385.211). All such protests should be filed on or before July 19, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–17532 Filed 7–17–95; 8:45 am]

BILLING CODE 6717–01–M

Williams Natural Gas Company; Notice of Request Under Blanket Authorization

[Docket No. CP95–590–000]

July 12, 1995.

Take notice that on June 29, 1995, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP95–590–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to utilize facilities originally installed for the delivery of NGPA Section 311 transportation gas to Western Resources, Inc. (WRI) for purposes other than NGPA Section 311 transportation, under WNG's blanket certificate issued in Docket No. CP82–479–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

WNG proposes to utilize existing metering and appurtenant facilities to deliver transportation gas to WRI for redelivery to a new Wal-Mart distribution center. The facilities are located in Section 32, Township 16 South, Range 20 East, Franklin County, Kansas. WNG states that this point will be used for deliveries of gas other than NGPA Section 311 transportation and is seeking authorization to perform those deliveries. This requested authorization will allow WRI receipt point flexibility in the future. The operation of these facilities will have no impact on WNG's peak day or annual deliveries. The cost to construct the facilities was $25,480. WNG states that since this request is to utilize existing NGPA Section 311 transportation facilities for other purposes, this change is not prohibited by its existing tariff and there is sufficient capacity to accomplish specified deliveries without detriment or disadvantage to its other customers.

WNG began delivering gas to WRI pursuant to NGPA Section 311 for redelivery to Wal-Mart on December 2, 1994. The initial delivery was 128 Dth with an annual volume estimated to be 63,234 Dth the first year increasing to 100,996 Dth by the fifth year. The peak day volume is estimated at 1,056 Dth. WNG reported the initial firm transportation of gas for WRI in Docket No. ST95–831–000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95–17525 Filed 7–17–95; 8:45 am]

BILLING CODE 6717–01–M

Office of Civilian Radioactive Waste Management; Safe Transportation and Emergency Response Training; Technical Assistance and Funding

AGENCY: Office of Civilian Radioactive Waste Management, Department of Energy.

ACTION: Notice of inquiry; supplemental information.

SUMMARY: The Department of Energy (the Department) intends to implement a program of technical 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 of Energy plans to transport spent nuclear fuel or high-level radioactive waste. The training would cover both safe routine transportation procedures and emergency response procedures. The Department issued a Notice of Inquiry in the **Federal Register** on January 3, 1995 (60 FR 99) which briefly describes various options to delineate Section 180(c) of the Nuclear Waste Policy Act policy and procedures. Members of the public were invited to submit comments on the Notice of Inquiry. In the March 14, 1995, **Federal Register** (60 FR 13715) the Department extended the deadline for comments to May 18, 1995. In a continuing effort to include stakeholders in pre-decisional discussions, the Department has developed additional information, presented below, that discusses options for policy and procedures and their applicability to the Section 180(c) mandate. The discussion below does not reflect final Departmental policy. The Department welcomes comments in response to this **Federal Register** notice on how best to implement the Section 180(c) program. Comments to the previous notice will also be considered.

The Department intends to prepare a Notice of Proposed Policy and Procedures for the Section 180(c) program in 1996.

DATES: Written comments should be sent to the Department and must be received on or before September 30, 1995.

ADDRESSES: Written comments should be directed to: Corinne Macaluso, U.S. Department of Energy, c/o Lois Smith, TRW Environmental Safety Systems, Inc., 600 Maryland Avenue S.W., Suite 695, Washington, D.C. 20024, ATTN: Section 180(c) Comments.

Persons submitting comments should include their names and addresses. Receipt of comments in response to this Notice will be acknowledged if a stamped, self-addressed postal card or envelope is enclosed.

FOR FURTHER INFORMATION CONTACT: For further information on the transportation of spent fuel and high-level radioactive waste under the Nuclear Waste Policy Act, please contact: Ms. Corinne Macaluso, Operational Activities, Office of Civilian Radioactive Waste Management (RW–45), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202–586–2837.

Information packets are available for interested persons who want background information about the Office of Civilian Radioactive Waste Management (OCRWM) transportation program and the Section 180(c) program prior to providing comments. To receive an information packet, please call: 1–800–225–NWPA (or call 202–488–6720 in Washington, D.C.) or write to the OCRWM Information Center, Post Office Box 44375, Washington, D.C. 20026.

Copies of comments received will be available for examination and may be photocopied at the Department's Public Reading Room at 1000 Independence Avenue, S.W., Room 1E–190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

I. Purpose and Need for Agency Action

Under the Nuclear Waste Policy Act of 1982, as amended (42 U.S.C. 10101 et seq.) (NWPA or ''the Act''), the Department of Energy is responsible for disposal of civilian spent nuclear fuel and high-level radioactive waste in a deep geologic repository. The Department is also responsible for managing the disposal of spent nuclear fuel from civilian nuclear power plants and high-level nuclear waste, and for possible monitored retrievable storage of spent nuclear fuel prior to disposal. Additionally, the Department is responsible for transportation of spent nuclear fuel and high-level waste to the Department's disposal or storage sites. To carry out these responsibilities, the Department needs to implement Section 180(c) of the Act. Section 180(c) of the Act states:

> The Secretary [of Energy] shall provide technical 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 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 materials, as well as procedures for dealing with emergency response situations. The Waste Fund shall be the source of funds for work carried out under this subsection. [42 U.S.C. 10175]

In the interest of obtaining input from the broadest range of stakeholders, the Department began to develop the Section 180(c) program by publishing a Notice of Inquiry in the **Federal Register** on January 3, 1995 (60 FR 99). The Notice of Inquiry briefly described various policy and administrative options the Department was considering and invited members of the public to submit comments. In response to comments requesting more information on these options, the Department is presenting additional information in this Notice of Inquiry.

The analysis presented here contains three main sections: Guiding Principles for Section 180(c) Policy and Procedures, Options for Section 180(c) Policy and Procedures, and Summary of Public Comments received in response to the January 3, 1995, Notice of Inquiry.

II. Guiding Principles for Section 180(c) Policy and Procedures

Section 180(c) requires the Department to provide financial and technical assistance for training. Within this mandate, specific training elements must be addressed. Training must encompass procedures for both emergency response and safe routine transportation for public safety officials and appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport fuel or high-level radioactive waste.

While the mechanism for distributing the funding and technical assistance for training is not specifically provided for in the Act, the legislative history (S. Rep. No. 152, 100th Cong., 1987) of this section suggests that Congress intended for the Department to provide direct funding to States and they, rather than the Department, would determine how best to allocate the funds. The Department will retain the responsibility of ensuring that Section 180(c) funds are distributed consistent with the NWPA.

In addition, the Department has identified several guiding principles that it intends to follow in carrying out the requirements of Section 180(c). The following are not listed in any particular order.

- The Department recognizes that State, tribal, and local jurisdictions vary in organizational and staffing structures, philosophies on roles and responsibilities of public safety officials, and levels of preparedness and training. The Department will strive to develop a program with enough flexibility to accommodate the wide variety of State, tribal, and local assistance needs associated with NWPA shipments and Departmental responsibilities under Section 180(c).
- Where possible, the Section 180(c) program should be integrated into established Federal, State, and tribal training structures.
- The Department's responsibilities under other statutory authorities must be considered in the Department's options evaluation. These Departmental responsibilities exist under the Federal Radiological Emergency Response Plan (FRERP), coordinated by the Federal Emergency Management Agency, the Department's 5500 series Orders, and other radiological emergency preparedness and response programs.
- The Department will strive to minimize the Section 180(c) program's administrative burden on the Department and recipient jurisdictions.
- Distribution or use of Section 180(c) funds must be in accordance with restrictions applicable to the Nuclear Waste Fund as indicated in the NWPA.

III. Options For Section 180(c) Policy and Procedures

This section is divided into two parts. The first part discusses a range of policy options that, when defined, will largely characterize the scope of the Section 180(c) program. These policy options are inextricably linked to how the Department will define the training goals and terms relevant to Section 180(c). Therefore, the policy options are discussed in terms of: (1) Emergency response training goals, (2) Safe routine transportation training goals and definitions, (3) Technical assistance definitions, (4) Eligibility criteria, (5) Funding allocation formulas, and (6) Restrictions on use of funds.

Second part discusses the procedural options through which Section 180(c) assistance might be administered. These options include other Federal training programs that the Department may be able to use to meet Section 180(c) requirements and funding mechanisms that may be used to distribute assistance.

A. Discussion of Policy Options

Emergency Response Training Goals

Jurisdictions have differences in philosophy, in division of responsibility, and in levels of resources when planning for hazardous materials emergency response procedures. Some jurisdictions want those officials responsible for initial response action (''first responders'') at the local level to have the highest levels of training and equipment to prepare for all events. Conversely, other jurisdictions direct resources to more specialized response capabilities of regional or State hazardous materials response teams and provide first-on-scene personnel and first responders with only awareness training. The Department will take both these positions into account when delineating the scope of the Section 180(c) program.

Safe Routine Transportation Definitions and Training Goals

The Federal government and State, tribes and local governments currently engage in a range of activities related to safe routine transportation and accompanying training. Part of setting the scope of Section 180(c) will be identifying what in the existing range is appropriate for NWPA shipments. Most safe transportation activities are designated the responsibility of the shipper and carrier by Federal regulatory action. However, States and tribes, in varying degrees, perform conveyance inspections and impose restrictions and penalties as part of safe transportation and its enforcement. The Federal government carries out three types of activities related to safe routine transportation. The Department of Transportation sets regulations for driver qualifications, hours of operation,

labeling and placarding and related activities. They also conduct the Motor Carrier Safety Assistance Program discussed later in this paper that provides funding to encourage States to enforce uniform motor carrier safety and hazardous materials regulations. In addition, the Department of Energy has implemented stringent driver qualifications and vehicle inspection standards for the eventual shipments to the Waste Isolation Pilot Plant near Carlsbad, New Mexico. State and tribal regulatory authority for safe transportation inspections or enforcement is much more limited for rail transportation than for highway transportation.

Some potential definitions of safe, routine transportation have been developed by the Department and stakeholder groups. The two definitions listed below may not be comprehensive and additional activities will be considered when defining safe routine transportation. Through such definitions, training needs may be better identified and provided for in a Section 180(c) program.

Proposed definition from Strategy [1] document: ''Safe, routine transportation is the condition of incident-free transportation. It involves the inspection and enforcement of shipments through State, Tribal, and local jurisdictions. Safe routine highway transportation is characterized by adequate vehicle, driver, and package inspection, and enforcement of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. Rail and barge transportation regulations include the Federal Railroad Administration and Coast Guard regulations. Compliance with Nuclear Regulatory Commission requirements for prenotification and physical protection also contributes to safe, routine transportation.''

Proposed definition from Transportation External Coordination Working Group [2]: ''Safe Routine Transportation is the uneventful movement, from origin to destination, of hazardous materials in a manner that does not present an undue risk to human health or the environment and is in compliance with applicable Federal, State, tribal and local laws and regulations.'' If this definition is chosen, the word ''hazardous'' will be replaced by the words ''radioactive waste''.

Technical Assistance Definitions

The Department needs to determine what constitutes ''technical assistance'' as it applies to the Section 180(c) program. As with safe routine transportation, technical assistance has been widely discussed in the Transportation External Coordination Working Group and other forums where the Department and stakeholders discuss transportation issues. The following illustrate a range of possible definitions of the term ''technical assistance''.

Proposed definition from Strategy document: ''Technical assistance is assistance that the Secretary of Energy can provide that is unique to the Department to aid training that will cover procedures for the safe, routine transportation and emergency response situations during the transport of spent nuclear fuel and high-level radioactive waste. If a definition of technical assistance is provided in the implementation of Section 117 of the Hazardous Materials Transportation Uniform Safety Act (HMTUSA), OCRWM will use that definition for future planning regarding emergency situations.''

Note: The Department of Transportation (DOT) does not provide a definition of technical assistance in the HMTUSA regulations.

Proposed definition from Transportation External Coordination Working Group: ''The term Technical Assistance as it is used in Section 180(c) implies that the Department of Energy will, in general, provide planning guidance, training support, available definitions of technical standards and criteria, practical support, and expertise to ensure that State and tribal governments are trained for safe routine transportation practices as well as capable of responding to spent nuclear fuel and high-level waste transportation emergencies within their jurisdictions. More specifically, activities may include aid in developing, implementing, and evaluating readiness and response plans; assistance in developing, conducting and evaluating exercises and training programs, support for coordination between neighboring groups, coordination between other government agency programs, and for public information and education efforts; on-site response support in the event of an accident or incident; and logistical and scientific expertise for recovery, reentry, and remediation activities at an emergency site. Technical assistance may include activities that monitor and assess the capabilities of groups in order to make funding decisions. Financial assistance or direct funding, however, is considered to be beyond the scope of this definition.''

Proposed definition from the Council of State Governments Midwestern Office: ''The term Technical Assistance as it is used in Section 180(c) of the Nuclear Waste Policy Act means a variety of activities designed to ensure that state, tribal, and local governments are trained for safe routine transportation practices as well as responding to transportation emergencies within their jurisdictions, including but not limited to planning guidance, training support, practical support, funding of pre-identified equipment, and expertise.''

Eligibility Criteria

While the NWPA clearly directs the Department to provide technical 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 transport spent nuclear fuel or high-level radioactive waste, a key determination is the eligibility of jurisdictions in light of the shipment schedule throughout the life of the shipment program.

The Department has stated previously that implementation of the Section 180(c) program will begin three to five years prior to shipments. Although the Department has not yet selected routes or final disposal or interim storage sites, current contracts with utilities identify a sequence of acceptance from utility sites. Eligibility may be tied to transportation activity within a jurisdiction. Alternatively, all jurisdictions could receive assistance in the first year and throughout a Section 180(c) program. The Department must consider how eligibility may be tied to transportation activity both before shipments begin and in those cases of years where there is no transportation activity planned through a particular jurisdiction.

Funding Allocation Formulas

A funding allocation formula is another element of the Section 180(c) program whose definition might assist in establishing the scope of the program. A funding allocation formula is often the primary tool in a grants program

[1] U.S. Department of Energy, 1992 Strategy for OCRWM to Provide Training Assistance to State, Tribal, and Local Governments, Office of Civilian Radioactive Waste Management, DOE/RW–0374P, November 1992, Washington, D.C.

[2] The Transportation External Coordination Working Group is a group of national and regional organizations that participates in the Department's efforts to identify significant issues related to the transportation of hazardous and radioactive materials, recommend activities to resolve those issues, and implement appropriate activities as Transportation External Coordination Working Group tasks. All meetings are open to the public.

identifying the variables that affect the amount of funding to go to a particular recipient. A formula may identify a percentage of a pool that has been appropriated for an entire program or identify qualification for predetermined amounts. The formula may identify a single amount for each recipient or a series of smaller amounts for the recipient to use toward specified goals.

For the implementation of Section 180(c), funding allocation may be based on a variety of factors. Some of these factors include the following:

Shipment miles. This is an estimation of miles that a shipment would cover through a jurisdiction combined with the frequency of shipments. A slightly different approach would include route miles. This estimation is a measure of the length of a route through a jurisdiction but does not include frequency of shipments. The two measurements produce different results. Using shipment miles would imply that two jurisdictions with routes of equal length would receive different funding levels if one jurisdiction experienced a higher number of shipments compared to the other.

Number of affected jurisdictions. Because training is targeted for people rather than mileage, the identification of the number of groups at the State, local, or tribal level that should receive assistance may be an effective way to determine funding. Using this measure, allocation could effectively mirror highly populated metropolitan areas and less populated rural areas. However, the number of affected jurisdictions may prove too difficult to defend, particularly when considering the differing training goals of dissimilar areas. As an example, areas of higher population may have more emergency response personnel to train, but in general they may already be better trained and have considerably smaller response areas. Rural emergency response jurisdictions may cover considerably wider areas with a much smaller response group.

Population may be a factor in funding allocation as it indicates the number of people along a route of a particular shipment. However, this implies areas of lower population would receive lower levels of assistance and those with higher populations would receive more. Including a measure of population in an allocation formula may be more effective if used in conjunction with other measures.

Agreements between neighboring jurisdictions. In some cases, a State or tribe not receiving funding in a given year may still share some responsibility with neighboring States or tribes that do receive funding. An allocation may include a provision for additional cooperative activities in these cases. However, it is also conceivable that States and tribes would be asked to rely on their existing cooperative agreements.

Annual timing of funding. The Department has stated that implementation should begin three to five years prior to shipments but some recipients may want to apply the bulk of assistance closer to a potential shipment date to ensure the highest possible training retention. Assistance may be provided at the start of the program to all recipients or it may be linked to transportation activity in a recipient's jurisdiction. A combination of these two possibilities may provide basic assistance for all recipients at the program's start and additional, more specific assistance based on transportation activity within the jurisdictions.

Designation of a proportion of the assistance for training in specific areas. For example, funding could be divided by the formula for training in each mode of transportation, i.e., rail or highway. Likewise, it could be divided into assistance for routine transportation training and assistance for emergency response training. The Department may also choose to leave decisions to recipients on the specific areas of funding.

Restrictions on Use of Funds

A Section 180(c) program may include some restrictions on the use of funds to ensure that the Department's intentions for direction and administration of the program are met. Any restrictions will also impact the program's scope.

Funding restrictions may affect the choice of training courses, division of funds for local governments, or coordination activities. Training costs may be limited to tuition for Department-approved courses, or recipients may be able to develop or choose their own training programs with their funding allocation. The Department might simply suggest a course list to recipients. The Department may limit the percentage of an allocation to be spent on administrative activities or specify a percentage that must reach a local or regional level. Some specification for sharing funds with neighboring jurisdictions may be included, particularly where Memoranda of Understanding (MOU) or mutual aid agreements exist between jurisdictions for emergency response activities.

Some direction may be included governing the use of funds to purchase equipment. While the Act states that financial assistance is for training, some have argued that training is only valuable in conjunction with equipment that will be used. The Department may develop a list of approved equipment for use, develop a list of approved equipment for training, or restrict equipment purchase to a percentage of discretionary funding. Similar choices may be made regarding travel costs for training of individuals and travel and salary costs for trainers.

Restrictions may be identified that address the timing of funding use. For example, recipients may be required to use allocated funds within each year, within some specified time, or within the life of the program. An alternate option is to annually reimburse approved expenses by each recipient.

B. Discussion of Procedural Options

The following section discusses the Department's current research on procedural options for a Section 180(c) program and the existing Federal programs that could be used as funding mechanisms or to provide technical assistance. Also, the section discusses ways to combine elements of existing options to create new programs for funding and training. An analysis of each procedural option is included in terms of the intent of the NWPA and the stated goals of the Section 180(c) program. The options can be considered either as avenues through which to administer Section 180(c) or as models that the Department could emulate.

The existing Federal training programs are discussed in terms of their safe routine transportation and emergency preparedness activities, and ways in which they are administered. Options discussed include: (1) the Department of Transportation's Hazardous Materials Transportation Act grants, (2) the Department of Transportation's Motor Carrier Safety Assistance Program, (3) the Department of Transportation's Federal Railroad Administration's State Participation Program, (4) current DOE training programs, (5) the Federal Emergency Management Agency's Comprehensive Cooperative Agreement program, (6) cooperative agreements and grants, (7) Department-wide or OCRWM assistance programs, and (8) combinations of options from previous groups.

1. Department of Transportation, Research and Special Programs Administration,

Interagency Hazardous Materials; Public Sector Training and Planning Grants

This program of Federal grants is primarily considered in this document for its applicability to emergency response training for highway shipments.

DOT's Research and Special Programs Administration (RSPA) has developed a program for reimbursable training and planning grants (49 CFR Part 110). The program was established by the Hazardous Materials Transportation Act (HMTA), as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990. It is intended to enhance existing State, tribal, and local hazardous materials transportation emergency preparedness and response programs by providing financial and technical assistance, national direction, and guidance that enhances overall implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). The program scope is broader than that of Section 180(c), covering all hazardous materials, not just radioactive materials. The program is supported by fees collected from a registration program for shippers and carriers of certain hazardous materials.

RSPA has issued a list of activities eligible for funding under this program. States and tribes must complete application packages which require specific information on the intended use of a proposed grant. Applications are reviewed semi-annually and approved or declined by an RSPA grants administrator.

Applications include detailed descriptions of proposed programs of planning or training. For training grants, the application includes a letter from the governor of the State or from the tribal government with authorization for a particular State agency or tribal organization to receive or administer the grant; a statement explaining current practices for collecting fees on the transportation of hazardous materials and whether such fees are used to support hazardous materials transportation; a statement outlining individuals who will be responsible for coordinating and administering the program; a detailed narrative of goals and objectives; a statement of work, associated costs, and schedule; and a description of major costs.

For planning grants, the application includes a certification for compliance with EPCRA; a statement of aggregate expenditures for the previous two fiscal years; an agreement to make 75% of the grant available to Local Emergency Preparedness Committees (LEPC) or their designees; other specifics on who will administer the grant and how; and a statement that the State Emergency Response Commission has reviewed the grants application.

The recipient agency is required to provide 20% of direct and indirect costs, acceptable in funds or in labor and equipment equivalents. Although limited needs-based advances are allowable in some cases, in general the grants are reimbursed. An existing grant is not a commitment of future Federal funding. Training and/or planning grants have been awarded to 50 States, 5 territories, and 11 Indian tribes. Indian tribes had been restricted to only receiving planning grants, but as of 1995 will also be eligible for training grants.

As directed within the HMTA, allocation criteria for both training and planning grants are based on the needs of applicants. A portion of the grants is set aside for separate distribution to tribes. Allocation factors include objective criteria and criteria based on performance, compliance, and innovation. Some factors considered in allocating funds include: number of hazardous materials facilities, types and amounts of hazardous materials transported, population at risk, frequency and number of incidents reported in past years, high mileage transportation corridors, whether fees are collected on transportation of hazardous materials, and whether such fees are used to carry out purposes related to this activity. This places the burden on RSPA to identify the most needy applicants in the application review process and reflect their assessment in each award.

Assistance under Section 180(c) is not needs-based but provided to each jurisdiction along NWPA transportation routes. The Department will identify a program-specific basis for Section 180(c) funding allocation.

2. DOT, Federal Highway Administration, Office of Motor Carriers, Motor Carrier Safety Assistance Program

The Motor Carrier Safety Assistance Program (MCSAP) is primarily considered in this document for its applicability to training for safe routine transportation procedures for highway shipments.

DOT provides Federal funds to the States for a variety of commercial motor vehicle activities that encourage each State to enforce uniform motor carrier safety and hazardous materials regulations through MCSAP. The program was established in the Surface Transportation Assistance Act of 1982 and reauthorized in the Motor Carrier Act of 1991 (Title IV of the Intermodal Surface Transportation Efficiency Act of 1991). Present funding levels exceed $80 million.

The objective of MCSAP is to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicle carriers by substantially increasing the level and effectiveness of enforcement activity and the likelihood that problems affecting, or potentially affecting, safe vehicle operations will be detected and corrected. More specifically, States use MCSAP funds to train personnel to inspect vehicles and driver records, conduct reviews of carrier operations, and promote public awareness of commercial vehicle laws and safety. Also, States may use funds to support truck weight enforcement, drug interdiction activities, uniform truck and bus accident reporting, Commercial Drivers License enforcement, hazardous materials requirements training, research and development, public education, and enforcement of State traffic laws in conjunction with MCSAP roadside inspections.

Uniformity and compatibility of State regulatory requirements affecting interstate and intrastate carriers is a primary goal of the MCSAP. As a prerequisite for MCSAP funding, the Federal Highway Administration requires that States adopt or agree to adopt interstate and intrastate regulations which are compatible with Federal safety regulations. Currently, 48 States and 4 Territories actively participate in MCSAP but not Indian tribes.

To receive basic MCSAP funding, a State must first agree to adopt and assume responsibility for enforcing the Federal Motor Carrier Safety Regulations (49 CFR parts 390–399) and highway related portions of the Federal Hazardous Materials Regulations (49 CFR parts 107, 171–173, 177, 178 and 180) or compatible State regulations. Each State must also submit annually a State Enforcement Plan for the conduct of an effective safety program. The Federal Highway Administration uses this plan as a basis for monitoring and evaluating performance of the State.

The Federal Highway Administration, through regulations in 40 CFR 350, lists other specifics for basic grant approval and identifies in more detail the contents of the State Enforcement Plan including requirements of State participation in North American Uniform Driver/Vehicle Inspection

standards and other Commercial Vehicle Safety Alliance programs. (The Commercial Vehicle Safety Alliance is a national organization that has developed uniform inspection procedures, and trains inspectors in these procedures.)

Available MCSAP funds are distributed in three separate grants: Basic, Supplemental, and Special. *Basic* grants are given to each State with an approved State Enforcement Plan according to an allocation formula based on the most recent reliable data concerning the following factors in equal proportion: road mileage, vehicle miles traveled, number of commercial vehicles over 10,000 pounds, population, and special fuel consumption. *Supplemental* grants are used to encourage innovative, successful, cost efficient or cost effective programs and may include emphasis areas identified through consultation between the Federal Highway Administration and States. To be eligible for a supplemental grant, a State must qualify for a basic grant. *Special* grants are awarded for activities that help States meet the requirements of eligibility for basic grants; or for States already participating in the basic program, to develop the prerequisites for expanded activities not presently part of their basic programs. Special grants are also available for research or data collection activities. To be eligible for a special grant, a State need not qualify for a basic grant.

MCSAP reimburses States for 80% of eligible costs identified in the State's State Enforcement Plan. The other 20% must be provided by the State. Eligible costs are defined in 49 CFR 350.29 but include salaries and benefits of inspection and enforcement personnel, recruitment costs, training, equipment, vehicles, uniforms, motor fuel and oil, communications equipment, travel costs and per diem, and special inspection equipment, among others.

3. DOT, Federal Railroad Administration, State Participation Program

The Department has studied this program as a possible avenue to provide training for safe routine transportation procedures for rail transportation.

Initial responsibility for the inspection of hazardous material shipments by rail, which travel on private property, historically has been placed with the railroads. Government oversight of these type of inspections has been shared by both the Interstate Commerce Commission and the Federal Railroad Administration. To date, States and tribes have played a limited role in these inspections and no monetary Federal assistance is currently provided in regard to the performance of the inspections. Following passage of HMTUSA, the Federal Railroad Administration promulgated regulations on State participation in railroad safety inspections and investigations concerning transportation of hazardous materials.

The State Participation Program (49 CFR Part 212) for inspector training began in 1992. State participation is voluntary. The Federal Railroad Administration pays for each State participant's travel expenses, per diem allowance, and course tuition associated with any conferences, seminars, workshops or classroom training. The State is then required to provide salary and benefits for the trained inspector who is expected to spend fifty percent of his/her time conducting Federal Railroad Administration-related inspections. Federal Railroad Administration training does not include provision of gear or equipment.

The Federal Railroad Administration trains inspectors in five disciplines: track, motive power and equipment, operating practices, signal and train control, and hazardous materials. In 1995 there are 283 Federal Inspectors and 60 safety discipline specialists spread across the eight standard Federal regions. Currently, 30 States participate in the program with 134 State inspectors encompassing all five safety disciplines.

The number of both Federal and State inspectors who receive training in any given fiscal year is dependent upon two factors. These factors are the training budget allocated to the Federal Railroad Administration as an agency and the reallocation of the training funds within the Federal Railroad Administration which determines the training offered and the number of inspectors, both State and Federal, who will attend the training. If the cost of training all the perspective Federal and State inspectors in a single fiscal year would place a drain on the training budget, then the participation in training is limited.

Prior to applying for the Federal Railroad Administration inspector training program, a State employee must meet the minimum apprentice level requirements as stated in 49 CFR Part 212. The Federal Railroad Administration will work with the apprentice applicant to gain the necessary field experience in order to become certified as a Federal Railroad Administration inspector under the auspices of the State Participation Program.

4. Current DOE Training Programs

Current Department training programs are considered in this document as possible sources of training for all aspects required of a Section 180(c) program, regardless of chosen funding mechanisms.

The Department of Energy has an extensive infrastructure with which to train personnel for safe transportation of radioactive materials, compliance with Federal regulations, and preparedness and response to radiological materials accidents at fixed facilities and during shipment. The following discussion describes the current divisions of responsibility within the Department for transportation and emergency response policy, current training programs for transportation-related activities, and the applicability of these to a Section 180(c) program. This is not a comprehensive description of the Department's programs but rather an outline of those training programs with potential relevance to a Section 180(c) program.

The Department maintains a radiological accident response capability for the Federal government. The Department's Assistant Secretary for Defense Programs manages the Radiological Assistance Program and ensures that the necessary emergency plans, procedures, and resources are developed and maintained. Qualified Radiological Assistance Program teams are located in ten regions of the United States ready to respond when summoned by any other Federal agency, State, tribe, local government official, private industry representative, or private citizen. The Department's Office of Nonproliferation and National Security is responsible for coordinating the development and operation of the overall Departmental Emergency Management System, including maintenance of an Emergency Operations Center. The Department also provides this capability in support of the Federal Radiological Emergency Response Plan, which outlines the roles and responsibilities of all Federal agencies in situations involving radioactive materials.

Within the Office of Environmental Management, the Office of Transportation, Emergency Management, and Analytical Services is responsible for setting Departmental policy on transportation matters. As part of this responsibility, the Office of Emergency Management (EM–26) Emergency Management Team administers the Transportation Emergency Preparedness Program, to coordinate all non-weapons transportation emergency preparedness

across the DOE complex. The Transportation Emergency Preparedness Program was established in 1991 to coordinate the development and maintenance of uniform policies and approaches for Department programs and field offices responsible for transportation emergency preparedness activities.

The Department is also involved in activities at national laboratories and regional operations offices around the country that require employees and contractors to be trained in proper handling/treatment of radioactive materials in routine and emergency situations. Transportation operations personnel must be trained to meet the same Department of Transportation, Environmental Protection Agency, and Nuclear Regulatory Commission regulations required of all shippers of hazardous materials. Because of the variety and magnitude of such activities, the Department has developed a number of training courses that deal with radioactive materials. Many are offered to State, tribal, and local public safety officials as well as Department and contractor personnel.

Section 180(c) program development could use existing Departmental courses in several ways. Whether funding were received through the Federal Emergency Management Agency, DOT, the Department, or some combination, the training programs could be modified to accept State and tribal members and train for NWPA shipments. The courses may be required, approved, or simply suggested by Section 180(c) policy. Department training may provide the added benefit of consistent, accurate training. The Department offices that share responsibilities for the Department's transportation and preparedness policies and infrastructure, Defense Programs, National Security and Non-Proliferation, and Environmental Management Offices, will be consulted as the Section 180(c) program is developed. Any training that is provided under Section 180(c) will be most effective when it enables civil safety officials understand and work better within the existing Departmental and Federal systems.

5. Federal Emergency Management Agency, Comprehensive Cooperative Agreements

The Department has studied this program as a possible avenue to channel financial and technical assistance for all aspects of the Section 180(c) mandate.

The Federal Emergency Management Agency has been charged with building and supporting the nation's emergency management system. The Federal Emergency Management Agency is responsible for coordinating emergency planning, preparedness, mitigation, and assistance functions for the Federal government. As part of that mission, the Comprehensive Cooperative Agreement mechanism channels financial and technical assistance to State, tribal and local governments. The Comprehensive Cooperative Agreement program (Public Law 95–224, Federal Grant and Cooperative Agreement Act of 1977) is a possible mechanism through which Section 180(c) assistance could be administered.

Each Comprehensive Cooperative Agreement program (the Federal Emergency Management Agency currently administers about fifteen different Comprehensive Cooperative Agreement programs) can be tailored to meet specific needs of the recipients and the requirements of the authorizing legislation. Other agencies, including the Department of Defense and the Environmental Protection Agency, have used Comprehensive Cooperative Agreements to deliver funding and technical assistance to meet the needs of their programs and their statutory obligations.

There is considerable flexibility in the Comprehensive Cooperative Agreement and Cooperative Agreement programs that would help cover several of the statutory mandates of Section 180(c). The money could be sent to a designated State or tribal emergency response agency and then passed through to the agency responsible for safe transport activities. The Federal Emergency Management Agency already has the means to earmark funds as Nuclear Waste Fund money, making it easier to monitor proper use and effectiveness of the program. Lastly, the Comprehensive Cooperative Agreement program allows each statement of work to be different to suit recipients' unique needs within the program's parameters.

Whether the Department uses the Comprehensive Cooperative Agreement process as a funding mechanism, the Federal Emergency Management Agency's lead agency responsibility for coordinating Federal emergency management makes it a candidate source for technical assistance under Section 180(c). The Federal Emergency Management Agency has lead agency responsibility for monitoring hazardous materials planning and training under the Hazardous Materials Transportation Uniform Safety Act of 1992, for the Federal Radiological Preparedness Coordinating Committee, and for the Radiological Assistance Committees.

The Federal Emergency Management Agency submitted a proposal to the Department for administration of the Section 180(c) program. Their proposal is referred to in the Summary of Public Comments in this notice and will be considered along with other comments received in response to the January 1995 notice.

6. Cooperative Agreements and Grants

Two basic mechanisms are used by Federal agencies to distribute funds to State and tribal governments: cooperative agreements and grants. The Federal Grant and Cooperative Agreement Act (P.L. 95–224) outlines the proper use of each type of mechanism. Grants primarily indicate a transfer of funds, while cooperative agreements imply more substantial involvement between parties. Grant mechanisms can be further subdivided into categorical grants, block grants, and direct payments for a specified use. A Section 180(c) program may make use of any of these mechanisms.

Cooperative agreements reflect a more interactive relationship between the Federal government and a State or local government or other recipient. As with grants the principal purpose of the cooperative agreement relationship is the transfer of money, property, or services to the State or local government or other recipient to accomplish a public purpose of support authorized by Federal statute. But unlike grants, substantial involvement is anticipated between the Federal agency and the State or local government or other recipient during the planned activity.

Although grants usually present less of an administrative burden than cooperative agreements, Section 180(c) policy may require increased interaction between some recipients and the Department. Cooperative agreements generally require more communication between the Department and the recipient jurisdiction to develop scope of work, monitor activities, and complete reporting requirements. Grants can be narrowly focused in purpose and well defined so that once an application has been approved the Department's role is limited with the recipient jurisdiction having more flexibility and fewer record keeping and monitoring requirements.

The Office of Civilian Radioactive Waste Management currently has cooperative agreements with ten regional and national organizations. A cooperative agreement mechanism could be utilized to administer Section 180(c) funds to State and tribal recipients. While it might add a layer of bureaucracy and increase administrative costs, it may reduce the long range costs to the Department.

The Department could use a combination of grants and cooperative agreements based on the recipient jurisdiction's level of preparedness. In general, cooperative agreements could be established with recipients who lacked basic public safety infrastructure, while a grant program could be established for recipients with more developed infrastructures. This approach could help address the lack of working infrastructure for safe routine transportation and emergency response in some jurisdictions and the fact that many existing Federal programs do not currently fund tribes as they do States.

The combination of cooperative agreements and grants would allow for increased involvement between the Department and the recipient jurisdiction when necessary while not requiring it of all participants. Once a basic level of preparedness had been reached, a jurisdiction could transfer to the grant program. With this option the Department could define a basic level of preparedness and identify applicants accordingly, or allow each applicant to determine the type of funding mechanism most appropriate to them.

7. Department-Wide Assistance Program or OCRWM Assistance Program

The options discussed above can be considered either as avenues through which to administer Section 180(c) or as models that the Department could emulate. If none of the options are seen as sufficient to meet the statutory requirements of Section 180(c), it is possible that the Department could develop an assistance program to consolidate all activities of similar nature. In a more directed approach, OCRWM could create its own assistance program tailored for Section 180(c).

Under a Department-wide program, OCRWM would participate with other Departmental offices in establishing a program to coordinate provision of financial and technical assistance across all Department of Energy programs. The assistance could be designed to address training needs for both emergency response and safe routine transportation of radioactive materials for States and Indian tribes for the whole range of DOE nuclear shipments. These shipments include NWPA shipments, transuranic waste shipments to the Waste Isolation Pilot Plant, defense, and other Departmental shipments.

This approach presents a comprehensive program covering both safe routine transportation and emergency response for both States and tribes. It would promote coordination, increase efficiency, consistency and uniformity throughout the Department; and allow for a high degree of Departmental control and oversight. One potential difficulty with this approach would be that different Departmental offices responsible for shipping work under different legal requirements that may not be compatible. A Departmental assistance program would also require a commitment of resources to consolidate the functional programs that have traditionally operated relatively independently. A Departmental program may also adversely impact the current schedule for developing the Section 180(c) program.

OCRWM could develop and implement its own program, specifically tailored to Section 180(c) requirements. The benefits of this approach are that OCRWM could develop a program focusing solely on NWPA requirements. This offers greater flexibility in designing funding mechanisms and funding formulas. The disadvantages include duplication of State and tribal training within the Department and overlap efforts of other Federal agencies.

8. Combination of Elements from the Previous Groups

In order to encompass safe routine transportation and emergency response training, for rail transportation and highway transportation, and for State and tribal recipients, a combination of procedural options may be most effective. There are many ways to combine the options to meet the Section 180(c) requirements.

Some options discussed above have the potential to meet all of a Section 180(c) program's mandates while others have the potential to cover only a portion. If the Federal Railroad Administration and the Motor Carrier Safety Assistance Program are used to implement Section 180(c) safe routine transportation training, then a further combination of options will be necessary. Emergency response training procedures and tribal government participation requirements would be met through other avenues.

Current Department programs, the Federal Emergency Management Agency's Comprehensive Cooperative Agreements, a Department-wide program, or an OCRWM-wide program offer the best choices for implementing a complete Section 180(c) program through a single option, but even here combinations are possible. If funding and technical assistance are distributed through the Federal Emergency Management Agency, current Departmental training programs could supply the necessary training courses.

Other combinations are certainly possible and may include options not discussed in this paper, such as using funds to obtain training from private sources and from carriers of hazardous materials.

IV. Summary of Public Comments

The Department received 36 comments in response to the January 3, 1995, Notice of Inquiry. Comments were received from several State agencies, an Indian tribal government, a tribal organization, county governments, national transportation safety organizations, national and regional state government organizations, one Federal agency, a nuclear energy business organization, a utility and two citizens. The commenters held very diverse opinions; no single theme for implementing Section 180(c) was apparent.

The following section discusses general categories and summarizes major points of comments and the Department's response, where appropriate. The Department will provide more-detailed responses to these comments and any additional comments resulting from this Notice of Inquiry; Supplemental Information when the Notice of Proposed Policy and Procedures is issued in early 1996.

Major Issues

A. Section 180(c) Policy

The commenters raised many topics related to defining final Section 180(c) policy. Although the Department recognizes that these topics are closely related and overlap each other, this section divides those topics into the following subsections: general themes for a Section 180(c) program, safe routine transportation, emergency response procedures, technical assistance and equipment, and funding eligibility, allocation and restrictions.

General Themes

A number of commenters offered ideas about the philosophy and general structure of the program. These ranged from developing a needs-based type of program to one that offers assistance for an additional incremental level of training in existing hazardous materials transportation training.

Several commenters requested a program that assesses the current capabilities of jurisdictions, assesses the needed level of readiness for NWPA shipments, and then provides Section 180(c) assistance to make up the difference. They suggested that planning grants could fund jurisdictions to complete the capabilities assessment.

Then, implementation grants could be provided to carry out the identified activities.

Another general theme urged the Department to take into account the low level of risk presented by spent nuclear fuel and high-level radioactive waste shipments and proportion the assistance and training accordingly. They maintained that current hazardous materials transportation training for safe routine and emergency response procedures is sufficient to handle any situation that may occur. Creating a Section 180(c) program that went beyond the current hazardous materials transportation training would send a message that the NWPA shipments are more hazardous than they really are.

Separate from the issue over the basis for distributing assistance, several commenters recommended using the State Emergency Planning Committees and the Local Emergency Planning Committees as points of contact to decide who should receive assistance and to determine the needed level of training.

Other frequently occurring comments urged the Department not to ship or to limit the number of shipments until a Section 180(c) program is in place. This comment was often made in conjunction with the comment that the Department has an obligation to accept waste in 1998, and if Congress identifies a storage facility, shipping may well begin in 1998 or shortly thereafter. In addition, these commenters urged the Department to accelerate Section 180(c) implementation and to ask for a Section 180(c) budget allocation in the 1996 budget request to Congress.

Several commenters encouraged the Department to quickly announce potential routes. They argued that jurisdictions need to know as soon as possible what routes will be used so that they may begin planning immediately for shipments and be prepared if shipping occurs prior to the year 2010 currently targeted by the Department.

Safe Routine Transportation

Several definitions of safe routine transportation were offered. These often included activities commenters thought should be included in training for safe routine transportation. One commenter endorsed the Transportation External Coordination Working Group definition while two commenters wrote more expansive definitions to include combinations of: alternate route analysis, inspection and enforcement training, en route contingency plans, transportation infrastructure improvements, shipment notification and tracking, escorts, public information, and development and distribution of training curricula and course materials.

Not all comments referred to safe routine transportation directly, but identified the need for escorts and a satellite tracking system. The Conference of Radiation Control Program Directors questioned the need for escorts as an expensive option considering the actual level of risk compared to other hazardous material shipments. The National Conference of State Legislatures called for the Department to examine the possibility of response teams travelling with the shipments. The tracking system was encouraged as a way to build trust in the safety of the shipments and work more closely with the corridor jurisdictions.

Emergency Response Procedures

Several commenters offered either definitions of emergency response procedures or offered activities that they thought should be covered by training for emergency response procedures. Frequently, the Department was asked to delineate the responsibilities of each response level in case of a spent nuclear fuel transportation incident or accident. Only then would the best funding mechanism be identified.

It was frequently commented that emergency response training for local public safety officials should be integrated into existing hazardous materials training. A couple of comments pointed out that current hazardous materials training was sufficient for local responders because the response requirements for radiological incidents fall within the requirements for other hazardous materials shipments.

Contradictory comments were received concerning training for hospital personnel. One commenter argued that training for hospital personnel was not necessary, while others comments ranged from the need to provide simple awareness training to specialized decontamination equipment and training.

Eligibility Criteria

Comments on eligibility criteria focused on which jurisdictional level should be eligible to apply for funds. Some argued that local governments should be eligible to receive funds directly. They argued that this would reduce administrative costs and give local governments more control over the assistance. Several counties simply requested that they be guaranteed an amount of funding and given some discretion in using the assistance. Other commenters said only States and tribal agencies are eligible to apply for assistance.

Some commenters made suggestions regarding how the timing of NWPA shipments through a jurisdiction impacts eligibility. The Western Interstate Energy Board defined an eligible state or tribe as host and corridor states or tribes through which shipments under the NWPA are planned within six years. Others said training should begin one to three years prior to shipment.

The point was also raised that tribes near corridor jurisdictions should be eligible for assistance, since their lands and people would be at risk in case of a transportation accident or incident.

Funding Allocation Formula

Once eligibility criteria are determined, the total assistance available will have to be allocated among the eligible parties. Commenters were fairly specific in their views of how funds should be allocated. A frequent comment was that funds should be allocated according to the shipment miles through a jurisdiction. The Western Interstate Energy Board commented that annual implementation grants should have 75% of the funds allocated according to shipment miles and 25% allocated to ensure minimum funding levels and program capabilities. They defined shipment miles as the product of the expected number of shipments multiplied by the distance of such shipments. The Nuclear Energy Institute countered that the number of shipment miles through a jurisdiction does not automatically make a jurisdiction more impacted and therefore does not qualify them for additional assistance. They requested that the Department allocate funding to incrementally increase preparedness above what exists, rather than build a new radiological response capability.

The Southern States Energy Board suggested that funding should be allocated to each eligible jurisdiction based on a formula that includes both the number of routes miles in the jurisdiction and the population at risk along the shipment route(s), with consideration given to existing capabilities.

The HMTA Training and Planning Grants approach (discussed on pages 8 and 9 of this notice) to allocating funds was also suggested as a model.

Allowable Use of Funds

The Notice asked stakeholders what types of activities should be allowed once funding has been allocated. This discussion often overlaps with the discussion of program scope and the

definition of key terms. Several State agencies and organizations said that States and tribes should be the ones to prioritize needs and decide who needs training. They argued that recipients need wide latitude in deciding how to spend funds because of the varying levels of preparedness, divisions of responsibility, and other differences among jurisdictions. Many commenters, however, said that the final allocation of funding should guarantee a specific portion of the funding for local governments to use as they see best.

Another comment argued that the DOT Research and Special Programs Administration grants program provides a good model for allowable activities. These regulations require recipient jurisdictions to describe existing programs and explain how the requested funds supply necessary improvements to the existing capabilities. They also provide for monitoring of the program's effectiveness.

Another frequently mentioned point was that the Section 180(c) program should not require any matching funds from the jurisdiction in order to receive assistance.

The final Section 180(c) program will indicate what, if any, restrictions there will be on the use of funds. Most likely, the types of activities that the Department will consider in this area include: what, if any, equipment a jurisdiction could purchase; what, if any, training courses would be mandated or recommended; and what, if any, percentage of funds would have to be distributed to local public safety officials as opposed to State, tribal, and regional officials.

Technical Assistance and Equipment

Several commenters discussed the definition of technical assistance in addition to equipment issues. All the comments that included definitions of technical assistance identified the need for equipment in that definition. Therefore, these topics are being discussed together in this section.

Some commenters suggested that the Department use the Transportation External Coordination Working Group definition of technical assistance cited in the text above. Another suggested using the Department's 1992 Draft Options Paper definition, also cited above. Other suggestions were more broad in their application, encompassing such things as emergency response equipment, inspection equipment, assistance in route planning, emergency response plan development, course development and exercises, tracking capability, equipment and training for hospital personnel, 24-hour access to Federal radiological safety personnel, carrier qualifications, and funding, among others.

The Conference of Radiation Control Program Directors questioned the need for equipment, especially for local responders. They argued that the low risk of these shipments does not justify a response capability beyond what currently exists. The Federal Emergency Management Agency, on the other hand, offered their assistance to the Department in providing technical assistance and equipment to responders through their role as providers of emergency and disaster preparedness for State, tribal, and local governments.

One of the broader views on equipment came from the Council of State Governments-Midwestern Office. They believe the Department should supply funding for equipment, its maintenance and calibration, and that States should have funding to purchase computer software and hardware to assist with monitoring and response activities.

Concerns of Rural and Tribal Governments

Many comments reflected concerns of jurisdictions in rural parts of the country and of tribal governments. Issues of concern to tribal governments are often very separate because of their sovereign nation status. However, in many instances, concerns overlap with those of rural jurisdictions.

Comments received that dealt directly with tribal issues reiterated the Department's responsibility to work with tribes on a government-to-government basis and to fulfill the Department's Trust responsibility towards tribal governments. One comment encouraged the Department to begin direct communications with tribal governments near reactor locations to address their particular concerns. The Department was also encouraged to contact tribal governments who may not know they could have NWPA shipments crossing their lands.

The Department was also encouraged to take extra steps to address the lack of infrastructure and resources on many of the tribal lands that will be crossed by NWPA shipments. This should include providing resources to allow tribes to participate in the OCRWM program and to begin early to build an emergency response infrastructure for those tribes lacking basic infrastructure. One comment urged expansion of the cooperative agreement with the National Congress of American Indians to help facilitate communication with tribal governments.

Other commenters made suggestions about how a Section 180(c) program could address the concerns specific to rural areas. Rural jurisdictions often rely heavily on volunteer public safety personnel with high turnover rates, they serve large areas with few staff, have few resources for training, and little or no ability to travel to obtain training. The commenters encouraged the Department to offer training in the community where the local responders reside and to guarantee that certain levels of training and equipment would be supplied.

Both tribal governments and rural local and state governments expressed concern about lack of infrastructure or basic funding and personnel to build infrastructure. The transportation emergency response workshops sponsored by the National Congress of American Indians through their cooperative agreement with the Department of Energy, are a way to address tribal concerns. This preliminary type of awareness training may help provide some of the basic knowledge and know-how commenters mentioned as lacking.

How much training and assistance is available for any eligible jurisdiction will depend on how Section 180(c) policy is defined. What training goals are set for what level of public safety official will give an indication of the assistance available at various governmental levels. These types of decisions will also determine whether the Department provides funding for the State and tribe to distribute as they see fit, whether certain portions of funding are required to be spent at the local level, whether training is proscribed at one or two locations around the country, or whether the Department sends materials to the local jurisdiction for their own self-study.

The Department has made no decisions regarding Section 180(c) policy or the associated definitions and activities discussed above. These comments and others received throughout the development of the Policy and Procedures will be considered in the Department's decisions.

B. Section 180(c) Procedures

Of the options for implementation outlined in the Preliminary Draft Options paper and the January Notice of Inquiry, no clear-cut choice was identified in the comments. Some commenters suggested additional sources to consider for implementation procedures, and a few suggested new combinations of existing options.

One theme found among comments on procedural options was the request to minimize the administrative burden on all parties. Depending on the perspective of the commenter, this appeared as requests to either enhance or avoid existing programs. The theme also surfaced as requests to limit layers of bureaucracy and administration through which funding must be passed.

(1) Use Established Federal Agency Programs Other Than the Department's

From the State perspective, the Texas Department of Public Safety, Division of Emergency Management commented that receiving additional assistance through an existing and familiar program would be the least administratively burdensome. The Federal Emergency Management Agency Comprehensive Cooperative Agreement program, and the Research and Special Programs Administration program, under the Hazardous Materials Transportation Act were both mentioned as good options to avoid multiple Federal agency coordination requirements. New assistance programs, some felt, would create new administrative burdens.

The Federal Emergency Management Agency commented extensively with descriptions of their current regulatory authority to monitor and assess emergency plans and preparedness and a proposal for how they could administer the Section 180(c) program. This agency has current training programs and expertise in the emergency management field. Although a commenter criticized the agency for placing emphasis on preparations for nuclear attacks rather than transportation incidents, the Federal Emergency Agency stressed their all-hazards approach to preparedness that includes radioactive materials shipments within the larger scope of emergency preparedness.

The Nuclear Energy Institute commented that a separate program for Section 180(c) in addition to the Research and Special Programs Administration under the Hazardous Materials Transportation Act program will force utilities to pay twice for emergency preparedness. They suggested that working with RSPA could address this issue.

Both tribal and non-tribal commenters identified problems associated with existing Federal programs and a dissimilar approach to tribal assistance. Many concluded that the Department will need to address tribes in separate agreements. Also, it was suggested that the Department explore more current funding mechanisms used by tribes such as the Department of Housing and Urban Development Community Development and Block Grant Program.

Many county commenters expressed concern that any additional involvement of the Federal government would detract from the amount of funding ultimately destined for training costs and equipment. Others cited a diminished focus on NWPA shipments, Nuclear Waste Fund issues, government downsizing, or added administration as negative aspects of this option. The Commercial Vehicle Safety Association also pointed out that it may put expertise and training further away from the intended delivery point.

(2) Establish Agreements With State, Local, Tribal, and Other Organizations

This option prompted a variety of interpretations. Some identified the potential improvements in regional cooperation and efficiency as the biggest benefit to establishing agreements with organizations. Agreements or Memoranda of Understanding between recipients, agreements between the Department and recipients, or agreements between the Department and regional or national coordinating organizations were all discussed. Overall, State and regional coordination was identified as a benefit.

This option, specifically through an additional agreement with the National Congress of American Indians, was indicated as a potential solution to the Department ensuring up front consultation with tribal recipients. It was suggested that expansion of cooperative agreements with tribes would be beneficial, particularly in light of the differences between tribes and other recipients governments.

Many commenters, however, after praising the benefits of cooperative agreements pointed out that their development is a lengthy, involved process and may take too long to implement effectively. Two specifically cited the Waste Isolation Pilot Plant program, which has developed over six years and only involves seven States substantively. Also, this option was named as an unnecessary administrative layer that would take away from total funding to be spent on training.

Some other organizations were suggested for total or partial implementation or training support. The Association of American Railroads' Technical Training Center in Pueblo, Colorado is well suited to train emergency responders for rail incidents and is currently in operation. The Commercial Vehicle Safety Alliance has worked closely with the Department to develop enhanced uniform inspection standards and train inspectors.

(3) Establish a Department-Wide Grant Program

Response to this option was mixed. Some called it inappropriate or difficult, citing the Nuclear Waste Fund issues of commingling funds or the inability to coordinate with the diverse shipping campaigns of the Department in a timely manner. Another commenter noted that the fewer points-of-contact between the Department and stakeholders would be beneficial.

One comment praised the current training courses offered at the Nevada Test Site and encouraged the Department to include them in Section 180(c) training. Another commenter suggested a review of the Waste Isolation Pilot Plant project as an effective implementation of similar goals. However, it was noted that this project targeted a smaller and better identified group, and modifications would be necessary.

(4) Establish an OCRWM Grant Program

Many commenters saw this option as the most direct funding option. Some pointed to a minimized bureaucracy and administration, increased flexibility, and a resultant reduction in competition with other funding priorities as benefits of distributing Section 180(c) assistance without involving other programs. Also, the diversity of recipients and increased Department control and accountability were mentioned as benefits.

The Western Interstate Energy Board commented on this option favorably, provided that such a grant program incorporates flexibility to allow States to coordinate the training and funding. The Southern States Energy Board and the National Conference of State Legislatures both identified this option as favorable if additional national or regional coordination efforts were also supported.

Many county commenters interpreted this option as similar to the direct payments made to local governments through Yucca Mountain oversight programs. They were generally in favor of options that assist local governments as directly as possible.

(5) Use Elements From the Previous Four Groups

Two commenters agreed that a combination of OCRWM grants and regional/national group cooperative agreements would be best. This could provide the proper degree of direct contact between the Department and recipient governments while also

encouraging national or regional planning, coordination, and uniformity.

It may be necessary to apply a combination of options to encompass the wide array of objectives outlined in the NWPA. This range was discussed above in part III.B.8, Combination of Elements from the Previous Groups.

C. Applicability of Section 180(c) to Private Shipments

Many States, counties, and regional groups urged that the Section 180(c) program should apply to all commercial spent nuclear fuel or defense high-level radioactive waste shipments ultimately destined for a NWPA facility, whether or not those shipments are transported to and stored on an interim basis at a private facility. Commenters cited that any large-scale shipping campaign of such materials will have virtually the same impact on States and tribes as that envisioned in the NWPA.

The Department does not currently have the legal authority to implement a program of financial and technical assistance for shipments other than those outlined by the NWPA. However, the many comments on this issue have been noted.

D. Policy Development Process

A few commenters questioned the Department's plans to issue a Notice of Policy and Procedures rather than establish the program in regulations. They voiced concern that implementation of Section 180(c) through regulations is necessary to ensure stability through changes of leadership within the Department and that an interpretation of policy and procedures is ''less robust.'' An expedited rulemaking process was suggested to accommodate time constraints.

The Department's response to these comments is that development of the Interpretation of Policy and Procedures has followed and will continue to follow Notice and Comment Procedures of the Federal Rulemaking process. At some future date the option of converting Policy and Procedures to a rulemaking may be acted upon. In development, however, it was the Department's intent to remain flexible in order to work through unforeseen problems without rulemaking requirements.

V. Conclusion and Request for Submission

This paper has presented a discussion of options for Section 180(c) policy and procedures. The subjects discussed here should not be viewed as the only potential options for the program. Comments received on this Notice and continuing research on these options may still identify aspects of the program not discussed here that will be included in the Notice of Proposed Policy and Procedures, which the Department intends to publish in 1996. The purpose of this document has been to share with stakeholders the research to date and request additional comments from interested parties.

The Department solicits comments from the public on all aspects of Section 180(c) implementation.

Issued in Washington, D.C., July 12, 1995.

Daniel A. Dreyfus,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 95–17627 Filed 7–17–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Fossil Energy

National Petroleum Council; Notice of Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Petroleum Council (NPC).

Date and Time: Wednesday, August 9, 1995 at 9:00 am.

Place: Four Seasons Hotel, Corcoran Ballroom, 2800 Pennsylvania Avenue NW., Washington, DC.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–5), Washington, DC. 20585, Telephone: 202/586–3867.

Purpose

To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industry.

Tentative Agenda

—Call to order and introductory remarks by H. Laurance Fuller, Chair of the NPC.
—Consider and approve the proposed report of the NPC Committee on Research and Development.
—Consider and approve the proposed report of the NPC Committee on Future Issues.
—Remarks by the Honorable Hazel R. O'Leary, Secretary of Energy.
—Administrative matters.
—Discussion of any other business properly brought before the NPC.
—Public comment (10-minute rule).
—Adjournment.

Public Participation

The meeting is open to the public. The chairperson of the Council is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Council will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. This notice is being published less than 15 days in advance of the meeting due to certain programmatic issues which had to be resolved prior to publication in the **Federal Register**.

Transcripts

Available for public review and copying at the Public Reading Room, Room IE–190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 9:00 am and 4:00 pm, Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on July 13, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee, Management Officer.

[FR Doc. 95–17623 Filed 7–17–95; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5259–8]

Common Sense Initiative Council, Iron and Steel Sector Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Common Sense Initiative Council, Iron and Steel Sector Subcommittee; notice of meeting.

SUMMARY: The Environmental Protection Agency established the Common Sense Initiative Council (CSIC)—Iron and Steel Sector Subcommittee (CSIC-ISS) on October 17, 1994, to provide independent advice and counsel to EPA on policy issues associated with the iron and steel industry. The Subcommittee is currently working on projects that the Subcommittee has approved, reviewing work plans for a small number of pending projects, and exploring issues related to the iron and steel industry. The Subcommittee will next meet on Thursday, August 24, 1995.

OPEN MEETING NOTICE: Notice is hereby given that the Environmental Protection Agency is convening an open meeting of the Iron and Steel Sector Subcommittee on Thursday, August 24, 1995 from 8:00 a.m. to 4:00 p.m. central daylight savings time at the Ambassador West Hotel, 1300 N. State Parkway, Chicago, IL 60610. Seating will be available on a first come, first served basis.

The Iron and Steel Subcommittee has created four workgroups which are