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Governor



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March 8, 2002

The Honorable Spencer Abraham
Secretary of Energy
1000 Independence Avenue SW
Washington, D.C. 20585

Dear Secretary Abraham:

Thank you for the opportunity to review the Department of Energy's proposed Fiscal Year 2003 budget for Environmental Management (EM), which was recently submitted to Congress as part of President Bush's overall Executive Budget. I note that the budget reflects a reduction of 31% or \$27 million for the Nevada Test Site (NTS) over prior year appropriations.

I am concerned a funding reduction of this magnitude will have a detrimental impact on the productive and mutually beneficial working relationship that has painstakingly been developed between the State of Nevada and the Nevada Operations Office over the last several years. The programs that have been undertaken through this cooperative effort have helped to assure that environmental remediation work at NTS is being carried out in a timely, efficient, and satisfactory manner.

Together we have established legal and procedural agreements governing cleanup, waste management activities, and low-level waste transportation at the NTS and contiguous federal facilities. These agreements are highly effective; they were conceived and implemented in a manner that provides ongoing flexibility for re-evaluating priorities so that cleanup activities remain appropriately focused, on-schedule, and within budget. Under these agreements state regulators and DOE officials continue to work on identifying and assessing the consequences of both atmospheric and underground nuclear testing conducted at the NTS. As you know over 900 nuclear detonations were conducted at NTS and many of these were exploded beneath the Site and in the groundwater. While we retain a close working relationship with DOE officials at the NTS, we nevertheless continue to struggle with the legacy of contamination at the Site. The fact remains that DOE has yet to fully clarify uncertainties about future consequences of residual surface contamination as well as migration of contaminants in the groundwater beneath the Site and the surrounding region. In an effort to retain a viable cleanup program at the NTS, officials in Nevada, along with former Energy Secretaries, have worked cooperatively to increase funding for Site assessment, cleanup, and waste management activities.

I am concerned that this long, productive, and largely cooperative effort will be seriously impaired under the funding reductions contained in your FY 2003 EM budget submission to the Congress. For years, both the State of Nevada and DOE have recognized that funding for environmental cleanup and waste management at the NTS has been marginal, at best. Historically, less than 2 percent of all EM spending has been allocated to NTS. While we in Nevada recognize NTS is a secure remote facility, there nevertheless remains an enormous volume of soil and groundwater contamination at the Site. It is widely acknowledged that NTS encompasses at least 300 square miles

of contaminated groundwater along with thousands of acres of contaminated surface and subsurface soils. To address this problem, we have cooperatively established a responsible, effective program that, for all practical purposes, has had little impact on total EM spending across the nuclear weapons complex. It is worth noting that the FY 2001 EM budget "Milestone Report Card" for the twelve DOE field offices shows the Nevada Operations Office with the highest percent of completed milestones (91%). Yet the DOE has chosen to submit a budget for NTS cleanup that will effectively reduce the program below what we believe is the minimum capacity needed to sustain basic operations.

The reduction planned for State oversight in the proposed FY 2003 EM budget is especially troublesome. Funding for implementing the Agreement in Principle (AIP) between the Nevada Operations Office and State of Nevada agencies reflects a drastic reduction of 59%. Such a cutback, if implemented, would have devastating consequences for what has been a model program of cooperative effort between your Department and Nevada.

As you know, the proposed budget reductions come at a time when DOE is continuing to expand the importation of off-Site generated low-level waste to the NTS for disposal. The DOE is currently seeking a permit for disposal of mixed low-level and hazardous waste from the State of Nevada. If granted, this permit would allow additional large volumes of mixed waste to be brought into Nevada for disposal at NTS. DOE and the State have worked diligently to assure that the activities associated with low-level waste disposal at NTS and the shipments of such waste into and through Nevada are carried out in a safe and publically acceptable manner. The proposed reduction in funding for the NTS EM budget in general and the cuts in AIP funding in particular will drastically reduce Nevada's ability to monitor the transport of low-level and mixed waste through the State and to assure that the State and local governments are adequately prepared to deal with any problems that might result from this activity. Should the proposed funding reductions be implemented, the long-standing cooperation between DOE and the State related to low-level waste disposal at NTS will be in jeopardy.

Finally, the fact that these reductions in the EM budget are being proposed at the same time DOE is attempting to forge ahead with the Yucca Mountain high-level nuclear waste repository project over Nevada's strong and long-standing objections is of major concern to me personally and sends a very disturbing message to Nevadans about DOE's commitment to protecting public health, safety, and the environment.

Given these considerations, I am requesting that you reconsider the proposed reductions contained in the EM budget and, instead, commit to funding the NTS cleanup program, including monies for AIP activities, at prior year (FY 2002) levels. At the same time, I am asking that you also honor prior DOE commitments to expand the program for assessing groundwater contamination beneath the NTS.

Sincerely

Kenny C. Guinn
Governor

cc:

U.S. Senator Harry Reid
U.S. Senator John Ensign
U.S. Congressman Jim Gibbons
U.S. Congresswoman Shelley Berkley
Allen Biaggi, Administrator, Division of Environmental Protection
Robert R. Loux, Executive Director, Office of Nuclear Projects
Kathleen Carlson, NNSA - Nevada
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