Transportation External Coordination Working Group

BREAKOUT DISCUSSION ON PROPOSED DOE CONSOLIDATED GRANT FOR STATES AND TRIBES

PARTICIPANT COMMENTS AND STAFF SUMMARY/ANALYSIS

JANUARY 2000

I. INTRODUCTION

A series of facilitated breakout sessions focusing on a proposed consolidated grant program were held at the Transportation External Coordination Working Group (TEC/WG) Summer 1999 meeting in Philadelphia, PA, July 13-15, 1999. Worksheets were developed and handed out during these sessions; the worksheets were designed to help obtain TEC/WG participant input on a proposed DOE consolidated grant. The intent of the worksheet was not to limit discussions, but to help prioritize for the members what their most important issues are, and to provide another avenue for obtaining comments in addition to the other avenues currently available. The worksheet was also disseminated electronically to meeting participants so they could circulate the worksheet among their membership and obtain further comment. A copy of the worksheet was also placed on the TEC/WG website.

Summary of Comments Made During Breakout Sessions

During the breakout discussions themselves, a number of common issues and themes arose. Generally speaking, participants asked for clear definition of objectives for the consolidated grant program, and where definitions or goals seemed unclear, considerable time was spent attempting to clarify what assumptions had been made.

With regard to the potential allocation formula, participants had specific concerns about what the impact of the proposed allocation would be on the status quo of funding for states and tribes already receiving assistance from DOE. Participants urged that DOE consider a “baseline” of funding for all corridor jurisdictions, regardless of the measured impact on the particular entity, so that there would be a minimum level of funding for planning purposes.

With regard to the specific elements of the potential allocation formula, participants emphasized that any allocation should be based on public safety requirements and not on economic impact that would occur as a result of DOE transportation. Factors discussed included: population, accident history along particular routes, shipment mileage, mode of transport, start-up costs for preparedness and the use of intermodal transfer points for certain shipments. Several participants asked whether, regardless of which set of elements was chosen, a minimum response capability would be developed for every jurisdiction along the routes. Asked whether need or impact should serve as a base measure, most participants noted that a truly fair allocation formula should incorporate some aspects of both.

State and tribal representatives generally urged DOE to work with regional groups (WGA, SSEB, MOCSG, et al.) on peer review and funding distribution questions. Some participants stated that any program developed ought to have clear and simple administrative requirements; the DOT funding programs were cited as having simple administrative procedures.

Some participants stressed the importance of ensuring accountability among grant recipients in spending allocated funds. This discussion also brought forth questions about the ideal duration of the grant program and related planning requirements for states and tribes, and what should be planned in the event that there are unused funds from one year to the next.

Several comments focused on how, if a needs component were to be used in allocating funds, such needs would be measured. Some suggested approaches included looking at how states currently use training funds to address needs; developing some type of "needs survey" and updating it periodically; and the need for a comprehensive evaluation of preparedness for all recipients. Commenters specifically said that funding needs should not include Agreement-in-Principle funding when making comparisons.

Tribal issues were the focus of much discussion during the sessions. Commenters stated that equity in funding should reflect the unique government-to-government relationship that exists between the federal government and the tribes. Additionally, special cultural impacts may need to be part of an equitable measure of tribal impacts. Representatives urged that DOE work directly with affected tribes, that working through states would be inappropriate given sovereignty issues. The issue of how to account for potential impacts on ceded lands was also identified as a priority, and the lack of historical access by most tribes to this type of funding should also be taken into account. Participants suggested that the TEC/WG Tribal Topic Group be employed to develop input into the proposed program.

With regard to methods of funding distribution, the response was mixed. Tribal representatives generally favored working through regional offices with which tribes have already established relationships. State participants generally did not embrace this approach, and favored either using regional groups to distribute funds or to work with one centralized office to ensure consistency.

Finally, many participants agreed that a separate TEC/WG Topic Group is needed to explore these issues further, and to involve potentially affected jurisdictions in advance of any firm policy or procedural decisions are made by the Department.

Grouped Questions, Responses and Preliminary Staff Analysis

Participants were provided with a grouped set of potential questions/issue statements that were meant to serve as a basis for discussing features and options of a potential consolidated grant. 261 written comments have been received to date. Those questions/issue statements are reproduced in the matrix below, along with comments received both at the meeting and via fax and email afterward. Another column has been added to the matrix to provide space for preliminary staff responses or additional clarifying questions that may have been raised.

II. QUESTIONS FOR DISCUSSION

QUESTION	COMMENT	SUMMARY
Allocation Mechanism: the prototype formula used by FINCALC reflects experience from other federal agency grant programs. Understanding that RW has issued draft policy for implementing Section 180(c) and is concerned that this activity not conflict with their commitments, we suggest that discussion about each proposed approach clarify key issues and lead to development of a set of pros and cons about various components of an allocation mechanism.		
1. Assuming that consolidating DOE transportation grants is a preferred approach, should allocations be made based on recipients' needs, or on the impact they are likely to experience compared with that of other jurisdictions? How different are the two criteria? Should an equitable approach incorporate aspects of both?	a): I think formula approach is best; needs-based approach will create too much complexity. b): Need. Must ensure baseline for all! c): I believe elements of both should be used in determining a funding formula. There should be a minimum base funding level, which is added to based on impact (which includes the number of shipments plus route miles). I would not incorporate population into the equation, because that will have no impact on the preparedness activities that need to occur. I suggest also setting aside some of the funds for discretionary projects/needs. Depending on the formula, it may be necessary to set a ceiling on funding, to ensure the funding is reasonably equitable. d): There should be a baseline per state, or maybe even a baseline per hazmat team that will be affected. DOE needs to ensure that, should an accident occur, whatever team responds will be properly prepared and trained to handle the situation. e): Demonstrated need would be my preference for the distribution of funds. f): The goal should be to elevate each community/tribe to a minimum standard—allocation should look at individual area need. g): Should be combination of both. The criteria are somewhat different with same [illegible]. [Incorporate] both if possible. h): Favor needs-based approach, possibly coupled with a formula-based component. i): It is very difficult to define either of these terms objectively. From what I believe the definitions are, I believe that both aspects would have to be considered to be equitable. j): Incorporate aspects of both. A minimum capability is necessary in jurisdictions along routes. But actual impact is also critical in allocating funds.	One respondent favored a strict formulaic approach in allocating funds, five favored a need-based approach, and eight stated that a combination of the two would be preferred.

QUESTION	COMMENT	SUMMARY
	k): I don't think that a needs based approach excludes a formula. Need should be a part of any formula. It should be factored in with number of shipments, mileage and population. Other factors to consider are severe weather conditions in certain parts of the country, accidents/fatalities on certain local roads and desolate/remote roads. Low population means less inhabitants that could be at risk, but it also means that there is difficulty in finding, training, and maintaining first responders. Desolate areas might fall into a need category. l): A tribal needs based approach is preferable. It is a disturbing fact that tribal jurisdictions have a much greater need than state counterparts, Needs also may be more readily assessed than potential impacts. m): The grants should be simple, direct grants based on budgets already submitted by the states. There should be no elaborate plan. n): Incorporate aspects of both. o): An equitable approach would include a base grant, an impact "fee", and if necessary a needs-based block grant to eligible jurisdictions (states and tribal nations).	
2. How would "needs" and/or "impacts" be measured? The prototype formula used by FINCALC uses number of shipments, mileage along potential routes, and population along those routes. What other factors could or should be examined?	a): See related comments below (3.a). P.S.: FINCALC just sounds like a standard Excell *(sic)* type spreadsheet model to me. b): Current capacity. Ensure baseline for all! c): See above answer (1.c). d): All listed are important. Somehow limited transportation routing options in the West should be taken into consideration. e): Actual current preparedness and the cost/effort involved in getting each to a safe minimum standard. f): Need to ask states. May differ from area to area. [Formula] could work. Criteria for each must be worked out with discussion. g): States and tribes must determine needs, based on some minimum level of preparedness/activity jointly determined by DOE and affected stakeholders.	Other suggested factors included the current status of preparedness, the number of jurisdictions involved, type of shipment, and special cultural considerations having to do with tribal resources.

QUESTION	COMMENT	SUMMARY
	h): The number of city, county and regional response organizations needs to be considered. Each of these organizations must be handled individually. The more numerous the organizations the more meetings, briefings and courses are required. i): Defining “needs” is difficult. I wonder if DOE could develop a survey to assess needs related to emergency response. j): As the NCAI has stated throughout this process, assessment should be done through a case by case approach. There are outstanding questions about the derivation of formulas and models upon which they are based. How many state jurisdictions and how many tribal jurisdictions were utilized and consulted with in the development of model formulas? Were the response organizations included in the analysis highly-developed or minimally staffed and equipped? Was the analytical data developed by non-tribal technicians? Did the technicians have direct tribal community input? k): Should be measured by mileage and the number of shipments. [Factors should include] whether the shipment(s) affects an entire state. l): Capability of response agencies along route to respond to any resulting situation. m): These factors seem to be appropriate. “Needs” should also consider whether “general purpose” training, supplies and equipment will be adequate to respond to an accident involving the material(s) being transported, or whether specialized training, supplies and/or equipment will be required to protect emergency workers and/or the public. The type of shipment(s) through the jurisdiction should also be considered.	
3. If a formula uses population, mileage, and shipment numbers, should these factors (or others) be weighted equally or differently, and if so, how?	a): Keep it simple whatever you do. I think numbers of shipments can be eliminated <u>because total shipment miles</u> accommodates shipment exposure. Possible 50% population, 50% shipment miles. b): Forget population. Rural states may have more distance and less capability. c): See the Strawman proposed by WIEB’s High-Level Waste Committee for 180 (c) implementation. d): <u>Affected</u> population and numbers of shipments (or shipment miles) on routes affecting communities would be important and should be weighted (60-40?). e) In areas where mileage is high and population is low (some Indian lands) MUST consider level of preparedness, time to respond—environmental issues, as well as cultural impacts.	Respondents stressed that simplicity in applying formulas is key. Responses on whether to include population varied.

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	f): Need to use combination. Seems straightforward. May need fine tuning. g): Weighting should probably be different, but proportions would be very subjective to entity doing the weighting. h): Population is a factor, but not a major one. The number of separate emergency response jurisdictions along the route is probably more relevant. Responses in high population density areas don't necessarily require more resources than a response in some low population density areas. I would guess that the resources required remain about the same. Mileage is more important, but not all encompassing. The number and period of shipments is a major factor. More shipments mean more monitoring, more inspections, more notifications and etc. i): Shipment numbers 50% weight, mileage 25%, population 25% j): Any formulas developed to this point do not address cultural settings or impacts. The result of population density, mileage and shipment numbers in formula usually are part of a rationale which works top exclude tribal participation. The impact to various trust lands, resources, and significant cultural sites can not be measured in financial loss. The loss of homelands and cultural icons can be devastating to peoples whose need to protect the integrity of their homelands are essential to cultural continuity. The formula presented is not an equitable distribution methodology. There will be approximately the same number of tribal jurisdictions as state jurisdictions impacted but5 the amount allocated to tribes will be proportionately less. Most of the tribal jurisdictions are not in a state of readiness. State emergency response organizations are ready to roll and have well-developed infrastructures. It does not seem fair and equitable that more money will go to state jurisdictions already equipped for radiological transportation accidents. It seems the emphasis should be on those jurisdictions which need enhancing and upgrading. k): The formula should not be weighted equally. It should be based on whether it affects an entire state, the mileage in that state, and the number of shipments involved. l): More mileage could result in more local response agencies being potentially involved and more population being affected. More agencies could mean more funding/training/equipment needed. Number of shipments probably not as big a factor as number of agencies, mileage and population. Whether 1 shipment or 10, training and equipment and planning needs would still be quite similar. m): The factors should be multiplicative – number of shipments X miles per shipment X population affected per mile. An adjustment factor for the type(s) of shipment(s) should also be utilized in the formula.	

QUESTION	COMMENT	SUMMARY
4. Would a non-formula, needs-based approach be preferable to a formula approach? Why or why not?	a): I think a formula-based approach is the simplest, cleanest, most defensible approach. Needs-based approach may ultimately be more equitable, but it would be much more complex (and maybe even more controversial) than formula. b): Needs. Expand all to a minimum—then add to existing. c): I don't believe it would be practical for DOE to even attempt to determine the needs along all segments of the potential shipping routes. A formula may not address all needs, but would most certainly result in the biggest priorities being addressed. DOE will simply have to trust the states to address the greatest needs first. d): 50/50 needs/formula (a formula would make provisions for differences among states/tribes). e): Yes. If equity is the goal—funding should based on where are the recipients at present. What would it take to get to a safe minimum standard? f): No. Too many unknowns. g): Non-formula approach would be preferable from a programmatic viewpoint (but probably not from an administrative perspective). Needs-based approach would be more accurate assessment because it would factor in a current assessment of the level of preparedness in comparison to some established minimum. h): I prefer a formula to guide the decision, but there should be some allowance for negotiation. i): Needs could be addressed by a baseline grant. Then a formula approach could address other factors. j): Based on needs. Some States have received previous DOE assistance. Some States have received more DOE assistance than others. k): There should be a "needs" component, which would encompass a set percentage of the overall program funding. Needs-based and formula-based funding should not be mutually exclusive. Evaluation of needs-based funding proposals should be performed by a neutral body of reviewers.	Compare this to Question 1; asking for a preference this way, three favored a formula approach, three favored a needs-based approach and five recommended using both.
5. Would a proposed set-aside for Tribes be an appropriate approach? Why or why not?	a): Yes. Separate category. b): It is appropriate to provide some funding to affected tribes. c): Allocations should relate to specific need.	Responses were about equal in favoring or disfavoring a tribal set-aside; several declined to answer the question and suggested that

QUESTION	COMMENT	SUMMARY
	d): Must look at where the tribes are compared to other communities—what would it take to get to a safe minimum standard? e): No comment. Not part of tribe. f): A set-aside for tribes is not appropriate. They should be dealt with essentially the same as states (one cannot determine a set-aside amount or percentage absent the known number of tribes impacted and what they need). g): I am not sure what this means. I favor the tribes receiving sufficient assistance to achieve a level of preparedness commensurate with what a local jurisdiction would have. h): Tribes should get a fair share based on impact of shipments. Could be addressed though as part of a regular program. i): I think that if there is a need based formula, individual Tribes' needs could be met. If a formula approach that excludes any needs based component is used then a set aside for Tribes would have to be done. j): It appears that the emphasis of this proposed approach is to be fair and equitable with respect to the funding allocated to tribes and states for transportation related preparedness activities. States have enjoyed years of funding (from many sources) to develop and implement sophisticated emergency preparedness infrastructure. Tribes, conversely, have received little funding for emergency program infrastructure development. The playing field has never been level (or fair and equitable), with tribes being underfunded, and now the plan is to make everything fair and equal. This is a losing proposition for the tribes. k): The Senior Executive Forum has worked diligently to propose options and approaches that may work within the tribal governance structures. However, in order not to misstep, it is important that Forum officials immediately begin interaction with tribal leaders to inform them of the activities and funding mechanisms being proposed. Tribal leaders may have quite different experiences with alternative mechanisms that could be more compatible than those presented. Even if a possibility exists that more than one funding mechanism may become available, tribal leaders should not have to be subjected to another force-fed federal program which did not include their input prior to release. Although the impacted tribal jurisdictions are not yet established, there are enough identified which could be contacted for discussion on this matter. Therefore, it is important that all iterations of forthcoming documents clearly remain as discussion and preliminary draft documents until thorough outreach and consultation has taken place with impacted tribal government officials.	tribes ought to respond.

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	l): The emphasis of the Predecisional Draft has been on the fair and equitable treatment of states and tribes. The DOE transportation research program has developed reports which document the inequitable distribution of transportation funding to states at the expense of tribal governments. As one example, from FY 1995-FY 19997 (excluding Agreement in Principle funding), 15 states each received $600 thousand to $18 million, 15 states received $195 thousand to $600 thousand, and 17 states received up to $221 thousand. Nine tribes received a total of $557 thousand. Forty-seven states were funding, with possible more than half of these each receiving more than the total amount allocated to nine tribes. This disparity plays out in the lack of tribal infrastructure. This example is to justify a tribal set-aside only if the set-aside is more than what is proposed in the current discussion and would provide tribes with reasonable assurance that they could prepare their communities for the magnitude of shipments expected from DOE high-level radioactive waste and spent nuclear fuel shipments. m): Yes, it would be appropriate. Tribes have been neglected in the past. A set-aside ensures that Tribes receive appropriate funds up front. n): Prefer a formula with a minimum “base” award received and then a formula for distribution of remainder. o): Tribal nations should be eligible for baseline, formula and needs grants in the same manner as states. Mileage, shipments and population used in calculating fomula grants to tribal nations should be removed from the fomula grant calculations for the state(s) in which tribal lands are located, unless state authorities are vested with jurisdictional responsibilities on tribal lands.	
6. Tribes along current and planned DOE transportation routes have unique jurisdictional responsibilities and constitutionally-protected rights. How might an allocation scheme address those responsibilities and rights equitably?	a): The Tribes would be best able to answer this question. b): Much the same as states but funds based on the same formula. A different baseline amount for tribes only. c): DOE should make sure that Tribes could respond to accidents and fund appropriately. Other issues are secondary. d): Tribes should be consulted on this. e): Actively involving the Tribes and tribal leaders in the planning and distribution of those monies. Regional or field offices could be actively involved. f): No comment. Not part of tribe. g): Allocation must be needs-based. But funding should not be available to establish a hazmat/radmat capability that doesn’t already exist.	Most respondents stated that tribes need to be involved in answering this question. One recipient noted that states also have constitutionally-protected rights.

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	h): States and tribes are different. States typically have to provide more services to more citizens over larger areas. A state must provide training and assistance to many jurisdictions throughout the state. i): Treat the tribes like states on this issue. j): With respect to their status, Tribes and states are not equal and never will be. Regardless of their status as sovereigns, tribes have not been treated equally or fairly. Tribes have a unique political and legal standing in the United States. The Department of Energy (DOE) has a Trust relationship with the tribes, not the states. This trust relationship requires the DOE to give notice to tribes about this consolidated approach and consult with them to determine whether the tribes are in agreement. Executive Order 13084 and President Clinton's Memorandum of 1994 require that the DOE must consult with tribes before it acts or makes decisions which affect tribes. This consultation must occur before the paper is published in the Federal Register. While the allocation formula may be based on quantitative factors (i.e., number of miles, number of shipments, etc.), other factors, not easily quantified must be considered as well. For example, exercising treaty rights on ceded territories and other cultural resource protection issues must be incorporated into the discussion. These issues and concerns can not resolved until there is direct consultation with Indian tribes. [Heather Westra, Environmental Coordinator, Prairie Island Indian Community k): Treat the Tribes as the States are treated. l): If the formula was based on population, mileage, number of shipments, etc., were used wouldn't this tale the tribes into account just like any other jurisdiction? m): The states also have constitutionally protected rights (see the 10th Amendment). Tribal nations should be treated in the same manner as states, with exceptions only for those issues for which the U.S. government has a trust responsibility to the tribal nations.	
Elements of the Mechanism: the DOE Working Group identified the need for a base level of funding plus some measure of impact in allocating the funding. The group also discussed the notion of variable impact from different kinds of materials. The questions in this section focus on preferences for funding splits between the base and impact levels (assuming you provide some consistent level of funding with the base), on the quality of the shipment data used as the basis for allocation decisions, and on how the grant should be structured to ensure achievement of desired outcomes.		
7. Some Federal agencies allocate funding using a "baseline" proportion for all recipients, and then allocate the remainder	a): What is recipient base? All corridor states? Need to be clear. b): Ensure SIN. Minimum training should be given to all for Secure, Isolate and Notify. c): WIEB proposed a base of $150,000 annually to prepare for OCRWM shipments. Experience with WIPP	The average figure supplied was in the area of about $150,000; others stated that baselines need to be established before the

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based on some measure of impact. What would an adequate baseline level be? What should the proportion of baseline to impact be?	shows this is a necessary minimum funding level to prepare a route for a major shipping campaign. We don't yet have experience to determine a sufficient level for maintaining that preparedness, but that potentially could be somewhat less. d): 32 states? Need some baseline amount for all affected states; i.e., $150K, $200K. e): Whatever's needed to ensure that response teams are properly trained. f): A "baseline" or base should be determined by those who would actually do the work—the local providers. An adequate baseline should relate to the ability of a responder to do the work. g): Does this "assume' that everyone is on the same baseline? Initial grant monies could be used to bring everyone up to a safe minimum standard. h): ? i): Baseline level of $150K/year should be <u>minimum</u> (that is WIPP level, considering no other shipments). j): I favor some sort of baseline. I believe that a baseline amount should be between 66 % to 75% percent of the total. k): For reasons discussed below, the proposed Consolidated Grant approach presented in the draft will not result in fairness or equity to the tribes. Ten percent has been allocated to tribes, 15.3 (17 percent of $9 Million is 15.3 percent of $10 Million) has been allocated to "discretionary" purposes, and a whopping 74.7 percent of the total amount (the $10 million) has been allocated to the states (i.e., 24.5 percent base and 58.5 percent impact). This does not seem to be fair, equitable, or just. Tribes, again, will be underfunded, but yet expected to respond to radioactive waste transportation accidents not of their making, but a result of shipments traveling through their jurisdictions. Although ten percent of the total funding has been reserved for allocation among impacted tribes, it does not appear that, in the final analysis, that the proposed set-aside amount (i.e., the ten percent) is fair and equitable. Of the $1 Million (based on a ten million dollar formula), $350,000 will be used for base program activities, and $650,000 will be allocated based on calculated impacts. Depending on the number of tribes involved, the base amount and impact amount given to each tribe may be small. If ten tribes are impacted, for example, the base amount per tribes will be $35,000. This is not an adequate level of funding, given the number, volume, and magnitude of these shipments and the reality that tribes lack basic emergency preparedness program infrastructure, unlike the states. As mentioned above, the states have benefited from years of federal funding for the emergency program infrastructure development and implementation. Conversely, states will be allocated 24.5 percent (of the remainder after the tribal	question could be answered.

QUESTION	COMMENT	SUMMARY
	portion has been taken out) to base activities, which amounts to $2,205,000 (.245 X $9.0 Million) and 58.5 percent for calculated impacts, which amounts to $5,265,000 (.585 X $9.0 Million). The total dedicated amount available exclusively to states is therefore $7,470,000, or approximately 75 percent of the total amount of funding available. This is grossly disproportionate to the amount of funds available to tribes. l): Use only the baseline. m): Would prefer to see a "base award along with a formula that would distribute the remainder on an impact basis. n): Baseline funding should be sufficient to "make it worthwhile" for the state / tribe to administer the grant. Generally, this would mean that baseline funding would need to be in excess of $100,000 per year. The majority of the funding (75% or more) should be related to anticipated impacts.	
8. In determining potential impacts, should all radioactive materials shipments be treated equally, regardless of the commodity being shipped? If not, how should distinctions be made among materials?	a): No, should be SNF, HLW, TRU, HRCQ shipments only. Otherwise, if LLW and MLLW is included, the recipient base will include all states, thus diluting dollars that would be going to corridor states involving high-level materials. b): Yes. No difference at state level. c): All radioactive placarded shipments should be treated the same. The same response is necessary, the same level of training is necessary, and a low-level of mixed low-level shipment is more likely to test capabilities in terms of contamination control, decon of victims, and even public information. d): Training is similar, but exposure and media coverage will be greater with spent fuel so it should be a priority. e): Impacts should relate to risk (consideration, however, should be made to how the public considers things nuclear. They do not always differentiate between types of radioactivity. It is incumbent upon DOE to interact with the public to determine concerns and convey information on the shipments. f): Is it not easier to treat each shipment [the] same—reduces the amount of education/awareness by teaching just one response, etc.? g): No. Risk base. h): Simply can not be treated equally, based on level of hazard and packaging.	Roughly equal numbers of respondents said that shipments should be treated differently as said they should be treated the same.

QUESTION	COMMENT	SUMMARY
	i): Each type of shipment requires some level of training and assistance. j): Distinctions among materials should be risk based. When the risk and/or frequency is equal or less than shipments from other non-governmental groups using the same routes I don't think compensation is necessary. Training and equipment are needed from grant funds. k): They should be treated equally. Reasoning is that a low-level shipment may cause more problems in an accident than a high-level shipment, depending on the circumstances of the accident/incident. l): No, perhaps a sliding scale based on "risk." m): No, the shipments should be weighted or ranked. I would propose a three-tier system: (1) low-level, (2) high-level and (3) special. Low-level would include low level radioactive and/or mixed waste; high level would include shipments of spent nuclear fuel and high level waste, WIPP shipments, large source shipments, etc. (HRCQ shipments); special would include shipments of special nuclear materials, weapons and/or weapons components, MOX fuel, etc. … particularly Transportation Safeguards Division (TSD) shipments.	
9. Every State or Tribe that sees even a single shipment of DOE materials pass through its jurisdiction is arguably impacted by that shipment, but if every jurisdiction were entitled to funding there may not be enough funds remaining to adequately compensate heavily impacted States and Tribes. Should there be a threshold below which some States and Tribes might see shipments, but not be eligible for funding? What would that threshold be?	a): Yes, I believe there has to be. It will be somewhat arbitrary to decide, but there will just not be enough dollars to go around elsewhere if there is not a threshold. b): No. All must have minimum training! c): It may be necessary to establish a certain threshold, at which point a state or tribe would receive a reduced funding level. I'm not sure what that threshold should be. d): Zero for those states with little or no activity. e): If there are sporadic shipments that would impact states/tribes minimally, there would not appear to be a need for funding. However, the DOE needs to ensure in those cases that especial care is taken to reduce risk to residents of those areas (e.g., escorts, etc.). f): Would it make a difference if only one shipment crossing a certain route is involved in an incident? Would transportation/preparedness be any less important? Readiness is readiness. g): Are entitled based on impact. One shipment is one shipment and more is more. Use formula. h): Yes, threshold may be appropriate. Would probably vary by material (e.g., 5/yr for SNF, 20/yr for LLW).	More favored using a threshold than not (seven to five), but most declined to say what an appropriate one should be.

QUESTION	COMMENT	SUMMARY
	Other mechanisms could be used to address preparedness. For example, DOE could escort or provide training directly free-of-charge for small numbers of shipments. i): Limited impact states should be offered training and assistance to prepare them. They probably do not need a full time staff to accomplish this. A DOE contractor could probably provide the necessary training and assistance for the limited time period. j): Yes, there should be a threshold. The threshold should be based on a State's or Tribe's resources to deal with a problem. k): No threshold. All affected states/tribes should receive some baseline award. And, depending on the amount of the award some consolidating of training, response, planning and/or equipping might have to be done by the recipient. l): No. DOE must be in a position to adequately compensate jurisdictions for the impacts caused by their shipments. DOE received Congressional funding sufficient to create the situations requiring shipments; now DOE must do everything within its power to get funding sufficient to deal with the management of surplus nuclear materials and waste. Georgia will work with its Congressional delegation to help DOE obtain funding sufficient to meet program needs.	
10. Some data on forecasted DOE shipments are available, but do not completely cover all shipments that might occur. Assuming the data are not perfectly accurate and that changes in plans are certain to occur, how good does DOE's information about planned shipments need to be before an allocation based on such data would be sufficiently fair?	a): I think you should consider a mix of historical shipments and projected future shipments; e.g., 50% based on previous year or years and 50% based on Projected year or years. Data need to be as good as DOE can make it—most know that this will be subject to considerable uncertainty. b): 3-5 years. 3-5 year projection must approach 100%. c): The data must capture the vast majority of shipments – above 90 percent. d): General data on expected shipments should be sufficient for funding determination. e): Shipments probably wouldn't differ from predictions too much on an annual basis, so, if DOE could make yearly grants, it should be able to allocate fairly. Of course, state applications under this scenario should involve very little paperwork so as to make it worthwhile. d): It needs to relatively accurate to enable states/tribes to prepare adequately. Important is ensuring that this information is conveyed to appropriate state/tribal agencies to enable them to prepare in sufficient time.	Nearly everyone stressed that accurate data was critically important to apportioning funds.

QUESTION	COMMENT	SUMMARY
	e): Information as accurate as possible should be utilized as a goal of equity—if not perfect, still lends itself to equity. f): Use forecasts for five-year projections and work plan. Projections should be used over time. g): Data need to be fairly good (85%+ accurate) if it is to be used in a formula. h): Changes, higher or lower, in shipments could be accounted for quarterly and funds adjusted. i): Without further explanation of this question, DOE's plans would need to be accurate. j): Minor variations in data should not be a problem, however, substantial increases or decreases in actual numbers and distances traveled should be adjusted for. k): DOE should use best available forecast data for a rolling 5-year period. For those shipments which do not appear in the forecasts used for funding programs, DOE must include the costs associated with funding to states and tribes in its overall cost estimates for the shipment campaign, and commit to beginning discussions with the affected jurisdictions early enough to permit necessary planning, training, etc. The program should be sufficiently flexible to allow DOE and affected jurisdictions to reach supplementary agreements on a quick-turnaround basis, should unanticipated transportation needs arise.	
11. DOE's goal in developing and implementing a consolidated grant is to enhance fulfillment of its transportation mission (improved pre-shipment planning and coordination, increased administrative efficiency and streamlined transportation operations, enhanced awareness and preparedness by impacted jurisdictions and increased fairness in funding allocations). How	a): You should call this Performance Measures to make it clear. States are used to this term in showing compliance with federal grant programs. Metrics required. Training—number of responders trained? Planning—strategic plan, implementation plan, meetings? b): Funding [to] ensure minimum standards. c): The WIPP grants provided to the western states through the WGA seem to work well. A state proposes a budget and workplan, these are reviewed by DOE, modified if necessary, and then approved. The state then works to fulfill the elements of the workplan. There must be some flexibility to account for unexpected changes. d): Information needed: relative magnitude of shipments vis-à-vis affected entities; level of need my affected entity; provide sufficient flexibility to enable entity to tailor funding use to need; require the states to receive input from locals to ensure needs are met. e): Straightforward with little [illegible]. Administer from one location and one group of people.	Many respondents stated that meeting a baseline standard of preparedness for responders should be the ultimate goal of the program.

QUESTION	COMMENT	SUMMARY
should the grant be designed—what criteria should be included—to ensure achievement of these desired outcomes?	f): DOE, in conjunction with states and tribes, needs to determine minimum levels of preparedness and define allowable activities. Favor initial "planning" grant, followed by yearly "base" grant with discretionary or formula-based element added. g): The following criteria should be considered when allocating funds: number of shipments, number of jurisdictions impacted, and total mileage through a state. h): The initial grant to each State needs to meet the requirements of each State to bring the State up to baseline preparedness to respond to an accident/incident. Thereafter, a formula should be used based on the amount of assistance already provided by DOE and resources available within each State or Tribe. i): Allow the states/recipients flexibility to identify their respective needs and utilize the funding to address these needs as long as they support to ability to respond to shipment related incidents. j): The grant should be flexible – the goals (mutually agreed upon by DOE and the affected jurisdictions) should be clearly stated, and some mechanism (perhaps audits or reporting requirements) should be established – but it should be left entirely up to the affect jurisdiction as to how the funds are to be expended. Some jurisdictions may need training and not equipment – some exactly the opposite. Prescriptive guidance serves no purpose whatsoever in this area.	
Provisions for Exceptional Cases: discretionary grants have been proposed. These questions reflect what those grants would include and how to administer their award.		
12. Discussions have taken place about whether to have a "discretionary grants" component that would be available for any jurisdiction or involved organization that had special needs or requirements that might not be accurately reflected in an allocation formula. On what basis should jurisdictions be entitled to a supplemental discretionary grant?	a): This would be strictly needs-based. Simply require a written proposal for the organization who wants to make a case for its special needs. b): Not needed if you [illegible] the formula approach. c): I would support a small percentage of the funding being designated for discretionary funding. A grant request would have to demonstrate a clear impact and a clear need to meet that impact. Peer review of applications is appropriate. d): Special shipments that would create extraordinary need or preparation above "base." Special campaigns. e): <u>Need</u>. f): Set-aside for unforeseen needs is imperative. Simply can't identify all possible contingencies up front. States and tribes should have to justify need to some type of regional peer review group.	There was cautious support for discretionary grants, but no real agreement on what the level should be. Some argued that the component would be unnecessary if the original allocation were sufficiently fair.

QUESTION	COMMENT	SUMMARY
	g): See below (13.g) h): Discretionary grants are unnecessary if needs are factored into the formula. A specific "need" could be the only portion of the formula under which some might qualify for funds. i): The basis for entitlement to supplemental discretionary grants should be if the State or Tribe is below the baseline in planning, preparedness and response preparations in relation to other States and Tribes. j): Some funding could be set aside for "discretionary grants" but not a high percentage. Perhaps 10 percent. k): Discretionary grants might be useful for national or regional organizations which have no jurisdictional responsibilities for transportation planning and/or emergency response, but nevertheless may fulfill a vital role in terms of interstate coordination or focusing industry resources on DOE transportation issues. DOE should set aside a small portion of the overall grant for discretionary grants, and organizations desiring such a grant should transmit grant proposals to DOE for consideration. DOE should solicit input from its partners in determining which proposals to accept, and to what extent they should be funded.	
13. There also have been discussions about developing a "peer review" process for discretionary grant implementation that would permit representatives of States and Tribes, and State and Tribal groups, to provide input on implementation of the program and help evaluate discretionary grants. What might such a peer review group look like? What potential conflicts of interest could arise, and how would they be addressed?	a): Peer review group is an excellent idea. Should include at least one rep from each stakeholder group. May want to consider an entirely new. 3rd-party group to do this. National Research Council (part of NAS) does this a lot. b): First meet minimum program requirements. Second, state rep should be from a state not competing for enhanced funding. c): DOE could establish a group which includes states and some of the professional organizations involved with TEC. Membership could be on a three year rotation. If a state had a discretionary request in a particular year, they would not participate in the review group and another state representative would fill their slot. d): This is a good idea and would be a way to break through "parochial" interests. This should be done on a national level. Care should be taken, however, that local input is received. Reps should include members from regional groups (e.g., WGA, SSEB), local governments and tribes. A peer review group may be particularly useful in creating the "base" level. e): Time consuming. Just need to be reasonable. Am opposed to total peer review. f): See previous comment [12(f)]. Peer review group should consist of state/tribal/local /federal government	There was nearly universal support for developing a peer review process.

QUESTION	COMMENT	SUMMARY
	representatives from region. g): I believe each regional group could develop its own process. States requesting additional funds would have to go through a peer review process to obtain approval. Peer group would be comprised of representatives from each state. DOE would also have to be involved in the approval process. Participation by the regional groups could help to minimize conflicts of interest. h): A State representative from each State involved in DOE shipments. States which have a higher preparedness level and have had more experience with any type of radioactive material shipment, may feel that States with preparedness programs still in their infancy is the result of these States procrastinating, and thus do not deserve supplementary assistance. i): "Peer review" can be quite time consuming and could result in a whole new set of "concerns." Perhaps it would be better to obtain good representative input with regard to the award criteria and application rating. j): See the comment above [12.k] A peer review group could be convened electronically (via e-mail or teleconference) to keep costs down. There should be few conflict of interest issues if the discretionary grants are held to a fixed percentage of the overall program. However, persons or agencies which would directly benefit from a particular grant should be disqualified from judging the merits of that application (for example, personnel from the State of Georgia should not be permitted to evaluate a proposal from the Southern States Energy Board).	
Issues Related to State Government and Tribal Organizations: one other suggestion is to continue to fund Tribal organizations and to fund States through the regional groups, similar to the funding implemented by WIPP. A key question is to clarify the role of such organizations.		
14. DOE is planning to continue funding for regional groups to support early planning for large-scale shipping campaigns. What role could regional and other groups play?	a): To continue "early planning for large-scale shipping campaigns," I guess! b): Regional groups not required if funding and training consolidated programs are in place! c): The regional groups have played a strong role in helping to bring together disparate interests to work together towards a common goal. The regional groups should continue to be actively involved and their role should not be diminished. d): Regional groups can continue to play an important role in resolving issues such as routing (nailing down routes can focus where emergency response needs are the greatest). Using regional groups can facilitate planning for "campaigns." Funding can, obviously, assist in facilitating this process (as history has shown regarding WIPP, cesium shipments, etc.).	There was general support for the role of regional groups in planning and coordination efforts.

QUESTION	COMMENT	SUMMARY
	e): Guidance and coordination. f): Regional groups should continue in their coordination/facilitation role. Planning for shipments, as well as evaluation of program implementation, are two key areas where they could provide invaluable assistance. g): Groups can provide for funds disbursement and management. Groups can coordinate training, reviews, meetings and other tasks. Regional groups provide a very useful research and dissemination capability. h): Play role of coordination—very critical. Funding could occur through regional groups. Recognize role and contribution and explicitly mention national groups that address constituencies important to DOE like NCSL, CVSA, NCAI. i): Discretionary amounts, available to tribes, states, and tribal or state organizations, has been capped at 17 percent (or 15.3 percent of the total amount available). Even if tribes received all of the discretionary funds, the total funding still goes disproportionately to the states. It is not clear how "organizations" fit into the funding scheme, since tribal governments have direct responsibility for protecting health and safety. What specifically, would these organizations be doing that would benefit the overall goals of the transportation program? j): Nebraska fully supports the continued funding for regional groups such as the Midwest Council of State Governments and the Western Governors Association. Such groups as these are important in keeping the States informed on DOE decisions, planning issues and pending legislation that might be missed if the groups were not in place. In addition, these groups provide for coordination between affected States and DOE as well as assist in obtaining DOE funded training and shipment information on the various shipments DOE makes. Nebraska wants to continue to work with and through such organizations. k): See above [13.j]. These organizations can fulfill many roles including distribution of information and interstate coordination of planning and training activities. DOE, however, should NOT fund the states through the regional groups, but should enter into separate agreements with each affected jurisdiction.	
Payment of State Fees: currently, some States assess inspection and enforcement fees for shipment of radioactive materials through their jurisdictions. This question addresses the equity of DOE providing funding while also paying fees as a shipper.		
15. Should grants to those jurisdictions be reduced somehow to reflect the fact that payments are already being made by	a): Very touchy! This will really bring a negative reaction from states such as Illinois and Wisconsin. In general, my view is yes, reduce the funding by the amount of the fee. b): Yes. Dollar for dollar!	This question generated considerable controversy, but nine favored altering funding based on fees while three did not.

QUESTION	COMMENT	SUMMARY
DOE as a shipper? How would this be done?	c): DOE should not reduce grants simply because a fee may be charged for a particular shipment. If DOE believes a fee is burdensome, they should challenge the fee directly or ask for a waiver of fee. In Oregon, we currently intend to waive our radioactive permit fees for WIPP shipments, because WIPP is funding us directly. d): Some reduction in grant amounts based on funds already received prior to the grant. e): The total funding from all sources should meet need. If some states are already paying for their own emergency response needs through fees, they should not receive the same funding as those states/tribes that are not doing this. f): How are these fees dispersed? Does it impact emergency preparedness? Is it in any way related to the education, training and equipping [of] responders in those areas? g): Yes. They need to be equal for all. h): Yes, to some degree (assuming fees paid by shippers go toward emergency response preparedness activities benefiting the shipper). i): If the payments are collected for the purpose of subsidizing training and assistance, then I would support the reduction of funds to that state. Some funds would still need to be provided up front because the fees or payments typically are not collected until after the fact. j): NO. Fees should be off the table. How a state funds its programs—through fees, general fund or otherwise—is the state's business. DOE is paying fees to receive state services. DOE should stay away from the state fee issue entirely. It's an internal state issue. k): In what way do the States use DOE shipping fees? Is it the same as other commercial shippers (i.e., road maintenance)? When DOE gives money to States it might need to be earmarked so that emergency preparedness and equipment aren't neglected if there is only one grant. l): Fees imposed by States for inspection and enforcement are nominal at best. They do not approach the magnitude of funds required for continued planning, preparedness and response to radioactive material accidents/incidents, should they occur. m): It would seem reasonable that states already charging for shipping of radioactive materials would need less funding.	

QUESTION	COMMENT	SUMMARY
	n): Fees for which DOE would be legally responsible should continue to be paid, but as a part of the funding agreement instead of on a per-shipment basis. This funding should be based on the estimated numbers and types of shipments – fees should be paid directly to the jurisdictions for shipments which do not appear in the baseline funding estimates.	
Administrative Issues: some of the questions raised center on the pros and cons of a DOE centralized office grant administration and those for a WIPP or other regionalized grants structure. Other questions are concerned with the timing of funding to local responders, on the desired degree of flexibility of guidance and on State and Tribal reporting requirements.		
16. Internally, what would be the preferred way for DOE to administer the consolidated grants program? Should funds come from one office to all recipients? Is so, which one? Or, should funds be linked through Field Offices near the recipient jurisdictions?	a): Ideally, funds should be centralized from one DOE office. b): Problem: Must ensure state funding gets to the health and EM agencies—[in] some states there is a big conflict. c): Funds should come from DOE to the regional groups and then to the states. I don't know whether it is more appropriate for the funds to come through the National Transportation Program or WIPP. Certainly WIPP has experience in handling this type of funding and has provided the bulk of funding for transportation planning. Funding should not be through the regional Field Offices. d): Where the best controls can be achieved. It should be reviewed by one office. e): Making the funds available expeditiously is important. Distributing funds to those who understand the need best (field offices) would probably be the best entities to administer the funds. f): Shouldn't field offices be actively involved in grant assignments, since they are actively involved in the communities—are aware of the needs? g): Through one office/one group. Poor idea to have different groups because of how people treat people. h): Funds should flow <u>through</u> NTP and <u>out to</u> Field offices for distribution/administration. i): Funds should come from one DOE office to regional groups and then to states. Regional groups offers some checks and balances in the process. j): Fees should come from one office. <u>Don't</u> do it through field offices. k): A central office would be best to administer consolidated grants. Field offices would best be used for input	Responses to this question varied considerably; some favored using a centralized approach while others advocated decentralizing. Several specific programs and mechanisms were suggested, including WIPP, NTP and the regional groups.

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	of local needs and making sure the grants are done in a fair, timely and efficient manner. l): From one DOE office to regional groups to the States. m): Would prefer to see administered by one office with as few levels of "bureaucracy" as possible. Hopefully, this would result in less administrative costs at the federal level. n): The funding program should be administered by the National Transportation Program (NTP). Funding should NOT be channeled through either regional organizations or DOE Field Offices, and should not be combined with other funding sources, such as site-based Agreements in Principle (AIP's). Funding should be provided by NTP directly to each affected jurisdiction.	
17. Some DOE programs are shipping materials now, and others are planning to ship materials in the near- or long-term. How would an equitable allocation reflect these differences? How far in advance should planned shipments be used in apportioning funds?	a): This will be an arbitrary decision, but I would say five years maximum. But also include weighting for historical shipments previous five years. b): 3-5 years for minimum program. c): All DOE programs which have shipments should participate (including TSD and Naval Reactors). If shipments have not yet begun (such as OCRWM), that program should provide funding at least four years prior to the beginning of shipments. d): Priorities should be to ensure that those entities affected first should receive funding first. The entities should be prepared at the time of the initiation of shipments. e): Since most of the shipments are planned already it could guide the grant distribution as per shipments per year, etc. Utilize as one factor considered. f): By formula. g): No more than 3 years (projections beyond that time are highly suspect). h): Preparations need to begin three years prior to shipments. i): A 3-year lead time is sufficient for planning. States dealing with imminent shipments should be priority for funding. j): As programs come to fruition, funding should pick-up from where the last program ended. For instance,	Most respondents said that three to five years needed for adequate planning and preparedness.

QUESTION	COMMENT	SUMMARY
	where one State or Tribe may have a very good program in place, maybe the only funding required would be for some refresher training for first responders and information on the shipment itself. Another State or Tribe may require some operations or technician level training along with the information provided to first responders pertaining to the shipment. Three years in advance. k): Funding should be received 2-3 years in advance of shipments, especially if limited training and planning mechanisms are in place. l): In advance of the establishment of a consolidated grant program, DOE should immediately commence discussions with affected states with regard to activities related to safe, uneventful transportation, security escorts, emergency planning and preparedness, etc. Such discussions should be at senior management levels in both the affected jurisdiction and DOE. For future shipment campaigns in the short term (1-2 years), funding should begin as soon as possible. For long-term shipments (3-5 years), funding should begin approximately 2-3 years prior to the first shipment.	
18. What conditions and/or restrictions should DOE place on grants to ensure that the funds allocated are spent properly? How flexible (or restrictive) should potential grant guidance be? In particular, local jurisdictions are likely to be the first responders in the event of an incident. How might DOE ensure that assistance reaches those who need it?	a): Require a certain percentage to go to applicable local emergency response organizations. b): Must develop a minimum program! c): Keep reporting requirements as simple as possible. The WGA/WIPP program seems to work well, with workplans and budgets and six month reports. d): The grants should be sufficiently flexible to meet individual needs. One check on use could be requiring entities to certify that funds are expended consistent with requests (the Yucca Mountain program currently requires this from affected units of local government) e): This could be addressed in the allocation mechanism remembering that monies should be spent to meet the needs of the tribes or communities. ? *(sic)* Centered around local DES agencies or the facsimile? f): <u>By formula</u>. g): Current system of checks/balances (e.g., federal grant/cooperative agreement regulations in 10 CFR 600) are probably adequate, along with quarterly reporting. h): Require a percentage to go directly to local LEPC's. i): <u>Flexibility is key</u>. Examine Section 180(c) comments for specifics. Minimal requirements should be the	Some respondents stated that required pass-through to local jurisdictions should be required; others stated that fulfillment of the goals was the responsibility of the states and tribes.

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	watchword. j): No more restrictions or conditions than are present now. Flexibility is the key in providing grants as each State and Tribe is different. So the more flexible a grant is the better. DOE will have to rely on the individual States to ensure the assistance reaches those who need it. Once the grants are provided to the States, it should be a State responsibility to determine where the need is for that State, NOT the federal government. k): Allow recipients flexibility to identify and prioritize needs in the areas of planning, training and equipment. l): Grants should be flexible, based on DOE / state agreements with regard to desired outcomes. DOE might stipulate in grant application guidance that a certain percentage of grant funding should be passed through to local emergency planning and/or response agencies along transportation corridors.	
19. What reporting requirements of States and Tribes can be used to address the need for DOE programs to meet separate legislative mandates?	a): Must have minimum program. Must report on status of implementation! b): I have no idea. c): Attempting to consolidate legislative mandates into/ form or/method of recording or/central response location to decrease the bureaucratic maze that [lowers] the ability to obtain monies. d): Must be [illegible] annual [illegible] and response. e): [Use] the process we use with WGA. We report semi-annually to them and they compile the data and forward it to DOE. f): Streamline the requirements. Eliminate duplication. g): For Nebraska in receiving a grant (pot of money) there is no mechanism present to separate percentages of monies in a grant to reflect that each percentage within the grant is being used for a specific purpose mandated by Federal legislation. h): DOE should consolidate reporting requirements to the maximum extent possible. DOE should require reporting only on those activities stipulated by legislative mandate.	
Other Issues: DOE recognizes and values input from TEC members on other issues that are important to them and have not been included in the above list.		
20. What other issues need to be addressed?	a): Unless DOE can add significant funding to the pot it has available, the end result will simply be taking money from some states and passing it on to others. The result of that will be that while more states may get some funding, likely few, if any states will receive a sufficient level of funding. We have been waiting for	

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	several years for DOE to consider opening the Hanford/WIPP corridor. With the decision this spring to try and open that corridor this fall, we have finally received a sufficient level of funding to actually prepare our route for these shipments. I would hate to see this umbrella grant rob from us to boost another state to what would still likely be an insufficient level for them., and prevent us from doing the type of work which we have identified as needing to be done. b): Needs assessment. What is safe minimum standard. Point of contacts * *(sic)* consolidate, as well the distribution of funds through existing contacts to maintain relationships already in existence. c): Probably need to finish work on TRANSPORT PROTOCOLS first before workable consolidated grant program can be established. d): There needs to be better internal coordination at DOE!!! Suggest that one program or department within DOE be made the clearinghouse for all DOE shipments. Presently, it appears the right hand of DOE does not know what the left hand is doing and this has resulted in obvious inefficiency. Example: there has been a good effort for WIPP information, planning and training. The same can be said for the Foreign Research Reactor Fuel Shipments. Then all of a sudden, a plan shows up out of the blue on the Lead Test Assemblies from Watts Bar Nuclear Station in TN. Also, the Unit Train Shipments of low-level radioactive waste start from Fernald, OH with little notice or discussion and training is contracted to be done without notification or input from the States involved. If there was a POC within DOE for all shipments of radioactive material, it would make it easier on everyone for coordination, notifications, training, etc.	

III. ADDITIONAL COMMENTS PROVIDED:

(Note: Comments that did not refer specifically to the questions raised, or did not otherwise appear to fit in one specific category, appear in this section)

1. I think a lot of these questions overlap considerably and could be consolidated.
2. Formula approach w/h *(sic)* population would hurt rural states.
3. Combine DOE, FEMA and NRC funding.
4. Consider grants for the areas impacted first by shipments—in advance as much as possible.
5. DOE needs to ensure that sufficient funds are available to meet state/tribal/local emergency response requirements. This will involve the need to "sell" this to Congressional appropriations committees. State/tribal/local involvement in the "selling" process can assist in making the case.
6. Although I'm very undereducated on this subject, it would appear that grant monies should be used to increase the comfort level of those communities/tribes along the corridors and in the close *(sic)* proximity of the transporting/receiving sites. Attempting to base the monies on NEED, evaluating existing status and elevating them to a minimum standard.
7. Only received [this] when arrived at meeting. Need a couple weeks to respond.
8. The conclusions and recommendations to the Department of Energy Senior Executive Forum regarding development of a Consolidated Transportation Grant to States and Indian Nations should not be released in a Federal Register Notice and should remain a preliminary draft until thorough consultation with Indian nations has taken place and every effort to ensure tribal input has been made. The DOE Indian Policy is currently undergoing review. One of the reasons Energy Secretary Richardson has agreed to revisit the Department's Indian Policy is to improve the interactive government to government consultative process and relationship. The Department's outreach process as it now stands has not provided ideal tribal inclusion. It is possible a new framework of tribal outreach procedures may result from the Indian Policy review. Until it is clear that different of perhaps the same outreach procedures are implemented, the Forum should not publish a Notice of Proposed Policy on a proposed Consolidated Grant.]
9. Use off-sets and multipliers for DOT, FEMA and state fees; e.g., if state fees are collected for inspection, cannot use DOE dollars.
10. [Allowable activities should include]: activities leading to regional protocols and plans; state "transportation improvement plans;" activities requested by DOE, [including] travel to regional and national meetings—TEC/WG, EMAB, STGWG, etc., review and comment on plans, documents, etc., input to DOT and NRC hearings, regulations, etc..
11. [Allowable activities for] regional groups/national groups(CVSA) [should include]: (1) same as states, plus (2) develop regional transportation, training, public education and transportation protocols—provide input to DOE-generated plans (phone lists); (3) sponsor travel/procurement activities for requesting states, e.g. travel for CA *(sic)* representatives, purchase computers; (4) coordinate state/regional policies; (5) coordinate review and comments on DOE plans, proposed rulemakings; (6) conduct regional and national meetings; (7) special projects—DOE.

12. [CVSA's] comments under 180(c) indicated that we believe it would be cost effective and provide a more efficient and directed inspector training program if the training funds were managed by CVSA, as was the case under our initial DOE - CVSA cooperative agreement. We provided a certified training program and covered the inspector's travel expenses in states where there was a definite or potential training need. This was predicated upon where the shipments were taking place or where there was a likelihood for shipments. We then provided a recognized and successful inspector training program. It appears now that a preliminary decision has been made to fund states and tribes directly, and in some manner and level for various aspects of transporting radioactive materials, including safety inspections. This area of transportation is of concern and importance to us as an organization representing the state's safety inspectors and enforcement community. In this regard we recommend that a policy be developed which requires that the roadside inspection training process be funded within a state/tribal agency responsible for on-highway enforcement of motor carriers. Also it must be recognized that CVSA is the only organization available to provide training in the Level VI inspection program developed for shipments of radioactive materials. CVSA has also adopted operational changes which allow for tribal membership. With the training funds going directly to the states and tribes it is important that a discretionary or special grant process be established for overseeing organizations such as CVSA. The following are highlights of our position regarding this issue, as it pertains to the discretionary or special grant process and inspector training:

*The funding available for states/tribes to train their inspectors should be sufficient to cover travel expenses for their inspectors to attend the training as well as supplies and equipment necessary to conduct roadside inspections. Actual training costs for program administration, instructors travel expenses, training materials and related expenses should be included in a discretionary or special grant process.

*Funding for discretionary or special grants should come from a central source such as the DOE National Transportation Program and not be left up to the individual DOE field offices.

*The present DOE cooperative agreement process has been fairly easy to work with and we recommend a similar method of distribution.

*There needs to be a realistic and sufficient amount of funding available for the discretionary or special grants so as not to be dependent upon what is left after funding the states/tribes.

*Peer group evaluation of the inspector training program administration would be appropriate, using state/tribe inspection and enforcement related individuals as evaluators.

*Funding should also be allocated for refresher training as this is vital to the continuation of a responsible and viable inspection program.

The following are specific points we would like to make regarding inspector training and the overall process we believe is necessary for continuation of a recognized and nationally accepted inspection program for radioactive material transportation:

*In order to ensure uniformity, consistency and reciprocity of inspections, which in turn will expedite shipments, there must be a national inspector training program administration, as is presently the case with the CVSA Level VI inspector training effort. This administration adopts and follows nationally approved inspection standards and procedures and would be in position to give individual jurisdiction direction needed to ensure a uniform and consistent inspection program.

*Funding should be made available for this function from the discretionary or special grant provisions, and not left up to a tuition or fee based system that the states/tribes would have difficulty following and ultimately lead to disintegration of the program.

*The inspector training administration should be treated in the same manner including funding as a regional group as we provide similar types of administration and support for the respective programs.

*Inspection criteria as well as various training materials need to be continually revised and distributed by a central administration which will ensure a nationally uniform inspection program.

*Funding must cover at a minimum, the expense of a program director's position including fringe benefits, travel for the program director and instructors, administrative and clerical support, training materials, and miscellaneous office and training expenses including shipping and postage.

CVSA has developed the Level VI(Enhanced North American Standard) inspection procedures and out-of-service criteria for radioactive shipments. They recently adopted the procedures for all Highway Route Control Quantities of Radioactive materials as defined by Federal Regulation, Title 49, Section 173.403, and Transuranics. In conjunction with this we have also trained over 500 inspectors from 28 states to conduct Level VI inspections. They in turn conducted a pilot test to confirm the appropriateness of the inspection program. See "CVSA-DOE Cooperative Agreement Final Report"dated October, 1999, for details on the inspection program and the results of the pilot study.