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April 14, 2006

Re: Proposed "Fix" Yucca Legislation and Impacts on State Programs

Dear Colleague:

I am writing to alert you to a proposed bill sent by the Administration to Congress on April 4, 2006. The bill purports to address Yucca Mountain only, but it presents serious and far reaching negative implications for your state as well.

The bill is ostensibly intended to "fix" the Yucca Mountain program by legislating around both federal and state public health and safety protections. This raises serious public health and safety concerns. It also represents an unprecedented attack on states' rights.

The Tenth Amendment to the United States Constitution provides states with the authority to protect the health, safety, and welfare of their citizens. This proposed legislation would seriously undermine that authority and, in doing so, would set an extremely dangerous precedent for all states.

Therefore, I ask that you seriously consider opposing this bill and, together with your congressional delegation, work to defeat this reckless and ill-advised legislation.

In addition to doubling the number of shipments required to transport high-level waste across the country to Nevada, the legislation proposes to exempt these lethal shipments from Department of Transportation and Nuclear Regulatory Commission safety regulations. States would no longer be able to restrict U.S. Department of Energy (DOE) truck and rail shipments through highly populated areas or infrastructure hazards including tunnels.

The bill also seeks to usurp Nevada's authority to administer its waters. Again, although aimed at Nevada, other states, particularly in the arid west, should note that this Administration is seeking to legislate around the state's sovereign right to administer its water resources. The negative effect of this precedent cannot be overstated.

Finally, the legislation proposes to eliminate the applicability of hazardous waste disposal and air quality control laws. The bill is so sweeping that it appears to exempt

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all of DOE's millions of tons of mixed wastes from state Resource Conservation and Recovery Act (RCRA) regulation and local air quality laws.

I attach to this letter a copy of the legislation and bullet points addressing our concerns. Your attention to this serious threat to well-established principles of federalism is greatly appreciated.

Please direct any questions or concerns to Marta Adams of my staff. She can be reached at 775-684-1237 or via email at: maadams@ag.state.nv.us. Thank you.

Sincere regards,

GEORGE J. CHANOS
Attorney General

Attachments