Transportation External Coordination Working Group
Transportation Grant Topic Group
Tuesday July 25, 2000
Indianapolis

Meeting Summary

Participants:

Barbara Byron, State of CA/WGA; Jim Carlson, DOE-OCRWM; Martha Crosland, DOE-EM; Jim Daust, CVSA; Robert Holden, NCAI; Judith Holm, DOE-NTP; Corinne Macaluso, DOE-OCRWM; Frank Moussa, State of KS/MWCSG; Tracy Mustin, DOE-EM; Roger Mulder, Texas/SSEB; Ellen Ott, DOE-GC; Tammy Ottmer, State of CO/WGA; Carol Peabody, DOE/EM Thor Strong, Michigan LLRW Authority/MWCSG; Elgan Usrey, State of TN/SSEB; Heather Westra, Prairie Island Indian Community; Ed Wilds, State of CT/CSGNE. Three additional State members joined the group late in the afternoon, following the close of the Protocols Topic Group: Phill Paull, CSGNE; Lisa Sattler, MWCSG; Chris Wells, SSEB.

Observers: Bob Alcock, DOE/HQ; Richard Arnold, Las Vegas Indian Center; Nancy Bennett, UNM-ATR; Mike Calhoun, FRA; Ed Gonzales, consultant/NM; Mike Rowswell, State Rail Managers Association; Greg Sahd, DOE-CAO.

Research/Support Staff: Judith Bradbury, PNNL; Glenda Oakley, SAIC; Wilda Portner, SAIC.

Attachments:

Information and hand-outs prepared for the meeting discussion are included as attachments: agenda, draft revised Task Plan, summary of key issues, and a summary of potentially allowable activities.

Introductions, Overview, and Revised Task Plan

Following participant introductions, Judith Holm introduced Carol Peabody, DOE-HQ, who has been coordinating HQ input concerning an action memo to the Secretary (see discussion below), and provided a brief overview of the agenda. Judith Bradbury provided copies of the handouts prepared for the meeting and members briefly reviewed suggested updates to the Task Plan.

A State member asked which other stakeholder groups had been briefed on the proposed grant and whether DOE had received comments from them. Judith Holm reported that

DOE had discussed the concept with several groups but that no written comments had been provided. She agreed to provide a list of groups that had been briefed.

Headquarters Update

Carol Peabody reported that all DOE Programs that currently ship radioactive material or that plan to ship radioactive material in the future have concurred on an action memo prepared by HQ-NTP to the Secretary requesting his approval to move forward to develop the grant concept. Although naval reactor programs support the concept, they are not committed to its funding. Based on FY 1998 data, DOE is currently spending about $5 million annually on transportation planning and emergency preparedness activities. Approximately half of that can be attributed to WIPP funding. The memo is now in the Secretary's office. If a positive response is received, an internal working group will be established and a draft Implementation Plan drawn up in 45 days.

Tracy Mustin stated that a positive Secretarial response to the memo is expected but that there are many issues to be discussed internally. The draft plan will identify the major issues and concerns identified to date (both internal to DOE and issues provided by Topic Group) and describe how DOE will: (1) develop and implement the grant, (2) address budget issues including how to get funds from several DOE programs combined into one budget, and, (3) address administrative issues. It will also propose a plan for interaction between the Department and the States and Tribes (including the TEC Topic Group) and propose a schedule for the overall development of a proposed "grant mechanism." The draft Implementation Plan will lay out more clearly the path and schedule for developing the grant. The Consolidated Grant Topic Group will review the Implementation Plan.

A State member emphasized that shipments were already occurring and asked what the proposed timeline is for implementing the grant. Tracy Mustin responded that she does not have an answer currently and that the implementation date is one of the issues to be discussed. Bob Alcock noted that technically, if the Secretary wanted to move ahead quickly, he could implement the grant in 2001. The Topic Group member questioned whether the grant would be funded from current DOE funds, since money for the grant already exists in the programs, or from "new" money. Tracy responded that this is again an issue for discussion. The member noted that the States also have processes they must go through before they are able to accept and distribute Federal funds and that this time factor must be taken into account.

Judith Holm agreed and reminded members that DOE needs feedback on State and Tribal administrative considerations. Carol Peabody stated that DOE is looking for input from members on their priorities to present to the working group and factored into the planning process.

Discussion of Issues

The group discussed the issues laid out in the attachment, focusing particularly on factors for allocating what might be proposed as the impact component of the grant.

1. Eligibility

The group discussed whether there should be a threshold, e.g., minimum number of shipments, for eligibility for funding. A Tribal representative expressed concern about establishing a threshold for eligibility, noting that a Tribe might want to ramp up even if only one shipment is projected. She believed that each State/Tribe should be allowed to decide whether or not it is eligible. Other State members, however, expressed a different view. Many emphasized that funds are limited and that priorities would need to be established. It was also suggested that routes should be designated to limit the overall cost of the program. Accurate DOE shipment schedules and accurate estimates of the numbers of shipments are key to this program. Therefore, eligibility should be based on factors such as:

- Shipment schedule (which jurisdictions are affected first)
- Hazmat authority
- Number and/or frequency of shipments.

2. Allocation Factors

Eight potential factors for allocating grant funds were listed in the information material distributed for the meeting. The list was based on an initial DOE review of other Federal agencies' approaches plus input from topic group members during previous discussions. An additional four factors were suggested during the meeting discussion. In addition to the discussion of factors outlined in this section, members conducted an exercise designed to indicate priority factors from their perspective. It should be noted that this exercise included only the participants at this meeting and is not representative of a broader group, or constituency. No decisions should be based solely upon this information.

The eight listed factors for allocating grant funds are:

- Population along routes (mile of each route)
- Wider population band than mile
- Number of shipments
- Mileage along routes
- Number of jurisdictions impacted
- Total shipment miles (number of shipments x miles along routes) along non-interstate roads
- Severe changes in elevation along shipment corridors
- Accident rates along shipment corridors.

The additional factors proposed were:

- Type of shipment
- Traffic volume
- Nuclear facility location (DOE, power plant, small quantity site): Two member noted that States hosting such facilities incur additional costs that are not covered by DOE Agreement-in-Principle funds
- Level of capability/resources available: Tribal members emphasized that they have fewer resources to assist them in building their capabilities. They have historically received less funding and continue to be ineligible for Motor Carrier Safety Assistance Program (MCSAP) and FEMA Emergency Management Performance Grants.

Some Basic Issues Raised about the Factors: During the discussion, several basic issues emerged:

- How can DOE make the process/allocation factors fair while achieving the basic goal of public health and safety related to radioactive materials transportation?
- Many questioned how the process can be kept simple, yet fair? Several members expressed the view that a basic requirement should be to keep the process simple and to reduce the number of factors to a few key ones which could be easily quantified and on which most participants could agree. Others, even though they recognized the importance of simplicity, noted that guidelines are needed for allowable activities to ensure that the funds are used to enhance shipment safety and develop adequate emergency response capability and to help ensure program accountability (program can pass audit). The group discussed other questions under this general topic:
    -- Can some of the factors be subsumed under others in order to reduce complexity?
    -- Can some of the concerns about special issues be addressed through the discretionary component of the grant?
    -- What is the balance between keeping the process simple and addressing particular concerns?

Population (1/2 mile each side of route): The discussion underscored the differing viewpoints of western rural and Tribal jurisdictions and eastern urban areas, based on geographic and demographic differences. Tribal members reiterated their particular concern that population and mileage will not be as great for Tribes as the States, yet an accident on a reservation could be devastating. Western states noted that in some rural areas local jurisdictions responding to an emergency may be located 20-50 miles

from the route. These jurisdictions clearly would be impacted by the shipments, even though they are not located within the ½ mile band.

Wider Population Band: Two viewpoints were expressed. Some members stated their belief that transitory populations (e.g., working and tourist populations) should be considered, as well as residential populations. In addition, they recommended that a wider band should be considered because of the difficulty of evacuating working populations in urban areas, where populations vary by time of day and day of year, and because of the distance from emergency response personnel if an accident occurred in a rural area. Others, however, stated that using population 1/2 mile each side of route will suffice because: the process of calculating the above factors would be overly complex; using population density 1/2 mile each side of route will even out discrepancies; and, this issue could be addressed through the discretionary component of the grant. However, some rural areas in the West and some tribal lands have their nearest emergency response capability located more than 1 hour away from a shipment route. Jurisdictions responding to an accident in these areas may be 20-50 miles from the route and yet would be impacted by the shipments. These jurisdictions should be included.

Number of Jurisdictions Impacted: Members raised several questions/concerns about using this factor: How would *jurisdiction* be defined? How would this factor be estimated for Tribes? Are there subdivisions within Tribal reservations? Could the number of impacted jurisdictions be estimated by the number of local emergency response jurisdictions involved?

Severe Changes in Elevation/Shipment Miles along Non-Interstate Roads/Accident Rates: While western members stated that severe changes in elevation and shipments along non-interstate roads were particular concerns in their areas, other members questioned the need to include these factors and believe that using accident rates incorporates these considerations. However, accident rates would not necessarily reflect poor accessibility/slow response time for emergency response crews for accidents on routes through mountains or on non-interstate roads.

Other Issues Related to Allocation

Members provided additional comments on the allocation factors:

- A definitions section and planning assumptions section should be part of the information provided
- Scehdule projections need to be accurate and routes need to be defined in order to assess training needs
- Should there be a Tribal set-aside? Should this question be postponed until after allocation factors are better developed?
- One member recommended that DOE adopt the approach used in the U. S. Department of Transportation (DOT) Hazardous Materials Emergency Preparedness (HMEP) Program. The program, which includes both planning and training grants, sets aside 3% of each grant

for Tribes and provides a base amount and a variable amount of funding to States. Variable amounts are based on three factors that are weighted as follows: planning grants use total population (2/10), total hazmat truck miles (4/10), and percentage of SARA 302 chemical facilities (4/10); training grants use total population (1/2), total highway miles (3/10), and percentage of total number of U.S. Census Bureau chemical facilities (2/10). 1

- Factors could be subject to review and change over time (as for MCSAP)
- An assessment of capabilities and resource levels could result in a means test.

3. Potential Grant Application Criteria

One State member emphasized very strongly that the first criterion (how the proposed activity will further DOE's goal of safe, efficient transportation) should be the sole criterion for the grant. Another member criticized the use of the word "leverage" included in the third bullet of the handout (how the State or Tribe proposes to leverage funding and activities performed under other programs) pointing out that it could be interpreted in different ways. Judith Holm agreed and suggested changing it to "complement" or "fit in with."

4. Grant Components

The three grant components were discussed briefly. Members generally expressed the view that a discretionary grant component is beneficial because it allows for flexibility in meeting special needs. There was also general agreement that continued funding is needed for regional groups for regional planning and coordination, providing a forum for resolving interstate and state/federal issues, and review and evaluation of transportation programs. There may also be activities best conducted at the regional level (e.g., evaluation of accident prevention and emergency response training programs). In response to members' questions, Jim Carlson stated that OCRWM would review its proposed funding allocations with respect to the section 180(c) mandate under the Nuclear Waste Policy Act, as amended.

5. Potentially Allowable Activities

The group reviewed the prepared list (see attachment) which grouped potentially allowable activities into four categories: transportation coordination and planning, accident prevention, emergency preparedness, and public information/awareness. The list was compiled from an initial list suggested by DOE, recommendations from WGA members, Topic Group discussions, and staff review of the draft protocols.

The group also discussed the desirable amount of specificity for the program. Two general viewpoints were expressed. WGA members believed that grant eligibility criteria, allowable activities, and guidelines should be provided in sufficient detail to help ensure accountability for

1 Updated information based on a discussion with DOT/HMEP personnel, September 2000.

the grant program, e.g., federal audits, and to provide guidance to recipients—it helps structure a task-oriented approach that is particularly helpful for States and Tribes who are not familiar with DOE programs. Other members, however, emphasized that State resource needs assessments and planning should be respected and that the goal of enhancing public health and safety should be used as the basic criterion for judging whether or not a purchase/activity is allowable. One observer commented that the goal of the grant should be to focus on outcomes, e.g., number of inspectors or responders trained, miles of route prepared, etc, rather than inputs in order to provide greater flexibility to recipients to tailor expenditures to their individual needs and the desired outcomes.

Group Exercise to Prioritize Factors

The meeting concluded with an exercise in which participants placed dots on the list of 12 factors to indicate general priorities among the factors for allocating grant funds. Participation was limited to external stakeholders - no DOE or contractor staff participated.

- Level of emergency response capabilities/resources available
- Number of shipments
- Mileage along routes
- Population 1/2 mile each side of the route
- Accident rates

As a result of the exercise, the following factors received the most dots from the Topic Group members who participated (only three Tribal members participated). It should be noted that the intent of this exercise was not to eliminate any factors from future consideration. It was solely an exercise to gain the general impressions of participants at this particular meeting.

Other

The availability of other funding sources was discussed. Some States such as Colorado, Illinois, Wyoming, and Indiana charge fees to cover State expenditures in preparation for nuclear waste shipments. There are laws prohibiting the duplication of fees. In addition, the federal Department of Justice (DOJ) has a program to fund States for preparation for terrorist incidents. Some of the routes in this DOJ program will be the same as routes used for DOE nuclear waste shipments. DOE will work together with DOJ on this. Other issues discussed included the relationship between 180(c) funding and the consolidated grant program. DOE will include in the implementation plan a discussion of 180 (c) funding and its relationship to the consolidated grant program.

Action Items From Meeting

- NTP will provide a list of stakeholder groups that have been briefed on the proposed consolidated grant
- All members are reminded to email to Judith Bradbury a list of administrative conditions applying to their State/Tribe (e.g., Fiscal Year, time/procedures required for receiving and distributing federal funding). This input will be helpful in future DOE discussion of the proposed grant.