

# COMMERCIAL VEHICLE SAFETY ALLIANCE



An Association of State, Provincial and Federal Officials  
Responsible for the Administration and Enforcement of Motor  
Carrier Safety Laws in the United States, Canada and Mexico.

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September 2, 1997

Ms. Corinne Macaluso  
U.S. Department of Energy  
c/o Lois Smith Attn: Section 180(c) Comments  
TRW Environmental Safety Systems Inc.  
600 Maryland Ave. S.W. Suite 695  
Washington, D.C. 20024

SEP 08 REC'D  
APM 1997

Dear Ms. Macaluso:

On behalf of the Commercial Vehicle Safety Alliance (CVSA), I would like to compliment the Office of Civilian Radioactive Waste Management (OCRWM), for requesting additional comments on the Proposed Policy and Procedures for the Nuclear Waste Policy Act (NWP), Section 180(c), as described in the Federal Register Vol. 62.

In the interest of brevity I will not reiterate our earlier comments of March 21, 1995, September 15, 1996 and February 21, 1997, regarding the implementation of the NWP Section 180(c). Our comments at this time are devoted to your present Proposed Policy and Procedures for implementing the NWP Section 180(c).

## **Proposed Policy Statement:**

We appreciate and strongly support your Proposed Policy and Procedures that jurisdictions will have the training necessary for safe transportation of spent nuclear fuel or high-level waste and emphasizing the importance of safety and enforcement inspections. We also support OCRWM taking into consideration the state and tribes determination of their own needs, and not spreading equal amounts of funding to all jurisdictions.

## **Proposed Objectives:**

Under the base grant provisions OCRWM has proposed funding for personnel to determine a jurisdiction's training needs, and coordination with local jurisdictions or neighboring states and tribes. *We recommend that you also insert National Safety Organizations, as in the case with safety inspections and enforcement, it is important that the states coordinate with CVSA.* This will insure that safety inspections are efficient,

uniform and provide reciprocity for the movement of NWPA shipments throughout the country.

We strongly support the Proposed Policy and Procedures regarding the requirement that applications must indicate how the required assistance is consistent with reasonable standards for inspector training, such as that offered by CVSA. We believe this should be strictly adhered to by OCRWM, and will insure a consistent and uniform inspection procedure that addresses efficiency and reciprocity while expediting the movement of waste under the NWPA.

CVSA appreciates and supports the OCRWM Proposed Policy and Procedures regarding the use of the CVSA Enhanced North American Standard (ENAS), in conducting safety and enforcement inspections of NWPA truck shipments. CVSA will shortly (October-97) be taking action to incorporate the ENAS into its international standard, which will apply to all 50 states who presently subscribe to the CVSA by-laws and Memorandum of Understanding.

OCRWM proposes to fund or make funding available a first responder's awareness level video tape. *We recommend that these provisions be made available for awareness level training related to safety and enforcement inspections of NWPA truck shipments.* Our reasoning for this is that we believe we may be able to convince some jurisdictions that additional safety inspections are not necessary and it would not only be appropriate but expedient to grant reciprocity to another jurisdiction's ENAS safety inspections. A video tape awareness program would be used in this endeavor, especially as it relates to the large number of tribes who now are not familiar with state inspections using the CVSA criteria.

From the Proposed Policy and Procedures, especially the definitions under the Appendix, OCRWM, proposes to only fund Train-the-Trainer programs for emergency responses. *This is not sufficient and we recommend that funding also be allowed for Train-the-Trainer programs in conducting safety and enforcement inspections.* It is CVSA's policy that states are responsible for refresher training in all areas of inspection, including the ENAS. Train-the-Trainer funding including travel would allow a state to use this funding to train a trainer who would in turn conduct the necessary refresher training in their respective jurisdictions.

### **Proposed Funding Mechanism**

We understand that Department of Energy (DOE) funds can not be commingled, however we question the provision that Section 180(c) training would not be combined with other

Department sponsored transportation preparedness or training program. We believe that the ENAS inspector training may be applicable to other DOE radioactive shipments, therefore it would be cost effective to train safety and enforcement inspectors to handle more than NWPA shipments. There is an indication in the Proposed Policy and Procedures that this grant program may be combined with a Department-wide grant program in the future. We would appreciate clarification regarding this issue and possible exceptions made for cross training providing the funds were not commingled.

#### **Proposed Basis for Cost Estimate/Funding Allocation**

It is proposed that one person for each jurisdiction will be funded to prepare for safe routine transportation and emergency response. We question the allocation of such a person and the expertise they will have in both of these areas as they may be totally unfamiliar to one area or another. *We recommend that OCRWM allow the proposed funding to be split into two separate areas, which would then allow for individual expertise in each segment.* From past experience we have developed a concern that emergency response emphasis and funding will overwhelm the safety and enforcement program and funds will not be available to properly train inspectors from the various jurisdictions.

In the first part of the variable grant we appreciate and support OCRWM's attempt to insure that the applicant needs to determine the amount of financial assistance needed to obtain the appropriate increment of awareness level training and to prepare for safe routine transportation inspections of NWPA shipments.

#### **Proposed Definitions of Key Terms**

#### **Proposed Eligibility and Timing of the Grants Program**

CVSA has no comments regarding these areas, other than that registered during the prior comment period.

#### **Proposed Allowable Activities for Funding**

The Proposed Policy and Procedures is somewhat unclear and ambiguous as it pertains to the grantee's decision regarding who gets trained and the organization that administers the training. We can envision with this type of policy that a state health agency could be designated to do the inspections and they would have no authority to enforce the DOT or

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other state regulations. *We recommend that OCRWM state emphatically that the safety and enforcement inspections must be conducted by a law enforcement agency having the proper training and authority to conduct safety inspections, including roadside inspections. Also, that the grant application contain such documentation.*

According to the Proposed Policy and Procedures Section 180(c) funds may be used to purchase training equipment and then may be used to respond to emergencies. *We recommend that funded safety and enforcement inspection equipment also be allowed to be used for future NWPA inspections and we would appreciate this addition*

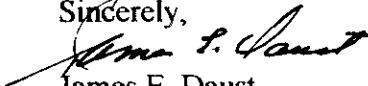
### **Proposed Appendix - Definition of Terms as used in the Revised Proposed Policy and Procedures**

The entire appendix is devoted to emergency response and no mention is made on safe transportation or safety and enforcement inspections. CVSA recommends that the following be added to the present definitions:

1. Responsible Jurisdictions for safety and enforcement inspections means a government entity at any level of government, whether state, tribal, or any of their subjurisdictions that has the jurisdictional authority to conduct safety inspections and initiate law enforcement using the appropriate federal and or jurisdiction's laws and regulations.
3. Awareness level training also means training for individuals or jurisdictions who will accept and grant reciprocity to another jurisdictions inspections.
5. Train-the Trainer also means training for certified instructors/individuals so that they may conduct refresher inspection courses for their respective jurisdiction's safety and enforcement inspectors.

Thank you for allowing CVSA the opportunity to comment on OCRWM's Revised Proposed Policy and Procedures for implementing NWPA's Section 180(c). If you have any questions regarding these comments please do not hesitate to contact me. My telephone number is (517) 732 4727 and Fax is (517) 731 2954. Enclosed you will find a stamped self addressed envelope to acknowledge your receipt of our comments.

Sincerely,

  
James E. Daust  
CVSA Program Director  
7346 Lombard Ave.  
Gaylord, Michigan 49735