Hon. Steven Chu, Ph.D
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: Transportation of Low-Level, Mixed Hazardous and Radioactive Waste

Dear Secretary Chu:

In 1999, Nevada Governor Kenny Guinn and Energy Secretary Bill Richardson agreed that shipments of low-level radioactive waste (LLW) and mixed hazardous and radioactive waste (MLLW) being imported to the Nevada Test Site (now known as the Nevada National Security Site –NNSS) for disposal from other U.S. Department of Energy (DOE) facilities would use highway routes that avoid the heavily populated metropolitan Las Vegas area, including the interchange known as the ‘Spaghetti Bowl’ where Interstate 15 and US 95 meet. (At the time, DOE also agreed to keep LLW and MLLW shipments off Hoover Dam, but that has since become moot because of Homeland Security restrictions that were instituted following 9/11.) This arrangement was part of a larger, albeit informal, agreement whereby Governor Guinn agreed not to challenge the Record of Decision for DOE’s Waste Management Programmatic Environmental Impact Statement designating NNSS/NTS as a regional disposal site for LLW and MLLW resulting from clean-up activities at other DOE locations. In exchange, Secretary Richardson agreed to certain “equity considerations” on the part of DOE, a key one of which was the highway routing concession.

To implement the agreement, DOE instituted certain extra-regulatory mechanisms to assure that waste shipments would stay out of metro-Las Vegas and off of Hoover Dam. DOE amended its waste acceptance criteria for NNSS to specifically require that waste slated for disposal at the site must be transported there using only the agreed-upon routes. In addition, DOE increased the fee charged to waste generators for disposing material at NNSS by fifty cents per cubic foot, with the additional monies dedicated a special fund for rural local governments located along shipping routes. Those funds are used by these local governments to create and enhance their emergency preparedness and response capabilities.
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For over 12 years this arrangement has worked to the mutual benefit of DOE and the state of Nevada. Now, however, it appears that DOE/NNSS, through the vehicle of the site-wide environmental impact statement (EIS) for the test site, is considering abandoning its long-standing agreement. The draft of the EIS that was released for public comment on July 29th contains an “unconstrained” transportation scenario that assumes renewed shipments of waste along through the Las Vegas metro area along I-15, the Las Vegas beltway, the Spaghetti Bowl and the new Hoover Dam bypass bridge.

The rationale for this proposed action appears to be financial. The draft EIS postulates the use of intermodal shipments of waste to NNSS, with the material being transported from DOE’s generator sites by rail and then off-loaded onto trucks at locations proximate to Interstate 15 for the last leg of the trip to NNSS. The draft EIS asserts that using I-15 and the Las Vegas beltway through metro Las Vegas is now acceptable because of improvements to the area’s highway system that were not in place when the original agreement was made. This is emphatically not the case. Since 1999, the population of the Las Vegas metro area has increased exponentially. While I-15 and the beltway have undergone almost constant reconstruction over the past decade in an effort to mitigate ever-increasing traffic, congestion and gridlock continue to be major problems.

I am deeply concerned that DOE/NNSS appears to be setting the stage for abandoning the extremely successful agreement that has served the interests of both DOE and the State of Nevada exceeding well for over twelve years. I am asking that you reaffirm DOE’s commitment to the routing arrangement for LLW and MLLW shipments originally agreed to by Governor Guinn and Secretary Richardson in 1999. I very much appreciate your attention to this matter.

Sincerely yours,

[Signature]

BRIAN SANDOVAL  
Governor