Update on the Section 180(c) Proposed Policy Implementation Exercise

Erica Bickford, PhD

Tribal Caucus Winter Meeting
January 26-27, 2016
Palm Springs, CA
What is Section 180(c)?


“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 [to an NWPA-authorized facility].”

• The training shall cover procedures for safe routine transportation of these materials and procedures for dealing with emergency response situations.
• Covers all modes of transport
1987 – Included in amendments to the Nuclear Waste Policy Act
1990’s – DOE makes attempts to implement, but program is redirected in 1998
2000’s – DOE resumes efforts through stakeholder working group
2008 – DOES publishes a Federal Register Notice with a proposed Section 180(c) Policy
2010 – Office of Civilian Radioactive Waste Management is closed
2010 – President charters the Blue Ribbon Commission on America’s Nuclear Future
2010 – DOE forms the National Transportation Stakeholders Forum (NTSF)
2012 – Blue Ribbon Commission issues their final report to DOE
2012 – DOE establishes the Nuclear Fuels Storage and Transportation Planning Project
2012 onward – DOE resumes 180(c) activities through the NTSF 180(c) ad hoc working group
Spring 2013 – Working Group endorsed the idea of an exercise
Spring 2014 – Working Group asked DOE to write a proposal for the Exercise design
Fall 2014 – Working Group met in Atlanta to discuss DOE draft Exercise proposal
Late 2014/early 2015 – Section 180(c) Propose Policy Implementation Exercise began
  • Originally envisioned as a 6 month paperwork exercise
  • A few months in, Exercise volunteers expressed interest in expanding the scope of the Exercise to serve as a template for future needs
  • Exercise was modified to accommodate expanded scope and timeline
Exercise Overview 2

- 1 tribal volunteer and 8 state volunteers
Exercise Scope 1

- DOE prepared mock funding application documents
  - Two phases: 1. Assessment and Planning; 2. Training Application
- DOE gave volunteers a mock shipping schedule and shipment volume, volunteers selected mock routes
- Volunteers submitted a mock Assessment and Planning application
- DOE established a “Mock” Merit Review Panel
  - Panel reviewed A&P applications
Exercise Scope 2

- Volunteers submitted a mock application for 1st two years of training funds (pre-shipments)
  - Panel Reviewed Training Applications

- Volunteers will submit a mock application for 2nd two years of training including one year of active shipment operations
  - Panel Will Review Remaining Training Applications

- Exercise will conclude at the 2016 NTSF Annual Meeting

- Followed by lessons learned and recommendations
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<tr>
<th>Typical DOE Merit Review Panel</th>
<th>Exercise’s Mock Merit Review Panel</th>
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<tbody>
<tr>
<td>3-5 DOE staff members</td>
<td>7 members total</td>
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<tr>
<td>• Procurement person (1-2)</td>
<td>2 DOE contractors (T. Runyon, E. Helvey)</td>
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<td>• Program person (1 or 2), may or may not be a subject matter expert for the proposed work scopes</td>
<td>1 DOE-NE (E. Bickford)</td>
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<td>• Program manager</td>
<td>1 WIPP transportation staff (A. Walker)</td>
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<td>1 Tribal Fire Chief (R. Burnside)</td>
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<td>1 State Official (K. Leuer, MN)</td>
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<td>Subject matter experts, from outside DOE, may be asked to review and provide input to the Merit Review Panel.</td>
<td>1 DOE-ID Procurement Official</td>
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<td>• They have no decision authority.</td>
<td>(Occasional Participation – providing procurement input and clarifications)</td>
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The members of this mock panel had not participated in a merit review panel before. The process was as instructive for them as for the volunteers.
Observations

- **Exercise has been valuable for both DOE and Volunteers**

- **Concept of Operations**: Applicants indicated they need DOE to provide a “concept of operations” to determine their training needs, and in turn present DOE with their operational plans.

- **Levels of Training**: Some volunteers were not sure what levels of training they should plan for – requires further discussion.

- **Cooperative Agreements vs Grants**: On DOE’s side, the procedures are nearly identical, but Cooperative Agreements include substantial involvement from DOE in implementing the activities. Volunteers included substantial involvement from DOE in their mock applications (e.g. attending public meetings, providing technical assistance), but for some states, Cooperative Agreements create more difficulties on the state government side.

- **Honoraria**: Procurement clarified that honoraria for tribal council member participation in tribal 180(c) activities can be an allowable cost with sufficient justification.
### Exercise Next Steps

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<tr>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td>March 1, 2016:</td>
<td>Volunteers finish grant applications</td>
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<td>March 3-4, 2016:</td>
<td>In-person meeting in Washington, DC</td>
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<td>April/May 2016:</td>
<td>Prepare lessons learned document</td>
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<td>June 2016:</td>
<td>Section 180(c) WG session to report on lessons learned at annual NTSF meeting</td>
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<tr>
<td>2017:</td>
<td>1) Funding Allocation discussion?</td>
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<td>2) Identify training modules and begin developing them?</td>
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<td>3) Design and walk-through of a more full-scale exercise?</td>
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<td>4) Develop a standardized grant application form?</td>
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Questions?

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