

*cc. to
Tom H.*



County of Inyo Planning Department

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June 30, 2003

Congressman Buck McKeon
C/o Kurt Courtney, Legislative Assistant
2351 Rayburn House Office Building
Washington, D.C. 20515

FAX: (202) 226-0683

SENATOR FEINSTEIN/GOVERNOR DAVIS POSITION ON WIPP SHIPMENTS ON CALIFORNIA STATE ROUTE 127

Kurt,

Attached for your review are letters from Senator Feinstein and the State of California (Joint CEC/CHP correspondence) objecting to DOE's use of State Route 127 for shipments of transuranic waste from the Nevada Test Site through Inyo and San Bernardino Counties to the Waste Isolation Pilot Plant at Carlsbad, New Mexico.

DOE planned to initiate shipments today, June 30, 2003, but has deferred initiation of shipping 10-14 days to respond to the issues discussed in the letters.

We wanted to make you aware of this situation. Please feel free to call me at (760) 878-0447 if I can be of any assistance.

A handwritten signature in black ink, appearing to read "Andrew Remus".

Andrew Remus, Senior Planner
Inyo County Planning Department

DIANNE FEINSTEIN
CALIFORNIA



COMMITTEE ON APPROPRIATIONS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION
SELECT COMMITTEE ON INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-0504

<http://www.senate.gov>

June 23, 2003

The Honorable Spencer Abraham
Secretary of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Mr. Secretary:

I am writing to ask you to postpone shipments of plutonium contaminated wastes from the Nevada Test Site to the Waste Isolation Pilot Plan in New Mexico that are scheduled to be sent over California roadways as early as June 30th.

I do not understand the rationale for diverting shipments into California, especially when the route is longer and less direct than alternative routes through Nevada.

If your department is re-routing these waste shipments to avoid transit through Las Vegas and over the Hoover Dam, the proposed 329-mile route through California is not a logical alternative. Most of this route, along California State Route 127, has extremely limited emergency response capability and was not engineered for heavy trucks. In fact, California State Route 127 was originally a wagon road to Death Valley. Today this poorly paved route endures heavy seasonal traffic to Death Valley which has 1.25 million visitors annually. Safer and more direct routes do exist, such as Nevada State Route 160, and should be considered more carefully - with the input of both California and Nevada officials. However, according to officials at the California Energy Commission and California Highway Patrol, the State of California has not been consulted and certainly does not concur with the routes chosen by your department.

Since there is no apparent urgency to shipping these wastes, I urge you to postpone these shipments until an agreement can be reached between California, Nevada, and the Department of Energy on this issue.

Thank you very much for your consideration of this request.

Sincerely yours,

STATE OF CALIFORNIA

GRAY DAVIS, Govern

CALIFORNIA ENERGY COMMISSION

1501 H STREET
SACRAMENTO, CA 95814-5512



CALIFORNIA HIGHWAY PATROL

2666 FIRST AVENUE
SACRAMENTO, CA 95818

June 13, 2003

Ms. Jessie H. Roberson
Assistant Secretary
U.S. Department of Energy
Office of Environmental Management
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Ms. Roberson:

This is to advise the U.S. Department of Energy (DOE) that California does not concur with the routes that DOE has selected for the shipments from the Nevada Test Site (NTS) to the Waste Isolation Pilot Plant (WIPP). We understand DOE is in the process of preparing for shipments to WIPP along this corridor and plans to begin shipments on June 30. We request that DOE postpone these shipments until this routing issue can be satisfactorily resolved.

We are concerned that DOE is rerouting increasing numbers of nuclear waste shipments through southeastern California to and from DOE sites in Nevada in order to avoid transit through Las Vegas and over Hoover Dam. Although we understand the need to avoid shipments through these areas, we do not understand the rationale for diverting shipments into California, when there are better roads and more direct alternative routes that avoid these areas. The proposed NTS route in California extends approximately 329 miles via California State Route 127, then Interstate 15 to Barstow and finally east on US Route 40 to Arizona. (Please see Attachment 1). This is a longer, less direct route than alternative routes. Route 127 was not engineered for heavy truck traffic, has extremely long stretches of roadway with no shoulders, and originally was a wagon road to Death Valley that was paved over. It has extremely limited and remote emergency response capability, and has seasonal heavy tourist traffic since it is the primary access route to the Death Valley National Park (1.25 million visitors annually).

California representatives have objected for years to DOE's plans to divert more shipments into California and use California State Route-127 and Barstow for the NTS shipments. However, in spite of these concerns, DOE has persisted in planning to use this route. We strongly object to DOE's diversion of shipments through California, adding considerable distance and time in transit.

The Western Governors and the Secretary of Energy recently endorsed the "WIPP Transportation Safety Program implementation Guide" in a Memorandum of Agreement. This Guide says that DOE is committed to following the U.S. Department of Transportation's (DOT) Highway Route Controlled Quantities (HRCQ) guidelines for WIPP shipments and that DOE "will consult with affected states for the use of an alternative route that is not formally designated under the DOT regulations." Upon completion of the preferred route designation or negotiation process, states must

Ms. Jessie H. Roberson
 June 13, 2003
 Page 2

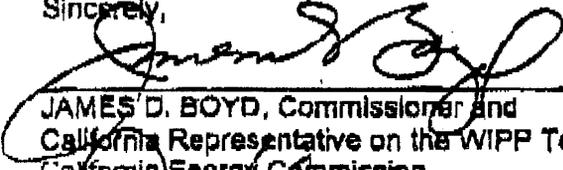
"either file their routing designations with the DOT's Federal Motor Carrier Safety Administration (FMCSA) or advise the DOE-CBFO of their concurrence with negotiated routes." Neither of these events has occurred for the proposed route in California.

At the heart of the overall success and public acceptance of these WIPP shipments is the DOE/Western Governors' Association cooperative transportation safety program, including the transport safety protocols in the Guide. It would set an undesirable precedent and contradict the spirit and intent of this cooperative effort if DOE begins shipments on a route, without concurrence from the affected states. It is unlikely that other states involved in the WIPP Transportation Safety Program would welcome such a precedent.

Finally, only eight out of the approximately 40-60 NTS shipments are planned for transport this summer followed by a long delay, anticipated to be years, until more wastes can be prepared for shipment. It would seem prudent, in terms of efficiency in the use of emergency response resources, to postpone these shipments until these issues can be resolved and shipments are consolidated. This region is entering its peak fire season, anticipated to be one of the worst on record. Emergency crews are fully preoccupied with fire protection and other duties. We question the need to begin only a few NTS shipments to WIPP this Summer, only to halt them for years until more waste can be prepared for shipment.

In light of these concerns, California respectfully requests that DOE postpone these shipments until these issues can be satisfactorily resolved:

Sincerely,

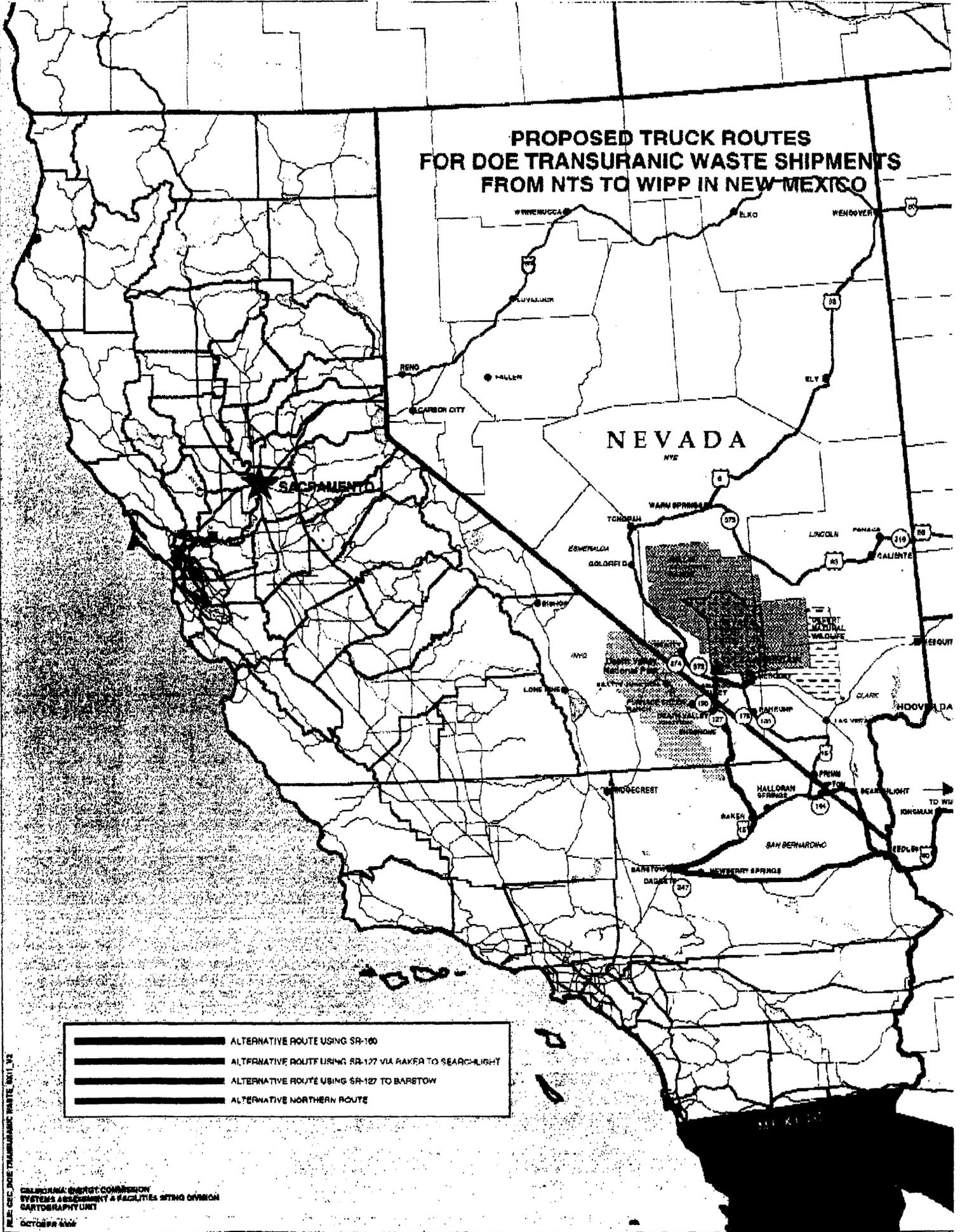

 JAMES D. BOYD, Commissioner and
 California Representative on the WIPP Technical Advisory Group
 California Energy Commission


 D.O. HELMICK
 Commissioner, California Highway Patrol

Attachment: Proposed Truck Routes for DOE TRUW Shipments to WIPP

Cc: The Honorable Dianne Feinstein
 The Honorable Barbara Boxer
 The Honorable Jerry Lewis
 The Honorable Sam Farr
 Patrice Bubar, DOE-HQ
 Dr. Inez Triay, Casey Gadbury, Ralph Smith, DOE-CBFO
 WGA WIPP Transport Advisory Group

PROPOSED TRUCK ROUTES FOR DOE TRANSURANIC WASTE SHIPMENTS FROM NTS TO WIPP IN NEW MEXICO



- ALTERNATIVE ROUTE USING SR-160
- ALTERNATIVE ROUTE USING SR-127 VIA BAKER TO SEARCHLIGHT
- ALTERNATIVE ROUTE USING SR-127 TO BARSTOW
- ALTERNATIVE NORTHERN ROUTE