

Allen, Pam, NMENV



From: Maestas, Ricardo, NMENV
Sent: Tuesday, March 20, 2012 7:49 AM
To: Allen, Pam, NMENV
Subject: FW: Approval for use of Alternate WIPP rtes
Attachments: WIPP Res 2012-01 alt rtes.pdf

Email and attachment for WIPP File.

From: Kliphuis, Trais, NMENV
Sent: Thursday, February 09, 2012 10:53 AM
To: Holmes, Steve, NMENV; Hall, Timothy, NMENV; Maestas, Ricardo, NMENV
Cc: Kieling, John, NMENV
Subject: FW: Approval for use of Alternate WIPP rtes

From: Clark, Anne, EMNRD
Sent: Thursday, February 09, 2012 10:51 AM
To: Kliphuis, Trais, NMENV; Skibitski, Thomas, NMENV
Subject: FW: Approval for use of Alternate WIPP rtes

From: Travis, Elizabeth, NMDOT
Sent: Friday, January 27, 2012 4:31 PM
To: Shubert, Gary P., NMDOT; Wilson, Todd C., NMDOT
Cc: Clark, Anne, EMNRD; Mackie, Bill - DOE
Subject: Approval for use of Alternate WIPP rtes

Attached is a pdf of the executed resolution approving use of the DOE proposed alternate WIPP routes, upon prior written approval by you both. (The copy does not include the maps.) Let me know if you have need for a paper version. I will be sending a paper copy to DOE on Monday.

Elizabeth J. Travis
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New Mexico Department of Transportation
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STATE OF NEW MEXICO

STATE TRANSPORTATION COMMISSION

RESOLUTION NO. 2012-01 (JAN)

IMPLEMENTING NMDOT AGREEMENT CONCERNING
NEGOTIATED ALTERNATE WIPP ROUTES

WHEREAS, on July 12, 2011, NMDOT met with representatives from the Department of Energy – Carlsbad Field Office (DOE-CBFO) to discuss the establishment of alternate routes in southeastern New Mexico, which could accommodate DOE-CBFO shipment of highway route controlled quantity radioactive materials, transuranic waste (TRU), bound for the Waste Isolation Pilot Plant (WIPP) outside Carlsbad when existing designated WIPP routes are unavailable due to construction, emergency closure, or other routing constraints. The parties also discussed shipment scheduling forecasts and continued DOE WIPP program funding for maintenance of all designated and alternate WIPP routes; and

WHEREAS, as a result of monitoring shipments through temporary, emergency routes during such closures, and in an effort to provide enhanced flexibility to schedule WIPP shipments to the Carlsbad site, the parties seek to establish negotiated alternate routes within southeastern New Mexico to allow shipment access to the WIPP site pursuant to the controlling federal rules under the Code of Federal Regulations (CFR) Title 49, Section 397, and in accordance with the provisions of the Western Governors' Association (WGA) WIPP Program Implementation Guide (WIPP-PIG); and

WHEREAS, August 11, 2011, NMDOT received correspondence from DOE-CBFO confirming the identification of three alternative routes deemed suitable for TRU shipment delivery to and around the WIPP site (*see DOE-CBFO letter, 8/11/11, attached hereto as Attachment 1*):

Negotiated Alternate Route A: an alternate southern route departing US 285 at the inspection point west of Loving, traveling north on NM 31 to the junction with NM 128 (also known as the Jal Highway), proceeding east on NM 128 to the South Access Road, north on the South Access Road, terminating at the WIPP facility, which reduces the designated route length by approximately 25 miles;

Negotiated Alternate Route B: an alternate southern route beginning at the TX/NM border on Interstate 20 at Big Spring, TX, proceeding west on TX/NM 176 to the junction with NM 18, continuing south on NM 18 to Jal, NM and turning west on NM 128 to the WIPP South Access Road, terminating at the WIPP facility, which reduces the designated route length by approximately 93 miles;

Negotiated Alternate Route C: an alternate northern route departing US 285 at the intersection of the WIPP Relief Route (also known as the Loop Road) north of Carlsbad,

travelling east to the junction of US 62/180, continuing east on US 62/180 to NM 31, which heads south to NM 128, and then proceeding east on NM128 to the South Access Road, terminating at the WIPP site, which increases the route length by approximately 10 miles; and

WHEREAS, the Radioactive and Hazardous Materials Act, NMSA 1978, §§ 74-4A-1 through 74-4A-14 (1991), provides exclusive authority to the State Transportation Commission (STC) to designate highway routes for the transportation of radioactive material; and

WHEREAS, CFR Title 49, Section 397.101 permits DOE-CBFO to operate TRU transportation over a route, other than a designated, preferred route, where deviation is necessary due to conditions making the designated route unsafe or impossible, and where such deviation complies with criteria minimizing radiological risk and mileage based upon an appropriate route analysis determining the level of radiological risk; and

WHEREAS, WIPP-PIG, Section 12, "Highway Routing of WIPP Shipments" provides that, as an alternative to designating an alternate route pursuant to 49 CFR 397.103, the STC, as the state routing agency, may determine an alternate WIPP shipment route through a negotiation process with DOE-CBFO, where such negotiated alternate route takes in to account the overall risk to the public, segment lengths, vehicle speeds, population, emergency response capabilities and other relevant factors and specific conditions with regard to WIPP shipments; and

WHEREAS, DOE-CBFO confirmed with NMDOT with respect to the proposed routes, DOE-CBFO performed the route analysis required by the governing federal rule and the WGA WIPP-PIG, and the proposed routes are within the bounding environmental impacts previously examined in the SEIS-II and subsequent NEPA documentation, so DOE-CBFO need conduct no further NEPA review; and

WHEREAS, the STC acknowledges DOE-CBFO's relevant special expertise in this matter as well as its commitment to provide this technical, analytic assistance as part of its obligations to the State of New Mexico under the Memorandum of Agreement between the Western Governors and the U.S. Department of Energy concerning regional protocol for the safe transportation of transuranics to and from the Carlsbad WIPP site, signed in 1995, 2003, and again in 2009; and

WHEREAS, the temporary need for alternate routing may be urgent and not always reasonably forecasted, NMDOT concurred with DOE-CBFO assessment that the protocol adopted by the WGA was preferable and best addressed the need for alternate WIPP routes into and around the Carlsbad WIPP facility; and

WHEREAS, DOE provides funding to the NMDOT for maintenance of all New Mexico WIPP routes, including designated and negotiated alternate routes, to ensure minimum roadway standards required for safe TRU transportation necessary to the WIPP program; and

WHEREAS, as part of the negotiated alternate route agreement, DOE-CBFO will comply with any conditions related to the use of the temporary alternate routes should such be required by the New Mexico Department of Public Safety, Motor Transportation Division, or as further

identified by the Radioactive Waste Consultation Task force, through the WIPP working group of which NMDOT is a member; and

WHEREAS, in accordance with WIPP-PIG, Section 12, the temporary, negotiated alternate route is effective upon notice to DOE-CBFO of the STC's approval of this resolution, and will terminate on December 31, 2012, unless terminated sooner, with 30-day notice in writing by either party.

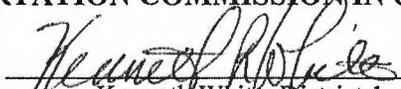
NOW, THEREFORE, IT IS RESOLVED THAT THE NEW MEXICO STATE TRANSPORTATION COMMISSION approves the temporary use of negotiated alternate WIPP routes around and into the WIPP site, as necessitated by construction, emergency closure, or other routing constraints, with prior approval by the NMDOT District 2 Engineer and Risk Management Bureau Chief; and

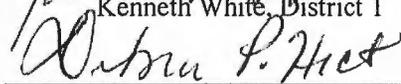
IT IS FURTHER RESOLVED, the temporary use, negotiated alternate routes are immediately effective and shall terminate on or before December 31, 2012, unless earlier terminated by 30-day written notice from either party; and

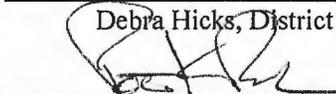
IT IS FURTHER RESOLVED, the temporary use of the negotiated alternate WIPP routes is conditioned on DOE-CBFO performance of any and all arrangements related to the transportation of transuranics along the route as may be required by the New Mexico Department of Public Safety, Motor Transportation Division or by the Radioactive Consultation Task Force, WIPP working group; and

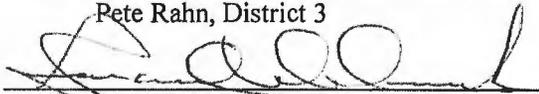
IT IS FURTHER RESOLVED, that the temporary use of the negotiated alternate WIPP routes is contingent on assurances of continued federal funding for WIPP route maintenance sufficient to ensure the suitability and safety of both designated and alternate WIPP transportation routes in New Mexico.

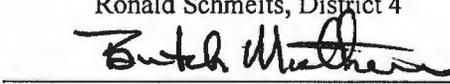
ADOPTED BY THE STATE TRANSPORTATION COMMISSION, IN OPEN MEETING ON JANUARY __, 2012.


Kenneth White, District 1


Debra Hicks, District 2


Pete Rahn, District 3


Ronald Schmeits, District 4


Butch Mathews, District 5

Jackson Gibson, District 6