

December 4, 2003

The Honorable Robert G. Card
Under Secretary
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington D.C. 20585

Dear Under Secretary Card:

On behalf of the state and regional group representatives who met with you in Washington, D.C., on November 18, we would like to thank you for your commitment to work cooperatively with the states to develop a comprehensive transportation safety program for shipments to a national high-level radioactive waste repository. We are very much encouraged by your personal involvement in initiating this renewed effort between the states and the U.S. Department of Energy.

You commented that the regional groups would be for DOE the "anchors" of the Department's collaborative work with the states to develop the national transportation system. The Transportation Strategic Plan makes the same statement. We are pleased that DOE is affording us this role. We, in turn, are committed to working with the Office of Civilian Radioactive Waste Management (OCRWM) in the same cooperative and collaborative manner that has brought success to other DOE shipping programs.

You indicated that DOE's ability to support transportation activities — including the regional groups — would be contingent upon the Department receiving adequate funding for the Civilian Radioactive Waste Management System. You also made it clear that licensing would be DOE's top priority, and your point is well taken. We cannot help but observe, however, that — just as it would not make sense to have a transportation system without the repository — it would be fruitless to have a repository without the means of moving waste to the site.



Western Interstate Energy Board
1515 Cleveland Place, Suite 200
Denver, Colorado 80202
(303) 573-8910



The Council of State Governments
Eastern Regional Conference
40 Broad Street, Suite 2050
New York, New York 10004
(212) 912-0128



Southern States Energy Board
6325 Amherst Court
Norcross, Georgia 30002
(770) 242-7712



The Council of State Governments
Midwestern Office
641 E. Butterfield Road, Suite 401
Lombard, Illinois 60148
(630) 810-0210

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Clearly, DOE will need to strike a balance between disposal and transportation in order to insure that both activities are ready at the same time. We recognize it has been a challenge for DOE to obtain its full budget request given the political forces at work. As you suggested, it might be possible for some states to assist DOE in securing the necessary funding to support transportation activities.

As we discussed at the meeting, in the past, OCRWM's transportation policies have not always been made clear to the states. In addition to testimony submitted to Congress, DOE's policies may be in a number of documents, such as the *Radioactive Material Transportation Practices Manual* (DOE M 460.2-1). Many draft policies and documents are also left over from the 1990s, when DOE was last actively working on the transportation program. The states need a clear indication as to which of these draft policies and documents DOE is still considering, and which ones the Department has discarded. We appreciate your commitment to have DOE develop and maintain a cumulative list of policies so that the states will have a more solid underpinning upon which to build their own work products.

In addition, DOE's evolving infrastructure development plan would provide a useful schedule to which institutional activities should be linked. We hope that DOE will share that draft plan with the states in the near future. We also look forward to seeing OCRWM's transportation work plan that is slated for completion in the first quarter of 2004.

In terms of commitments from the regions, during the next few months each of the four groups will work to identify our priority issues. We have previously identified many issues, several of which came up at the November 18 meeting: a decision on mode; identification of preliminary routes; a policy for implementing Section 180(c); full-scale cask testing; planning specifically for rail shipments; and security requirements. The regions take unique positions on some of these issues, such as full-scale testing; on others, there exists much in the way of common ground.

As the regions work independently to identify key issues, we will also realign our existing scopes of work with the goal of meeting your desire for tangible work products. We will plan to devote a significant amount of time at our regional meetings to substantive discussions with Mr. Gary Lanthrum and his staff.

We look forward to meeting with you again in 6-12 months to follow up and see what progress has occurred, as well as to work to resolve any obstacles that have been identified. In the meantime, if you should have any questions, please do not hesitate to contact us or any of the regional staff. Thanks again for the opportunity to meet with you and your staff.

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Sincerely,



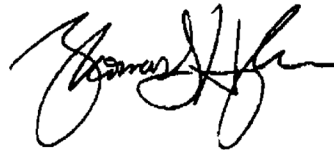
Ken Niles, Assistant Director
Oregon Office of Energy, and
Co-Chair, WIEB High-Level Waste
Committee



Timothy A. Runyon
Division of Nuclear Safety,
Illinois Emergency Management Agency, and
Chair, CSG Midwestern Radioactive Materials
Transportation Committee



Dr. Edward L. Wilds, Jr.
Director, Connecticut Department of
Environmental Protection, and
Co-Chair, CSG Northeast High-Level
Radioactive Waste Transportation
Task Force



Thomas Hughes, Radiological Officer
Pennsylvania Emergency Management
Agency, and
Co-Chair, CSG Northeast High-Level
Radioactive Waste Transportation
Task Force



Michael G. Cash
Director, Radiological Emergency Planning
Alabama Office of Radiation Control Chair,
Transuranic Waste Transportation Working
Group

Enclosure

cc: Theodore J. Garrish
Dr. Margaret Chu
Gary Lanthrum

State Regional Groups
Points of Contact for the Office of Civilian Radioactive Waste Management

MIDWEST

*Midwestern Radioactive Materials
Transportation Committee Chair:*
Timothy A. Runyon, Chief of
Environmental Monitoring
Division of Nuclear Safety
Illinois Emergency Management Agency
1301 Knotts Street
Springfield, IL 62703
(217) 786-6365
(217) 786-7223 (fax)
runyon@iema.state.il.us

Vice Chair:
Thor Strong, Acting Commissioner
Michigan Low-Level Radioactive Waste
Authority
P.O. Box 30241
505 West Allegan
Lansing, MI 48909
(517) 241-1252
(517) 241-1326 (fax)
strongt@michigan.gov

Staff:
Lisa R. Sattler
Senior Policy Analyst
The Council of State Governments
Midwestern Office
P.O. Box 981
Sheboygan, WI 53082-0981
(920) 803-9976
(920) 803-9978 (fax)
lsattler@csg.org

NORTHEAST

*Northeast High-Level Radioactive Waste
Transportation Task Force Co-Chairs:*
Thomas Hughes, Radiological Officer
Pennsylvania Emergency Management
Agency
2605 Interstate Dr.
Harrisburg, PA 17110-9364
(717) 651-2231
(717) 651-2021 (fax)
thughes@state.pa.us

Edward L. Wilds, Director
Connecticut Dept. of Environmental
Protection
Division of Radiation
79 Elm Street
Hartford, CT 06106
(860) 424-3029
(860) 424-4065 (fax)
Edward.wilds@po.state.ct.us

Staff:
Phillip Paull
Project Manager
The Council of State Governments
P.O. Box 186
Cabot, VT 05647-0186
(802) 563-2686
(802) 563-2283 (fax)
paull@csg.org

SOUTH

*Radioactive Materials Transportation
Committee Chair:*

Don Greene
Health Physicist
Arkansas Department of Health
4815 West Markum
Little Rock, AR 72205
(501) 661-2301
(501) 661-2236 (fax)
dgreene@healthyarkansas.com

*Transuranic Waste Transportation Working
Group Chair:*

Michael G. Cash
Director, Radiological Emergency Planning
Alabama Office of Radiation Control
Environmental Monitoring &
Emergency Plans
P. O. Box 303017
Montgomery, AL 36104
(334) 206-5391
(334) 206-5387 (fax)
mcash@adph.state.al.us

Staff:

Christopher U. Wells
Senior Policy Analyst
Southern States Energy Board
6325 Amherst Court
Norcross, GA 30092
(770) 242-7712
(770) 242-0421 (fax)
wells@sseb.org

WEST

High-Level Waste Committee Co-Chair:

Ken Niles, Assistant Director
Oregon Office of Energy
625 Marion Street, N.E.
Salem, OR 97301-3737
(503) 378-4906
(503) 378-6457 (fax)
Ken.Niles@state.or.us

Staff:

Doug Larson, Executive Director
Western Interstate Energy Board
1515 Cleveland Place, Suite 200
Denver, CO 80202
(303) 573-8910
(303) 534-7309 (fax)
dlarson@westgov.org