

**ADVOCATES FOR THE OAK RIDGE RESERVATION  
NEWSLETTER  
APRIL 2000**

**AFORR MEETING ON ED-3 PROPOSAL**

On April 11, 2000, AFORR held a public meeting to discuss concerns about the Department of Energy's (DOE) proposal to lease more reservation land for industrial development. Because DOE has not planned a public meeting to discuss the draft EA -- now out for public comment until **April 28** -- this was the only public meeting held to discuss the EA. Several AFORR board members (Dev Joslin, Virginia Dale, Ellen Smith, Warren Webb, and Mick Wiest) presented our perspective on various aspects of the proposal. The major thrust of these presentations was the critical need for comprehensive integrated planning and good communication with the public for this and other proposals. We raised questions about these failings on DOE's part and on the supposed economic advantages of the proposal, including the suitability of CROET as the recipient of any lease. Although turnout was light (about 25), representatives from DOE Oak Ridge Operations, the Community Reuse Organization of East Tennessee, the Oak Ridger, the City of Oak Ridge Planning Commission, and the historic Wheat Community were present. Thus, we were able to make our points and engage in some dialogue, both during and after the meeting, with these important participants.

**A Few Issues Related to the ED-3 Proposal**

(1) This is another in a continuing series of piecemeal decisions regarding Oak Ridge Reservation land use.

This year it is ED-3, a year or two back it was leasing of undeveloped parts of the K-25 site, in 1997 it was Parcel ED-1, and before these came Parcel A and other controversial transfers. Each one of these was proposed as a stand-alone action uniquely needed to foster economic development, but together they form a program to carve up the public lands of the Oak Ridge Reservation for private benefit. Under the National Environmental Policy Act it is illegal to divide an action into small segments in order to avoid environmental scrutiny for the overall action, but this seems to be what DOE is doing for land use. Piecemeal decision-making must stop -- DOE should present and assess its comprehensive plans for the Oak Ridge Reservation.

(2) This proposal is based on a questionable premise -- that making more land available for development will create many jobs to help offset the impacts of DOE downsizing. The EA assumes that there would be about 1000 direct jobs in businesses locating on the 450-acre site, plus another 3000 indirect jobs in the region. Are these numbers credible?

(3) At K-25 and parcel ED-1 the CROET controls large areas that are available for development and redevelopment right now. Progress at these sites is limited by lack of money to upgrade and extend utilities, clean up contamination, and demolish older buildings to make way for new construction. Adding ED-3 to CROET's portfolio would divert limited resources away from reindustrializing K-25, which should be DOE's and CROET's highest priority.

(4) The EA overlooks some potential adverse effects on biodiversity and wildlife habitat. The EA treats the proposed lease areas as if they were isolated in space, failing to acknowledge that several of the various pieces of ED-3 are parts of much larger tracts of forested land. Also, the presence of wetlands, floodplain, and stream habitats is largely ignored. Development of these habitats would continue the cumulative loss of natural habitat in this area and would increase habitat fragmentation.

(5) The EA does not fully consider how the proposed lease would affect the Wheat District -- the remnants of the thriving community that stood in this area before lands and homes were taken to build Oak Ridge. A particular concern is the visual and noise impacts at the George Jones Memorial Church and nearby cemetery if factories or strip malls are built next door.

(6) Considering the location and configuration of the sites that would be leased, highway-oriented businesses are the most likely tenants for most of the parcel. The EA does not say anything about the environmental impacts of strip malls and convenience stores along Highway 58 and Blair Road. Does anyone really believe that more strip malls will restore our economy?

(7) If this land is leased, is CROET the right entity to be put in charge? CROET has been entrusted with public lands and public funds in order to foster economic development of the region, but the organization has not won the public's confidence for its performance in the areas of public openness, accountability, and environmental responsibility.

**WHAT YOU CAN DO:** Write to DOE officials and your Congressional representatives expressing your concerns about the proposal. Comments on the EA should be addressed to Larry Clark, DOE, PO Box 2001, Oak Ridge, TN 37830. Also write to Leah Dever, Manager, Oak Ridge Operations at the same address."

**ACCELERATING THREATS TO DOE LANDS**

Two recent announcements by DOE suggest that the agency is accelerating the pace of selling DOE land. A February 29 notice in the Federal Register announced a new DOE regulation, effective immediately, establishing a process for "disposing of" unneeded DOE land for economic development. Two weeks later, a DOE press release announced a new effort to review the agency's real estate needs.

The new DOE regulation, 10 CFR Part 770, "Transfer of Real Property at Defense Nuclear Facilities for Economic Development," was issued as an "interim final rule" effective immediately, even though there had been no prior public notice of the proposed rule. However, public comments were invited on the interim final rule, for consideration in finalizing the rule. The regulation, which applies to the Oak Ridge Reservation and other DOE sites, defines a process for land transfers in support of



economic development (something that did not exist previously). In effect, it streamlines the process of land transfer. It identifies "community reuse organizations" (CROs) such as CROET as important players, but it appears to allow DOE to sell, lease, or give land to individuals or any type of organization if the transfer is in support of economic development.

The regulation says that each year DOE reviews its real property holdings to identify property that is no longer needed for DOE missions. It requires that DOE field office managers must each year give the established CRO (every DOE site has one) and other interested entities a list of the real property that may be transferred for economic development. In addition, anyone may request that the field office make any specific property available for possible transfer in support of economic development. After a prospective purchaser or lessee approaches DOE with a proposal for a sale or lease, DOE has just 90 days to respond with an indication of the agency's intended action. The regulation requires that defense committees in both houses of the U.S. Congress must be notified before any transfer and that DOE must comply with the National Environmental Policy Act before completing a transfer, but the Federal Register notice suggests that public participation probably is not needed "because the proposals are likely to be generated by or in coordination with a CRO."

Just two weeks later, a DOE press release about some agency management reforms contained the statement: "Secretary Richardson directed Deputy Secretary Glauthier to lead a review of the real property needs of department facilities. The review will result in long-term recommendations for tailoring real estate needs to mission requirements. This will help to ensure that property holdings are realistic and cost effective."

This is scary if you remember that a couple of years ago the DOE inspector general declared that the entire Oak Ridge National Environmental Research Park (NERP) was excess to DOE needs and should be sold. The IG was able to reach this conclusion because they didn't recognize environmental science research as a part of the DOE mission. When DOE talks about trying to "tailor real estate needs to mission requirements" and "ensuring that property holdings are realistic and cost effective," we must assume that the agency might be talking about selling off the Oak Ridge Reservation.

Review of "real property needs" typically is done by DOE real estate specialists. DOE-ORO real estate staff have stated publicly that determination of whether a property is "underutilized" or "excess" to DOE needs is a purely technical determination that does not require public involvement. Past experience indicates that once a parcels is found to be excess to DOE needs, an inexorable "property disposal" process is set in motion before the public becomes aware of the situation.

Some DOE officials have told us that this effort should not harm the Oak Ridge NERP, because both the NERP and health-and-safety buffers are needed for DOE's mission here. However,

DOE's draft strategic plan (which was available for public comment during March) did not mention outdoor environmental research as a part of DOE's mission nor identify the NERPs as resources for DOE's science mission. If NERPs are not identified as necessary to DOE's mission, DOE real estate personnel may feel justified in declaring them to be excess to DOE's needs.

Taken together, these two initiatives must be considered a major assault on the Oak Ridge Reservation. Even if official comment deadlines have past, we all need to be contacting DOE officials and our elected representatives about:

- The need for DOE's strategic plan and similar documents to acknowledge the important role of NERPs in fulfilling DOE's science mission related to energy and the environment.
- The importance of consulting with other federal agencies, state government, and the public before making a determination that DOE land is underutilized or excess to federal needs. This land belongs to the public, not to the current employees of DOE, and consultation is needed to make sure that DOE mission needs and other public purposes for retaining the land have not been overlooked.
- The fact that the CROET is operated as a private entity, albeit with token community representation on its board of directors, and as such does not effectively involve the public in its actions or decisions. Therefore, CRO initiation of a land transfer proposal should not be presumed to mean that the public has had any meaningful involvement in the matter.

#### References:

The March 13 press release is on the Internet at <http://www.doe.gov/news/releases00/marpr/pr00070.htm>

The Federal Register notice of the new regulation on land transfers appeared in Federal Register Volume 65, Number 40 (February 29, 2000), pages 10685-10691. An HTML version is on the Internet at

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000\\_register\\_test&docid=00-4787-filed](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register_test&docid=00-4787-filed) and the PDF version is at

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000\\_register\\_test&docid=00-4787-filed.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register_test&docid=00-4787-filed.pdf)

**WHAT YOU CAN DO:** Comments on the rule should be sent in triplicate to James M. Cayce, U.S. Department of Energy, Office of Management and Administration, MA-53, 1000 Independence Avenue, SW, Washington, D.C. 20585. The official comment deadline was April 14, but late comments may be considered.

#### **LETTER TO SECRETARY OF ENERGY**

As discussed in the previous item, a recent DOE press release indicated that the agency plans to review its land holdings to determine which are excess to its mission. Following is the text of the letter sent in response to this announcement to Secretary of



Energy Bill Richardson by Dev Joslin on behalf of AFORR. Thank you Dev!

Dear Secretary Richardson:

I am writing to comment on a March 13<sup>th</sup> DOE press release announcing your directive to Deputy Secretary Glauthier to “lead a review of the real property needs” of DOE facilities, with the intent of making “long-term recommendations for tailoring real estate needs to mission requirements.” I am writing on behalf of Advocates for the Oak Ridge Reservation (AFORR) to urge careful consideration of the many values of DOE’s reservation lands during this review.

As you know, the reservation lands surrounding DOE’s facilities serve many important ends that coincide with the goals spelled out in this year’s draft of DOE’s Strategic Plan. Among them are:

- Acting as a buffer area to provide security around our nuclear facilities.
- Serving as a buffer area to protect citizens from inadvertent contact with contaminated areas and hazardous operations.
- Providing extensive natural ecosystems for research on the environmental impacts of energy-related activities and pollutants, feedbacks between greenhouse gases and terrestrial systems, and the potential role of terrestrial ecosystems for carbon sequestration.
- Providing living laboratories for the education of students from pre-school through graduate school in the environmental sciences.

The values listed above coincide with three of the major broad thrusts of the current draft of DOE’s Strategic Plan—(1) National Nuclear Security, (2) Environmental Quality, and (3) Science.

We are optimistic that DOE will fully consider the importance of buffer zones surrounding facilities and lands where there are classified activities, operations that use radionuclides and hazardous materials, or contamination from past activities. The presence of buffers deserves much of the credit for the fact that the “civilian population” of Oak Ridge has coexisted comfortably with nearby DOE facilities for over half a century. Allowing residential developments and office parks near hazardous sites without security zones would invite trouble.

In evaluating these lands, we think it is vitally important that their science values also be fully considered. Immediately adjacent to most of DOE’s national laboratories are key field research sites, currently being used—and with the potential for greater future use—to explore key scientific questions relating to energy use. Among these critical energy topics are global climate change, the effects of air pollutants on our environment, and means of carbon sequestration to counter rising atmospheric carbon dioxide levels. Many research projects on these reservation lands have involved, and continue to involve, significant collaboration with other government agencies (NASA, EPA, TVA, USDA Forest Service,

NSF, etc.), and state and private universities, to perform some of the highest quality research in the country on energy-related impacts on the environment. Much of this research would not be possible without the combination of large-scale field research facilities and the variety of natural ecosystems available on DOE Reservation lands, especially its National Environmental Research Park. It would be regrettable to lose unique research opportunities by transferring land holdings that might later be of critical value for energy-related research.

In addition to these land values that coincide directly with DOE’s primary strategic goals, we urge you and the agency to consider the unparalleled conservation values of these lands for future generations. We live in an era when our country’s open spaces are succumbing to urban and suburban sprawl, our migratory bird species are in a steady decline, and non-native invasive plant species are overrunning our native wildflower and other plant species. We are convinced that the majority of Americans recognize the value of conserving our remaining unique natural resources and open green spaces. As you yourself, Secretary Richardson, so eloquently stated last year when you dedicated the Three Bend Scenic and Wildlife Management Refuge Area, “In places where environmentally unique resources are involved, we have a special responsibility to the states and communities, like yourselves, that have supported us and the future generations...to safeguard those precious places.”

The DOE Oak Ridge Reservation is truly such a precious place. Because of the unique history of protection from human development, the 34,500 acres in DOE’s Oak Ridge holdings are in fact a huge island of relatively intact forest surrounded by urban, suburban, and agricultural development. Consider a few special characteristics of DOE’s Oak Ridge Reservation:

- In 1995, The Nature Conservancy identified over 270 occurrences of significant species and communities on the reservation.
- These unique places have led to the establishment of seven registered State Natural Areas on the ORR.
- Five years of breeding bird surveys by the national Partners in Flight (PIF) program have found that the ORR is a breeding ground for 18 of the 20 species identified by PIF as priorities for conservation in the Ridge and Valley Province. Half of these bird species are rarely found in the surrounding region, but are relatively common on the ORR.
- These surveys have documented more species of breeding birds (over 200) on the reservation than any other location in the eastern part of the state (including the Great Smoky Mountains National Park).
- The Oak Ridge National Environmental Research Park is currently designated as an International Biosphere Reserve, serving along with the Great Smokies as part of a network of biological data and research opportunities.
- At least 21 state-listed rare plants and 20 state-listed and two federally-listed wildlife species are found on the reservation.
- The reservation currently is a popular location for fall and spring hunting for Wild Turkey and White-tailed Deer. Quail



Unlimited is partnering with Tennessee Wildlife Resources Agency for enhancement of habitat for Northern Bobwhite and other upland wildlife on the reservation.

It has been well documented in the scientific literature that reductions in size, and increases in fragmentation, of natural ecosystems lead to a loss of biodiversity. Many of these plant and animal species are present here because they are sensitive to human disturbance and need interior forest habitats. Especially in the East, tracts of undisturbed land are getting smaller and fewer. The ORR is of utmost importance as the largest remaining, relatively unfragmented natural area in the Ridge and Valley Province.

Many other federal agencies have joined in national conservation efforts, and we urge the Department of Energy to step forward and assert itself more aggressively in this movement. Partners in Flight, for example, boasts active participation from virtually all agencies in the federal government with significant land holdings. This includes the Department of Defense, the National Park Service, the U. S. Forest Service, the Natural Resource and Conservation Service, the Bureau of Land Management, the Bureau of Land Reclamation, U. S. Fish and Wildlife Service, the Environmental Protection Agency, and numerous state agencies and private organizations.

In recent years a sizeable fraction of the Oak Ridge Reservation has been transferred or otherwise made available for local economic development. Of the remaining 34,500 acres on the Reservation, only approximately 20,000 now remain in the Oak Ridge National Environmental Research Park. Numerous tracts have been made available for development—approximately 5,000 acres in the last 15 years—as the reservation continues to shrink in size. The larger tracts that have been made available include:

- 1100-acre former site for the Clinch River Breeder Reactor, now owned by the Tennessee Valley Authority and being made available as a potential industrial development site.
- Two tracts totaling 380 acres sold for development of the City of Oak Ridge's Bethel Valley Industrial Park and Lockheed Martin's Commerce Park industrial park.
- 1220 acres sold to the Boeing Corporation in 1988 for a missile project (never used for that purpose, and currently proposed for development for a golf course and mixed residential-commercial-industrial use);
- 756-acre "Parcel A," sold to the City of Oak Ridge in the early 1990s, now developed as a golf course and residential subdivisions, but with few homes sold.
- 960 acres leased to the Community Reuse Organization of East Tennessee (CROET) in 1997 for development as an industrial park.
- And just recently, the proposed leasing of 450-acre "Parcel ED-3" to CROET for commercial and industrial development.

Each one of these land transfers was proposed as a stand-alone action to foster economic development, but together they form a program to carve up the public lands of the Oak Ridge Reservation

for private benefit. Will urban/suburban sprawl consume another unique biological resource in the name of economic development?

We urge you to put an end to the piecemeal dismantling of a unique and irreplaceable national asset. We need your leadership to protect the remaining reservation lands from shortsighted developments that lack a compelling national benefit. Please protect the integrity of the Oak Ridge Reservation for its multiple special values: (1) for scientific research and education, (2) as buffer zones for national security and protecting the population from contamination, (3) for recreation and aesthetic values, (4) for unique conservation values, and not least, (5) for unanticipated national needs of future generations.

Sincerely, J. Devereux Joslin President Advocates for the Oak Ridge Reservation

cc: President William J. Clinton

Vice-President Albert Gore

DOE Oak Ridge Operations Manager Leah Dever

DOE Under Secretary Ernest Moniz

DOE Deputy Secretary T.J. Glauthier

Congressional delegation of the State of Tennessee

**WHAT YOU CAN DO:** Write your own personal letter to Secretary Richardson (and to those copied) to express your concerns. Addresses are available below or at AFORR's web site: <http://www.kornnet.org/aforr/aforrcontacts.htm>

### *THREE BENDS PROPOSAL*

Almost ten months have passed since Department of Energy (DOE) Secretary Richardson announced that long-term management of 3,000 acres on the Oak Ridge Reservation would be granted to the Tennessee Wildlife Resources Agency (TWRA). Currently, the area -- comprised of Solway, Freels, and Gallaher Bends along the Clinch River (Melton Hill Reservoir) -- are managed by TWRA as part of the Oak Ridge Wildlife Management Area, under a five-year renewable agreement. Presumably, an additional agreement would be longer term and would grant TWRA additional latitude in making wildlife management decisions without the need for DOE approval of every action.

This area is widely recognized by ecologists and conservationists as extremely valuable for wildlife and wildlife-related recreation and education. These three bends present a diverse mosaic of field and woodland with substantial opportunities for enhancement of conservation values and wildlife habitat. Although the agencies signed an intent to finalize an agreement, no agreement is yet forthcoming. This is despite the fact that, as Secretary Richardson proclaimed in June, 1999, "From today on, 3,000 acres within the Oak Ridge Reservation's buffer zone will be committed to the pursuit of conservation and wildlife management."

Apparently, current discussions between DOE (Oak Ridge Operations) and TWRA focus on questions about a number of barns and outbuildings on the proposed refuge. Some of these



structures might be useful for wildlife management, but others, perhaps most, should be removed, salvaged, or destroyed. Whether TWRA could or would undertake the latter actions is, at this writing, an open question.

It is also possible that the impetus for an agreement could dissipate in the face of national politics. If there were no agreement, an opportunity to further secure this area from strong development pressures will have been lost. Furthermore, we are aware of no official record of this proclamation other than the recorded text of this speech. What will happen to this pronouncement in the next and future Presidential administrations remains to be seen.

**WHAT YOU CAN DO:** Write to the federal and state officials (we've listed their addresses at the end of the newsletter) about this matter. Key officials to contact are:

- Energy Secretary Bill Richardson
- DOE Oak Ridge Operations Manager Leah Dever
- TWRA Region III Director Clarence Coffey
- TWRA Director Gary Meyers
- Your state and federal representatives
- Tennessee Governor Don Sundquist

Affirm your support for the agreement and emphasize that side issues should not be allowed to derail it. Key points could include:

- The value of the area for wildlife. (In the words of TWRA's George Akins, "The Three Bends area contains approximately 20 miles of Melton Hill Lake shoreline. The area contains fields, hedges, woodlands, shorelines and supports upland game such as deer, turkey, small gamebirds and waterfowl.")
- The importance of a long-term agreement with decision-making authority granted to TWRA.

These points would be consistent with Secretary Richardson's response to a question: "It's permanent. This is for the people of Oak Ridge, for the kids. It's a wildlife preserve, conservation purposes."

### ***DOE DRAFT STRATEGIC PLAN***

The Department of Energy (DOE) has released its draft strategic plan. There is no mention of the value of the DOE land area for research or of National Environmental Research Parks. Under highlights, there is no mention of the Secretary's initiatives to designate the wildlife refuge areas. It is a draft plan and DOE has provided a mechanism for comments. The information can be found at the web site:

<http://www.cfo.doc.gov/stratmgt/plan/doesplan.htm>

AFORR is concerned about the omission of the National Environmental Research Parks from the strategic plan, because the strategic plan defines DOE's mission -- and thus its real property needs (see the earlier story on "Accelerating Threats to DOE Lands"). Supporters of the Oak Ridge Reservation need to tell DOE that the strategic plan should not overlook the research parks.

When the federal government obtained land for the development of nuclear weapons technology during World War II, its acquisitions at many sites included large buffer areas for security. Protected from commercial disturbance and fragmentation over the ensuing five decades, these 2 million acres have evolved into ecological sanctuaries of remarkable size and diversity. Seven sites representing six major ecoregions are now designated as Department of Energy (DOE) National Environmental Research Parks and serve as irreplaceable outdoor laboratories for scientific research and education. The DOE Research Parks preserve rare and unique habitats, support some endangered species, provide a unique laboratory for research on the environmental effects resulting from human activities, and provide a place to conduct large-scale environmental research and monitoring projects. Work at the DOE Research Parks emphasizes interdisciplinary research that involves field facilities, laboratory analysis, and models. The lands serve a strategic importance in that they provide sites for location of new facilities and field tests. Educational opportunities at the parks, enhanced by their association with the national laboratories, include programs that teach specific techniques or subjects; research partnerships on specific projects; and the provision of facilities for individual research initiatives.

The Secretary of Energy has recognized the unique values of DOE property by setting aside lands in five of the DOE Research Parks for wildlife preservation, research, education, and recreation since June 1999. Management plans have been or are being established for 1,000 acres at the Los Alamos National Laboratory in New Mexico, 57,000 acres at the Hanford Nuclear Reserve in Washington, 10,000 acres at the Savannah River Site in Georgia, 74,000 acres at Idaho National Environmental and Engineering Laboratory, and 3,000 acres at the Oak Ridge Reservation in Tennessee. These sites are to be managed as biological and wildlife preserves allowing opportunities for research, education, and, for most of them, recreation. Energy Secretary Bill Richardson has said, "In places of rare environmental resources, we have a special responsibility to the states and communities that have supported and hosted America's long effort to win the Cold War - and we owe it to future generations to protect these precious places so that they can enjoy nature's plenty just as we do." The preserves are home to several rare wildlife species such as bald eagles and loggerhead shrike, as well as numerous other plant and animal species. For example, the Oak Ridge Reservation supports the federally endangered gray bat, state-threatened osprey and bald eagle, and numerous state "special concern" wildlife species. The only population of a rare plant, the White bluffs bladder pod, occurs at the Hanford Site near the top of a set of cliffs on the east bank of the Columbia river (the White Bluffs). Traditional Native American cultural uses of these sites will continue. The preserves will also continue to provide a safety buffer for the DOE facilities.

Thus the two big concerns are that the many values of the National Environmental Research Parks are not mentioned and that there is no attention to the new lands set aside by the Secretary for wildlife preservation, research, education, and recreation.



**IMPORTANT ADDRESSES FOR COMMENTS: Please note that additional addresses appear under "What you can do" headings for particular items.**

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