

## **CONSOLIDATED TRANSPORTATION GRANT – A FIRST FOR DOE**

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### **ABSTRACT**

A consolidated transportation grant would be a “first” for the Department of Energy (DOE). Currently, individual DOE Programs shipping non-classified radiological material (radioactive nuclear material and waste) provide transportation assistance to States and Tribes primarily on a campaign-by-campaign basis. This approach has resulted in overlap and inefficiencies.

States and Tribes located along transportation routes introduced the concept of a consolidated transportation grant that would help them prepare for Department shipments and respond in the event of a transportation incident. Following discussion with State and Tribal representatives, DOE investigated a consolidated funding approach. This unified funding concept has been discussed among staff from various DOE Programs involved in transporting non-classified radioactive material. This proposed funding approach would be in lieu of Program-specific funding on an individual shipping campaign basis.

In August 2000, the Secretary of Energy approved continued development of a consolidated grant approach with the participation of the DOE Program Offices currently shipping or planning to ship non-classified radiological material. If implemented, it would change the current DOE *ad hoc* Program-by-Program, shipment-by-shipment approach now in place, and it would implement a unified policy across DOE programmatic offices shipping non-classified radiological material.

### **INTRODUCTION**

Transportation is required for DOE programs to accomplish their missions. Most DOE shipments (approximately 500,000 annually) involve general commodities, but approximately 5,000 shipments involve the transportation of radiological material and waste necessary to support cleanup activities, research and development, production of radioisotopes for medical research and industrial uses, and national defense programs. DOE currently provides funding to States and Tribes to coordinate planning for accident prevention and emergency response activities to help support the safe transportation of radiological material and waste.

In 1999, DOE provided transportation-related financial assistance to States totaling just under \$3 million (1), excluding Agreement-in-Principle (AIP)<sup>a</sup> funding. Tribes received just under \$400,000. Individual programs provide DOE funds directly to regional organizations, to Tribes and States

individually, and to States through regional government associations. Each mechanism has separate reporting requirements, levels of funding, and points of contact.

Some States and Tribes along DOE transportation corridors have expressed concern that the Department's current approach in providing financial assistance for planning and emergency response activities is somewhat inefficient, inconsistent, and inequitable, and lacking in a systematic basis for funding allocations. Many of these States and Tribes, which have a majority of DOE shipments but no Waste Isolation Pilot Plant (WIPP) shipments, have received little or no funding.

### **CONSOLIDATED TRANSPORTATION GRANT – A FIRST FOR DOE**

A consolidated transportation grant would be a "first" for DOE. Since transportation of non-classified radiological material is required for DOE programs to accomplish their missions, a consolidated grant would eliminate the *ad hoc*, program-by-program, shipment-by-shipment approach now in place. The benefits of a consolidated approach would be to reduce duplication and overlap in DOE transportation assistance activities and improve efficiency and consistency in the distribution of funds. A systematic approach would provide greater certainty in the funding process for DOE, States, Tribes, and local communities, as well as allow the States and Tribes more funding flexibility within their jurisdictions. Another benefit to DOE, States, and Tribes is that with grant expectations clarified up front, "crisis requests" from grantees would be eliminated. Programs expected to participate in a consolidated transportation grant are the Offices of Environmental Management; National Nuclear Security Administration (Defense Programs, Defense Nuclear Nonproliferation, and Naval Reactors); Nuclear Energy, Science, and Technology; Civilian Radioactive Waste Management; and Science.

To enable participation by the Office of Civilian Radioactive Waste Management, a consolidated grant would have to meet the requirements of the Nuclear Waste Policy Act of 1982, as amended, including Section 180(c), and recognize the restrictions on the use of Nuclear Waste Fund dollars as specified in this Act. The grant would also need to meet statutory requirements governing DOE assistance to States and Tribes, e.g. Waste Isolation Pilot Plant Land Withdrawal Act of 1992, as amended, Executive Orders, Presidential Memoranda, DOE Orders, and Code of Federal Regulations.

### **Stakeholder Recommendation to Streamline Process**

The issue of streamlining the manner in which funding was provided to States and Tribes was introduced in 1996 by stakeholder representatives at the meetings of the Western Governor's Association WIPP task force and at the State and Tribal Government Working Group. The Department considered stakeholder comments and introduced the concept of a unified funding mechanism at the July 1996 Transportation External Coordination Working Group (TEC)<sup>b</sup> meeting. The unified funding approach would help States and Tribes along transportation routes prepare for DOE's shipments of non-classified radiological material and respond if a transportation incident should occur.

From 1996 through 1998, a “Mechanics of Funding” Topic Group established by DOE and TEC identified and evaluated various mechanisms by which States and Tribes could receive funding in a more efficient and coordinated manner. At the July 1998 TEC meeting, the TEC Mechanics of Funding Topic Group recommended that DOE consider consolidating the multiple funding streams from various DOE programs into a single grant to provide for a more efficient means of assistance to impacted States and Tribes. The expected results of such a grant could include: increased administrative efficiency and accountability, improved pre-shipment planning and coordination for all DOE shipping campaigns, enhanced awareness and preparedness by all jurisdictions impacted by DOE shipments, and increased flexibility for recipients in the use of funds. The TEC members also raised several issues for further discussion; such as, “What kind of activities would be eligible under the grant,” “What kind of mechanism would be used for the distribution of funds,” and “How would Tribal needs be addressed.”

There was general agreement on the recommendation for combination of a DOE-wide “umbrella grant” (subsequently renamed a consolidated grant) to States and Tribes, and continued funding to regional groups for early-term planning and coordination issues. Tribal representatives had previously emphasized that, consistent with the Federal trust responsibility, Tribal grants must be provided directly from the Federal government. However, discussion comments indicated that “a DOE grant which consolidates DOE funding may be very appealing to many Tribal governments”(2).

After review and discussion of the Mechanics of Funding Topic Group recommendations, the TEC voted to recommend to the DOE Senior Executive Transportation Forum (SETF)<sup>c</sup> that a consolidated grant be considered for funding transportation-related activities for States and Tribes along non-classified radiological material transportation routes.

DOE’s SETF studied the issue of a consolidated grant approach. Following review and discussion, the SETF appointed a DOE internal working group to review the TEC recommendation and report back to the SETF. It also requested DOE’s National Transportation Program to involve TEC members in a more detailed evaluation of the feasibility of such a grant.

The first detailed evaluation of a consolidated transportation grant occurred at the July 1999 TEC meeting. The meeting resulted in a TEC recommendation to establish a new Topic Group, composed of Tribal representatives and representatives from each State regional group, to further discuss the issues. The “Consolidated Grant Topic Group” held its first conference call in December 1999, with agreement among members that the purpose of the topic group was to “identify and clarify key issues concerning the proposed consolidated grant from the perspective of State and Tribal recipients.”

The TEC Consolidated Grant Topic Group identified the following potential benefits of a consolidated grant approach:

- Enhanced safety through coordination of funding to support enhanced awareness and emergency preparedness by all jurisdictions potentially impacted by DOE shipments.

- Improved efficiency through integrated pre-shipment planning and coordination for radioactive materials shipping campaigns by States, Tribes, and DOE.
- Increased flexibility for States and Tribes to provide training and information along all routes carrying DOE shipments rather than the specific ones being used by a few programs.
- Rationalization and leveraging of all DOE program funds spent on transportation planning and emergency preparedness.
- Increased consistency in the allocation of DOE funding to all impacted jurisdictions.
- Increased administrative efficiency, streamlining, and coordination of DOE funding and transportation operations related to States and Tribes.

Discussion with internal DOE Program staff and external parties concerning the feasibility of a consolidated grant program have indicated that all share a common goal of establishing an effective program that supports the safe transport of DOE non-classified radioactive material. The Department recognizes that involvement of a variety of interested parties is necessary to implement such a “corporate” or consolidated transportation grant program.

With input from the Consolidated Grant Topic Group, DOE’s SETF studied the expanded issues and proposed going forward with the development of a consolidated grant framework. The SETF Secretariat was directed to send a Memorandum to the Secretary of Energy with the following recommendation: *The Secretary approve continuing development of a consolidated grant approach with the participation of the PSOs currently shipping or planning to ship radioactive materials.* In August 2000, the Secretary of Energy signed the Memorandum.

### **Developing a Draft Grant Framework**

DOE has reviewed the many individual issues raised by State and Tribal representatives over the past three years. In an effort to focus and better manage the future discussions, the DOE has compiled the issues into the following key points:

- Funding Approach
- Eligibility
- Mechanism for distribution of funds to recipients
- Addressing Tribal needs and preferences
- Allowable Activities
- Application Criteria

Following the Secretary’s approval of the continuing development of a consolidated grant approach, a DOE Internal Consolidated Grant Working Group was convened to proceed to develop information about what such a grant would entail. The Internal Consolidated Grant Working Group included staff from DOE programs that currently ship or plan to ship non-classified radiological material, and representatives from the Office of General Counsel, the Chief Financial Officer, the Office of Congressional and Intergovernmental Affairs, the Office of Procurement, and the Contract Reform and

Privatization Project Office. This group provides expertise and input to support development of the proposed grant framework.

The Internal Working Group is currently developing a document which will define the parameters of a consolidated grant. The document will also propose a process for obtaining stakeholder involvement.

In numerous discussions, State and Tribal representatives have indicated general, but not universal, agreement with the concept of consolidating funding from DOE programs that ship, or will ship non-classified radiological materials in the future, in order to have one funding instrument for all DOE transportation related financial assistance. There is also general agreement that the primary goal of such a grant is to maximize public health and the safety of DOE's shipments utilizing limited resources. However, while there is agreement concerning the concept and goals, a number of issues require resolution prior to a definitive DOE decision on whether to implement such a grant and to define specific grant features.

## **CONCLUSION**

Over the next several months the DOE will consult with States and Tribes on the proposed grant framework. Since the proposed grant has been a topic of discussion for several years, DOE is interested in assuring the issues and concerns raised to date have been appropriately addressed. Ultimately, if the DOE, States, and Tribes can agree upon the framework, DOE would be ready to move forward with a formal policy recommendation to consolidate funding to States and Tribes in support of safe transportation.

## **FOOTNOTES**

<sup>a</sup>EM is currently providing funds to selected States under Agreements-in-Principle (AIP) that are designed to assure citizens near DOE sites that their health, safety, and the environment are protected. These funds provide the States with technical and financial support for independent oversight of DOE's environmental monitoring programs and for cooperative emergency response planning for incidents that occur at DOE facilities. DOE guidance to States emphasizes that AIP funding for State emergency preparedness must be directly related to off-site consequences of on-site emergencies. AIP funds are specifically not to be used to support off-site transportation emergency exercises that are supported by DOE through program-specific funding.

<sup>b</sup>DOE established the Transportation External Coordination Working Group (TEC) in 1992 in order to improve and coordinate interactions between and among DOE programs and external groups interested in the Department's transportation activities. TEC focuses on identifying and resolving issues with key organizations interested in transportation planning and emergency response related to radioactive materials transportation. TEC membership includes representatives from all major DOE programs shipping or planning to ship radiological material, national, State, Tribal, and local government

organizations, industry, and professional groups. Based on concerns expressed about fragmented DOE approaches to transportation funding assistance, DOE explored the funding issue with TEC.

DOE established the Senior Executive Transportation Forum in 1998 to coordinate the efforts of Departmental elements involved in the transportation of non-classified radiological material and waste. The SETF's objective is to focus on key issues emerging from stakeholder interest and concerns about the Department's shipping activities with a more integrated approach to issue resolution, planning, and shipping. The SETF is made up of representatives of DOE Program Offices responsible for the shipment of non-classified radiological material. These Offices include: Environmental Management; Civilian Radioactive Waste Management; National Nuclear Security Administration; Environment, Safety, and Health; Field Management; Congressional and Intergovernmental Affairs; Public Affairs; and Energy Research. The Department's field offices are represented by the Albuquerque Operations Office. The SETF is led by a rotating chair and its approach to business is formal consensus-building and decision-making. The Director of the Environmental Management Office of Transportation serves as the permanent Secretariat.

## **REFERENCES**

- 1 Fiscal Year 1999 Financial Assistance to States and Tribes to Support Emergency Management and the Safe Transportation of Hazardous Shipments. (Forthcoming).
- 2 Tribal comments submitted to the Mechanics Topic Group, January 1998.