



U.S. Department of Energy
Office of Civilian Radioactive Waste Management



Development of Section 180(c) Program

Presented to:

**Nuclear Waste Technical Review Board
Transportation Planning Panel**

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Background

- **Section 180(c), Nuclear Waste Policy Act**

“ . . . provide technical assistance and funds to States for training for public safety officials of appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste Training shall cover procedures required for safe routine transportation . . . as well as procedures for dealing with emergency response situations.”

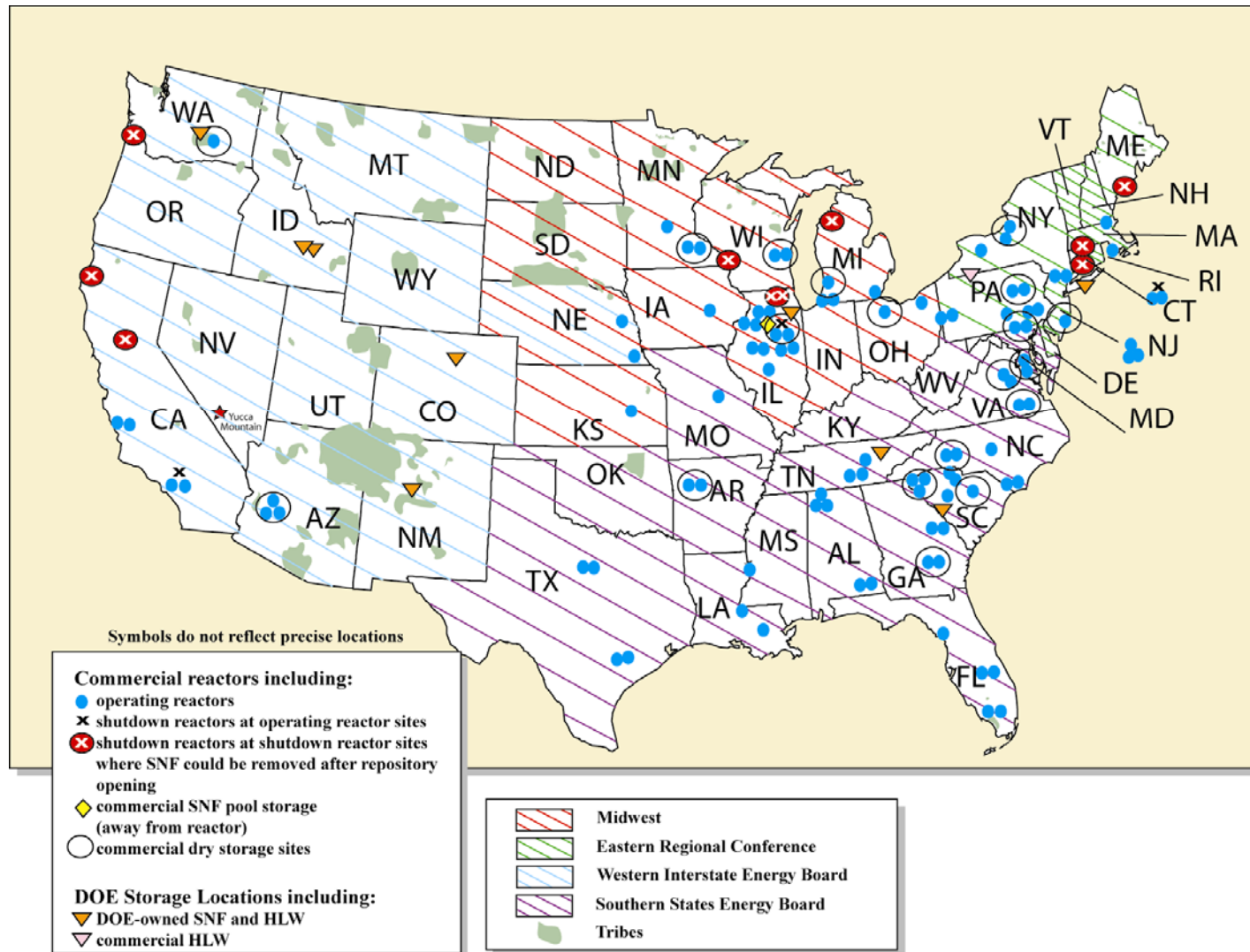


Introduction

- From the mid-1990s, the Office of Civilian Radioactive Waste Management's (OCRWM) program resources were focused on Yucca Mountain site recommendation and license application efforts, and transportation was de-emphasized
- With the creation of the Office of National Transportation (ONT) in 2003 and increased resources in FY 2004, the effort to formulate an approach to implementing Section 180(c) was renewed
- Proposed Policy and Procedures published in the *Federal Register* on April 30, 1998, reflected input from over 10 years of interactions with stakeholders



State Regional Groups, Reservations, and Reactor/DOE Site Locations



Steps in Current Section 180(c) Policy Development

- Review prior policy
- Coordinate with interested parties on proposed policy features
- Publish *Federal Register* Notices to propose and finalize policy
- Develop and implement grant application process
- Award grants and monitor implementation



Status of Policy Development Process

- **Office of National Transportation (ONT) renewed efforts to develop 180(c) policy and implementation procedures in early 2004**
- **State Regional Group (SRG) scopes of work under OCRWM cooperative agreements include tasks on Section 180(c)**
- **180(c) Topic Group was formed under the aegis of the Transportation External Coordination Working Group (TEC)**
 - **Participants include federal, State, Tribal, and local officials, emergency response associations, and nuclear and carrier industry representatives**



Status of Policy Development Process (continued)

- **180(c) Topic Group** (continued)
 - Other active TEC Topic Groups include:
 - ◆ Rail/Routing
 - ◆ Security
 - ◆ Tribal
- **DOE has reviewed changes in emergency preparedness and funding since 1998**
 - Emergency preparedness grant programs initiated after 9/11
 - ◆ Department of Homeland Security (DHS)
 - ◆ Federal Emergency Management Agency grants consolidation
 - Relevant DOE funding and emergency response training experience



Section 180(c) Topic Group Goals

- **Identify and discuss issues associated with Section 180(c) policy development**
- **Discuss each implementation issue, options, and considerations**
- **Develop issue papers on specific implementation issues with recommendations to OCRWM**
- **Review OCRWM's outline of the Section 180(c) policy**



Topic Group Participants

- **About 30 TEC member organizations participate in the Topic Group, including:**
 - **Representatives of the four SRGs**
 - **Oneida Nation**
 - **Umatilla Tribe**
 - **International Association of Emergency Managers**
 - **International Association of Fire Chiefs**
 - **Illinois Fire Chiefs' Association**
 - **National Association of Counties**
 - **Emergency Room Physicians**



Issues to be Resolved

- **Topic group members are providing input on a host of implementation issues and policy questions including:**
 - **Funding distribution method**
 - ◆ **Grants vs. cooperative agreements**
 - **Funding allocation method**
 - ◆ **Needs-based vs. formula-based**
 - » **Weighting factors for formula-based allocation**
 - **Type of training eligible for funding**
 - ◆ **Shipments of spent nuclear fuel and high-level radioactive waste**
 - ◆ **Leave to recipients to decide**
 - ◆ **Train-the-trainer**
 - ◆ **Refresher training**



Issues to be Resolved (continued)

- **Those public safety officials who should receive training:**
 - Firefighters
 - Inspectors
 - Emergency room personnel
 - Public information officers
- **Allowable activities being considered for training include:**
 - Equipment purchase and/or maintenance
 - Staff time to prepare or only that time devoted to training
 - Exercise activities
 - Inspection programs for “safe, routine transport”



TEC Topic Group Schedule

- **Starting early May, the group held weekly teleconferences**
- **Later switched to bi-weekly calls to allow time for issue paper review**
- **Have completed seven teleconferences**



Topic Group Status

- **Four issue papers are under development:**
 - **Funding Mechanism**
 - **Funding Allocation Method**
 - **Allowable Training Activities**
 - **Level of Training**



Issue Paper Content

- **Issue papers will cover:**
 - **Description/discussion of issue**
 - **What was in the OCRWM 1998 policy, and how issue has been addressed in other DOE programs**
 - **Options considered**
 - **Recommendations to OCRWM from the Topic Group**



Funding Distribution Method Issue Paper

- **OCRWM can fund States and Tribes through a variety of mechanisms**
 - **OCRWM's 1998 Draft Policy and Procedures provided for direct grants to States and Tribes**
 - **Waste Isolation Pilot Plant (WIPP) funds through cooperative agreements with SRGs**
 - **Foreign Research Reactor (FRR) program funds through various methods depending on shipments**



Funding Distribution Method Issue Paper (continued)

- **Options being considered include:**
 - **Grants to States and Tribes**
 - **Cooperative Agreements with States and Tribes**
 - **Cooperative Agreements with SRGs and Grants to Tribes**
- **Current reading of Section 180(c) language may only allow direct grants to States and Tribes**



Funding Allocation Method Issue Paper

- **OCRWM can allocate funds through an impact-based formula, or through a needs-based grant, or some combination of the two**
 - **The challenge is balancing recipient need, risk, equity, and program efficiency**
 - **OCRWM's 1998 draft Policy and Procedures had a needs-based allocation method**
 - **WIPP works with SRGs and States through cooperative agreements to negotiate funding each state will receive**
 - **FRR program had similar approach but offered an equal amount to each State**
 - **DOE's proposed consolidated grant formula was impact based, using number of shipments, mileage through a jurisdiction, and population along a route**



Funding Allocation Method Issue Paper (continued)

- **Options being considered by the Topic Group include:**
 - Department of Transportation's (DOT) Hazardous Materials Emergency Preparedness (HMEP) grant formula
 - Western Interstate Energy Board formula
 - 1998 Proposed Policy and Procedures need-based grant
- **DOE is still holding discussions with the Topic Group, SRGs, and Tribal officials**
 - The SRGs are working towards agreement on an allocation formula



Allowable Activities Issue Paper

- **OCRWM will define those activities and purchases for which recipient jurisdictions will be allowed to use their Section 180(c) funds**
 - The challenge is balancing recipient needs and program goals
- **OCRWM's 1998 draft Policy and Procedures prescribed the level of training that would be funded and percentage of funds available for equipment purchases**
- **WIPP and FRR program negotiated allowable activities with SRGs and individual States**



Allowable Activities Issue Paper (continued)

- **DOT's HMEP program has an extensive list of allowable activities, and in most cases, allows a range of activities**
- **A wide range of potential activities is being considered specific to transportation planning, safe routine transportation, emergency response procedures, and public awareness and information**
- **The Topic Group's recommendation is still under discussion**



Level of Training Issue Paper

- **Training funded under Section 180(c) must cover procedures for safe routine transportation and emergency response for State, Tribal and local public safety officials**
 - **The challenge is providing the flexibility required by State emergency response systems that vary widely in structure while ensuring that funds are used to meet program goals**
- **OCRWM's 1998 Draft Policy and Procedures, WIPP, Transportation Emergency Preparedness Program and DOE's consolidated grant efforts were evaluated for their training criteria**



Level of Training Issue Paper (continued)

- **A wide range of training options is being considered for a variety of potential recipients including elected/appointed officials, emergency response personnel, public information officers, hazmat teams, rail/truck inspectors, etc.**
- **The Topic Group's recommendation is still under discussion**



Section 180(c) Schedule*

- **Post-TEC meeting Topic Group call** 10/05/04
- **TEC comments due on Annotated Outline** 10/18/04
- **Topic Group focuses on grant application package** 2/05-7/05
- **Publish draft Policy and Procedures FRN** 3/05
- **Discuss Draft Grant Application Package - TEC meeting** 4/05
- **Publish Draft Grant Application Package FRN** 7/05
- **Publish Final Policy and Procedures FRN** 9/05
- **Publish Final Grant Application Package FRN** 12/05
- **Award Planning Grants** 7/06
- **Award Base Grants** 7/07
- **Award Variable Grants** 7/08

* All schedules are funding dependent



Feedback Received from Stakeholders

- **TEC 180(c) Topic Group members and other stakeholders have shared a number of recommendations and preferences:**
 - **Learn from WIPP and other federal assistance programs, such as DOT's HMEP Program**
 - **Allow recipients flexibility to determine: who should be trained, to what level, and kinds of equipment purchases**
 - **Adopt a formula-based allocation method**
 - **Consult with Tribes individually on their preferences**
 - **Keep application and reporting processes simple**



Grant Application Mechanism Options

- **ONT is evaluating various mechanisms with the goal of minimizing administrative burden on States and Tribes**
- **ONT is reviewing opportunity to use web-based e-Grants for application, review, and award of the grants**
- **Topic Group and SRGs will be involved in development of the application criteria and features**



Section 180(c) Development Process

