



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OFFICE OF THE SECRETARY
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Santa Fe, New Mexico 87505
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Jennifer A. Salisbury
CABINET SECRETARY

November 4, 1997

To: N.M. Radioactive Waste Consultation Task Force
Secretary John Chavez, TRD
Secretary Pete Rahn, SHTD
Secretary Alex Valdez, DOH
Secretary Mark Weidler, NMED
Secretary Darren White, DPS

From: Chris Wentz, Task Force Coordinator *eqw*

Subject: **CITY OF SANTA FE WIPP AGREEMENT/ORDINANCE**

At its recent meeting last Wednesday, October 29, the Santa Fe City Council signed off on the enclosed agreement relating to WIPP shipments through Santa Fe. Mr. George Dials, on behalf of the U.S. Department of Energy-Carlsbad Area Office, and Secretary Jennifer Salisbury, on behalf of the Task Force, were also signatories to the agreement.

In essence, the agreement prohibits WIPP shipments through Santa Fe along St. Francis Drive except between the hours of 1 a.m. and 5 a.m., Monday through Friday. Travel on certain state and federal holidays, as well as some Santa Fe festivals, is also restricted for these shipments. In addition, the shipments will be escorted through Santa Fe by its City Police--at DOE's expense. Once the Santa Fe Relief Route is completed and open for business, WIPP shipments will still be restricted to the aforementioned times, but there will be no police escorts.

The same evening the agreement was executed, the Santa Fe City Council also passed a similar time-of-use ordinance applicable to WIPP shipments. A copy of the ordinance will be provided to you upon receipt from the City Clerk's office.

Secretary Salisbury wanted to ensure you were apprised of these developments. Thank you.

Enclosure (1)

c: Jennifer A. Salisbury, Task Force Chair

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AGREEMENT

THIS AGREEMENT is entered into this 29th day of October, 1997, by and among the State of New Mexico ("State") by the New Mexico Radioactive Waste Consultation Task Force, the U.S. Department of Energy ("DOE") by the Carlsbad Area Office and the City of Santa Fe ("City");

WHEREAS, the DOE has announced its intention to commence transporting transuranic ("TRU") waste bound for the Waste Isolation Pilot Plant ("WIPP") in Carlsbad, New Mexico; and

WHEREAS, the New Mexico State Highway Commission has designated St. Francis Drive in SHTD Rule 91-3 as the route to be utilized for such transport until the completion of the Santa Fe Relief Route; and

WHEREAS, the undersigned parties are concerned for the health and safety of the citizens of City, the surrounding Pueblos, and the State of New Mexico; and

WHEREAS, DOE will abide by all applicable local, state and federal laws and regulations in order to reduce the risk of any undesirable impacts on these citizens' safety, welfare and properties; and

WHEREAS, DOE has committed to working with the federal and state governments to secure sufficient funding for the construction of a four-lane Santa Fe Relief Route on or before November, 1998;

NOW, THEREFORE, in order to facilitate and enhance the protection of these citizens' health, safety, welfare and properties, as well as the City's environment, from the shipment of TRU waste along St. Francis Drive, the DOE hereby agrees to conduct such shipments subject to the following conditions:

1) Shipments will be made through the City on St. Francis Drive only between the hours of 01:00 a.m. to 05:00 a.m.;

2) The shipments will be made only on Monday through Friday of each week;

3) Notwithstanding the above, shipments shall be prohibited at the following periods:

- a. during critical construction activities along St. Francis Drive, as determined by the New Mexico Highway and Transportation Department;**
- b. during all state and federal holidays;**
- c. during the Santa Fe Fiestas;**
- d. during the Santa Fe Indian Market;**
- e. during the Santa Fe Spanish Market; and**
- f. upon a month's notice to DOE, during any other City special event or events, of duration no longer than one week.**

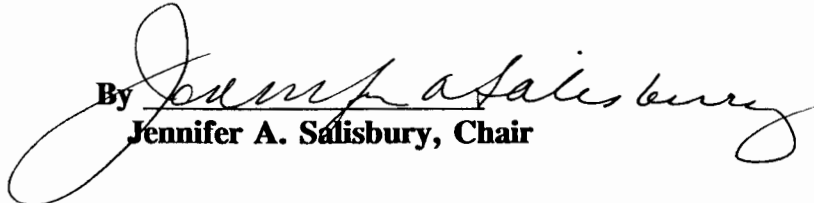
4) When shipping TRU waste within the City boundaries, DOE shall, at its cost, provide police escort services for TRU waste trucks;

5) DOE will follow procedures and protocols for notice and bad weather and road conditions for WIPP shipments as referred to in the Memorandum of Agreement between the Western States and DOE, approved by the Western Governors on December 1, 1995 and approved by the DOE in March, 1996 (a copy of the Memorandum of Agreement is attached hereto for reference), and will apply these procedures and protocol to the City.

6) Upon completion of a Santa Fe Relief Route, DOE will abate the use of St. Francis Drive for transportation of TRU waste, but will continue to abide by all applicable laws and regulations and the time restrictions in Paragraph 1 and Paragraphs 2, 3b through f and 5 above.

IT IS FURTHER AGREED and understood that by affixing the signatures below, each party is binding its successors and assigns to the terms of this Agreement.

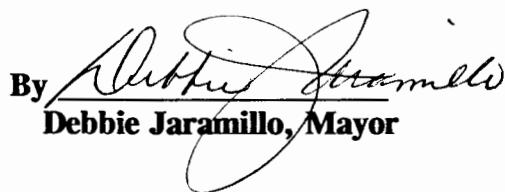
STATE OF NEW MEXICO
By The New Mexico Radioactive Waste
Consultation Task Force

By 
Jennifer A. Salisbury, Chair

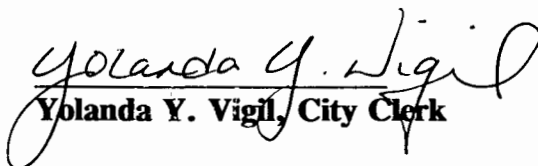
THE U. S. DEPARTMENT OF ENERGY

By 
George Dials, Manager
Carlsbad Area Office

CITY OF SANTA FE

By 
Debbie Jaramillo, Mayor

Attest:


Yolanda Y. Vigil, City Clerk