



Matt Blunt, Governor ■ Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

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January 18, 2008

Ms. Corinne Macaluso
 Office of Civilian Radioactive Waste Management
 U.S. Department of Energy
 c/o Patricia Temple
 Bechtel SAIC Company, LLC.
 955 N. L'Enfant Plaza, SW., Suite 8000
 Washington, DC 20024

Re: Comments on Proposed Policy for Implementation of Section 180 (c) of the Nuclear Waste Policy Act

Dear Ms. Macaluso:

Thank you for the opportunity for the State of Missouri to comment on the U.S. Department of Energy (DOE) Office of Civilian Radioactive Waste Management's (OCRWM) proposed policy regarding funding through Section 180 (c) of the Nuclear Waste Policy Act. After reviewing the proposed policy, Missouri offers the following comments:

In the request for comments on the proposed policy, DOE asked in Question 5: "Should the Section 180(c) grants be adjusted to account for fees levied by States or Tribes on the transportation of spent nuclear fuel or high-level radioactive waste through their jurisdiction?" DOE should not reduce 180 (c) funding based on the fees charged by any jurisdiction, as not all of these fees are utilized for training purposes. State fees are used by states for other shipment related purposes such as escorts and inspections, which cannot be paid for with 180 (c) funds. In this same question, DOE asks: "How should DOE determine if a fee covers all or part of the cost of activities allowed under Section 180 (c) grants?" and "Is the language in this policy, requiring States and Tribes to explain in their grant application how the fees and Section 180(c) grant awards are separate and distinct, sufficient to prevent DOE from paying twice for the same activity?" Grant applicants should be required to justify in their grant application why 180 (c) funds are needed for training, in addition to any funding from state fees or other funding sources used for training purposes.

States should be allowed to apply for initial 180 (c) assessment and planning grants up to \$200,000, providing the states can justify in their application the need for the requested funding. Each state could then apply separately for annual training grants up to \$100,000, plus a variable amount of annual funds based on the criteria contained in the proposed policy, again providing justification for the requested funding. Both the assessment and planning grants and the annual training grants should be adjusted for inflation, beginning in 2007. Some states will experience very few shipments, and may not be able to justify the maximum amount of initial or annual funding, while corridor states are expected to receive many shipments per year, and may be able to justify the full base allocations plus a substantial annual variable grant.

Any time a shipment is expected to stop during transit, the need for training for this situation increases. The definition of "shipping sites" used to justify the variable portion of the funding should therefore include any transfers from one shipment mode to another, crew changes or shipment inspections.

Whether a 180 (c) funding request is for the first year of training or the 20th, funding should be provided based on the states' justification in their funding request. Due to rapid turnover in local emergency response staff, subsequent training efforts are not expected to decrease in cost over time. Many local emergency responders are volunteers (especially in rural areas), who will be difficult to attract to training sessions held during the week. We anticipate repeated efforts will be required to reach this audience, for both new and long-time volunteers. Since these responders may be first on the scene of any incident, we believe it is critical that they receive training.

When notifying the Governor's Office of each state that applications for grant funds may be submitted, please copy the state's representative to the applicable State Regional Group committee. Subsequent notification letters should be sent to the state's 180 (c) funding administrator.

Where a route is near the border of a state or tribal lands, the population within the impacted area of the adjacent state or tribal lands should be considered in an annual variable grant award. States or tribes with mutual aid agreements should decide which entity should be in the lead on preparing the grant application and in planning expenditures. If training is offered in a location convenient to local emergency responders from both jurisdictions, both states or tribes would benefit from the availability of training.

In question 4a of the Federal Register notification, DOE asks if award of assessment and planning grants should begin four years prior to the first shipment under this program. DOE should provide sufficient lead time for lengthy state budget cycles, as some states will need appropriation authority from state legislatures in order to use the federal funds. Some states will need this time to develop and promulgate rules or regulation governing their training program, often a multi-year process. States may choose to apply four years prior to the first shipment, due to legislative schedules,

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promulgation of regulation or time needed to conduct assessment and planning activities, or may choose to delay application according to their needs. Training grants should be available three years prior to the first shipment, in case states desire to create their own training programs. The states would be responsible for applying for grant funding with sufficient lead time to meet their training schedules, and should include justification for their timeline in their application. Training grants should be available to applicants every year shipments are scheduled in their jurisdiction. Should training grants not be provided for some period of time due to a lack of shipments through that jurisdiction, then grants should resume at least one year prior to the next anticipated shipment to allow for appropriation and planning processes. Should a period of several years occur between shipments within a jurisdiction, the applicant should be allowed to apply for additional assessment and planning funds, if this need can be justified in the grant application.

Should a grant applicant intend to utilize TEPP or other DOE funded training programs, the resulting cost savings should be reflected in the grant application. For instance, if DOE offers to provide TEPP training within a state, with the state bearing no responsibility for DOE staff, travel or other costs, this would provide a cheaper option than hiring a training consultant. The states will have to make these types of decisions during the assessment and planning grant phase, and apply for annual funding based on their estimated training costs.

States that have previously received funding for WIPP or other types of DOE shipments will have to justify the need for additional training in their grant applications. Factors such as the difference in shipment routes utilized for the different shipment campaigns and the length of time since training was provided to local emergency responders may justify the need for additional training funded by 180 (c) grants.

Thank you for the opportunity to review the Department of Energy Office of Civilian Radioactive Waste Management's (OCRWM) proposed policy regarding funding through Section 180 (c) of the Nuclear Waste Policy Act. If you have any questions regarding these comments, or need clarification, please contact me or Ms. Jane Beetem, phone number 573-751-3195. Her address for correspondence is Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102. Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



H. Floyd Gilzow
Deputy Director for Policy

HFG:bj