

Comments of OCRWM Federal Register Notice  
Safe Routine Transportation and Emergency Response Training: Technical Assistance and Funding  
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<b>CITATION</b>	<b>COMMENT</b>
<p><i>“When necessary or appropriate, training should be consistent with the Occupational Safety and Health Administration (OSHA) awareness or operations levels, as those terms are defined in 29 CFR 1910.120, and the jurisdiction’s emergency response plans. Any deficiency in basic response capability may be addressed through consultation and technical assistance.”</i></p>	<ol style="list-style-type: none"><li data-bbox="966 609 2005 828">1. Training should include all levels of hazardous materials response training, and not be limited to awareness and operations. Responders who take action to control the situation must (per OSHA or state requirements) be trained to the Technician or Specialist level; persons in command must be trained to the Incident Command level. Local response plans cannot circumvent this required training.</li><li data-bbox="966 860 2005 1079">2. The statement regarding deficiencies in basic response capability is ambiguous; what does this statement mean? Will states, tribe, and locals be allowed to request 180(c) funds to fill deficiencies in basic capability? Does this include equipment, or is it limited to training of personnel to the Operations level?</li></ol>

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<p><i>“States and Tribes should describe in their grant applications how the grants will be used to provide training for local public safety officials.”</i></p>	<p>The 180(c) policy statement makes it very clear that the funds shall be used “...for training for appropriate units of <b>local</b> government ... through whose jurisdiction...” This statement clearly indicates that the monies were not intended for state level agencies, but for local (county, parish, township, municipal) agencies. This important fact seems to have been lost in the revised policy because the statement uses the less demanding “should” instead of the more restrictive “shall”. Because the identified stakeholders in the 180(c) funding are the local public safety entities, it should be a mandatory requirement in the application that the state demonstrate clearly who will receive the training and other materials as a result of the grant. This should indicate clearly how the jurisdictions were selected, what portion of the grant will be allocated to each, and what portion of the grant will be retained at the state level.</p>
<p><i>V. Request for Comments</i></p>	<p>During the lengthy conversations and meetings involving the 180(c) Topic Group many – if not most – of these issues were discussed and resolved. The Topic Group made clear recommendations on how these issues should be handled. It seems that DOE is seeking different answers than what were developed by this Topic Group.</p>
<p><i>Question 1(c): Would there be a need to update the initial needs assessment and, if so, at what intervals should funding be made for this purpose and in what amount?</i></p>	<p>It would be reasonable to require that after 5 – 7 years (exact time would need to be established) the state or tribe must submit an updated needs assessment in order to maintain existing levels of funding for training. This assessment should also include a statement as to what has been accomplished to date. Over the planned life cycle of the Yucca project there may be significant changes in demographics, population distribution, response capability, and possibly changes in routing. These factors should be included in a needs assessment update.</p>

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<i>Question 2(b): Recognizing that, after commencement of shipments...training to maintain capability may become less costly with increased expertise and efficiency...?</i>	This is not necessarily a valid assumption. In many rural areas turn over in volunteer emergency services reaches or exceeds 50% annually, the need for an on-going training program is critical. The reallocation of grant money should be based on an annual review of the status of training by each jurisdiction.
<i>Question 3(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 their mutual aid agreement?</i>	The funding should be made available with a requirement that the agencies have a signed, legal mutual aid agreement and not simply a “hand-shake” agreement. The agreement should include provisions for sharing of personnel and equipment, and should not constitute a fee-for-services agreement.
<i>Question 4(a): Do assessment and planning grants need to be undertaken four years prior to an initial schedule shipment through a State or Tribe’s jurisdiction?</i>	The needs assessment will need to be completed before training grants can be distributed. The timeline for the planning grant must be driven by the time it is projected it will take to train responders along the routes. Based on the limited size of the training grants, it may take several years to train an adequate number of responders. Based on this, the four year period seem reasonable.
<i>Question 4(b): Do training grants need to commence three years prior to a scheduled shipment through a State or Tribe’s jurisdiction?</i>	<p>Three years will be the minimum period it will take to provide training to responders and others of all disciplines (police, fire, and EMS). It will be necessary for recipients – especially states – to determine the chronological distribution of these grant moneys to insure that those trained in the first year are responders least likely to leave their positions before the start of the shipments.</p> <p>In addition, since the Department of Energy has taken it upon themselves to influence the Radiation Specialist training requirements of NFPA 472, they should responsible for the costs of sending personnel to the 48 (potentially 96) hours of training this course requires. The NFPA 472 requirements, as promulgated with the influence of a DOE sponsored contractor, places a significant unfunded burden on agencies trying to meet this standard.</p>

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<p><i>Question 4(c): Do training grants need to be provided every year that a shipment is scheduled?</i></p>	<p>(See 2b, above) As previously stated, some areas experience turn-over rates greater than 50% in their volunteer fire forces. This makes it imperative that money be allocated during each year of the shipping.</p> <p>As stated above, because of the Department of Energy’s influence in promulgating significant changes in the NFPA 472 Radiation Specialist requirements, this will increase significantly the costs to train local responders, and will increase the required funding for local agencies under the 180(c) grants.</p>
<p><i>Question 5(a): 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?</i></p>	<p>The 180(c) grants should not be reduced for those states; however, if this were to be considered, the grant should be reduced only by the amount of those fees that are used for training or equipping <b>local</b> responders, not state agencies or state level responders. In Illinois, such fees are collected, but very little – if any – of the monies collected are used for training of local responders. The bulk of the money is used to fund escorts from the Illinois Emergency management Agency – Department of Nuclear Safety.</p>

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<p><i>Question 5(b): How should DOE determine if a fee covers all or part of the cost of activities allowed under Section 180(c) grants?</i></p>	<p>States should be required to submit their prior five year budgets detailing the allocation and distribution of funds generated by such fees as well as the source of funds used for radiological training currently being provided through the state. States must then show that:</p> <ol style="list-style-type: none"> <li>1. During the years the grants were received, the allocation of fee funds did not deviate from the prior five years;</li> <li>2. Provide a detailed plan and subsequent audited report detailing the distribution of 180(c) grant monies;</li> <li>3. 180(c) funds were not used to supplant funds previously allocated for the purpose of training.</li> </ol> <p>These to measures could help assure that the funds were used for new activity related to the shipments.</p>
<p><i>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?</i></p>	<p>This should be a responsibility of the state and local jurisdiction who, in their application for grant money, identify agencies that have received other Federal assistance and/or training, and for them to justify either the use of 180(c) funds for that agency, or establish that the agency is not receiving double funds for the same activity. Even though agencies may have received some funding for training or technical assistance, the Yucca mountain is a separate and distinct campaign with unique issues and challenges; training for this campaign needs to be well beyond the training many agencies have previously received.</p> <p>DOE must also consider the effect of influencing standards committees (such as the NFPA 472) and the unfunded mandate this creates. This may offset any other funding provided by DOE.</p>

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<i>Question 6(b): In particular, how should DOE account for TEPP and other similar programs that provide funding and/or technical assistance related to the transportation of radioactive materials?</i>	Possibly by assigning a value to the other programs, and allowing these programs to be acquired using 180(c) funds. In addition, as previously stated, given the scope and nature of Yucca, as compared to most other campaigns, the scope and depth of training far exceeds that previously needed.
<i>Question 6(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 DOE's Waste Isolation Pilot Plant?</i>	<p>This question is best answered by those states and tribes who have received such assistance or training. In general, it would be anticipated that the needs of those states and tribes would be less, and the need for full training grants may not be supported by the needs assessment. However, there is already a provision in the grant application that requires states and tribes to show how the funds requested under 180(c) do not supplant or duplicate existing funding or programs.</p> <p>As with the question on existing funding, DOE must also consider the effect of influencing standards committees (such as the NFPA 472) and the unfunded mandate this creates.</p>
<i>None</i>	There appears to be no funding to provide education to local officials and tribal leaders to prepare them to deal with the "social risks" associated with the planned shipments through their jurisdictions and tribal lands.