

Potential Outline of Section 180(c) Policy and Procedures

The outline below identifies and begins to describe the subject areas that will be addressed in the Department of Energy's upcoming *Federal Register* Notice on the Draft Section 180(c) Program of Funding and Technical Assistance. The detail on each subject is derived from two sources, the TEC Topic Group discussions and the 1998 *Federal Register* Notice on Section 180(c). The information below may change depending on the Topic Group's discussions.

- I. Policy Statement (*This wording comes from the 1998 FRN*)
 - a. Shipper takes many measures to make these shipments safe – regulatory requirements, consultations with States and Tribes, historical record of similar shipments indicates safety.
 - b. Chances of an accident with a release are extremely remote.
 - c. NWPA requires the provision of assistance.
 - d. Assistance will be in the increment necessary to prepare for these shipments, not broad-based hazardous materials training or basic emergency response infrastructure.
 - i. Lack of basic infrastructure will be addressed through additional consultations and technical assistance.
 - e. Congressional request for funds will be based on assessed needs of States and Tribes (does this remain if a formula approach is used?)
 - f. States and Tribes have primary responsibility for public health and safety.
- II. Funding Mechanism
 - a. Direct grants to States and Tribes.
 - b. How or whether to designate a state agency responsible for fund receipt and management. Designated by governor? Don't provide direction? Designate the State emergency management agency, Rad health safety office, or highway patrol?
 - c. Designate funds to be used for intended purpose, not for the State's general funds.
- III. Funding Allocation/Basis for Cost Estimate
 - a. Use a formula approach?
 - b. Needs assessment-based? What needs could be measured?
 - c. Keep the three-part Planning/Base/Variable grant? Or simplify to a Base and Variable grant for each year of eligibility?
- IV. Definitions
 - a. Public Safety Official
 - b. Safe Routine Transportation Procedures
 - c. Technical Assistance
- V. Timing and Eligibility

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- a. Eligibility is granted with one shipment through borders, along borders, or when a jurisdiction is responsible for responding outside its jurisdiction because of a mutual aid or cross-deputization agreement.
- b. Timing
 - i. Funding begins four years prior to shipments
 - ii. Eligibility would be lost if shipments through a jurisdiction lapse for more than three years through a jurisdiction.
- c. Contingency Plan – for en route emergencies, fraudulent actions, or non-cooperation.

VI. Allowable Activities

- a. Training (see Section VI below)
- b. Equipment
- c. Planning and coordination activities
- d. Route and risk assessments

VII. Training

- a. Training Levels and Recipients
 - i. States and Tribes decide who should be trained and to what level.
 - 1. Does this include hospital personnel?
 - 2. Should training be required for local responders or should the States only show benefit to local responders? What if a state's emergency response structure doesn't train local responders for hazmat response?
 - 3. What staff time can be covered, if any?
 - ii. Emergency Response – a range of training is allowed from awareness to operations level training that includes a radiological emergency response component.
 - iii. Safe Routine – safety and enforcement inspections for truck and rail shipments. Does this include package and vehicle inspections?
- b. Training Standards
 - i. Emergency response – training should be consistent with OSHA 1910.120 or the NFPA hazardous materials emergency responder standards.
 - ii. Safe routine – CVSA and FRA State Participation Program.
 - 1. What about tribal inspections for rail? For truck?
- c. Training delivery
 - i. DOE will offer program specific information to insert into existing curricula, a video for emergency response officials along the routes.