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**PUEBLO OF ACOMA**  
ENVIRONMENTAL PROTECTION AGENCY  
GENERAL ASSISTANCE PROGRAM (GAP)

TELEPHONE 505/552-6604, EXT. 286/287  
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October 17, 2007

U.S. Department of Energy c/o Patricia Temple  
ATTN: Ms. Corrine Macaluso  
Bechtel SAIC Company, LLC  
955 N. L'Enfant Plaza, SW Suite 8000  
Washington, DC 20024


RE: Department of Energy  
Federal Register Notice 180(c)  
"Safe Routine Transportation and Emergency Response Training; Technical  
Assistance and Funding"  
Notice of Revised Proposed Policy and Request for Comments

Dear Sir or Madam:

Please find enclosed the written comments from the Pueblo of Acoma Environmental Protection Agency.

If you should have any questions, please contact me at 552-5187.

Sincerely,

  
Stanley Paytiamo  
Environmental Protection Specialist

Enclosures

cc: AEPA File

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**Pueblo of Acoma  
Environmental Protection Agency  
Comments  
October 12, 2007  
Stanley Paytiamo, Environmental Protection Specialist  
P.O. Box 370, Pueblo of Acoma, NM 87034**

**DEPARTMENT OF ENERGY Office of Civilian Radioactive Waste Management; Safe Routine Transportation and Emergency Response Training; Technical Assistance and Funding**

**AGENCY:** Department of Energy. **ACTION:** Notice of revised proposed policy and request for comments.

**Federal Register Notice -- 180(c) -- "Safe Routine Transportation and Emergency Response Training; Technical Assistance and Funding"**

Section # 180(c)	Page #	Comment or Suggested Wording	Cite/author (if applicable)
V. Request for Comments	40139	<p><i>Federal Register</i> / Vol. 72, No. 140 / Monday, July 23, 2007 / Notices</p> <p>DOE requests that interested parties comment on this notice of revised proposed policy, including the specific questions identified below:</p>	S Paytiamo
<p>141-1-J</p> <p>141-2-J</p> <p>141-3-J</p>	Question 1	<p>a) Would \$200,000 be an appropriate amount for the assessment and planning grant to conduct an initial needs assessment? Yes, both Tribes and States are based on tribal enrollment figures. The Bureau of Census figures usually under count tribal members.</p> <p>b) Should the amount be the same for each eligible State and Tribe? Yes</p> <p>c) Would there be a need to update the initial needs assessment and, if so, at what intervals and should funding be made available for this purpose and in what amount? Yes, an annual assessment is needed at \$125k per year to include salary for 1 FTE. Any balances from previous year should be allowed to carryover.</p>	
<p>141-4-J</p> <p>141-5-J</p>	Question 2	<p>a) Would \$100,000 be an appropriate amount for the annual training grant? Yes</p> <p>b) Recognizing that, after commencement of shipments through an eligible State or Tribe, training to maintain capability may become less costly with increased expertise and</p>	

<p>141-6-J</p> <p>141-7-J</p>		<p>efficiency, should the base amount of subsequent annual training grants be adjusted downward to reflect the number of years that annual training grants have been received? No, with high turn over rates, new employees to be trained to obtain required certification.</p> <p>c) What should be the allocation of available appropriated funds for a fiscal year between the base amount and the variable amount of the annual training grants? \$100k - \$150k</p> <p>d) Should the entire training grant be available based on the funding allocation formula described herein? Bases on needs assessment, current tribal enrollment numbers, and on type and number of transportation corridors (interstate, railway, air, etc.)</p>	
<p>141-8-J</p> <p>141-9-J</p> <p>141-10-J</p> <p>141-11-J</p>	<p>Question 3</p>	<p>a) Should the amount of funding be adjusted where a route forms a border between two States, a State, and a Tribal reservation, or two Tribal reservations? No, they should have MOU and MOA in place that allow grantees to cost share.</p> <p>b) Should States or Tribes with mutual aid responsibilities along a route outside their borders be eligible for 180(c) grants on the basis of the mutual aid agreement? Yes</p> <p>c) If so, how should the amount of funding be calculated, and should the calculation take into account whether or not the State or Tribe would otherwise be eligible for a grant? Based on population &amp; 1.5 - 2 mile proximity to corridor/routes.</p> <p>d) Should the State or Tribe that received notification of eligibility from DOE indicate in their grant application that a neighboring State or Tribe has a mutual aid agreement along a particular route, where upon DOE would then notify their neighboring State or Tribe of its eligibility? Yes, this would help identify with whom an MOA/MOU could be negotiated.</p>	
<p>141-12-J</p> <p>141-13-J</p>	<p>Question 4</p>	<p>a) Do assessment and planning grants need to be undertaken four years prior to an initial scheduled shipment through a State or Tribe's jurisdiction? Yes, allows for better planning and preparation of staff &amp; resources.</p> <p>b) Do training grants need to commence three years prior to a scheduled shipment through a State or Tribe's jurisdiction? Yes, same as above.</p>	

141-14-J		c) Do training grants need to be provided every year that shipments are scheduled? Yes, because of high employee turnover rates and allows for training/practice.	
141-15-J	Question 5	a) Should the Section 180(c) grants be adjusted to account for fees levied by States or Tribes on their transportation of spent nuclear fuel or high-level radioactive waste through the jurisdiction? No, not all tribes have fees levied.	
141-16-J		b) How should DOE determine if a fee covers all or part of the cost of activities allowed under Section 180(c) grants? Self reporting by states & tribes	
141-17-J		c) 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? Yes	
141-18-J	Question 6	a) How should Section 180(c) grants be adjusted to reflect other funding or technical assistance from DOE or other Federal agencies for training for safe routine transportation and emergency response procedures? No, it's not double dipping if tribe can find other funding sources, from HMEP, DOE, DOT 180(c) DOT HMEP Program, DOE Waste Isolation Pilot Plant project, Home Land Security Program-not everyone will and does apply for same funding.	
141-19-J		b) In particular, how should DOE account for TEPP and other similar programs that provide funding and/or technical assistance related to transportation of radioactive materials? Funding program be separate. Same above.	
141-20-J		c) To what extent is Section 180(c) funding necessary where funding and/or technical assistance are being or have been provided for other DOE shipping campaigns such as to DOE's Waste Isolation Pilot Plant? Funding is necessary for needs assessment, training, and administration of program (staffing).	
<b>END</b>			