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August 24, 2009

Mr. David Levenstein
EIS Document Manager
U.S. Department of Energy
P.O. Box 2612
Germantown, MD 20874

Regarding Mercury Storage Notice of Intent

Dear Mr. Levenstein:

On behalf of the Western Governors' Association, we appreciate the opportunity to provide written comments as part of the U.S. Department of Energy's (DOE) scoping process for the identification of a site for the long-term management and disposal of elemental mercury.

The West shoulders a disproportionate share of the Nation's burden of storing or disposing of the hazardous materials that have been generated by the Nation's weapons complex and other commercial activities. We are concerned that in this current proposal for storing mercury, five of the seven sites proposed in DOE's notice of intent are located in Western states. The West is willing to do its share but the region should not become the dumping ground for all of the Nation's waste problems. As is traditionally done in other NEPA analyses, we recommend DOE also consider the option of leaving the mercury onsite at existing locations as part of the environmental impact statement (EIS).

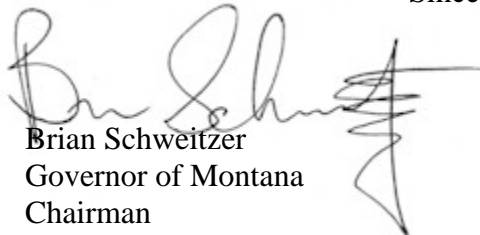
Regardless of where the proposed mercury storage facility is sited, the transportation impacts from moving large quantities of mercury will affect many Western states. We urge DOE to expand the scope of the EIS to include a comprehensive assessment of transportation impacts, including a thorough assessment of the risks and impacts associated with cross-country shipments of large quantities of mercury.

Any transportation program to move the mercury to the selected storage site must require an effective and acceptable transportation safety program which, at its core, should involve planning and consultation with the states. An example of a successful transportation model is the transportation system that was developed for shipments to the Waste Isolation Pilot Plant in New Mexico.

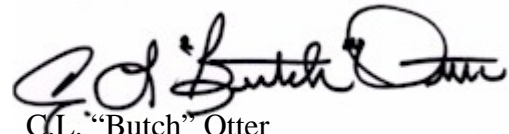
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We thank you for your consideration and look forward to continuing this dialogue as DOE moves forward with the EIS. In the future, we would appreciate the Department providing notice of such activities being considered in our states prior to publication in the Federal Register.

Sincerely,



Brian Schweitzer
Governor of Montana
Chairman



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