



Federal Emergency Management Agency

Washington, D.C. 20472

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MAY 18 1995

The Honorable Hazel R. O'Leary
Secretary of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Madam Secretary:

This letter and the accompanying support materials have been prepared in response to the Notice of Inquiry published by the U.S. Department of Energy (DOE) in the Federal Register on January 3, 1995, requesting recommendations from the public for the implementation of the Nuclear Waste Policy Act (NWPA) Section 180(c) program. The Federal Emergency Management Agency (FEMA) believes that it is uniquely qualified to support DOE's Office of Civilian Radioactive Waste Management in its implementation of the NWPA Section 180(c) financial and technical assistance program. I am writing to propose that FEMA and DOE enter into a cooperative partnership that benefits both of our organizations, and the American public.

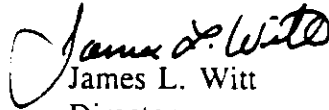
As you know, FEMA has the responsibility to coordinate emergency management in the Federal government and has significant programs that enhance the States' abilities to protect their citizens. The Agency's mission is to provide leadership and support to the Nation to reduce the potential loss of life and property as the result of emergencies and disasters, regardless of their cause. FEMA accomplishes this mission through a comprehensive, risk-based, all-hazards program of mitigation, preparedness, response and recovery. However, we do not do it alone. An integral part of this mission is the creation of an emergency management system -- a partnership of Federal, State, Tribal and local governments, voluntary agencies, business, industry and individual citizens.

Our programs support State and local efforts to develop plans, deliver training, and conduct exercises for emergencies. FEMA's Emergency Management Institute and National Fire Academy are educational centers that develop and deliver training that reaches thousands of emergency management and first response professionals every year. The Agency's mitigation programs provide individuals, communities and States with the tools to take action to reduce or diminish the impact of future disasters. Each year over \$150 million dollars are provided through FEMA to support the emergency management infrastructure in the United States. Through 10 regional offices, two area offices, multiple training facilities and our headquarters office, FEMA provides financial and technical assistance directly to States and local governments to improve their capability to respond to any type of emergency. It is a system that works, and a system of which we are proud.

For the NWPA Section 180(c) program, and also for any other DOE financial assistance program for emergency preparedness, I am proposing that you consider utilizing the time-tested, performance-based partnership that FEMA has in place. FEMA's cooperation with DOE in this effort would have multiple, corollary benefits for your Department. Utilizing FEMA's existing cooperative agreement program for the Section 180(c) financial and technical assistance effort would eliminate administrative redundancies and burdens at the Federal level, and also reduce the potential overlap at the State and local levels of government. Not only could FEMA assure the delivery of funds to States and local governments in an expeditious manner, but FEMA also has a great body of emergency management expertise, staffing and research and development capabilities that, when augmented by additional resources, could prove useful to you and to the public we both serve.

The enclosed material outlines some of the existing FEMA efforts and how they could support DOE. If you would like to personally discuss in greater detail FEMA's capabilities and what we could offer your Department, please contact me at (202) 646-3923.

Sincerely,


James L. Witt
Director

Enclosure

cc:

Mr. Daniel A. Dreyfus, Director
Office of Civilian Radioactive Waste Management
Mr. Lake H. Barrett, Deputy Director
Office of Civilian Radioactive Waste Management
Ms. Lois Smith, TRW Environmental Safety Systems

**A PROPOSAL
FROM THE
FEDERAL EMERGENCY MANAGEMENT AGENCY**

**FOR THE ADMINISTRATION OF
SECTION 180(C) OF
THE NUCLEAR WASTE POLICY ACT**



May 1995

I. INTRODUCTION

The Nuclear Waste Policy Act (NWPA), as amended, directs the U.S. Department of Energy (DOE) to dispose of the spent nuclear fuel generated by commercial nuclear power facilities and the high-level radioactive waste from defense facilities. The Office of Civilian Radioactive Waste Management, created as a result of the NWPA, is responsible for developing a transportation system to support the shipment of spent nuclear fuel to a monitored retrievable storage facility, and spent nuclear fuel and high-level radioactive waste to a final geologic repository for disposal.

Amendments to the NWPA in 1987 provide for specific assistance from DOE to State and Tribal jurisdictions, through which DOE plans to transport spent nuclear fuel and high level waste. Section 180(c) of the NWPA, as amended, states that DOE:

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

The Federal Emergency Management Agency (FEMA) is qualified uniquely to support DOE in its delivery of financial and technical assistance to State, Tribal and local governments through its time-tested, Comprehensive Cooperative Agreement (CCA) Program. This effort would be consistent with the Administration's efforts to streamline government and eliminate unnecessary overlap and duplication of effort by Federal agencies and departments.

II. BACKGROUND ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY

WHO ARE WE?

FEMA is the Federal agency charged with building and supporting the nation's emergency management system. This system is built on programs and activities that assist people to protect themselves, their families, their homes and businesses in any kind of disaster.

FEMA has 2600 full-time employees whose job it is to assist individuals, families, and communities before, during and after a disaster occurs. These employees work at FEMA Headquarters in Washington, D.C., regional offices and facilities around the country, the National Emergency Training Center in Emmitsburg, Maryland, and the Mt. Weather Emergency Assistance Center in Berryville, Virginia. FEMA also has nearly 4000 temporary disaster assistance employees ready to help when disasters occur. FEMA works in partnership with government and private organizations, including State and local emergency management agencies, fire departments, Federal agencies, the American Red Cross and other volunteer organizations.

FEMA has 10 regional offices and area offices in the Caribbean and Hawaii, which work directly with States and communities to help plan for disasters, develop mitigation programs and meet needs when major disasters occur. State and local programs are the heart of the nation's emergency management system. FEMA supports these programs by funding emergency planning, offering training to emergency managers and local officials, conducting large-scale exercises and sponsoring programs that teach people how to prepare for disasters.

FEMA includes the U.S. Fire Administration, which supports the nation's fire service and emergency medical services community with training, public education and research in fire protection technologies and emergency response procedures.

WHERE DID FEMA COME FROM?

In the 1970's, organizational changes within State governments across the nation prompted the reorganization of emergency management functions at the Federal level. Several States, led by Pennsylvania, began to merge their emergency management functions, including various disaster and flood programs, and civil defense into one organization. These States urged similar changes at the Federal level. The States wanted "one-stop" shopping for all of their emergency management needs. In 1977, President Carter requested that a study be prepared on such a reorganization.

As a result of that study, Reorganization Plan Number 3 was submitted to the Congress the following year and FEMA was established by Executive Order 12148 in 1979. A number of offices and administrations were consolidated to form FEMA, including the Defense Civil Preparedness Agency within the Department of Defense (DOD), the Federal Disaster Assistance Administration and the Federal Insurance Administration from the Department of Housing and Urban Development (HUD), the Federal Preparedness Agency from the General Services Administration, and the U.S. Fire Administration from the Department of Commerce (DOC). In addition to major operating components, other ancillary functions such as the severe weather emergency program from the National Weather Service in DOC, the Earthquake Hazard Reduction Program, Dam Safety Coordination Program, and the Federal Emergency Broadcast System from the Office of Science and Technology of the Executive Office of the President also were consolidated into FEMA. Then, as now, the purpose behind the creation of FEMA was to provide a Federal focal point for emergency management programs.

Executive Order 12148 charges the Agency with the responsibility to "establish Federal policies for, and coordinate, all civil defense and civil emergency planning, management, mitigation, and assistance functions of Executive agencies" (Section 2-101) and ". . .represent the President in working with State and local governments and the private sector to stimulate vigorous participation in civil emergency preparedness, mitigation, response, and recovery programs" (Section 2-104). In the years since FEMA's creation, emergency management has evolved from a focus on civil defense and nuclear attack preparedness, to a discipline more responsive to the real hazards, both natural and man-made, that communities face every day across this country.

WHAT DO WE DO?

FEMA is the central coordinating agency for emergency management in the Federal government. The Agency's mission is to provide leadership and support to the nation to reduce the potential loss of life and property as the result of emergencies and disasters, regardless of their cause. FEMA accomplishes this goal through a comprehensive, risk-based all-hazards program of mitigation, preparedness, response, and recovery. An integral part of this mission is the creation of an emergency management system -- a partnership of Federal, State, Tribal, and local governments, voluntary agencies, business and industry, and individual citizens.

This Agency is not just about disasters. FEMA's programs cover a wide range--from the National Flood Insurance Program to the Emergency Food and Shelter Program for the homeless. We help State and local governments prepare for all types of emergencies. Our programs support State and local efforts to develop plans, deliver training and conduct exercises for emergencies. FEMA's Emergency Management Institute and National Fire Academy are educational centers that develop and deliver training that reaches hundreds of thousands of emergency management and first response professionals every year. The Agency's mitigation programs provide individuals, communities, and States with the tools to take action to reduce or diminish the impact of future disasters. Each year over \$150 million dollars is funneled through FEMA to support the emergency management infrastructure in the United States. FEMA provides financial and technical assistance directly to States and locals to improve their

capability to respond to any type of emergency. However, when a disaster exceeds the State and local capability to respond, FEMA stands ready to assist in responding to and recovering from disasters by making available and coordinating Federal resources.

FEMA coordinates all Federal radiological emergency policies and programs as well as the provision of Federal assistance to State, Tribal and local governments. The coordination of radiological emergency activities by FEMA is achieved through the Federal Radiological Preparedness Coordinating Committee (FRPCC) chaired by FEMA at the national level and by the Radiological Assistance Committee in the Federal regions. FEMA co-chairs the FRPCC Subcommittee on Transportation Accidents with the Department of Transportation. These two agencies jointly developed and FEMA later published "Guidance for Developing State, Tribal and Radiological Emergency Response Planning and Preparedness for Transportation Accidents" (FEMA-REP-5).

III. FEMA'S PERFORMANCE PARTNERSHIP WITH STATES

WHAT IS THE COMPREHENSIVE COOPERATIVE AGREEMENT?

In Fiscal Year (FY) 1994, FEMA provided over \$158 million to States, Tribal and local governments for emergency preparedness capability enhancement through the Comprehensive Cooperative Agreement (CCA) process. This funding was in the form of personnel, administrative, facility and equipment support, and enhancement. In addition, technical assistance also was provided. The CCA can be likened in many ways to a train that stops in every State, and each of the programs of the CCA are like cars on the train. The number of cars, or programs for each may vary depending upon the general hazards of the State and the programs in which they elect to participate.

Each of the CCA programs has varied reporting requirements tailored to specific information needs or dictated by the authorizing legislation. Some program assistance must be matched, either with cash or in-kind contributions, and other programs provide 100% funding. Other agencies, including the DOD and the U.S. Environmental Protection Agency (EPA), have used successfully the CCA to deliver funding and technical assistance to meet the needs of their programs, their constituents, as well as their statutory obligations.

The authority for FEMA's CCA program is Public Law (P.L.) 95-224, Federal Grant and Cooperative Agreement Act of 1977. Cooperative agreements are used by FEMA as a means to expeditiously funnel resources to the end user and to monitor the effectiveness of those resources on the resulting programs. FEMA program staff are located in the 10 regional offices that conform to the standard Federal regional structure. This regional structure encourages by its very nature the daily interaction and cooperation between FEMA and its constituents in the implementation of the CCA programs.

The language of P.L. 95-224 is explicit about the use and purpose of cooperative agreements. It is important to note that a grant must take the form of a cooperative agreement if there is to be substantial executive agency involvement in the program through technical assistance, monitoring, or other means, Section 6, Use of Cooperative Agreements states:

Each Executive agency shall use a type of cooperative agreement as the legal instrument reflecting a relationship between the Federal government and a State or local government or other government whenever:

(1) the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the State or local government or other recipient to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; and

(2) substantial involvement is anticipated between the executive agency, acting for the Federal government, and the State or local government or other recipient during performance of the contemplated activity.

In light of the nature of the authorizing NWPA language, particularly the requirement for the provision of technical assistance and DOE's commitment to extensive stakeholder involvement in program development and implementation, cooperative agreements are the most viable option for the provision of financial assistance.

HOW DOES THE CCA WORK?

FY 1995 is the fourteenth year in which the CCA is available to all States. The CCA itself is a negotiated comprehensive agreement entered into by State and Federal signatory officials. The State signatory official agrees to fulfill the responsibilities and obligations of all the programs in the CCA, in exchange for Federal funding. As noted earlier, not all programs are applicable to each State. The singular advantage of the CCA is its flexibility and adaptability to individual program needs, as well as the needs of the individual recipient.

The annual CCA process allows recipients to plan for continuity of basic infrastructure programs. For each fiscal year, the process of developing the annual program requirements for statements of work begins well in advance of the beginning of that fiscal year. As noted earlier, this process provides for input from States, while providing a stable schedule to encourage strategic financial and program planning by the States.

Although the process itself is fixed, the flexibility and capacity of the CCA program allows quick integration and fund distribution using an existing administrative structure. At any point during a fiscal year, the NWPA Section 180(c) assistance program can be integrated into the CCA. The adaptability of the CCA has been demonstrated in recent years by the inclusion mid-cycle of many beneficial programs to States and local governments, including the Urban Search and Rescue Program, the Chemical Stockpile Emergency Preparedness Program (CSEPP), and the Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III Programs in the CCA.

In addition to State participation, within the last five years, Tribal governments also have participated in some of FEMA's programs, including CSEPP and hazardous materials preparedness efforts funded under SARA Title III, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and annual FEMA appropriations. Depending upon the preference of the Tribe, funding is provided either through a separate cooperative agreement with the individual Tribe or, at the Tribe's request, funding is passed through the State.

HOW TO IMPLEMENT SECTION 180(C)?

An annex could be developed as guidance for the provision of NWSA financial assistance through the CCA. This annex would provide a scope of activities to be performed given the parameters of the funding available. Although DOE would govern the content and scope of the CCA annex, at the Federal level, significant coordination activities involving the Federal Radiological Preparedness Coordinating Committee and the Regional Assistance Committee would be necessary. Because of their specific expertise, some agencies could be called upon to serve in a "technical agency" capacity to support the review and negotiations of specific application elements. For example, the U.S. Department of Transportation's (DOT) Federal Highway Administration and Federal Railroad Administration would be coordinated with on areas related to "safe routine transportation."

Involved States would develop and negotiate their statements of work against the CCA guidance and receive funding. To the extent the proposals offered by the States conform to the scope of allowable activities outlined in the annex, evaluation of applications and subsequent negotiations should not be complex.

For Tribal governments electing to work through the State, their proposals could be viewed independent from the State, or as part of a "partnering" program with the State. Tribal governments not working through a State would be eligible to enter into a separate cooperative agreement with FEMA that would cover basically the same parameters as the annex to the CCA and would be bound by the requisite reporting requirements detailed in appropriate Office of Management and Budget Circulars. The same process for negotiation would occur and the final approval of grantee funding levels would remain at DOE's discretion.

Although the NWSA Section 180(c) financial assistance program has two distinct parts---training for safe routine transportation and training for procedures for dealing with emergency response situations, FEMA's CCA would be the most cost effective way to deliver the money quickly to the appropriate level of government by eliminating redundancies and administrative burdens at the Federal level. Because these two types of assistance activities are inextricably linked, it would cause confusion to attempt to bifurcate the financial assistance activities at the Federal level by creating a new assistance program at DOE, or utilizing multiple administrative mechanisms of other Federal agencies to deliver the assistance.

Funding for "safe routine transportation" could be provided to prevent an emergency from occurring by inspection or other means, or to mitigate the consequences of the hazard through defensive routing, as an example. Even though the CCA currently contains mitigation and prevention programs that are managed through the State emergency management agencies, the NWSA program would require a "pass through" to the cognizant State agency that performs the "safe routine transport" function. Through the CCA, funding will be earmarked for the safe routine transport elements and activities, and passed directly from the recipient State agency for emergency management to the appropriate State agency for inspection and enforcement without any reduction in the award amount.

Emergency preparedness funding would remain within the discretion of the emergency management agency to be distributed to or used for the benefit of local government and, where appropriate, State level organizations. The criteria and eligible activities would be separate for the two elements, yet would be contained within the same CCA annex. This guidance, as noted earlier, would be developed in coordination with the appropriate technical agencies and stakeholders. However, the development of a statement of work by the "safe routine transport" subgrantee and the subsequent negotiations will be coordinated with the emergency management grantee. This will serve to solidify the necessary relationship between these agencies for the purposes of this program.

WHAT IS THE PERFORMANCE PARTNERSHIP?

In the years since the creation of the CCA process, FEMA has studied various alternatives for streamlining the process and providing additional flexibility to grantees. Although reporting and administrative burdens have been reduced in recent years, a more responsive alternative for funneling financial and technical assistance to States and locals was sought.

Beginning in FY 1996, FEMA's current CCA process will be replaced with a Performance Partnership Agreement. This agreement, to be signed by the Governor of each State and the President, will outline the scope of Federal assistance available from FEMA for pre- and post-disaster efforts. The concept is to consolidate funding streams into a multi-year performance agreement. This will facilitate long-term, strategic program planning and outcome-based efforts.

Because each State's Performance Partnership Agreement will be tailored specifically to individually identified needs, it will be based upon the real risks of that State. This agreement will encourage States to conduct a hazard analysis, and based upon that assessment, allow them greater flexibility to allocate resources to address those threats. Further, this process will reduce substantially micro-management and current reporting requirements. The agreement is intended to provide incentives and to develop and increase disaster and emergency response capabilities of States.

For the purposes of the implementation of the NWPA Section 180(c), the improved process for financial assistance delivery system of the Performance Partnership Agreement should only ease the burden upon grantees and translate into greater administrative efficiencies at both the Federal and State levels of government. Accountability, system integrity and confidence for Nuclear Waste Fund dollars can be assured.

IV. FEMA'S TECHNICAL ASSISTANCE

WHAT IS EMERGENCY MANAGEMENT?

Emergency Management is the coordinated effort by officials at all levels of government to reduce or diminish the impact of future disasters, to prepare adequately for those that cannot be avoided, and to respond quickly and compassionately in a coordinated manner when emergencies and disasters occur. Emergency management means responding to and fulfilling emergency-related needs with existing resources, that is, recognizing those emergencies that are within a jurisdiction's capability to respond; and, coordinating resources and capabilities with successive levels of government to best protect the public health and safety and move towards recovery. A comprehensive, risk-based emergency management program is comprised of four distinct elements: mitigation, preparedness, response and recovery. Mitigation is taking sustained actions to reduce or eliminate the risk or effects of disasters -- by locating people and property away from, or protecting them to withstand, hazards. Preparedness is getting ready to respond effectively to any hazard by making plans, delivering and receiving training, and conducting realistic, challenging exercises. Recovery is rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards. Emergency Management officials and organizations identify the hazards facing their communities, the potential consequence of emergencies involving those hazards, and the probability of such an event occurring in order to prioritize their mitigation and preparedness efforts. Response is conducting emergency operations to save lives and property by positioning emergency equipment and supplies, moving people out of harm's way, meeting basic needs, and restoring critical public services.

The existence today of an emergency management infrastructure in the United States is attributable directly to the progress made by FEMA through its financial and technical assistance programs, in establishing a broad level of preparedness, mitigation, response, and recovery capability at all levels of government for emergencies of all types. Almost 7,000 full and part-time FEMA-funded emergency managers have been responsible for the delivery of programs for earthquake and hurricane preparedness, emergency management and first responder training, flood mitigation, and hazardous and radiological materials emergency preparedness at the State and local level. The FEMA-supported Emergency Alerting System (formerly the Emergency Broadcast System) is used nearly 1,000 times a year by Governors and mayors in response to all types of emergencies, and the National Warning System is used several thousand times a year to warn of impending disasters.

Since the 1950's, the Federal government has distributed a variety of personal dosimetry and radiation monitoring equipment. Over the years, the technology has been improved and new instrumentation was issued. More than three million instruments have been granted to State and local governments for radiological emergency preparedness. State and regional maintenance and calibration facilities maintain instrument readiness, and receive some limited FEMA funding for

their efforts. FEMA has been at the forefront of researching and developing radiological instrumentation that is cost-efficient and useful for the peacetime radiological threats in this country. In addition to our research and development efforts, FEMA maintains a test facility that can test statistically significant quantities of all types of radiological instruments to American National Standards Institute and military specifications. The Agency conducts testing and evaluation on behalf of DOD. FEMA maintains a direct-reading dosimetry production facility, managed by Chippewa Indians, in Rolla, North Dakota. Currently, the Agency is the only producer of such products.

FEMA's National Emergency Training Center located in Emmitsburg, Maryland, is the site of the Emergency Management Institute (EMI) and the National Fire Academy (NFA). Both of these training institutions have their own emergency management audience. State and local emergency managers, Federal agencies and emergency management professionals, the volunteer sector, and a host of other public and private sector individuals travel to EMI or attend training courses that are offered in every State. Courses offered include basic planning and exercising, hazard-specific preparedness and response training, and a host of individual-study courses. FEMA funds a Training Officer and an Exercise Training Officer in each State to support the field training deliveries. During the last year, EMI reached nearly 12,500 emergency managers through its resident and field training.

First Responders, ranging from firefighters to emergency medical technicians, attend the mid-level to senior management level training offered at NFA. This training offered ranges from incident command system training, to hazardous materials emergency management, to arson investigation courses. The development of training by each institution is coordinated carefully to avoid duplications. Last year, over 79,000 individual first responders were reached by NFA resident and field training deliveries.

Given that providing financial support and technical assistance for emergency management to State and local governments is fundamental to FEMA's mission, the Agency has substantial involvement in the implementation of its programs at the State, Tribal, and local levels of government. The proven advantage in such involvement is the reduced need for Federal assistance when an emergency occurs because of the "upfront" investment in emergency preparedness assistance.

As the result of assistance provided by FEMA over the years, the majority of State and local governments have "all hazards" Emergency Operations Plans in place. These plans are periodically reviewed by FEMA, revised, and tested in both simulated and real emergencies. The focus of these "all hazards" plans is on response functions that are common to any type of emergency, including: communications, command and control, and warning. All-hazards emergency operating plans contain hazard-specific annexes for the unique qualities of individual hazards. The real hazards in a community -- whether an earthquake fault, a major interstate highway carrying hazardous materials, or a nuclear power plant -- require more detailed, individualized planning attention.

For many of these unique hazards, FEMA has successfully formed partnerships with other Federal agencies that have contributed to the improved preparedness capabilities of State and local governments to respond to these and other disasters -- regardless of cause.

RADIOLOGICAL EMERGENCY PREPAREDNESS

Following the March 1979 Three Mile Island Nuclear Power Plant accident, the Kemeny Commission established by President Carter determined that the emergency planning by the utility, the Commonwealth of Pennsylvania, the involved counties, and the Federal government was inadequate. FEMA initiated its Radiological Emergency Preparedness (REP) Program in response to the President's Directive of December 7, 1979, which identified FEMA as the lead coordinating agency for planning and preparedness for all types of peacetime radiological emergencies.

Over the years, FEMA has worked cooperatively with the U.S. Nuclear Regulatory Commission, other Federal agencies, some 67 commercial nuclear power plant sites in the United States, and almost 500 State, Tribal, and local jurisdictions involved in radiological emergency planning and preparedness. Over three million people today live within the 10-mile emergency planning zones around these sites. DOE and DOD facilities and holdings are not included in these numbers.

Congress acted in 1980 to make adequate emergency planning and preparedness, including that of off-site communities, a condition of licensure for nuclear power plants. The criterion of "reasonable assurance" was established as the basis for making determinations on the adequacy of off-site preparedness. In subsequent years, FEMA developed procedures and policies, criteria, standards and guidance for the Agency's review, evaluation, and approval of State and local radiological planning and preparedness for commercial nuclear power plants.

FEMA's REP program efforts range from a rigorous plan review and approval process, to a biennial, evaluated exercise system, to other capability-enhancing periodic requirements. The Agency's research and development programs for radiological instrumentation, as well as the dosimetry production capability in Rolla, North Dakota, have provided significant support to preparedness for this "peacetime" radiological threat.

As a result of the REP program, the communities located around nuclear power plants are considered to be the best prepared in the country to respond to any type of disaster. In recent years, this has been tested in communities from New England to Florida during hurricane season. In each case, the communities' success in warning, evacuating the public, and responding quickly to the emergency was related directly to their efforts in preparing for an accident at a nuclear power plant.

There are over 100 full-time staff in FEMA Headquarters and the nine FEMA Regional offices involved in the program. The cost of the staff and the contractors supporting the commercial nuclear power plants' REP-related activities are offset entirely by user fees charged the nuclear

utility industry by FEMA. No direct financial assistance from the Federal government is made available to State and local governments for REP program activities.

CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS

Unlike FEMA's REP program, it did not take a major emergency at a chemical weapons storage facility to engage the Agency to work with the Department of the Army to provide "maximum protection" to the public located around eight chemical weapons storage sites in the continental United States. The Congress ordered the Army to dispose of its aging chemical weapon inventory and provide maximum protection for the public in the process.

In 1988, the Army and FEMA entered into a Memorandum of Understanding to improve the emergency response capabilities of communities located around these stockpiles. Basically, it is continued storage of the aging stockpiles -- produced several decades ago and now obsolete for our modern defense system -- that poses a greater risk to the public than the proposed disposal. The blister and nerve agent weapons and containers in these stockpiles are beginning to deteriorate and could pose a risk to public safety.

FEMA created the Chemical Stockpile Emergency Preparedness Program (CSEPP) to improve the preparedness of the 10 States and 32 counties potentially affected by the Army's stockpile. The program also involves a number of Federal agencies, including the Department of Health and Human Services and the EPA. Through consultations and agreements with each of these State and local governments, FEMA and the Army are providing resources, guidance and technical assistance to improve emergency plans, to provide accurate and useful public education and risk information materials, to develop and deliver training for emergency responders, medical, and emergency management personnel, to enhance and upgrade public alert and warning systems, and to conduct realistic and challenging tests and exercises.

In the last six years alone, FEMA has funneled over \$150 million to the 10 States and 32 counties from the Army solely for public safety and preparedness activities for the chemical weapons stockpiles. Such sums are necessary in order to meet the Congressional mandate of "maximum protection" for the public. Even though an accidental chemical agent release that would threaten an offsite community is highly unlikely, the resources and efforts of the CSEPP are intended to guard against that possibility.

HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS

Not all of the interagency programs that FEMA is involved in are oriented towards fixed facilities and preparedness around them. In fact, when States have been surveyed, the transportation of hazardous materials along our nation's corridors consistently ranks near the top of hazards communities face. Since the early 1980's, FEMA has included in its planning guidance, information for preparing a hazardous materials annex addressing fixed facilities and transportation risks. Many States had annexes for hazardous materials emergencies before the passage of the Emergency Planning and Community Right to Know Act.

The Emergency Planning and Community Right to Know Act, Title III, of the Superfund Amendments and Reauthorization Act of 1986 required communities to develop plans for the hazardous materials fixed facility threats in their communities. State and local planning committee structures were required to be formed. In many cases, the local and State emergency management agency has borne the responsibility for coordinating these committee activities and meeting the preparedness requirements of this law.

Until 1990, when the Hazardous Materials Transportation Act (HMTA) was amended, these hazardous materials preparedness efforts largely went unfunded. Until then, FEMA was the only Agency providing resources. In addition to the basic infrastructure grant programs, FEMA provided training grants to the States and developed and delivered resident and field training courses in hazardous materials preparedness and response. Under HMTA, some funding has been made available through the DOT for planning and training. However, this law did not broaden planning requirements for States and locals to include transportation considerations for hazardous materials emergencies. HMTA authorized FEMA to monitor the effectiveness of hazardous materials planning and training at the State and local level. Based upon the results of that monitoring, FEMA will provide appropriate technical assistance.

Despite the DOT grants, FEMA continues to deliver SARA Title III training resources to States and Tribes. This fiscal year, \$4.6 million has been distributed through the CCA for hazardous materials training. A total of \$16 million has been made available for this purpose over the last several years. Approximately 710,000 emergency first responders and emergency management personnel have benefitted from this training in the last five years. Such numbers will continue constant or grow as individuals participate in refresher training offerings. Appendix A shows the allocations by State and Tribe for this program.

To fulfill part of the Agency's responsibility in monitoring and technical assistance for hazardous materials, FEMA has focused much of its effort on exercises as a means to test the capabilities of State and local governments. Additional resources to support the development and conduct of exercises and other preparedness functions for hazardous materials have been provided States through the CCA from annual FEMA appropriations. This effort, although small, has been an indication of the priority the Agency places on hazardous materials transportation and fixed facility planning. The majority of exercises conducted for hazardous materials emergencies involve a transportation accident. Last year, \$185,000 was distributed to States and Tribes for these efforts. This fiscal year \$315,000 is available.

Another stream of funding for hazardous materials through FEMA comes from an interagency agreement with EPA. CERCLA funding is shared with States to encourage their participation in Federal oil and hazardous materials planning and response efforts. In FY 1994, over \$276,000 was made available to States for this purpose.

Not all of FEMA's hazardous materials program efforts involve funding. The majority of our planning, training and exercise programs are accomplished through the direct technical assistance FEMA regional staff provide to States, Tribes and local governments. FEMA has developed

all of the major guidance in use today by our stakeholders to prepare for hazardous materials emergencies in facilities or in transport. To support this effort FEMA has a cadre of highly trained staff at both headquarters and at the regions.

IV. RECOMMENDATIONS AND CONCLUSIONS

Clearly, the characteristics of nuclear waste transportation and the inherent preparedness for potential emergencies will be unique. However, in light of the preparedness infrastructure in place through FEMA's all-hazards programs, including hazard-specific REP, CSEPP and hazardous materials emergency preparedness, it would seem a waste to start anew for the implementation of NWPA Section 180(c). The relationships already are in place between the Federal government and State, Tribal and local governments. The funding mechanism is in place. And, ultimately, the expertise to transfer the lessons and successes of FEMA's fixed facility and transportation programs beyond their current bounds is available and largely in place.

FEMA has four areas in which it could provide support to DOE in the implementation of Section 180(c) of NWPA. These are:

- 1) Providing a cost-effective, efficient and time-proven mechanism for delivering financial and technical assistance under NWPA Section 180(c);
- 2) Making available an array of emergency management expertise from a broad range of disciplines throughout the Agency;
- 3) Monitoring the effectiveness of State and local nuclear waste transportation emergency preparedness programs consistent with FEMA's authorities under the Hazardous Materials Transportation Act; and
- 4) Contributing the capabilities of FEMA's Radiological Instrumentation Test Facility for the research and development of user-friendly monitoring and detection equipment on behalf of DOE and maintain the State and local capability to operate with such equipment.

ADMINISTERING FINANCIAL ASSISTANCE

FEMA stands ready to provide the most effective vehicle and system at the Federal and State level to administer the financial assistance program for emergency preparedness and safe routine transportation for the NWPA. The Agency could serve as DOE's agent in negotiations with State and Tribal governments on their statements of work to be performed under the Agency's existing partnership agreements with each State.

At the State level, the emergency management agency would serve as the point of contact. Tribal governments could be given the option of electing to receive assistance independent of or through the State. For Tribal governments electing to work through the State, their proposals could be viewed independent from the State as a "pass-through," or as part of a "partnering"

program with the State. Tribal governments electing not to work through a State would be eligible to enter into a separate cooperative agreement with FEMA that covers basically the same parameters as the CCA. Funding provided by DOE for purposes of "safe routine transport" would be in the form of a direct "pass through" from the State emergency management agency point of contact to the cognizant State or Tribal agency responsible for inspections and other mitigation and prevention functions related to transportation. All of this, and DOE would not have to start from scratch by developing a new program.

EMERGENCY MANAGEMENT EXPERTISE

There is no other Federal agency with the emergency management expertise and capability of FEMA. Not only is the infrastructure in place to implement the financial assistance program, but part and parcel in this is the institutional knowledge and expertise of the entire agency staff and the State and local stakeholders. FEMA's National Emergency Training Center, home of the Emergency Management Institute and the National Fire Academy, can facilitate the resident and field delivery of requisite training with the credibility and respect earned over the years. The Agency's planning and exercising abilities are highly regarded. Under the aegis of FEMA's CCA, thousands of exercises have been conducted, with communities better prepared to respond to any disaster that threatens. Ultimately, it will be the emergency management professionals at the State and local level who play the largest part in the NWPA Section 180(c) program.

In contrast to the infrastructure and capabilities that exist within States and locals, it is important to note that the same level of preparedness is not in place within Tribal jurisdictions. This is an area in which targeted assistance is needed. At the very least, before the focus of preparedness efforts can be directed towards spent nuclear fuel and high level radioactive waste transportation, a baseline emergency management and response infrastructure must exist. Unfortunately, legal interpretations of the authorizing legislation for FEMA's infrastructure programs have precluded the majority of the Agency's financial assistance programs from being available to Tribes. Remedying fundamental emergency preparedness deficiencies on Tribal lands should be a priority of initial NWPA Section 180(c) efforts.

MONITORING AND TECHNICAL ASSISTANCE

As part of the Agency's responsibilities authorized by HMTA, FEMA will take the lead in monitoring and assessing the adequacy of emergency plans and preparedness of States, Tribes and local jurisdictions through which the Secretary of Energy plans to ship spent nuclear fuel and high level waste.

This responsibility is commensurate with FEMA's roles and authorities related to offsite planning around fixed nuclear facilities, but should be based upon a threshold of adequacy determined by the Secretary of Energy in close coordination with FEMA. This is a statutory responsibility that FEMA wishes to fulfill in partnership with DOE. Adequate planning for the transportation of nuclear waste would be an objective indicator of the improvements and capabilities made as the direct result of the Section 180(c) assistance program.