



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
February 8, 2002

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Greg



Ms. Betty Rivera, Cabinet Secretary
NM Energy, Minerals, and Natural Resources Department
State of New Mexico
2040 South Pacheco St.
Santa Fe, NM 87505-6029

Dear Ms. Rivera:

For the mutual benefit of the State of New Mexico and the U.S. Department of Energy, I request that the State consider changing its internal policy to inspect 100% of WIPP shipments at ports of entry to Commercial Vehicle Safety Alliance (CVSA) Level VI Enhanced Inspection Standards. Several effective inspection alternatives are available that will have a positive effect on the use of taxpayer funds, inspector utilization, and security without adversely affecting safety.

To date over 550 transuranic waste shipments have been received at the Waste Isolation Pilot Plant (WIPP). Over 95% of these shipments originated outside of the State. Upon arrival in the State each of these shipments has been inspected to CVSA Level VI standards. In addition, a number of these shipments were also inspected upon reaching the WIPP. Because of our relationship with the Western Governor's Association (WGA) states and the State of New Mexico, we have elected to participate in this pilot program and support such inspections.

However, given that each shipment has been and will be inspected to the Level VI criteria at its point of origin, redundant inspections en route are unnecessary and inspections after shipment completion are of no value. Each Level VI inspection takes a minimum of an hour to complete with the inspector looking at approximately 500 criteria on the tractor, trailer, packaging, drivers, and shipping papers in addition to conducting a radiation survey. With the increase in the number of shipments to WIPP it is not uncommon for trucks to be required to wait three or four hours at Raton while other WIPP trucks are being inspected.

A review of the CVSA inspection results shows that none of the findings on any of these shipments that have entered the State to date would have adversely affected the ability for the shipments to be safely transported to the WIPP. In addition, the possibility of a radiation leak is not credible. This is because all of our TRU waste packages are Nuclear Regulatory Commission (NRC) Type B certified packages that are sealed at the point of origin and can only be opened with special tools. Given the design, unless there has been damage en route (e.g. a traffic accident) a leak cannot occur.

Assumes.
made to design
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Ms. Rivera

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We believe that inspections are important; as such, we require our drivers to inspect their shipment every two hours or 100 miles, whichever comes first. However, the level of inspection at New Mexico ports of entry is unreasonable. Accordingly, we request that the State consider conducting random or select Level VI inspections on a substantially reduced number of the shipments originating outside the State. This may be accomplished by randomly selecting shipments for inspection on a statistical basis or by allowing inspectors the flexibility to choose the level of inspection (e.g. Level I, II, or III) based on personnel availability and traffic flow at the ports of entry. In addition, please consider eliminating point of destination inspections at the WIPP.

The benefits to a reduction of CVSA Level VI inspections are:

- Wise use of tax dollars – Delay times for shipments are reduced; fewer inspectors are needed; driver pools can be reduced since drivers will burn hours driving, not waiting.
- Increased effectiveness of inspectors – Reduced number of inspectors for WIPP trucks; NM can better meet DOT funding criteria for other Commercial Motor Vehicle enforcement programs.
- Enhanced Security – Wait time and, thus, exposure for trucks coming out of the restricted Colorado shipping windows is substantially reduced or eliminated; trucks will no longer be waiting or “staging” to come into the Raton port.
- Increased Overall Trucking Industry Safety – More inspector time can be devoted to inspecting trucks not held to the same high standard that the DOE requires of WIPP trucks.
- Enhanced Public Perception – Reduction or elimination of shipments waiting or “staging” will reflect positively on the program.

I appreciate the opportunity to continue work with the State of New Mexico for the benefit of our organizations and the citizens of the State. If you have questions or comments, please contact Mr. John VandeKraats at (505) 234-7478 or Mr. Ralph Smith (505) 234-7335.

Sincerely,



Dr. Inés R. Triay
Manager

cc:
K. Watson, CBFO
R. Ross, WGA