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May 21, 2009

The Honorable Steven Chu, Ph.D.
Secretary
United States Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary Chu:

We are writing to express our concern that the highly successful institutional programs through which the Department of Energy (DOE) engages with the states to develop and implement nuclear waste transportation policy are in serious jeopardy. States have long been essential partners with DOE's Offices of Environmental Management (EM) and Civilian Radioactive Waste Management (OCRWM) in planning ongoing and future nuclear waste shipping campaigns to help ensure that they are carried out in a safe and uneventful manner that merits public confidence. This consultative process has resulted in key transportation safety issues being resolved to the mutual benefit of the parties and with remarkably few accidents, adverse incidents, or negative public reactions.

This relationship between the DOE transportation programs and the states is built on a solid foundation of agreements negotiated over 25 years of hard work and cooperation on all sides. The states have collaborated with DOE on nuclear waste transportation through cooperative agreements between the DOE offices and four state regional groups (SRGs) that staff committees composed of gubernatorial and legislative appointees representing every state in the continental U.S.

Unfortunately, the relationship between DOE and the SRGs has markedly deteriorated over the past few years. In October, officials in EM and OCRWM wrote to the SRGs to assert that EM is a "mature, steady-state program" that no longer needs to work as closely with states, while OCRWM "does not require the intensity of planning, preparation and stakeholder outreach previously envisioned" due to changes affecting the Yucca Mountain project. Moreover, OCRWM funding, which is a major source of SRG support, was drastically reduced this winter and is scheduled for elimination for Fiscal Year 2010.

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We recognize that these developments are, in part, linked to the federal government's decision to study alternatives to Yucca Mountain. However, any successful future option for the long-term management of high-level waste (HLW) and spent nuclear fuel (SNF) will require waste to be transported, whether to a repository, interim storage sites, reprocessing facilities, or between reactor sites. Without meaningful state participation and cooperation in transportation planning, DOE will have great difficulty pursuing any new plan for SNF and HLW management. For this reason, it is essential that states continue to be involved in addressing transportation policy.

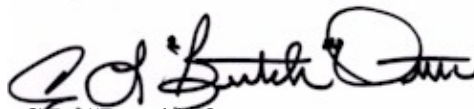
Instead of bringing about the demise of DOE's transportation institutional programs, the redirection of the nation's waste management program actually presents an opportunity to *improve* these programs. The SRGs would like the opportunity to work with DOE to develop approaches that would assure continued cooperation and collaboration between DOE and the states. DOE's continued commitment to and funding for the SRGs are essential to maintain that working relationship, enhance efficiency, and institutionalize state-federal cooperation across various DOE offices and activities.

We realize that budgets are extremely tight. However, maintaining an ongoing, long-term transportation institutional program with active involvement from the states is in the best interests of both DOE and the states. We would appreciate your help in preserving the long-standing and effective collaboration between DOE and the states in nuclear waste transportation planning and oversight.

Sincerely,



Bill Richardson
Governor of New Mexico
Co-Lead Governor for Radioactive
Waste Transportation



C.L. "Butch" Otter
Governor of Idaho
Co-Lead Governor for Radioactive
Waste Transportation

cc: Senator Harry Reid, Majority Leader
Senator Mitch McConnell, Minority Leader
Senator Jeff Bingaman, Chairman, Energy and Natural Resources Committee
Senator Lisa Murkowski, Ranking Member, Energy and Natural Resources Committee