

EXECUTIVE SUMMARY

Section 180(c) Policy and Procedures

2 This package describes the Section 180(c) Policy and Procedures that the Office of
Civilian Radioactive Waste Management (OCRWM) Office of National Transportation
(ONT) staff recommends to Department of Energy (DOE) management. This package
4 concludes eighteen months of intensive cooperative work by several stakeholder groups
and OCRWM staff.

6 There are three parts to this package – the Executive Summary, two Federal Register
8 Notices -- the Draft Section 180(c) Policy and Procedures and the Draft Grant Application
Package, and the Appendices.

10 **Background**

12 Section 180(c) of the Nuclear Waste Policy Act requires DOE to “provide technical
14 assistance and funds to States for training for public safety officials of appropriate units of
local government and Indian tribes through whose jurisdiction the Secretary plans to
16 transport spent nuclear fuel or high-level radioactive waste under Subtitle A or under
Subtitle C. Training shall cover procedures required for safe routine transportation of these
18 materials, as well as procedures for dealing with emergency response situations.”

20 Section 180(c) was inserted into the Nuclear Waste Policy Act when it was amended in
1987. The Department began discussions with stakeholders and based on these discussions
22 published two documents in 1992, the *Draft Strategy for OCRWM to Provide Training
Assistance to State, Tribal and Local Governments* and the *Draft Options for Providing
24 Technical Assistance and Funding Under Section 180(c) of the Nuclear Waste Policy Act*.

26 In 1995, discussions began again when OCRWM published the first of five *Federal
Register* Notices on Section 180(c) implementation and policy options. OCRWM solicited
28 comments from the public and, on April 30, 1998, published a *Notice of Revised Proposed
Policy and Procedures*. In addition to the notices, Section 180(c) has been discussed in
30 many Transportation External Coordination Working Group (TEC/WG) meetings and in
meetings with the State Regional Groups with whom we have cooperative agreements.

32 By 2004, several events made it timely to revisit the *1998 Proposed Policy and
34 Procedures*, including the President’s recommendation of Yucca Mountain, Nevada as the
nation’s repository, changes in homeland security, and changes to DOE’s transportation
36 practices. Consistent with ONT’s Strategic Plan, RW formed a TEC Topic Group to
engage stakeholders in analyzing the options for and making recommendations to DOE
38 management on Section 180(c) implementation.

40 Since July 2004, the topic group has been meeting in person and through conference calls
to develop recommendations, which derive from their detailed analysis of the issues

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42 (attached). The topic group roster (attached) includes representatives from the four State
44 Regional Groups, the Federal Railroad Administration, International Association of
Emergency Managers, Illinois Fire Chiefs Association, National Association of Emergency
46 Medical Technicians, the Confederated Tribes of the Umatilla Indian Reservation, and the
Oneida Nation.

48 **Policy Discussion**

The policy recommended in this management review package has changed from the 1998
50 *Policy and Procedures* in that it is less prescriptive. The current approach borrows heavily
from the U.S. Department of Transportation’s Hazardous Materials Emergency
52 Preparedness Program (HMEP). The policy describes the structure of the grant program
and the program’s goals and then gives States and Tribes discretion in their use of funds as
54 long as they meet Section 180(c) program requirements.

56 The changes in the current approach came mainly from Topic Group recommendations.
There is disagreement on a few issues where OCRWM ONT staff felt the analysis of the
58 research did not support the Topic Group’s recommendation or the Topic Group members
had differing opinions.

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62 The purpose of the Topic Group is to identify critical issues, discuss options for each issue,
and help DOE understand the implications of each option. The Topic Group strives for
consensus on issues although it is not always possible and is not a requirement. To assist
64 the discussion, DOE prepared a discussion paper for each issue that explained the history
of the issue, identified legal requirements, and outlined the options considered (see the
66 Appendices). In some cases, the topic group members work cooperatively – independent
from the group itself – to try to reach agreement on the issues.

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70 Since July 2004, the topic group has reached consensus on the following issues:

- 70 ▪ Funding distribution method
- 72 ▪ Timing and eligibility
- 74 ▪ Allowable activities/Training, including discussion of hospital personnel and
equipment
- 76 ▪ Definitions
- 78 ▪ Pass-through requirements
- 76 ▪ Contingency plans
- 78 ▪ Promulgating rules on 180(c) implementation

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80 The issues still under discussion are:

- 80 ▪ Funding allocation
- 82 ▪ State fees
- 82 ▪ How to fund operational activities (not training related)

84 The Topic Group discussions focus primarily on the concerns of state and local
governments. While two tribes have participated in the Topic Group, Tribal issues related
86 to Section 180(c) will also be considered in the Tribal topic group and through OCRWM
formal consultations with the Tribes beginning in 2005.

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Conclusion

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This document presents OCRWM ONT staff’s recommendations on Section 180(c) policy to OCRWM management for their review and approval. The recommendations herein reflect the many months, and in some cases years, of work by stakeholders, the TEC Topic Group on 180(c), and DOE staff.

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