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September 7, 2005

Frank Marcinowski
Deputy Assistant Secretary
Office of Environmental Management
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Mr. Marcinowski:

Several years ago, state representatives from throughout the nation worked with the U.S. Department of Energy (DOE) and other stakeholders to develop a standardized process and framework for how DOE would transport various radioactive materials and waste. These transportation protocols were codified in September 2002 as DOE's "Radioactive Material Transportation Practices Manual," which is attached to DOE Order 460.2.

We understand DOE is beginning the process to revise the Transportation Practices Manual. Although the Manual is only a few years old, much has changed in the last few years, particularly in the Civilian Radioactive Waste Program. This revision is therefore likely to be more extensive than a simple document update. It is vital that the states and other stakeholders be fully engaged in this process.

The protocols in the Transportation Practices Manual were developed in large part by the Protocols Topic Group of the Transportation External Coordination Working Group. The Southern, Midwestern and Western states strongly recommend that DOE re-establish a Protocols Topic Group to discuss and consider changes or modifications to the Manual. This Topic Group should include at least several state representatives from each of the four regions.

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The Southern, Midwestern and Western states have a significant investment in this issue and to a large extent endorsed the current Transportation Practices Manual. Many of the state representatives involved in the original Protocols Topic Group still consider it to be one of the best experiences they have had in working with DOE. They believe their input and comments received genuine consideration and resulted in a very effective document. We would be disappointed if DOE were to update the Manual using a less-inclusive process.

Some DOE staff have expressed concerns that reforming a Topic Group could greatly add to the time required to update the Manual. We do not believe this will be the case. The original Topic Group spent considerable time discussing format, scope, and other general questions, while the new group will only have to consider actual content revisions. Additionally, time spent in reaching consensus at the front end of the process will save significant time later on by eliminating the need for DOE to defend at length changes made without the buy-in of the states.

To provide you with some perspectives on state views heading into this revision, the Southern, Midwestern and Western states have provided their recommendations to the Civilian Radioactive Waste Program on how the Transportation Practices Manual should be applied to shipments under the Nuclear Waste Policy Act. These recommendations are attached.

In addition, the Southern, Midwestern and Western states encourage DOE to agree to the same standards for intersite shipments of transuranic waste as they have agreed to for transuranic waste shipments to the Waste Isolation Pilot Plant. At the time the Manual was originally developed, DOE was not willing to agree to those standards for intersite shipments of transuranic waste despite repeated recommendations from the states. The current Transportation Practices Manual says that "DOE is examining the requirements to be used" for intersite shipments of transuranic waste. In practice, DOE has generally used the WIPP standard for their intersite shipments, and we would like that to be formalized in the revised Transportation Practices Manual.

In closing, we look forward to the re-establishment of a Protocols Topic Group and working with you in updating this important document.

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Sincerely,



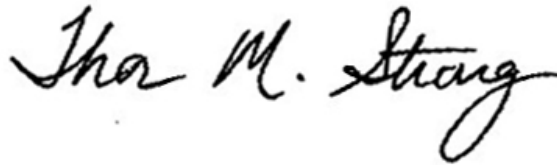
Michael Cash
Alabama Department of Public Health
and Chairman, SSEB Radioactive
Materials Transportation Committee



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



Joseph Strolin
Nevada Agency for Nuclear Projects and
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Thor Strong
Michigan Department of Environmental
Quality and Chair, CSG Midwestern
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Enclosure

cc: Paul Golan
Dennis Ashworth
Gary Lanthrum
Judith Holm
Ella McNeil