



STATE OF NEVADA

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May 19, 2004

Attorney General

Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, Utah, Wyoming

Re: Planned Shipment of Wastes from Fernald, Ohio to Nevada Test Site

Dear Attorney General:

The enclosed information is being sent to you to alert you to the proposed transport of approximately 7,000 containers of radioactive waste, currently classified as Atomic Energy Act section 11(e)(2) waste, from the U.S. Department of Energy's Fernald, Ohio, site through your state to the Nevada Test Site (NTS) for disposal. DOE's proposed transportation plan is being pursued even while the State of Nevada has made serious allegations that the disposal plan violates federal and state laws.

Although these wastes are now classified as "mill tailings," or so-called 11(e)(2) wastes, the wastes are so lethal that they are ineligible for disposal at the licensed Envirocare facility in Utah. Now, because DOE does not have a legitimate plan to dispose of the wastes, DOE is proposing to transport these dangerous wastes **through your state** to the NTS on 3,750 flatbed truck shipments in double layered, coated woven polypropylene (plastic), soft-sided packages. When they arrive, DOE proposes to place the wastes in an unlined trench at the NTS and then cover them with a layer of dirt.

As expressed in the enclosed letter from the Governor of Arizona, all states along DOE's likely transportation routes may be affected and the residents of your state may be subjected to significant health risks. Until you can be assured that DOE has followed proper legal waste management procedures, it is important for me to advise you of this critical situation and that Nevada will take all appropriate legal measures to ensure that DOE follows the law. I hope that you can join me in this endeavor.

Attorney General Goddard  
May 19, 2004  
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Please direct any questions concerning this matter to Marta Adams of my staff. She can be reached by telephone at 775-684-1237 or via email at [maadams@ag.state.nv.us](mailto:maadams@ag.state.nv.us). Thank you for your attention to this important matter.

Sincere regards,

BRIAN SANDOVAL  
Attorney General

Enclosures