

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 NWSA 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.