

180(c) INTERREGIONAL TEAM
Path Forward Proposal

The 180(c) Interregional Team (IRT) held its fourth meeting on October 2, 2014, in Atlanta. The meeting followed a day-long meeting of the 180(c) Implementation Ad Hoc Working Group, which involved discussion and training on the new Stakeholder Tool for Assessing Radioactive Transportation (START). Team members identified the following action items for the regional committees to address during their fall meetings.

1. Review IRT Recommendations

- The IRT agreed to request that DOE's goal statement for the 180(c) program incorporate the wording from Principle of Agreement #7:

To help ensure the safe and secure transport of shipments under the Nuclear Waste Policy Act, the overall objective of the 180(c) program must be to assist states in developing the capability to help prevent accidents/incidents and respond in a timely, appropriate fashion to emergencies involving spent nuclear fuel and high-level radioactive waste shipments.

- The IRT also agreed to change the title of the finalized recommendation on "Contingency Re-Routing" to make it applicable to other situations involving contingencies:

Contingency Planning: In the event of unforeseen circumstances, DOE will make funds available, if necessary, and consult with the affected state and tribal governments as necessary to reach a mutually acceptable solution.

2. Plan for 180(c) Policy Implementation Exercise

- Review and comment on the states' goals for the exercise:
 - To better understand how the recommendations of the 180(c) IRT will apply to the grant program.
 - To gain experience and obtain feedback from Mock Merit Review Panel on the budget justification process (e.g., the level of detail required in application justifications).
 - To evaluate the efficiency and effectiveness of the communication process between DOE and the applicants and provide feedback to DOE.
 - To evaluate the proposed draft funding allocation method identified by the IRT.
- Review and comment on the exercise description
 - DOE will provide sample shipment numbers for the states to use in their assessments. These numbers will be limited to the anticipated number of shipments from the shutdown sites. It is recognized that, because its scope is limited to shipments from the shutdown sites, the exercise may not accurately capture states' needs in connection with a fully operational system involving multiple routes through many states. DOE and the states will discuss the appropriate approach for extrapolating from the data gathered to estimate possible costs to the states when the program is fully operational.
 - Because the states are highly interested in assessing their needs with regard to operations, not just training, the exercise will encompass four years of activity: one year of planning/assessment, two years of training, and a year of operations.
 - DOE would leave it up to each state to select the route(s) to evaluate.

- Identify one or two states to participate in the exercise
 - Participants must be able to attend NTSF Meeting on May 11-14, 2015, in Albuquerque.
 - Activities will take place between January and May 2015.
 - Time commitment of 40-60 hours is anticipated.
 - Sample needs assessment is available for review.
 - Regional staff will be available to assist.

3. Review DOE’s Proposed Funding Allocation Approach to be Tested in the Exercise

The IRT reached tentative agreement on a proposed funding allocation approach for the purposes of the Section 180(c) Policy Implementation Exercise. Consistent with the IRT’s guiding principles, the question posed to the states was not whether the proposed approach is ideal but rather whether the states “can live with” this approach. The agreement was to test the formula approach published in the *Federal Register* in 2008, with modifications described below. It is important to note that states would be required to provide detailed needs assessments to support their funding requests.

- Each year, the grants would be available for planning, assessment, training, and operations. There would not be separate grants or phases.
- States would be **eligible for** base grants of up to \$250,000 annually.
- States would be **eligible for** additional funding in the form of variable grants, with that amount of funding calculated using the formula published in the 2008 *Federal Register* notice (see table below).
- DOE would calculate the total budget for the 180(c) program by multiplying the number of eligible jurisdictions by \$500,000.
- If implemented for the 180(c) program itself, adjustments to the formula and to the funding amounts (e.g., base grants and total DOE budget) would be made periodically (e.g., every 3-4 years) as data are collected on the funding requested and expended. The goal would be to refine the formula and the award levels so that the theory and the practice are properly aligned.

DOE’s proposed funding allocation method in the Policy Implementation Exercise description is not consistent with the IRT’s recommended approach. DOE prefers to test the approach described in the 2008 *Federal Register* notice, with some modifications. The original 2008 dollar amounts would be adjusted for inflation. At its meeting on November 5-6, the Midwestern Radioactive Materials Transportation Committee agreed to accept DOE’s proposed approach **for the purposes of the May 2015 exercise**. The committee noted, however, that the IRT recommended a different approach.

DOE’s proposed approach is as follows:

- States would be required to provide detailed needs assessments to support their funding requests.
- For the initial phase of planning and assessment, states would be **eligible for** up to \$220,000 in funding.
- After the initial phase, states would be **eligible for** a base grant of up to \$110,000 per year (adjusted for inflation) throughout the life of the grant.
- States would be **eligible for** an annual variable grant amount determined using the formula DOE published in the *Federal Register* in 2008:

Factor	Weight	Description
Population	.3	Reflects the number of responders or the number of jurisdictions along a route that would need to be trained. Currently, the measure would be population residing within 2500 meters of a shipping route, using census data.

Route Miles	.3	Acts as a surrogate for accident risk on the assumption that the chances of an accident increase with number of miles traveled. The data would be derived by DOE based on its plans for shipments.
Number of Shipments	.3	Can reflect the training and operational costs of inspections if a state will be heavily impacted or if the state requires en route inspections. The data would be derived by DOE based on its plans for shipments.
Number of Shipping Sites	.1	Captures the additional burden placed on a jurisdiction if it has multiple locations from which to ship (including intermodal facilities). Each site would require additional inspections and preparation along additional routes. The data would be derived by DOE based on its plans for shipments.

- The total amount of funding to be available for the Policy Implementation Exercise will be based on DOE's historical Total System Life Cycle Cost estimate for the repository project. DOE included \$10 million in funding annually for Section 180(c) implementation in the TSLCC. Because \$10 million was the estimate for all eligible states and tribes, the amount will be scaled down to reflect the number of states and tribes participating in the exercise.