



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT



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CABINET SECRETARY

February 10, 1997

Mr. Tom Houston
Business Operations Division
BUS-4, P-274
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Subject: SPENT NUCLEAR FUEL SHIPMENTS FROM LANL

Dear Mr. Houston:

This is to thank you for making the necessary arrangements for representatives of the N.M. Motor Transportation Division to inspect the three outbound shipments of spent nuclear fuel at LANL on Tuesday, February 4, 1997. Your professionalism, hospitality and candor in discussing the preparations for those shipments were noted and greatly appreciated.

I am compelled, however, to bring to your attention several items that we found troubling about these shipments and how they were handled by DOE/LANL:

1. As indicated on the notice provided to the N.M. Department of Public Safety (NMDPS), each of the three LANL shipments were carrying between 84,000 and 218,000 curies (Ci) of radioactive material. By comparison, a WIPP shipment will average only tens or hundreds of curies--several orders of magnitude less than each spent fuel shipment. Hence, it was extremely disconcerting that there was virtually no prior consultation or coordination with the State of New Mexico regarding transportation planning and safety precautions for these shipments, which pose a much greater risk than those destined for the WIPP repository.
2. The State received direct notice of the proposed shipments only 5 working days prior to the scheduled departure. [Your letter to NMDPS was received on January 29, 1997.] Five days is totally inadequate to meet the objective of that notice as stated in your letter, *namely* "...to assist states in planning for the safety and security of such shipments."
3. We were extremely pleased that DOE/LANL arranged for the Motor Transportation Division (MTD) of the N.M. Taxation and Revenue Department to perform a mechanical and radiological inspection of each shipment tomorrow using the Commercial Vehicle Safety Alliance's Enhanced North American Standards. These are the same inspection standards to be used for WIPP shipments. However, even though MTD accommodated the DOE/LANL request to inspect the spent fuel shipments, the lead time in making the necessary arrangements was marginal at best.

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4. The three trucks carrying the spent fuel rods were dispatched one after the other, traveling in a convoy. This configuration may or may not make sense from a transportation safety perspective, but to my knowledge is unprecedented for DOE shipments. We were left with the impression that it was designed to get all spent fuel off-site in a single movement in order to preclude potential legal actions to stop any subsequent shipments had they been dispatched separately over a period of days or weeks. Whether or not this was the intent, the general public is likely to perceive the entire episode as yet another example where DOE has opted to shield its activities from public scrutiny--with no opportunity for external input. Such a perception only serves to erode public trust and confidence in DOE, making more difficult the conduct of existing operations as well as future endeavors.
5. As identified in your notice, the shipping route from LANL was NM State Road 4 to NM State Road 502, then south on U.S. 285 south through Santa Fe to I-25. It remains unknown to us whether DOE/LANL notified affected Indian tribes or the City of Santa Fe about these shipments. Such future notice is advisable--especially to the City of Santa Fe, given its adoption of Resolution 1996-81 on December 11, 1996. That resolution states:

“Be It Further Resolved that the governing body declares it is the policy of the City of Santa Fe to minimize the use of Saint Francis Drive for shipment of nuclear and hazardous materials and instead require use of the Santa Fe Relief Route to carry these materials around rather than through our community.”

Although this resolution seems to be directed primarily toward prospective WIPP shipments (since the relief route is not yet completed), it is evident the Santa Fe City Council and the citizens they represent have significant interest in these types of radioactive material shipments. At a minimum, city officials should have been provided a courtesy, “heads-up” notification.

6. Perhaps most important, after the shipment reached I-25, it was originally scheduled to travel south through Albuquerque and then east on I-40. This route, however, is not the same one to be used for WIPP shipments from LANL.¹ After discussing this with you last Tuesday, I was pleased to learn that DOE had ultimately directed the carrier to avoid Albuquerque by traveling the WIPP route from Santa Fe to I-40. This route is preferable because it avoids New Mexico’s largest population center and other areas which have not participated in our radiological emergency response preparedness training.

¹ The WIPP route from LANL is as follows: after passing through Santa Fe on U.S. 285 (St. Francis Drive), the shipment would travel north on I-25 to U.S. 285 (Lamy exit), then south on U.S. 285 to Clines Corners and on to the repository. Reference: New Mexico State Highway and Transportation Department (SHTD) Rule 91-3, filed with the State Records Center on August 23, 1991; published in the *New Mexico Register* of August 31, 1991, Vol. II, No. 16, pps. 22-23; and deemed effective by the U.S. Department of Transportation on September 3, 1991.

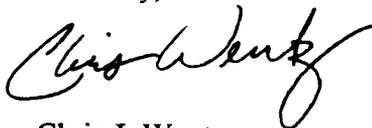
Moreover, the route designation process used in selecting the WIPP routes is the same as that which applies in designating routes for Highway Route Controlled Quantity shipments of radioactive material (*i.e.*, the process met the requirements of 49 CFR 397.301).

7. We commend DOE/LANL for using the TRANSCOM system to monitor the spent fuel shipments and communicate with the drivers. This allowed us to track the shipments from the NMDPS Emergency Management Center in Santa Fe. However, we did note that the shipment schedule on TRANSCOM was wrong in that it had the trucks leaving LANL at 1300 hours (1:00 p.m.) on February 4. Similarly, the original planned route through Albuquerque was never revised and input into the TRANSCOM system. In addition, the most current DOE Prospective Shipments Module, dated December 20, 1996, lists the 3 trucks as a single shipment. In our opinion, this is misleading and should be corrected for any future such shipment configurations.
8. Finally, we understand there has been some concern about State personnel relating to the press information on the planned shipping route. [An MTD employee was quoted in the press as saying: "They're going I-25 to I-40 and then out of state from there."] If the route information was to remain confidential, we were unaware of this; its release was inadvertent and unintentional. Your letter to NMDPS simply stated that "schedule" information must be protected. Moreover, in reviewing various DOE Orders, I did not identify any comparable requirement to the U.S. Nuclear Regulatory Commission regulation found at 10 CFR 73.37(g), which is intended to protect certain sensitive shipping information from unauthorized disclosure. In any event, prior consultation and coordination with us would likely have addressed this issue before it became a problem.

We feel strongly that DOE/LANL needs to be much more cognizant of the State's role and responsibilities concerning nuclear materials transportation within New Mexico. Specifically, one of our primary functions is to ensure adequate protection of public health and the environment from those risks posed by radioactive waste shipments. Toward that end, I respectfully request that DOE/LANL make a concerted effort to better inform and involve the State of New Mexico in transportation safety planning--especially with respect to transuranic waste, spent nuclear fuel, and other high-visibility shipments.

Please don't hesitate to contact me at 505/827-1372 in Santa Fe should you wish to discuss any of the issues raised herein. Thank you.

Sincerely,



Chris J. Wentz
Coordinator
N.M. Radioactive Waste Task Force

c: Lou Gallegos, Chief of Staff

Office of the Governor

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