



January 10, 2018

The Honorable Edward McGinnis  
Principal Deputy Assistant Secretary for Nuclear Energy  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Dear Mr. McGinnis:

We are writing on behalf of the members of The Council of State Governments' Midwestern Radioactive Materials Transportation Committee to express our strong commitment to maintaining a productive working relationship with DOE's Office of Nuclear Energy (DOE-NE). Since 2012, with support from CSG Midwest's cooperative agreement with DOE-NE, we have built strong ties to DOE-NE's Spent Nuclear Fuel and Waste Disposition Program and to our partners in the state regional groups and the Tribal Radioactive Materials Transportation Committee. We are in agreement with our regional and tribal colleagues that ongoing efforts to collaborate and cooperate on the development of DOE-NE's transportation system are necessary to support a successful program to move spent nuclear fuel and high-level radioactive waste.

For the past three decades, multiple programs within the Department of Energy have engaged the Midwestern states in transportation planning because state government agencies have an important role in planning and overseeing shipments of radioactive waste and material. The states have the primary responsibility for assuring the health and safety of the public and the environment within our jurisdictions. In addition, we exercise authority as co-regulators of transportation along with the U.S. Department of Transportation and the U.S. Nuclear Regulatory Commission. Because states have well-established working relationships with local community officials, law enforcement, and first responders along shipping routes, we also serve as the intermediary between the federal government and local officials.

Many states in the Midwest have a long history of being involved in planning and preparing for DOE shipments, including shipments of spent nuclear fuel from the West Valley Demonstration Project, Oak Ridge National Laboratory, and foreign research reactors. These shipments have contributed to national nonproliferation objectives and to extensive cleanup of the environmental legacy of our nation's nuclear defense program. The federal, state, and tribal governments work together as partners to reduce and manage the risks associated with shipping radioactive waste and material. As a result of our collaborative efforts, the safety record for radioactive waste shipments is exceptional. This work will need to continue in full force in order to meet the challenges associated with future campaigns to transport thousands of shipments of spent nuclear fuel and high-level radioactive waste to facilities for storage or disposal.

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We understand that DOE-NE is awaiting program direction and funding from Congress and, as a result, shipments are far from imminent. Much of the states' involvement in shipping campaigns, however, takes place long before shipments are scheduled to occur. To prepare for a campaign, states need to have resources in place and work with DOE as a shipper to plan how, when, and where the shipments will occur. Years in advance of shipments, the states work hand-in-hand with DOE, tribal governments, carriers, and other federal agencies on measures to prevent accidents and on actions to ensure emergency response capabilities exist should an accident occur. Activities such as the development of a reciprocal safety inspection program for rail shipments require long lead times and are not dependent upon precise points of shipping origin and destination.

Transportation will be a critical component of the Spent Nuclear Fuel and Waste Disposition Program regardless of whether Congress decides to move forward with disposal at Yucca Mountain or chooses to implement interim storage at a different facility. Over the past five years, the program's staff have worked very hard to build new working relationships with the states and tribes, replacing those that fell victim to the previous administration's cancellation of the Yucca Mountain repository program in 2009. The states feel strongly that these successful efforts should continue despite the temporary uncertainty in program direction. It is especially important that the program continue its active collaboration with us to develop the plans for privatizing the transportation system. Although consistent with Congress's intent in the Nuclear Waste Policy Act, privatization could have significant impacts on the states. Reflecting Secretary Perry's strong interest in having DOE seek input from its intergovernmental affairs partners, we request that DOE-NE continue to actively work with us on this important initiative so that the result will bring needed efficiencies without creating a burden on the states and tribes affected by shipments.

We would welcome the opportunity to meet with you in person or by phone to discuss our experience with DOE shipments and the value states add to DOE-NE's transportation planning for future shipments. We had hoped to meet with you during the March 2018 meeting of the Transportation Core Group in Washington, DC, but we understand that, due to program uncertainties, the decision has been made to cancel both Transportation Core Group meetings this year. We respectfully request your reconsideration of this decision to allow the Transportation Core Group to meet in May or June in Washington, DC, so that we are able to continue the important work we have been doing and so we can discuss with you our respective visions for state and tribal engagement.

Thank you very much for your attention to this matter. We appreciate DOE-NE's support for engaging states in transportation planning and preparedness to ensure the safe, uneventful transport of radioactive waste throughout the Midwestern region. Please contact Lisa Janairo at 920.458.5910 or [ljanairo@csg.org](mailto:ljanairo@csg.org) to set up a time to meet or if you have any questions about this letter.

Sincerely,



Kevin C. Leuer, Co-Chair  
CSG Midwestern Radioactive  
Materials Transportation Committee



Greg Gothard, Co-Chair  
CSG Midwestern Radioactive  
Materials Transportation Committee