

other commenters recommended restricting the scope of the EIS to GTCC LLW analyzed in the Yucca Mountain EIS (DOE/EIS-0250, February 2002) or to waste generated from NRC-licensed activities. Still other commenters questioned the basis for projecting the GTCC LLW volume to 2035 and 2055.

*Response:* GTCC waste is LLW, not high-level waste or spent nuclear fuel; nevertheless, DOE has identified the proposed Yucca Mountain repository as one of the sites to be analyzed in the EIS for GTCC LLW as a disposal alternative, as well as other appropriate sites, in accordance with 10 CFR Part 61. Under the LLRWPA, DOE is responsible for disposing of this waste, and because such disposal would be a major federal action, DOE is required by the Council on Environmental Quality regulations that implement NEPA to complete an EIS analyzing the range of reasonable alternatives for this action. The Energy Policy Act of 2005 also requires DOE to take actions related to the preparation of an EIS for GTCC LLW. DOE plans to include its GTCC-like waste that may have no path to disposal, as well as waste generated from NRC or Agreement State licensed activities, and to identify where economies of scale may be achieved in using the same disposal methods and locations.

DOE has identified the estimated GTCC LLW and GTCC-like waste volumes based on the best available data. DOE has changed the projections to 2035 and 2062 to include the 20-year license renewal that commercial reactors may receive plus an additional 6-year "cooling period" before commencing reactor decommissioning activities. Thus GTCC LLW and GTCC-like waste estimates are projected through 2035, except for GTCC LLW activated metals estimates, which are projected through 2062, based on anticipated nuclear reactor decommissioning schedules.

- *Waste Disposal Alternatives:* Commenters stated that DOE should identify its criteria for including sites considered in the EIS as potential disposal locations and criteria for selecting the technologies and disposal methods to be evaluated.

*Response:* DOE has identified its basis for the disposal locations and disposal methods proposed for analysis in the EIS under "Alternatives Proposed for Evaluation" in this Notice.

- *Waste Inventories:* Commenters stated that the inventory data provided in the ANOI should be updated.

*Response:* DOE has updated the inventory data as shown in Table 1. DOE will incorporate other appropriate

inventory data that may become available during preparation of the EIS.

- *Resource Areas Proposed for Analysis:* Commenters suggested a number of subjects that DOE should include in the EIS impact analyses.

*Response:* DOE's list of subjects proposed for evaluation in the EIS under "Identification of Environmental Issues" in this NOI responds to those comments.

- *Concentration Averaging:* Commenters raised questions about DOE's potential use of "concentration averaging" in which, for example, the activity of one component is averaged over the volume or mass of waste to identify applicable waste classification standards.

*Response:* For the purposes of analysis in the EIS, DOE would use guidance in the *Branch Technical Position on Concentration Averaging and Encapsulation*, U.S. Nuclear Regulatory Commission, Washington DC, January 1995, to determine when LLW is greater than Class C as defined at according to 10 CFR Part 61.

- *Regulatory Requirements:* A number of commenters discussed the need to address compliance with regulatory and other legal requirements in the EIS.

*Response:* The EIS would describe applicable regulatory and other legal requirements and consider the extent to which the alternatives analyzed meet those requirements.

### Public Scoping

Interested parties are invited to participate in the public scoping process to provide their comments on the proposed disposal alternatives for analysis in the EIS and the environmental issues to be analyzed. The scoping process is intended to involve all interested agencies (federal, state, county, and local), public interest groups, Native American tribes, businesses, and members of the public. Public scoping meetings will be held at the following locations and times:

- *Carlsbad, New Mexico:* Pecos River Village Conference Center, Carousel House, 711 Muscatel Avenue, Carlsbad, New Mexico, Monday, August 13, 2007, 6 p.m.–9 p.m.

- *Los Alamos, New Mexico:* Hilltop House Best Western, La Vista Room, 400 Trinity Drive, Los Alamos, New Mexico, Tuesday, August 14, 2007, 6 p.m.–9 p.m.

- *Oak Ridge, Tennessee:* DOE Oak Ridge Information Center, 475 Oak Ridge Turnpike, Oak Ridge, Tennessee, Wednesday, August 22, 6 p.m.–9 p.m.

- *North Augusta, South Carolina:* North Augusta Community Center, 495

Brookside Avenue, North Augusta, South Carolina, Thursday, August 23, 6 p.m.–9 p.m.

- *Troutdale, Oregon:* Comfort Inn & Suites-Columbia Gorge West, 477 NW Phoenix Drive, Troutdale, Oregon, Monday, August 27, 2007, 6 p.m.–9 p.m.

- *Pasco, Washington:* Red Lion Hotel, Gold Room, 2525 N 20th Avenue, Pasco, Washington, Tuesday, August 28, 2007, 6 p.m.–9 p.m.

- *Idaho Falls, Idaho:* Red Lion Hotel On The Falls, Yellowstone/Teton Rooms, 475 River Parkway, Idaho Falls, Idaho, Thursday, August 30, 2007, 6 p.m.–9 p.m.

- *Las Vegas, Nevada:* Atomic Testing Museum, 755 E. Flamingo Road (Just East of Paradise Road), Las Vegas, Nevada, Tuesday, September 4, 2007, 6 p.m.–9 p.m.

- *Washington DC:* Hotel Washington, Washington Room, 15th and Pennsylvania Avenue, NW., Washington, DC, Monday, September 10, 1 p.m.–5 p.m.

During the first hour of each scoping meeting, DOE officials will be available for informal discussions with attendees. During the formal part of the meeting, the public will have the opportunity to provide comments orally or in writing. The presiding officer will establish procedures to ensure that everyone who wishes to speak has a chance to do so. Both oral and written comments will be considered and given equal weight.

Issued in Washington, DC on July 17, 2007.

**James A. Rispoli,**

*Assistant Secretary for Environmental Management.*

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**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

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

**AGENCY:** Department of Energy.

**ACTION:** Notice of revised proposed policy and request for comments.

**SUMMARY:** The Department of Energy (DOE) is publishing this notice of revised proposed policy to set forth its revised plans for implementing Section 180(c) of the Nuclear Waste Policy Act of 1982 (the NWPA). Under Section 180(c) of the NWPA, DOE shall provide technical and financial assistance for training of local public safety officials to States and Indian Tribes through whose jurisdictions the DOE plans to transport spent nuclear fuel or high-level

radioactive waste to a facility authorized under Subtitle A or C of the NWPA (NWPA-authorized facility). The training is to cover both safe routine transportation and emergency response procedures. The purpose of this notice is to communicate to stakeholders the revised proposed policy of DOE regarding Section 180(c) issues and request comments on this revised proposed policy and the questions specified herein. Written and electronic comments may be submitted to DOE on this document.

**DATES:** Comments must be received by DOE on or before October 22, 2007.

**ADDRESSES:** Written comments should be directed to Ms. Corinne Macaluso, U.S. Department of Energy, c/o Patricia Temple, Bechtel SAIC Company, LLC, 955 N. L'Enfant Plaza, SW., Suite 8000, Washington, DC 20024. The revised proposed policy and electronic comment forms are also available at <http://www.ocrwm.doe.gov>. Fill out the form and click "submit" to send your comments in through the Web site. Persons submitting comments should include their name and address. Receipt of written comments in response to this notice will be acknowledged if a stamped, self-addressed postal card or envelope is enclosed. Electronic comments will receive an electronic notice of receipt.

**FOR FURTHER INFORMATION CONTACT:** For further information on the transportation of spent nuclear fuel and high-level radioactive waste under the NWPA, please contact: Ms. Corinne Macaluso, Office of Logistics Management, Office of Civilian Radioactive Waste Management (RW-10), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, 20585, Telephone: 202-586-2837.

General program information is available on the Office of Civilian Radioactive Waste Management (OCRWM) Web site located at [www.ocrwm.doe.gov](http://www.ocrwm.doe.gov).

Copies of comments received will be posted on the OCRWM Web site. Please allow up to two weeks after DOE receives comments to view them on the Web site.

**Request for Comments:** DOE will consider all comments submitted by the closing date. Comments received after that date will be considered to the extent practicable. DOE requests that commenters pay particular attention to the questions at the end of this revised proposed policy.

**SUPPLEMENTARY INFORMATION:**

### I. Purpose and Need for Agency Action

Under the NWPA, DOE is responsible for the transportation of spent nuclear fuel and high-level radioactive waste to an NWPA-authorized facility. In particular, under Section 180(c) of the NWPA, DOE is responsible for providing technical and financial assistance for training of local public safety officials to States and Indian Tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste to an NWPA-authorized facility. Section 180(c) further provides that such training cover procedures required for both safe routine transportation of these materials and for dealing with emergency response situations. Section 180(c) identifies the Nuclear Waste Fund as the source of funds for this assistance.

DOE has announced a schedule to begin shipping spent nuclear fuel and high-level radioactive waste to an NWPA-authorized facility in 2017.<sup>1</sup> Subject to the availability of appropriated funds, DOE plans to conduct a pilot program for 180(c) grants beginning in fiscal year 2008. DOE will evaluate public comments received on this revised proposed policy prior to implementing the pilot program. After review of the comments received on this revised proposed policy and completion of the pilot program, DOE plans to issue a new revised proposed policy for public comment and thereafter to issue a final policy prior to awarding the first 180(c) grants. The first grants are planned to be issued approximately four years prior to the commencement of shipments through a State or Tribe's jurisdiction to support assessing the need for and planning for training.

The *Office of Civilian Radioactive Waste Management, Strategic Plan for the Safe Transportation of Spent Nuclear Fuel and High-Level Radioactive Waste to Yucca Mountain: A Guide to Stakeholder Interactions* calls for DOE to work closely with State Regional Groups and individual impacted States and Tribes as it makes operational decisions regarding shipments to an NWPA-authorized

<sup>1</sup> The schedule for the proposed Yucca Mountain repository is based on factors within the control of DOE, appropriations consistent with optimum Project execution, issuance of an Nuclear Regulatory Commission (NRC) Construction Authorization consistent with the three year period specified in the Nuclear Waste Policy Act, and the timely issuance by the NRC of a Receive and Possess license. This schedule also is dependent on the timely issuance of all necessary other authorizations and permits, the absence of litigation related delays, and the enactment of legislation proposed by the Administration.

facility. The DOE's practice of involving States, Tribes, industry, utilities, and other interested parties in transportation planning has contributed to a decades-long record of safely transporting such material. This revised proposed policy supports the DOE's OCRWM objective to develop and begin implementation of a comprehensive national spent fuel transportation plan that accommodates State, local, and Tribal concerns and input to the greatest extent practicable.

### II. Background

On January 3, 1995, DOE issued a proposed policy on how it would implement Section 180(c) of the NWPA (60 FR 99). DOE subsequently issued several notices relating to its proposed 180(c) policy in the **Federal Register** on July 18, 1995 (60 FR 36793), May 16, 1996 (61 FR 24772), July 17, 1997 (62 FR 38272), and April 30, 1998 (63 FR 23753). DOE is publishing this Notice of Revised Proposed Policy to set forth and communicate to stakeholders the revised policy by which DOE currently intends to implement Section 180(c). DOE previously requested comments on the 1998 Notice of Revised Proposed Policy and Procedures. Those comments were reviewed and considered during the development of this revised proposed policy.

As part of its longstanding commitment to work with stakeholders on transportation matters, DOE has engaged in ongoing discussions on how to implement Section 180(c). Such discussions have taken place in the context of the Transportation External Coordination (TEC) Working Group, which is comprised of representatives of State, Tribal, and local governments, and professional, technical, and industry associations, and which meets biannually to identify and discuss issues related to the transport of radioactive materials. In 2004, DOE formed a TEC Topic Group specifically to discuss Section 180(c) issues, and the Topic Group met at least monthly from June 2004 through November 2005. In addition, DOE has discussed Section 180(c) issues with the six national and regional organizations with which DOE has cooperative agreements. These agreements enable DOE to exchange information and solicit input regarding the planned transportation activities of OCRWM, including Section 180(c) activities. These organizations comprise the four State Regional Groups (the Southern States Energy Board, Western Interstate Energy Board, Council of State Governments Midwestern Office, and Council of State Governments Eastern Regional Conference), the Commercial Vehicle Safety Alliance, and the

National Conference of State Legislatures.

Through the TEC Section 180(c) Topic Group, discussions with the national and regional organizations described above, and other stakeholder interactions, DOE received valuable comments and views on 180(c) issues which have been considered in the development of this revised proposed policy. The Topic Group reached significant agreement on eligibility requirements and timing of the grants and allowable uses of the funding.

This policy is intended to be consistent with Homeland Security Presidential Directives Number 5, "Management of Domestic Incidents," issued February 28, 2003, and Number 8, "National Preparedness," issued December 17, 2003; the Department of Homeland Security's National Preparedness Goal, issued December 2005; the National Preparedness Guidance issued April 27, 2005; the National Incident Management System, issued March 1, 2004; and the National Response Plan, issued December 2004.

### III. Policy

#### *Policy Statement*

Section 180(c) of the NWSA states:

The Secretary [of DOE] 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.

This proposed policy addresses the provision of technical and financial assistance for training, both for normal transportation operations and for potential incidents that may require emergency response during shipments of spent nuclear fuel or high-level radioactive waste to an NWSA-authorized facility. Technical assistance to support 180(c) activities will consist of non-monetary assistance that the Secretary of Energy can provide from DOE's specific knowledge, expertise, and existing resources to aid training of public safety officials on procedures for safe routine transportation and for emergency response situations during the transport of spent nuclear fuel and high-level radioactive waste to an NWSA-authorized facility. Technical assistance includes, but is not limited to, access to DOE's regional and Headquarters representatives involved in the planning and operation of NWSA transportation or emergency

preparedness activities, provision of information packets that include materials about the OCRWM Program and shipments, and provision of other training materials and information. Financial assistance will consist of assessment and planning grants and annual training grants. The provision of grants will be subject to the criteria described herein, as well as the availability of appropriated funds.

This revised proposed policy is consistent with DOE's longstanding commitment to meet or exceed requirements and standards applicable to the transport of spent nuclear fuel and high-level radioactive waste; to cooperate with States, Tribes, and local governments; and to make use of the existing expertise of States, Tribes, and local governments to the maximum extent practicable.

Section 180(c) funds are intended to be used for training specific to shipments of spent nuclear fuel and high-level radioactive waste to an NWSA-authorized facility. DOE will work with States and Tribes to evaluate current preparedness for safe routine transportation and emergency response capability and will provide funding as appropriate to ensure that State, Tribal, and local officials are prepared for OCRWM shipments. Section 180(c) funds and related training are intended to supplement but not duplicate existing training for safe routine transportation and emergency preparedness. DOE will work with States and Tribes to coordinate and integrate Section 180(c) activities with existing training programs designed for State, Tribal, and local public safety officials. Equipment purchased with Section 180(c) funds is intended to be used for training to prepare for the specific hazards presented by shipments to an NWSA-authorized facility. If necessary, such equipment could then be used for inspections and for responding to emergencies. Since State and Tribal governments have primary responsibility to protect the public health and safety in their jurisdictions, they will have flexibility to decide which allowable activities to request Section 180(c) assistance to meet their unique needs within the limits of the NWSA and DOE and other Federal financial assistance regulations and restrictions.

Training with Section 180(c) funds should be to the level of detail and to the degree necessary to prepare for shipments to an NWSA-authorized facility. When necessary or appropriate, training should be consistent with the Occupational Safety and Health Administration (OSHA) awareness or

operations levels, as those terms are defined in 29 CFR 1910.120, and the jurisdiction's emergency response plans. Any deficiency in basic emergency response capability may be addressed through consultation and technical assistance.

#### *Funding Mechanism*

DOE will implement Section 180(c) by funding direct grants to eligible States and Tribes. The grants program will be administered in accordance with the DOE Financial Assistance rules (10 CFR part 600), which implement applicable Office of Management and Budget circulars, and applicable law. The grant application process will require States and Tribes to describe and justify their proposed work in the format of a five-year project with a more detailed two-year work plan. Applications will only be accepted through the Federal government's electronic grant application system at [www.grants.gov](http://www.grants.gov).

#### *Basis for Cost Estimate/Grant Funding Allocation to States*

DOE anticipates providing funds to States in accordance with the approach described below. Specifically, DOE expects to make two grants available to States: An assessment and planning grant and an annual training grant.<sup>2</sup>

The assessment and planning grant to each eligible State will support an initial needs assessment to identify training needs that might be addressed in future training grants to that State. The amount of the assessment and planning grant is not expected to exceed \$200,000, adjusted annually for inflation, for each eligible State based on appropriated funds available for that purpose in a particular fiscal year. The annual training grant to each eligible State will support allowable activities as specified in the grant. The annual training grant for each eligible State will consist of a base amount not expected to exceed \$100,000, adjusted annually for inflation, as well as a variable amount. The base amount for each grant depends on Congressional appropriations. DOE selected the amounts of the base grants based on experience with similar training programs and discussions with State and emergency response officials about the scope of work likely for each grant.

The variable amount of the training grant will be determined through a risk-based formula using the factors of population along routes, route miles,

<sup>2</sup> DOE has recently begun meeting with Indian Tribes to discuss the funding allocation options for grants to Tribes. The proposed funding allocation approach described herein applies only to States.

number of shipments, and shipping sites. The population figure, calculated from U.S. Census Bureau data, acts as a surrogate for either the number of responders requiring training or the number of jurisdictions requiring training. Total route miles (for all shipping modes) acts as a surrogate for the accident risk. The number of shipments addresses the additional burden placed on States that are heavily impacted by shipments. Finally, the number of shipping sites will factor in the additional training burden placed on States that must prepare for point-of-origin inspections of both the package and the vehicle. Shipping sites will include commercial nuclear power plants, DOE sites, and any other entity shipping spent nuclear fuel or high-level radioactive waste to an NWPA-authorized facility.

The amount of the annual training grants will be based on the appropriated funds available for that purpose in a particular fiscal year. Available funds will be first used to fund the base portion of the grant, which would be the same for each eligible State. Remaining available funds will be used to fund the variable portion of the grant for each eligible State on the basis of the following five-step formula.

The steps are as follows:

Step 1: Collect raw data with respect to the factors of population along routes, route miles, number of shipments, and shipping sites for each State.

Step 2: Divide the raw State data for each factor by the national total for each factor. The result is each State's percentage of the national total for each factor.

Step 3: Multiply each State's percentage of each factor by the correspondent weighting for each factor as specified below; the result would be summed to reach a total for each State, as follows:

$$\begin{aligned}
 &0.3 \times \text{Percentage of Population Along} \\
 &\quad \text{Route Corridors} \\
 &+ 0.3 \times \text{Percentage of Route Miles} \\
 &+ 0.3 \times \text{Percentage of Number of} \\
 &\text{Shipments} \\
 &+ 0.1 \times \text{Percentage of Shipping Sites} \\
 &= \text{Total for Each State}
 \end{aligned}$$

Step 4: Sum the total for each State to obtain a national total.

Step 5: Divide each State's total by the national total to reach each State's percentage of available funds for the year.

DOE will work with applicants to ensure consistent sources are used to estimate the raw data for each factor of the formula. All factors are specific to the shipping year. The specific sources DOE will use for the raw data are as follows:

- The population factor will be calculated using the population within 2,500 meters of the route as calculated by the Transportation Routing Analysis Geographic Information System (TRAGIS), DOE's routing model. TRAGIS uses U.S. Census Bureau data as its source for population.

- For route miles, DOE will calculate the national total using TRAGIS to estimate the route miles for each year's projected shipments.

- The number of shipments annually through a State will be estimated based on DOE's projected shipments for each year.

- The number of shipping sites will be based on the number of defense and civilian sites originating a shipment within the State for the year for which an applicant is applying for funding.

#### *Eligibility and Timing of the Grants Program*

DOE will provide grants and technical assistance to those States and Tribes through whose jurisdictions the Secretary of Energy plans to transport spent nuclear fuel and high-level radioactive waste to an NWPA-authorized facility. Where a route constitutes a border between two States, a State and a Tribal reservation, or two Tribal reservations, every jurisdiction with emergency response responsibility and inspection authority over the route will be eligible for Section 180(c) assistance. If a State or Tribe will *not* have shipments but has cross-deputization or mutual aid agreements with a jurisdiction that *will* have shipments, the non-shipment jurisdiction may work with DOE to receive funding.

DOE will send a letter to the Governor or Tribal leader's office notifying them of their State or Tribe's eligibility to apply for Section 180(c) grants approximately five years before shipments are scheduled through that State or Tribe's jurisdiction. Each State or Tribe shall designate which agency or staff member of the State or Tribe will administer its Section 180(c) grants. Subsequently, DOE will communicate with the State or Tribe's designated agency or staff person regarding Section 180(c) grants.

Subject to the availability of appropriated funds, DOE expects to begin making assessment and planning grants available to a State or Tribe approximately four years prior to the first shipment to an NWPA-authorized facility through that State or Tribe's jurisdiction.

DOE intends to issue training grants in each of the three years prior to a scheduled shipment through a State or

Tribe's jurisdiction and every year that shipments are scheduled.

#### *Allowable Activities*

DOE intends to allow a broad array of eligible planning and training activities, thus providing the recipients flexibility to direct funds toward their individual needs. DOE will require applicants to describe and justify the need for proposed activities, training, and purchases in the application package for review and approval by DOE.

Under Section 180(c) of the NWPA, DOE shall provide technical and financial assistance to States and Indian Tribes through whose jurisdictions the DOE plans to transport spent nuclear fuel or high-level radioactive waste to an NWPA-authorized facility. States and Tribes should describe in their grant applications how the grants will be used to provide training to local public safety officials. States and Tribes are expected to coordinate with local public safety officials during the assessment and planning phase and in developing their applications for the annual training grants. DOE recognizes that, depending on the State or Tribe, the role of local public safety officials in responding to incidents involving radioactive materials varies from a minimal role of crowd and traffic control to the primary role of incident command. Therefore, the benefit to local public safety officials should be consistent with established State, Tribal, and local roles in dealing with routine transportation and in responding to an incident involving NWPA shipments.

Potential activities for the Assessment and Planning Grant include:

- Assessment of the jurisdiction's needs for training on procedures related to safe routine transportation and emergency response situations.

- Development of mutual aid agreements among neighboring jurisdictions and with Federal agencies.

- Planning for how to provide needed training for public safety officials.

- Participation in DOE, regional, and national transportation planning meetings.

- Intra- and interstate and Tribal planning and coordination.

- Support for exercises to test plans and training.

- Review of DOE transportation, emergency management, communications, and security plans, including threat assessments and civil disobedience/law enforcement planning.

- Obtaining access to DOE data and systems, such as the Transportation Tracking and Communications system

(TRANSCOM) for information and shipment tracking.

- Evaluation and identification of alternative routes for DOE non-classified radioactive materials shipments according to 49 CFR 397,

*Transportation of Hazardous Materials' Driving and Parking Rules* (referred to as HM-164).

- Risk assessments.
- Participation in DOE's Transportation Emergency Preparedness Program (TEPP).<sup>3</sup>

- Coordination with DOE's Radiological Assistance Program (RAP) training, exercises, and planning activities.<sup>4</sup>

- Planning activities using Transportation Routing Analysis Geographic Information System (TRAGIS) or other DOE route or risk assessment models.

- Participation in carrier evaluation programs that may be implemented through other agencies or organizations.
- Staff costs related to planning and needs assessments.

The Training Grant has two categories of allowable activities: Activities related to safe routine transportation and activities related to emergency response.

Activities for the safe routine transportation aspects of the Training Grant may include:

- Continuation of the activities initiated under the Assessment and Planning Grant, such as coordination with agencies within the State or Tribe, assessment of training needs, and assessment of technical assistance needs.

- Training and staff costs associated with the Department of Transportation's State Rail Safety Participation Program.

The Federal Railroad Administration will provide informal outreach and training opportunities to Tribal nations, since there is no statutory authority for participation by Indian Tribes in the State Safety Participation Program as outlined in 49 CFR 212.

- Training for public safety officials in safety and enforcement inspections of highway shipments (drivers, vehicles, and shipping containers).

- Training related to accident prevention (e.g., for safe parking, bad weather, and road conditions).

- Training for appropriate local, State, and Tribal officials on the proper handling of information and documents, including secure and confidential shipments.

- Training for radiological inspections, both rail and truck.

- Training on a satellite tracking system.

- Equipment purchases, calibration, and maintenance for training purposes.<sup>5</sup>

- Staff costs related to training.

Activities for the emergency response aspects of the Training Grant may include:

- Continuation of planning activities begun under the Assessment and Planning Grant.

- Training in implementation of mutual aid agreements among neighboring jurisdictions and agreements with Federal agencies.

- Training for public safety officials in hazardous materials emergency response procedures. When necessary or appropriate, training should be consistent with OSHA awareness or operations levels, as those terms are defined in 29 CFR 1910.120, and the jurisdiction's emergency response plans.

- Participation in DOE's TEPP.
- Equipment purchases, calibration, and maintenance for training purposes.
- Training for emergency medical personnel, including hospital emergency medical personnel.
- Designing, conducting, and evaluating drills and exercises, including the implementation of mutual aid agreements and emergency response plans and procedures.
- Staff costs related to training.

#### IV. Merit Review Criteria

States and Tribes will have flexibility to decide for which allowable activities to request Section 180(c) assistance to meet their unique needs within the limits of the NWPA and DOE and other Federal financial assistance regulations and restrictions. Grant applications will be reviewed in accordance with 10 CFR 600.13, *Merit Review*.

The merit review process consists of a board of technically qualified reviewers who evaluate each grant application on pre-established criteria. The merit review board advises the DOE's selection officials as to the merits of each proposed activity and the overall quality of the application. The DOE's selection officials will make final funding determinations and notify successful applicants of their award in accordance with standard grant procedures.

The proposed criteria, which the merit review board will use for its review, are described below in *Table 1, Assessment and Planning Grant* and *Table 2, Training Grant*. The applicant's narrative should address each of these criteria in accordance with the instructions provided.

TABLE 1.—ASSESSMENT AND PLANNING GRANT

Criteria	Instructions
Conduct a needs assessment and develop a training plan to prepare for NWPA shipments through the applicant's jurisdiction.	In the grant application narrative, make sure the scope of the assessment and plan development is clear and thorough: <ol style="list-style-type: none"> <li>Describe how the State or Tribe will assess needs, including how the State or Tribe will determine what additional planning, training, equipment, and exercises may be needed.</li> <li>Describe the technical assistance that will be requested from DOE or other Federal agencies in order to conduct the needs assessment.</li> <li>Describe the cost and timeframe of each proposed assessment and planning activity.</li> <li>Describe what planning will occur within the State or Tribe and with local jurisdictions.</li> <li>Identify all mutual aid agencies that will be contacted to complete the needs assessment and training plan.</li> <li>Describe how the proposed grant funding does not supplant or duplicate existing funding from Federal or State sources.</li> </ol>

<sup>3</sup> DOE's TEPP integrates transportation emergency preparedness activities for DOE non-classified shipments of radioactive materials to address the emergency response concerns of State, Tribal, and local officials affected by such shipments. TEPP is implemented on a regional basis, with a TEPP Coordinator for each region. TEPP ensures responders have access to the model plans and

procedures, training, and technical assistance necessary to respond safely, efficiently, and effectively to transportation incidents.

<sup>4</sup> DOE's RAP is a team of DOE and DOE contractor personnel specifically trained to perform radiological emergency response activities. The RAP teams may deploy at the request of DOE sites; other Federal agencies; State, Tribal or local

governments; or from any private organization or individual. Teams are located at eight sites around the Nation.

<sup>5</sup> Grant funds can be used to purchase equipment for training purposes. They can also be used to calibrate and maintain equipment as long as the equipment is training-related and specific to the needs created by the NWPA shipments.

TABLE 1.—ASSESSMENT AND PLANNING GRANT—Continued

Criteria	Instructions
Prepare public safety officials of appropriate units of local government.	The narrative should completely and accurately describe: a. How local public safety officials were involved in developing the grant application. b. How local public safety officials will be involved in the needs assessment consistent with their role in radioactive/hazardous materials transportation as defined by the State.
Prepare sufficiently to reassure the public of adequate preparedness.	The narrative should accurately and completely describe: a. How the applicant will assess what is needed to respond to inquiries from the public and the media. b. What activities and measures, if any, are needed to reassure the public of adequate preparedness.
Train for the increment of need specific to NWPAs shipments.	The narrative should accurately and completely describe: a. What the applicant is already doing to prepare for radioactive materials shipments. b. How each proposed needs assessment activity is specific to the NWPAs shipments.

TABLE 2.—TRAINING GRANT

Criteria	Instructions
Conduct training on procedures for safe routine transportation to help prevent accidents and respond in a timely and appropriate fashion to incidents involving NWPAs shipments.	The narrative should accurately and completely describe: a. How many public safety officials will be trained and what training they will receive, based on the needs assessment conducted under the Assessment and Planning Grant. b. List the equipment the applicant proposes to purchase, describe why this equipment is necessary for training for these shipments, and how it is consistent with the training level to which the responders will be trained. c. How the proposed grant funding does not supplant or duplicate existing funding from Federal or State sources. d. How the actions listed in this section help the applicant increase its capability to prevent accidents and respond appropriately to accidents. e. The technical assistance that will be requested from DOE, either from OCRWM, RAP teams, TEPP coordinators, or other Federal agencies. f. How the training and technical assistance will be integrated with assistance received from other Federal Government sources.
Help prepare public safety officials of appropriate units of local government.	The narrative should accurately and completely describe: a. How local public safety officials will benefit from the proposed activities. b. Whether those local public safety officials support the activities proposed in this application and how their level of support is determined.
Prepare sufficiently to reassure the public of adequate preparedness.	The narrative should accurately and completely describe: a. How the applicant will train to respond to inquiries from the public and the media. b. What activities and measures, if any, will be taken to reassure the public of adequate preparedness.
Train in the increment of need specific to NWPAs shipments.	The narrative should accurately and completely describe: a. How each proposed activity is specific to the NWPAs shipments. b. How the training will be integrated with assistance received from other DOE programs or Federal agencies for radioactive materials transportation preparedness.
Assess level of preparedness after training, exercises, and technical assistance.	The narrative should accurately and completely describe: a. How the applicant will assess their level of preparedness after conducting the proposed activities. The proposed assessment should measure readiness against the objectives described in the applicant's project narrative. b. How the applicant will assess how well it utilized the technical assistance requested.

**V. Request for Comments**

DOE requests that interested parties comment on this notice of revised proposed policy, including the specific questions identified below:

*Question 1*

(a) Would \$200,000 be an appropriate amount for the assessment and planning grant to conduct an initial needs assessment?

(b) Should the amount be the same for each eligible State and Tribe?

(c) Would there be a need to update the initial needs assessment and, if so, at what intervals and should funding be

made available for this purpose and in what amount?

*Question 2*

(a) Would \$100,000 be an appropriate amount for the annual training grant?

(b) Recognizing that, after commencement of shipments through an eligible State or Tribe, training to maintain capability may become less costly with increased expertise and efficiency, should the base amount of subsequent annual training grants be adjusted downward to reflect the number of years that annual training grants have been received?

(c) What should be the allocation of available appropriated funds for a fiscal year between the base amount and the variable amount of the annual training grants?

(d) Should the entire training grant be variable based on the funding allocation formula described herein?

*Question 3*

(a) Should the amount of funding be adjusted where a route forms a border between two States, a State and a Tribal reservation, or two Tribal reservations?

(b) Should States or Tribes with mutual aid responsibilities along a route outside their borders be eligible for

180(c) grants on the basis of the mutual aid agreement?

(c) If so, how should the amount of funding be calculated, and should the calculation take into account whether or not the State or Tribe would otherwise be eligible for a grant?

(d) Should the State or Tribe that received notification of eligibility from DOE indicate in their grant application that a neighboring State or Tribe has a mutual aid agreement along a particular route, whereupon DOE would then notify the neighboring State or Tribe of its eligibility?

#### Question 4

(a) Do assessment and planning grants need to be undertaken four years prior to an initial scheduled shipment through a State or Tribe's jurisdiction?

(b) Do training grants need to commence three years prior to a scheduled shipment through a State or Tribe's jurisdiction?

(c) Do training grants need to be provided every year that shipments are scheduled?

#### Question 5

(a) Should the Section 180(c) grants be adjusted to account for fees levied by States or Tribes on the transportation of spent nuclear fuel or high-level radioactive waste through their jurisdiction?

(b) How should DOE determine if a fee covers all or part of the cost of activities allowed under Section 180(c) grants?

(c) Is the language in this policy, requiring States and Tribes to explain in their grant application how the fees and Section 180(c) grant awards are separate and distinct, sufficient to prevent DOE from paying twice for the same activity?

#### Question 6

(a) How should Section 180(c) grants be adjusted to reflect other funding or technical assistance from DOE or other Federal agencies for training for safe routine transportation and emergency response procedures?

(b) In particular, how should DOE account for TEPP and other similar programs that provide funding and/or technical assistance related to transportation of radioactive materials?

(c) To what extent is Section 180(c) funding necessary where funding and/or technical assistance are being or have been provided for other DOE shipping campaigns such as to DOE's Waste Isolation Pilot Plant?

Issued in Washington, DC, on July 18, 2007.

**Edward F. Sproat III,**

*Director, Office of Civilian Radioactive Waste Management.*

[FR Doc. E7-14181 Filed 7-20-07; 8:45 am]

**BILLING CODE 6450-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OARM-2007-0341; FRL-8443-3]

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Conflict of Interest Rule #1 (Renewal), EPA ICR No. 1550.07, OMB Control No. 2030-0023

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before August 22, 2007.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OARM-2007-0341, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov), or by mail to: OEI Docket, EPA Docket Center, Environmental Protection Agency, Mailcode 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503. EPA Docket Center, Environmental Protection Agency.

**FOR FURTHER INFORMATION CONTACT:** Marilyn E. Chambers, Office of Acquisition Management, 3802R, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-4398; fax number: (202) 565-2474; e-mail address: [chambers.marilyn@epa.gov](mailto:chambers.marilyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the

procedures prescribed in 5 CFR 1320.12. On April 25, 2007 (72 FR 20532), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received one comment during the comment period, which is addressed in the ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OARM-2007-0341, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Office of Environmental Information Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Office of Environmental Information Docket is 202-566-1752.

Use EPA's electronic docket and comment system at [www.regulations.gov](http://www.regulations.gov), to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at [www.regulations.gov](http://www.regulations.gov) as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to [www.regulations.gov](http://www.regulations.gov).

**Title:** Conflict of Interest Rule #1 (Renewal).

**ICR Numbers:** EPA ICR No. 1550.07, OMB Control No. 2030-0023.

**ICR Status:** This ICR is scheduled to expire on July 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if