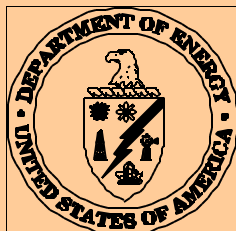


**INSPECTION
REPORT**

**INSPECTION OF SELECTED
COORDINATION ACTIVITIES BY THE
DEPARTMENT OF ENERGY'S
OFFICE OF TRANSPORTATION
SAFEGUARDS**



**U.S. DEPARTMENT OF ENERGY
OFFICE OF INSPECTOR GENERAL
OFFICE OF INSPECTIONS**

MARCH 2001



U.S. DEPARTMENT OF ENERGY
Washington, DC 20585

March 13, 2001

MEMORANDUM FOR THE MANAGER, ALBUQUERQUE OPERATIONS OFFICE

FROM: Sandra L. Schneider /s/
Assistant Inspector General for Inspections
Office of Inspector General

SUBJECT: INFORMATION: Report on "Inspection of Selected Coordination Activities by the Department of Energy's Office of Transportation Safeguards" (INS-O-01-02)

BACKGROUND

The Department of Energy's Office of Transportation Safeguards (OTS) maintains a liaison program to communicate with State, Tribal, and local officials in the event of an accident or terrorist attack involving an OTS shipment of nuclear weapons, nuclear weapons components, or special nuclear materials (nuclear shipment). The purpose of the liaison program is to, among other things, ensure that officials know what actions to take in response to a request for assistance from OTS.

RESULTS OF INSPECTION

OTS officials have recently taken steps to improve liaison with State, Tribal, and local officials. However, we determined that more timely and effective actions are needed by OTS to ensure the potential benefits from these improvements are fully achieved.

Although OTS assigned liaison responsibilities to three individuals in July 2000, representatives of three States from the selected sample of six States that we contacted in November 2000 told us that they had no recent contact with OTS. Also, in October 2000, OTS established a program to augment its liaison activities by using OTS Federal Agent volunteers to educate law enforcement officials "regarding OTS processes for shipment safety and in the event of a shipment incident." We learned, however, that liaison activities by these OTS Federal Agents would not begin until October 2001.

Our review of training documents disclosed that OTS had conducted only one joint training exercise with State and local law enforcement agencies since 1995. Our review also disclosed that during the period September 1994 to June 2000, personnel from 11 State and local law enforcement agencies participated in in-service training exercises with OTS personnel. Four of the 11 agencies attended training during January to June 2000. In the years between 1994 and 2000, only seven agencies participated in in-service training exercises with OTS.

In view of the sensitive nature of the nuclear shipments, effective coordination with State, Tribal, and local officials is essential to ensure the safety and security of the shipments and to avoid potential misunderstandings between law enforcement officials and armed OTS Federal Agents

in the event of an unanticipated encounter. Therefore, we recommended actions to improve coordination and communication between OTS and State representatives to assure all parties are aware of their respective roles and responsibilities in the event of an accident or terrorist attack involving an OTS nuclear shipment. Management concurred with our recommendations and described corrective actions to address our concerns.

Attachment

cc: Administrator, National Nuclear Security Administration
Chief of Defense Nuclear Security
Manager, Office of Transportation Safeguards
Team Leader, Audit Liaison Team (CR-2)

INSPECTION OF SELECTED COORDINATION ACTIVITIES BY THE DEPARTMENT OF ENERGY'S OFFICE OF TRANSPORTATION SAFEGUARDS

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Overview

INTRODUCTION AND OBJECTIVE

Since 1947, the Department of Energy (Department) and its predecessor agencies have moved nuclear weapons, nuclear weapons components, and special nuclear materials using commercial and Government transportation. In the late 1960's, worldwide terrorism and acts of violence prompted a review of procedures for safeguarding these materials. In 1975, the safe and secure movement of these materials was made a total Federal operation with the establishment of the Transportation Safeguards Division, now the Office of Transportation Safeguards (OTS), at the Department's Albuquerque Operations Office.

OTS maintains a liaison program to communicate with State, Tribal, and local law enforcement and public safety officials in the event of an unusual occurrence or emergency involving a shipment of nuclear weapons, nuclear weapons components, or special nuclear materials (nuclear shipment). The purpose of the liaison program is to inform these officials about the OTS mission and goals; to ensure the officials know how to recognize a nuclear shipment; and to ensure the officials know what actions to take in response to a request for assistance in the event of an accident or terrorist attack involving a nuclear shipment. In view of the sensitive nature of the nuclear shipments, which are protected by armed OTS Federal Agents, effective coordination with State, Tribal, and local officials is essential.

The purpose of our inspection was to review selected coordination activities conducted by OTS. Our specific objective was to determine the adequacy of actions by OTS to ensure coordination with State, Tribal, and local agencies in the event of an accident or incident involving a nuclear shipment.

OBSERVATIONS AND CONCLUSIONS

OTS officials have recently taken steps to improve liaison with State, Tribal, and local officials. However, we determined that more timely and effective actions are needed by OTS to ensure the potential benefits from these improvements are fully achieved.

Details of Finding

We found that OTS has taken steps to implement needed improvements in communication and coordination with State, Tribal, and local officials in the event of an unusual occurrence or emergency involving OTS nuclear shipments. However, more timely and effective actions are required to ensure the potential benefits of these steps will be achieved.

OTS officials said that there are no formal agreements between OTS and State, Tribal or local authorities that set forth the type and scope of the communications and coordination that should occur with regard to OTS shipments. The OTS officials described their liaison duties as including, among other things, sending annual contact letters to the governors of the contiguous 48 States explaining OTS' operation and assuring assistance in the event of an emergency, providing briefings for county and city officials as requested, establishing contact with law enforcement agencies, scheduling briefings for State police organizations, and producing and distributing a law enforcement video and other materials explaining OTS' operations. We were told that the contact letter also requests the governors to provide law enforcement, emergency management, and/or other pertinent points of contact. OTS officials said that coordination with Tribal and local authorities is through the State points of contact. They also said that OTS periodically conducts joint training exercises and in-service training with State law enforcement personnel.¹

Recent Actions to Improve OTS Liaison Activities

We noted that since July 2000, OTS has initiated actions to improve liaison with State, Tribal and local officials. We were told that prior to July 2000 only one person had conducted liaison between OTS and State, Tribal and local authorities. According to an OTS official, since July 2000, three individuals have been assigned liaison responsibilities. He also said that in October 2000, OTS established a program to augment the OTS liaison program by using OTS Federal Agent volunteers to educate local law enforcement officials "regarding OTS processes for shipment safety and in the event of a shipment incident." The OTS official told us that as part of his OTS liaison duties he recently traveled to States in the upper Northwest and provided briefings to 22 different State and local law enforcement entities.

Results of Selected Sample

In November 2000, we contacted representatives from a selected sample of six States to discuss their relationships with OTS. We selected the representatives from a list of State contacts provided to OTS by the governors' offices of the respective States. During our

¹ In-service training consists primarily of State and local law enforcement officials training with OTS personnel at an OTS training facility. Joint training exercises are usually conducted by OTS personnel at a State location and may involve State or local law enforcement, emergency response, and other personnel.

discussions with the State representatives, we verified that the State emergency contact telephone numbers provided to us by OTS were the correct contact numbers to be used by OTS personnel for requesting emergency assistance in the six States in our sample.

The representatives of the six States in our sample described the coordination that occurred between their respective States and OTS from approximately 1994 to 2000. Information provided by the representatives indicated there had been little recent contact between OTS and some of the States. Each of the representatives said that at sometime in the past his State had received a briefing, videotape, and/or letter from OTS. One representative said that his State had recently trained with OTS personnel, while another said his State had recently declined an offer to train with OTS. Representatives from three of the four remaining States in our sample, however, said that their States had no recent contact with OTS. The representative of the fourth State had concerns about the coordination of a recent briefing by OTS.

Specifically, a representative from one of the four States said the last contact his State had with OTS was a briefing five or six years ago. He said that most individuals that attended that briefing have since retired. A representative from a second State said that his State had received substantive training from OTS until two years ago, but has had no contact since. He also described an incident that occurred about a year ago when an OTS vehicle was involved in a “fender bender.” He said that OTS did not notify his State of the incident at the time, and the OTS driver was reluctant to give any information to the law enforcement officer that arrived on the scene of the accident. He said that he had a difficult time determining ownership of the vehicle, and that when he did, he had difficulty contacting OTS officials to obtain information about the incident. A representative from a third State said that the only contact with OTS in the last four years was receipt of a training video about two or three years ago. A representative of a fourth State said that communication with OTS has been “hit or miss.” He said that although OTS recently provided a briefing to State officials, he was concerned that OTS officials did not adequately coordinate the briefing to ensure the “right people” from the State were in attendance.

In-Service and Joint Training Exercises

Our review of training documents provided by OTS for in-service training and joint training exercises disclosed the most recent training exercises by OTS with State or local law enforcement agencies were conducted during January to June 2000. We learned that between 1987 and 1999, OTS conducted 14 joint training

exercises with State and local law enforcement agencies and, in some cases, members of the Federal Bureau of Investigation. According to the training documents, the most recent joint training exercise was conducted in 1999. However, the documents also showed that prior to the 1999 exercise, the latest joint training exercise had been conducted in 1995.

Regarding in-service training exercises, we observed that during the period September 1994 to June 2000, law enforcement personnel from 11 State and local agencies participated in exercises with OTS personnel. Personnel from four of the 11 State and local law enforcement agencies participated in the in-service exercises conducted during January to June 2000.

**Status of
Augmentation
Initiative**

We also reviewed the status of the October 2000 initiative to utilize OTS Federal Agents to augment OTS liaison activities. In January 2001, an OTS official told us that, as of that time, no OTS Federal Agents had been assigned the additional duties of supporting the liaison mission. He said that funding for training of the OTS Federal Agents had been received in the last fiscal year, and the OTS Federal Agents should be in place by October 2001. He also said that the OTS Federal Agents will initially conduct liaison with law enforcement entities along OTS' primary transportation routes. After those entities are contacted, OTS will "branch out" to contact law enforcement entities outside of OTS' primary routes. He said that the OTS Federal Agents will be expected to make two contacts per month with law enforcement entities.

As discussed above, OTS officials have recently taken steps to improve liaison with State, Tribal, and local officials. However, we determined that more timely and effective actions are needed by OTS to ensure the potential benefits from these improvements are fully achieved.

RECOMMENDATIONS

We recommend that the Manager, Albuquerque Operations Office:

1. Take appropriate action to ensure that OTS officials appropriately implement improvements to their liaison program to assure timely and effective coordination and communication with State representatives and to assure all parties are aware of their respective roles and responsibilities concerning OTS nuclear shipments.
2. Ensure that OTS officials contact State representatives on a periodic basis to obtain feedback on the adequacy of OTS liaison activities and to obtain suggestions on possible improvements.

**MANAGEMENT
COMMENTS**

In comments dated March 6, 2001, the Manager, OTS, concurred with our recommendations. Regarding Recommendation 1, he stated that by June 1, 2001, OTS will contact the State Police Headquarters and Emergency Management of the respective 48 contiguous States and provide them an OTS orientation video and a letter explaining the mission of OTS. OTS will request further dialog if the organizations are interested in a formal presentation. He stated that the jurisdictions along the OTS high traffic corridors will be the primary focus for a briefing, which will outline the respective roles and responsibilities concerning OTS shipments. He also stated that OTS participates in numerous professional organizations and conferences to ensure distribution of pertinent OTS information.

Regarding Recommendation 2, he said that by June 1, 2001, OTS will send a letter to State representatives explaining the OTS mission and will request how often the State representatives would like to be contacted in reference to liaison activities. The letter will also request any suggestions on possible improvements in liaison between OTS and the State representatives.

**INSPECTOR
COMMENTS**

The corrective actions by management are responsive to our recommendations.

Appendix A

SCOPE AND METHODOLOGY

We conducted the fieldwork portion of our review during the period September 2000 to January 2001 at Department of Energy (DOE) Headquarters and at the Office of Transportation Safeguards (OTS), National Nuclear Security Administration, Albuquerque, New Mexico. We interviewed the DOE Headquarters OTS liaison, as well as OTS officials at Albuquerque, including the individuals responsible for conducting liaison with State, Tribal, and local officials. We also interviewed representatives from the following State law enforcement agencies: Arizona Department of Public Safety; Arkansas Highway Patrol; Colorado Highway Patrol; Georgia State Patrol; Nebraska State Police; and Washington State Patrol. These individuals represented a sample of State representatives that we selected from a list of points of contact provided to us by OTS. We also discussed OTS liaison activities with a representative of the Western Governors' Association. We reviewed pertinent Department and OTS directives and guidance regarding the transportation of special nuclear materials, as well as documentation concerning OTS liaison activities, including, among others things, recent in-service training and joint training exercises.

This inspection was conducted in accordance with the Quality Standards for Inspections issued by the President's Council on Integrity and Efficiency.

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