

# 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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113

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

Dear Ms. Macaluso:

I realize that the comment period has expired for submitting comments on the Proposed Policy and Procedures for the Nuclear Waste Policy Act (NWPA), Section 180(c), however, I believe the following issues are pertinent to the Office of Civilian Radioactive Waste Management's (OCRWM) forthcoming policy regarding implementation of Section 180(c).

When I last submitted our comments on behalf of the Commercial Vehicle Safety Alliance, dated September 2, 1997, the Enhanced North American Standard (ENAS) Inspection Procedures and Out-of-Service Criteria, for inspection of radioactive shipments had not been formally acted on by CVSA. The use of the procedures were in a pilot test phase at that time. On October 1, 1997, the membership of CVSA, overwhelmingly approved the procedures, out-of-service criteria, and several bylaw changes which affect training, and inspector and instructor certification for the ENAS. This now places the inspection procedures and out-of-service criteria in a standard operating mode for approved Department of Energy radioactive shipments.

I recently had occasion to read the comments on the proposed policy as submitted by the Midwest High-Level Radioactive Waste Committee, dated September 8, 1997. There are two paragraphs in their comments regarding the CVSA inspection procedures which I believe need clarification from our perspective:

On page 8 of their comments and reference pages 18-20, they object to any attempt to *require* states to use the Commercial Vehicle Safety Alliance's enhanced North American Standard inspection procedures. They cite that the state of Illinois has perhaps the most widely respected nuclear safety program in the nation, and that it would be unreasonable to require the state of Illinois to abandon its own rigorous and well tested inspection procedures and adopt the CVSA standard.

Also in this same correspondence they state that it would be politically untenable for a state agency to agree not to inspect shipments simply because another state has already pronounced them to be safe. They believe that in many cases states will choose to re-inspect shipments. As an example they cite that under Illinois law, the Illinois Department of Nuclear Safety and other cooperating agencies inspect and escort every shipment that passes through the state. They further advise that for Illinois state inspectors to adhere to a reciprocal agreement would require legislative action, and that is not likely to occur.

CVSA clarification on the above comments:

In your proposed policy, I can find no reference to a *requirement* that the states use the CVSA inspection procedures, however, OCRWM does anticipate that jurisdictions will abide by the CVSA reciprocal inspection standards program. The reason being, that all fifty states, including Illinois, have signed a CVSA Memorandum of Understanding (MOU), whereupon they have agreed to abide by the CVSA procedures for roadside inspections. It is my understanding that the Illinois State Police has been designated as the exclusive inspection and enforcement agency for enforcement of the motor carrier safety regulations in Illinois. They have been and continue to be a very active and strong supporter of the CVSA organization and presently use the CVSA adopted procedures in their inspections of motor carriers.

I assume the Midwest Committee, is referring to the Illinois Department of Nuclear Safety, when they cite their unwillingness to abandon their program, as the Illinois state police use the CVSA procedures. I know of no one who is advocating that the Department of Nuclear Safety abandon their radiation control program. It is my understanding that the Illinois State Police and the Nuclear Safety Department work together in conducting safety and radiation inspections on shipments of radioactive material within their state. The State Police conduct the driver, equipment and cargo securement inspection while the Nuclear Safety personnel conduct the radiation survey. This would seem like an excellent example of agency cooperation which will insure that the shipments are safe and meet their state and federal requirements.

As stated above, the Illinois State Police are strong supporters of the CVSA inspection procedures and will be using the ENAS on designated OCRWM shipments, once they commence. In preparation for this, CVSA and the Illinois State Police have scheduled three training sessions and will be training designated State Police personnel. The first of these sessions is set for November 10-13, 1997. A representative of the Illinois Department of Nuclear Safety has been invited to attend one of our training sessions as an unofficial member of the class. This may give them a better understanding of our program.

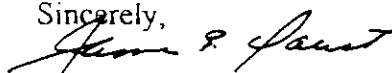
The Midwest Committee, also has a misunderstanding regarding the CVSA decal and reciprocity agreed upon by the signators of the MOU. The MOU recognizes and respects a jurisdictions requirement that certain types of shipments must be inspected when entering their state, such as Illinois and Colorado. The MOU further states "Nothing contained in this agreement shall prevent a party hereto from reinspecting a vehicle or combination of vehicles bearing a valid inspection decal." The reciprocal agreement that members have agreed to follow, allow for reciprocity of another jurisdictions inspection and allows for a more manageable method of selecting vehicles for inspection. The signators of the MOU enter into the agreement in order to maximize the utilization of commercial vehicle, driver and cargo inspection resources; to avoid duplication of effort; to expand the number of inspections performed on a regional basis; to advance uniformity of inspections; and to minimize delays in schedules incurred by industry inherent to this type of enforcement activity. The inspecting agency would also be remiss in their responsibility if they did not stop a motor carrier and conduct an inspection when a defect is noted even though it may have a valid CVSA decal. Random motor carrier inspections are also encouraged and recommended which not only evaluate the reciprocal agreement, but provide for unannounced vehicle, driver and cargo inspections.

The final point in this correspondence is to emphasize as I did in my earlier comments dated September 15, 1996, that OCRWM should strongly consider the transportation plan and program implementation guide as prepared by the Western Governors' Association Working Group, for the Waste Isolation Pilot Plant (WIPP). This is an example of the Department of Energy and states working together to develop a program which receives strong state and local support while insuring the safe, efficient and uneventful transportation of radioactive materials. The success of using these procedures was demonstrated in the very successful cesium shipping campaign and should serve as a guide to other radioactive shipments.

Thank you for allowing us to provide additional comments and we look forward to working with the Department of Energy and specifically the Office of Civilian Radioactive Waste Management in providing for a safe and efficient radioactive materials transportation system.

Please do not hesitate to contact me if you have any questions regarding our comments. My telephone number is (517) 732 4727 and fax is (517) 731 2954.

Sincerely,



James E. Daust, CVSA Program Director  
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