



Lincoln County
NUCLEAR OVERSIGHT PROGRAM

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August 1, 1998

Ms. Corinne Macaluso
U.S. Department of Energy
c/o Lois Smith
TRW Environmental Safety Systems, Inc.
600 Maryland Avenue, S.W.
Suite 695
Washington, D.C. 20024

Letter Via Fax: (202) 586-6638
(Hard Copy To Follow)

RE: Comments to Notice of Revised Proposed Policy and Procedures for Implementing a Program of Technical and Financial Assistance to States for Training Public Safety Officials of Appropriate Units of Local Government

Dear Ms. Corinne Macaluso:

Lincoln County (Nevada) and the City of Caliente, in conjunction with their Joint County/City Impact Alleviation Committee have reviewed the subject Notice of Proposed Policy and Procedures and offers the following comments thereto.

General Comment

In commenting on previous versions (May 1996) of the subject policy and procedures, Lincoln County and the City of Caliente have encouraged DOE to (1) ensure that the provision of funding to states rather than to counties will in fact result in needed training of local emergency first responders, and (2) ensure that Section 180(c) funding will be available to provide local emergency first responders with equipment needed to maintain effective first response capabilities. Our review of the revised proposed policy and procedures leads us to conclude that DOE has not yet effectively addressed these concerns. Lincoln County and the City of Caliente remain concerned that as proposed by DOE, implementation of Section 180(c) will not result in the provision of needed training and equipment to local emergency first responders. Under the revised proposed policy and guidelines, the passage of Section 180(c) funding through states may prove an inefficient mechanism for satisfying the training and equipment needs of local emergency first responders. The County and City are concerned that state imposed administrative costs may significantly erode the quantity and quality of actual training and equipment purchases. DOE is encouraged to revisit this issue.

Specific Comments

Policy Statement, 1st paragraph - This section indicates that "OCRWM will provide

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funding and technical assistance, subject to annual appropriations, to assist states and tribes to obtain access to the increment of training necessary to prepare for NWPAs shipments."

Given the uncertainty of annual appropriations, DOE should consider making multi-year grants which would enable the provision of needed training and equipment without the uncertainty of year-to-year appropriations. Local governments should be added to states and tribes as those entities to whom access to training will be provided.

Objectives, 5th paragraph - The text here indicates that OCRWM intends to utilize Section 180(c) funding to provide technical assistance for training for safety and enforcement inspections specific to NWPAs truck shipments such as those described in the Commercial Vehicle Safety Alliance's (CVSA) Enhanced North American Standards.

Lincoln County and the City of Caliente are not convinced that use of Section 180(c) funding for motor carrier inspections is an appropriate use of these monies. Further, application of Section 180(c) funds to this purpose will limit monies available to train and equip local emergency first responders. OCRWM should identify other sources of funding to provide states with access to training for motor carrier safety and enforcement inspections.

Objectives, 6th paragraph - The text here indicates that OCRWM intends to utilize Section 180(c) funding to provide access for states and tribes to FRA's State Participation Program.

Lincoln County and the City of Caliente are not convinced that use of Section 180(c) funding for training to conduct rail inspections is an appropriate use of these monies. Further, application of Section 180(c) funds to this purpose will limit monies available to train and equip local emergency first responders. OCRWM should identify other sources of funding to provide states with access to training for motor carrier safety and enforcement inspections.

Funding Mechanism, 1st paragraph - Here the text notes that "funding will be provided every year (subject to appropriations) beginning approximately four years prior to the first shipment through state or tribal reservation boundaries." Given the uncertainty of annual appropriations, DOE should consider making multi-year grants which would enable the provision of needed training and equipment without the uncertainty of year-to-year appropriations. Multi-year grants would also minimize the administrative expense to state of preparing and defending annual grant applications. Reduction of administrative expense should enhance the level of funding actually available for training and equipping of local emergency first responders.

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Basis for Cost Estimate/Funding Allocation - This section appears to suggest that a single planning grant will be awarded to each eligible state for use by the state and tribes in that state. Based upon previous experience, Lincoln County and the City of Caliente anticipate that tribes, as sovereigns, will insist upon receiving their planning funds. It is important that OCRWM not split the anticipated \$150,000 planning grants between the state and tribes. Any amount less than \$150,000 may be insufficient to enable the state to coordinate with all local governments during the Base grant planning period.

Basis for Cost Estimate/Funding Allocation, 3rd paragraph - Each of the two parts to the grant application described here should require states to identify how much funding will be required to facilitate training of local emergency responders. Each part of the application should require an indication by the state of how much funding will be passed through to local emergency first responders to support local training and equipment purchases.

Eligibility and Timing of the Grants Program, 2nd and 4th paragraphs - The text here indicates that a state agency administering the Section 180(c) grant may provide funding to other agencies, and a transfer to another state agency is given as an example. The fourth paragraph of this section indicates that local governments will not be eligible to apply for Section 180(c) grants directly. The text should make clear that states can provide local governments with grants from Section 180(c) funding to conduct local training and for the purchase of necessary equipment. Presently, the policy and guidelines are silent on this matter.

Rather than describing how states would be required to coordinate their planning with local jurisdictions, OCRWM should require states to prepare coordinated state/local plans. The Section 180(c) grant application should require states to describe the process they will employ to coordinate with local jurisdictions in preparing a coordinated state/local plan.

Eligibility and Timing of the Grants Program, 5th paragraph - If the applicant will be submitting a five-year plan and making application for funding once every five years, OCRWM should consider awarding of five-year grants.

Allowable Activities for Funding, 7th paragraph - Rather than specify a percentage cap of the amount of Section 180(c) funds which might be used to purchase equipment, OCRWM might require states to justify intended equipment purchases and to demonstrate that local emergency first responders have or will have the training necessary to use said equipment. the 25% and 10% caps are arbitrary and may impose real constraints to acquisition of needed equipment and related first response readiness.

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Lincoln County and the City of Caliente encourage OCRWM to give strong consideration to the comments contained within this letter in preparing a final policy and guidelines for implementation of Section 180(c). The County and City would appreciate the opportunity to review any draft Section 180(c) grant application materials developed by DOE.

Sincerely,



Yvonne Culverwell, Administrative Coordinator
Joint City/County Impact Alleviation Committee