citizen initiatives. Key recommendations Ms. Watson includes in this paper are; litigate early and often—don't hold back to make the voters like you—they don't and raise money early and raise enough. Ms. Watson cites an example in 1994 where the Oregon mining industry had to spend between $3-$4 million to defeat an initiative that proposed to restrict open-pit mining by banning the use of cyanide.
- Ms. Watson also represented opponents of the Upper Missouri River Breaks National Monument designated by President Clinton. This monument protects one of the last remaining intact areas discovered by the Lewis and Clark expedition.
- Ms. Watson further represented three landowners in a challenge to the Montana Stream Access Law, a law that ensures a citizen's right to use the state's rivers and streams for recreation. This lawsuit was eventually thrown out by the U.S. District Court.

From 1993-1995, Ms. Watson represented a number of industries, including major multi-national businesses and national trade associations in the areas of mining, forest products, agriculture, and construction when she practiced law with the Washington D.C. law firm Crowell and Moring. While in Montana, Ms. Watson lobbied for a number of industries, including Golden Sunlight Mines, Inc., Redstone Gas Partners, the Montana Mining Association and Express Pipeline Partnership. All of these companies are involved in natural gas, coal bed methane or hardrock mining production.

The responsibility for overseeing the Bureau of Land Management, Office of Surface Mining, and the Mineral Management Service is one that should not be taken lightly. Whoever holds this position will be called on to make important decisions regarding the use and the stewardship of America's public lands. Through her work in the private sector, Ms. Watson has consistently worked to undermine public health and environmental laws while trivializing citizens' access to the democratic process. We urge you to closely scrutinize Rebecca W. Watson's record and her ability to manage our public lands in a fair and unbiased manner.

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