December 11, 2001

The Honorable Spencer Abraham  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Dear Secretary Abraham:

On October 23-24, representatives of the states in the Midwestern, Northeastern, and Southern regions\(^1\) participated in a joint meeting to discuss the U.S. Department of Energy’s (DOE) activities related to the transport of radioactive materials. The assembled states convened this meeting as one of their key activities supported by their regional organizations’ cooperative agreements with DOE. We are pleased to have the opportunity to write to you on behalf of our three regions to report on the points of consensus identified at the joint meeting.

We have twice before held such joint meetings with the goal of identifying areas of common interest and concern between the regions. In 1998, we wrote to your predecessor Secretary Peña to report on three issues of consensus identified at the second joint meeting. In that letter, we identified transportation planning, privatizing transportation services, and route selection as key transportation-safety issues on which the states had adopted a common policy position.

In 1998, we observed that state concerns regarding planning for the various DOE radioactive materials shipments were similar. Therefore, DOE should adopt a consistent approach to coordinating with the states on shipment planning. We are very pleased that, in the years

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\(^1\) The three regions represent the following states: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.
since our first letter, DOE has worked with the states, tribes, and other stakeholders to develop a uniform set of transportation protocols for use throughout the Department. We encourage you to expedite the process for implementing these new protocols.

Much of the discussion and review of the transportation protocols was conducted through DOE’s Transportation External Coordination Working Group (TEC/WG), which the National Transportation Program (NTP) convenes. The states value greatly all the work that the NTP does in support of DOE’s transportation activities. In addition to overseeing the TEC/WG, NTP has done an admirable job developing and operating the TRANSCOM 2000 tracking system, preparing public information materials, and compiling advance planning information into quarterly Prospective Shipments Modules.

NTP’s activities and publications are useful tools to help other programs to avoid “reinventing the wheel” when they embark on new shipping campaigns. Our three regions have participated in the planning and preparation for eight recent shipping campaigns involving spent nuclear fuel and transuranic waste. We observed instances in which good resources — such as transportation plans and public information materials developed with the states — were available but were not utilized by the programs. Some of these campaigns have gotten off to a slow start simply because they were not aware of the work that had been done before by NTP, or by exemplary programs such as the Waste Isolation Pilot Plant Program and the Foreign Research Reactor Spent Fuel Program.

We believe that early and continuous coordination with NTP would help programs with upcoming shipping campaigns get off to a good start. We further believe the Department and the corridor states would benefit greatly from the creation of material-specific transportation plans for programs to use as a model. Using existing, state-reviewed documents as a starting point for the planning of future shipping campaigns would save DOE and the states a great deal of time and money by eliminating the need to prepare new transportation plans and associated documents from scratch.

One program that would benefit from following the example of others is the Office of Civilian Radioactive Waste Management (OCRWM). Depending on the outcome of this year’s site recommendation to the President, OCRWM could be on a path forward to starting shipments in eight years. Financial and training assistance mandated by Section 180(c) of the Nuclear Waste Policy Act would have to begin in just four years, under the draft policy and procedures published in 1998. The states believe that, in 2002, OCRWM should begin working in earnest to resume public information activities and to develop a national transportation system for shipping commercial spent fuel — one that will involve dozens of shipping sites, multiple routes, and two different modes of transport. Re-establishing the cooperative agreements with the regions and other groups would be an important step for OCRWM to take as it resumes these activities.
In closing, the states recognize that, in light of the recent terrorist attacks on the United States, many aspects of our lives will be changing, particularly with regard to concerns for the safety and security of all Americans. We sincerely hope to preserve our cooperative relationship with the Department and to continue working together to plan for shipments of radioactive materials. Indeed, given the heightened emphasis on security, it will be more important than ever for us to share information and work together to make sure that shipments are conducted in a safe and secure manner.

We believe it is possible for the states and your Department to strike a balance between planning cooperatively and ensuring homeland security. In doing so, we will need to think beyond our own programs, our own budgets, our own borders, and focus on what the states and the federal government can do, as working partners, to continue to ensure the safe and uneventful movement of radioactive materials in this country. We thank you for the opportunity to present our united position to you. We look forward to your reply.

If you have any questions about this letter, please contact Ms. Lisa Sattler at CSG-MW (920-803-9976), Mr. Phil Paull at CSG/ERC (802-563-2686), or Mr. Christopher Wells at SSEB (770-242-7712).

Sincerely,

Frank H. Moussa, Kansas
Chair, CSG Midwestern High-Level
Radioactive Waste Committee

Elgan H. Usrey, Tennessee
Chair, SSEB Radioactive Materials
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Thomas Hughes, Pennsylvania
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