

Commercial Vehicle Safety Alliance



May 1, 2006

The Honorable Pete V. Domenici
Chairman
Senate Committee on Energy and
364 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Jeff Bingaman
Ranking Minority Member
Senate Committee on Energy and
364 Dirksen Senate Building
Washington, D.C. 20510

Dear Chairman Domenici and Senator Bingaman:

On behalf of the Commercial Vehicle Safety Alliance (CVSA), I am writing to express our concern over S.2589, the Nuclear Fuel Management and Disposal Act, that was recently introduced in the Senate.

As an organization of state, provincial, and federal officials responsible for administration and enforcement of commercial motor carrier safety laws in the United States, Canada and Mexico, we are especially concerned about Section 7 of the bill dealing with transportation.

Since 1986, CVSA, under a cooperative agreement with the Department of Energy (DOE), has developed and implemented the CVSA North American Standard Level VI Inspection Program for truck shipments of Transuranic Waste and Highway Route Controlled Quantities of Radioactive Material. This program has been adopted and enforced uniformly throughout North America. The goal of this program is the safe, uneventful shipment of these materials from origin to destination. In the most recent reporting period for inspections conducted under this program, 93.42% had no violations. The states, carriers and DOE officials who work with CVSA on the program remain dedicated to improving the program even more.

As of January 1, 2005, all vehicles and carriers transporting Highway Route Control Quantities of Radioactive Material are regulated by the U.S. Department of Transportation and required to pass the Level VI inspection at the point of origin. This program is now recognized as a national standard. Previously, DOE voluntarily complied with the North American Standard Level VI Inspection Program requirements.

This program represents a very successful partnership between the states and the Federal government.

Also, under the cooperative agreement with DOE, CVSA is currently engaged in efforts to get information out to the public on this very successful program. The fact that all states participate in the program is fundamental to its acceptance by the public.

We are most concerned that Section 7 of S. 2589 contains language that would allow the Secretary of Energy to exempt these shipments from existing Federal regulations and pre-empt the Level VI Inspection Program that all states have uniformly participated in for the past 20 years.

Section 6(a) also concerns us because of the potentially broad interpretation of the language. We believe this language could be interpreted to exempt all DOE radioactive material shipments from RCRA if transported in NRC approved shipping containers. This would have a negative affect on the states' ability to regulate WIPP shipments and other DOE radioactive material shipping campaigns. The success of the WIPP shipping campaign is frequently showcased as a model by DOE. Therefore, we cannot support this potential change.

We urge you not to pass legislation that would in any way risk interfering with this very successful partnership between the states and the Federal government, especially at a time when these shipments would greatly increase relative to the Yucca Mountain repository. This partnership has resulted in one of the safest modes of transportation in the country.

Sincerely,

Stephen F. Campbell

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Executive Director

Cc: All members of the Senate Committee on Energy and Natural Resources