**Inside this issue:**

- **ECA Members Testify on Manhattan Park Legislation** .......................................................... 4
- **Senators Propose Nuclear Waste Administration Act of 2013** ........................................... 6
- **Congressional Nuclear Cleanup Caucus Begins** ..................................................................... 21

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**ECA NEW LEADERSHIP PEER EXCHANGE SUMMARY**

ECA members and other participants met in Washington, DC on April 11–12, 2013 to discuss the future of DOE and its new leadership. Congressman Doc Hastings (R-WA), DOE officials from Environmental Management (EM), Nuclear Energy (NE), and National Nuclear Security Administration (NNSA) Bob DeGrasse and other industry representatives addressed the group.

Meeting presentation slides are available [here](#).

**Senior Advisor Dave Huizenga, Office of Environmental Management**

Senior Advisor Huizenga described DOE’s FY 2014 budget rollout, which occurred just the day before the meeting, saying it is an unusual budget year in terms of process.

(Continued on page 9)

**DOE’s FY 2014 Budget Request**

President Obama released his fiscal year (FY) 2014 budget request on April 10, 2013, after two months of delay. The Congressional Budget Act requires the President to submit his budget on the first Monday of February, however, there is no consequence for failure to do so.

The DOE FY 2014 budget request documents are available [here](#).

At the website, there are individual, detailed budget documents for Environmental Management, National Nuclear Security Administration, Laboratory Funding and other areas.

(Continued on page 16)

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**Executive Committee**

*Chair*  
Mayor Tom Beehan  
City of Oak Ridge, Tennessee

*Vice Chair*  
Councilmember Chuck Smith  
Aiken County, South Carolina

*Treasurer*  
Councilmember Fran Berting  
Incorporated County of Los Alamos, New Mexico

*Secretary*  
Mayor Steve Young  
City of Kennewick, WA

*Immediate Past Chair*  
Councilmember Robert Thompson  
City of Richland, Washington
The White House released its fiscal year (FY) 2014 budget request on April 10, 2013, after a two-month delay. Congress can now proceed with hearings to consider the Administration’s request and markups to prepare their own appropriations bills. Despite this, fiscal uncertainty continues to dominate DC. Lawmakers have achieved no discernible progress in agreeing to a long-term deficit reduction package. In the meantime, sequestration will continue to cut resources from agencies and complicate program planning and budget activities.

**DOE FY 2014 Budget Request**

The FY 2014 budget request includes $5.62 billion for the Office of Environmental Management, which is $89 million (1.6 percent) less than FY 2012. The request for NNSA is $11.7 billion, an increase of $647 million (6 percent) from FY 2012 levels. As Acting Administrator Miller observed, NNSA was one of the few funding areas to receive a boost. See page 1 for more details.

**Reprogramming Request for FY 2013 Funds**

Now that full-year funding for FY 2013 has been enacted under a Continuing Resolution (P.L. 113-6) and sequestration has been implemented, focus shifts to reprogramming the remaining FY 2013 funds so agencies can direct resources to the most critical priorities. Without reprogramming, the indiscriminate nature of the CR (which basically continues FY 2012 funding without regard to program changes) and sequestration (which cuts a percentage of funding across the board) will leave agencies with money in lower-priority programs.

Community leaders and DOE officials agree that a swift reprogramming would mitigate further furloughs and contractor layoffs by getting more money to EM’s core mission of supporting cleanup activities.

DOE submitted its reprogramming request to the Office of Management and Budget. Among the requested transfers, Weapons Complex Monitor reports that EM considered shifting funds away from WPF and Portsmouth, and towards LANL and Paducah.

**Draft Nuclear Waste Legislation Released**

A bipartisan group of four senators released a discussion draft of comprehensive nuclear waste legislation on April 25, 2013. Senator Bingaman released a separate nuclear waste bill last Congress, however, it did not have the backing of other key senators due to disagreement over interim storage sites.

Senator Wyden (D-OR), Energy and Natural Resources Committee Chairman, leads the group behind the new bill. He has the backing of Senators Dianne Feinstein (D-CA), Lamar Alexander (R-TN) and Lisa Murkowski (R-AK).

See page 6 for more details.

**Secretary Chu leaves DOE**

Secretary of Energy Steven Chu left his position on April 23. Daniel Poneman will serve as Acting Secretary while Ernie Moniz goes through the confirmation process.

**Moniz Confirmation Held Up**

The Senate was expected to vote on Ernest Moniz’s nomination to Secretary of Energy this month, however, Senator Lindsey Graham (R-SC) placed a hold to block the vote. Graham explicitly placed the hold over cuts to the MOX facility at the Savannah River Site, saying he believes Moniz would make a good secretary.

The Senate Energy and Natural Resources Committee approved Moniz’s nomination at the committee level on April 18, 2013. The only dissenting vote was Republican Senator Tim Scott, from South Carolina. The hearing webcast is available [here](#).

See more details on page 19.
Manhattan Project National Historical Park Act Passes House Panel

The House Natural Resources Committee approved the Manhattan Project National Historical Park Act (H.R. 1208) on April 24, 2013.

The Senate Energy and Natural Resources Committee held a hearing on April 23, 2013, to consider the Senate version of the bill (S. 507), among other National Parks bills. The committee has not yet held a vote on the legislation, but is expected to take up the bill in June.

Budget and Policy Hearings

The Senate Energy and Natural Resources Committee met to consider the FY 2014 DOE proposed budget on April 18, 2013, with Deputy Secretary and Chief Operating Officer Daniel Poneman providing testimony. The webcast is available here.

The Senate Energy and Water Appropriations Subcommittee met on April 17, 2013 to consider the FY 2014 NNSA proposed budget, with Acting Administrator Neile Miller providing testimony. The webcast is available here.

Office of Nuclear Energy Assistant Secretary Lyons testified before the House Appropriations Energy and Water Subcommittee on nuclear waste programs on April 11, 2013, suggesting that DOE needs to look at options beyond Yucca Mountain. An audio recording of the hearing is available here.

Senator Reid Appoints former NRC chief Jaczko to NNSA Advisory Panel

Senator Reid (D-NV) appointed former NRC chief Gregory Jaczko to the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise (an NNSA review committee) on April 18, 2013. The FY 2013 National Defense Authorization Act (P.L. 112-239) created the panel to assess the feasibility and advisability of making changes to the governance structure of NNSA.

The advisory panel is to have twelve congressionally appointed members, who will serve one year terms. Its final report is due by February 2014.

NNSA CONTRACT CHALLENGE PARTIALLY UPHELD BY GAO

On April 29 the Government Accountability Office (GAO) issued a ruling that upholds portions of a challenge filed by Nuclear Production Partners, LLC, and Integrated Nuclear Production Solutions, LLC, challenging the award of a $22 billion contract by NNSA, to Consolidated Nuclear Security, LLC to manage the Y-12 and Pantex facilities.

GAO recommends that DOE “reopen the procurement, request additional information from the offerors about their proposed cost savings, and evaluate the relative size of each offeror's proposed cost savings, consistent with the solicitation's provisions. At the conclusion of this review, we recommended that NNSA make a new source selection decision.”

The full GAO Statement to the media is included below:

On April 29, the U.S. Government Accountability Office (GAO) sustained, or upheld, portions of protests filed by Nuclear Production Partners, LLC, of Lynchburg, Virginia, and Integrated Nuclear Production Solutions, LLC, of Oak Ridge,
ECA Members Testify Before House Natural Resources Subcommittee on Public Lands and Environmental Regulation in Support of Manhattan Project National Historical Park

Three ECA Executive Board members, ECA Chair and Mayor of Oak Ridge Tom Beehan, ECA Secretary and Mayor of Kennewick Steve Young and ECA Treasurer and Los Alamos County Councilor Fran Berting, provided witness testimony this morning at a House panel hearing to consider the establishment of the Manhattan Project National Historical Park.

On April 12 The House Natural Resources Subcommittee on Public Lands and Environmental Regulation held a legislative hearing on H.R. 1208, the “Manhattan Project National Historical Park Act” - bipartisan legislation by Natural Resources Committee Chairman Doc Hastings (WA-04), Congressman Chuck Fleischmann (TN-03), and Congressman Ben Luján (NM-03) that would establish a Manhattan Project National Historical Park and include facilities in Hanford, Washington, Oak Ridge, Tennessee, and Los Alamos, New Mexico.

The Manhattan Project was a top secret program during World War II to produce an atomic bomb, which played an integral part in ending World War II. This legislation would preserve these historic sites as national parks and ensure public access for future generations.

“The Representatives and Senators of both parties who are working together on this legislation are very committed to advancing this historical park into law - though even our passion for establishing the park is exceeded by that of the volunteers and local leaders in the three Manhattan Project communities and others across the nation. We were fortunate to have a representative from each of the three communities testify at last year's hearing, and we are fortunate to have similar representation today,” said Chairman Hastings. “There are many historical, economic and tourism development organizations in each of the communities that have helped lead the way in preserving this piece of our nation's history. They are doing a tremendous job communicating the important role this park can play in telling the story of efforts during the Second World War to accomplish an unprecedented, and many thought, impossible, industrial and scientific achievement - to construct a nuclear weapon and counter threats of similar development by Nazi Germany.” Click HERE to read Chairman Hastings' full opening statement.

Witnesses at the hearing, including local community leaders, ECA Chair and Mayor of Oak Ridge Tom Beehan, ECA Secretary and Mayor of Kennewick Steve Young and ECA Treasurer and Los Alamos County Councilor Fran Berting, and the National Park Service, all spoke in favor of the bill.

The establishment of the Manhattan Project National Historical Park is supported by the Department of the Interior, Department of Energy, and the National Park Service. Victor Knox, Associate Director for Park Planning, Facilities and Lands, National Park Service, U.S. Department of the Interior agreed that this legislation should move forward especially noting the importance of the Manhattan Project. “The development of the atomic bomb through the Manhattan Project was one of the most transformative events in our nation's history. If this legislation is enacted, we look forward to building a stronger partnership that will enable us to meet the challenges ahead.”

Steve Young, Mayor of the City of Kennewick, Washington noted positive economic impacts of this project. “The Manhattan Project National Historical Park will create jobs and provide an economic development benefit for all three communities.” Young also noted that the Manhattan Project National Park is an important way to honor America's veterans saying, “We have unanimity with our sister communities in Oak Ridge and Los Alamos that the Park should be

(Continued on page 5)
ECA Members Testify Before House Natural Resources Subcommittee

established in the near term in order to honor our Manhattan Project and Cold War veterans.”

Fran Berting, County Councilor for the Incorporated County of Los Alamos, offered broad support for this important project saying, “The park has tremendous support in our community. We are heartened to see the Department of Energy willing to work with the Department of Interior and other partners to make this world-changing history accessible.” Berting also noted the positive job and economic impacts of this legislation, “The region will need workers not only in tourism and service industries but in construction and other related industries to support the Park. We believe it will have economic benefit to northern New Mexico.”

Tom Beehan, the Mayor of the City of Oak Ridge, Tennessee and Chairman of the Energy Communities Alliance (ECA), agreed that the establishment of this new national park is important to honor those who made such an important impact on world history. “I would like to stress that all three of our communities are united in our support for the passage of this bill. We should work to open this park while some of the Manhattan Project Veterans are still alive and able to see their work recognized by our nation.”

Councilor Fran Berting (ECA Treasurer, Los Alamos, NM), Mayor Tom Beehan, (ECA Chair, Oak Ridge, TN), Mayor Steve Young, (ECA Secretary, Kennewick, WA), Victor Knox, (Associate Director for Park Planning, Facilities and Lands, National Park Service, DOI)
BIPARTISAN GROUP OF SENATORS PROPOSE NUCLEAR WASTE ADMINISTRATION ACT OF 2013

On April 25th, Senators Dianne Feinstein (D-CA) and Lamar Alexander (R-TN) – the leaders of the Senate Appropriations Subcommittee on Energy and Water Development – and Ron Wyden (D-OR) and Lisa Murkowski (R-AK) – leaders of the Senate Natural Resources Committee – released the “Nuclear Waste Administration Act of 2013,” a discussion draft of comprehensive nuclear waste management legislation.

The proposal by the bipartisan group known as the “Gang of Four” would implement recommendations by the Blue Ribbon Commission on American’s Nuclear Future (BRC) including:

- Creating the **Nuclear Waste Administration**, a new federal agency to manage the nuclear waste program in place of the Department of Energy (DOE will maintain responsibility for maintaining, treating, packaging and storing defense wastes until it is accepted for disposal into a repository).
  
  The Nuclear Waste Administrator will head the new agency after being appointed by the President with advice and consent of the Senate. An oversight board composed of the Deputy Director of the Office of Management and Budget, the Chief Engineer of the Army Corp of Engineers, and the Deputy Secretary will also be established to oversee the administration of the program.

- Implementing a **Consent-Based Process for Siting** both repositories and nuclear waste storage facilities.

- Establishing a new **Working Capital Fund** in the Treasury into which fees collected from utilities for nuclear waste management will be deposited and available to the Nuclear Waste Administration without further appropriation. The fees already collected in the Nuclear Waste Fund, however, will remain subject to appropriations.

- Enabling the Nuclear Waste Administrator to **begin siting consolidated nuclear waste storage facilities immediately**. Waste volumes restrictions would not be set on storage. Construction and operation of waste shipments to storage facilities would be dependent on a determination by the Administrator or Oversight Board that “substantial progress” is being made to site, construct and operate a repository.

Echoing the sense of urgency expressed by the BRC in its final report, the senators are seeking comment from “experts and stakeholders, including utilities, conservation groups, Blue Ribbon Commission members and others” on the draft and on eight specific policy and technical question. The questions, released along with the draft legislation, highlight key issues where consensus had not yet been reached. Those issues include governance, oversight and how strong the linkage should be between the development of a repository and storage facilities.

A list of the questions can be found [here](#).

The deadline for comment is May 24, 2013. (A website where comments and feedback can be submitted is pending.)

**Impact for local governments**

Most significant for local communities is the new consent-based siting process for nuclear waste facilities that makes “local, state and federal governments equal partners.” The proposed legislation provides that the siting process will allow “affected communities to decide whether, and on what terms, the affected communities will host a nuclear waste facility.”

More specifically, a potential site will only be eligible for evaluation if recommended by “a Governor or duly authorized official of the State in which the site is located; the governing body of the affected unit of general local government; the governing body of an Indian tribe within the reservation boundaries of which the site is located;”

(Continued on page 7)
or … after consultation with and consent of the same.

Selecting a site for characterization

Before a proposed site is selected for characterization, public hearings will be held in the vicinity of the site and at least one other location in the State where the site is located, not only to inform the public of the proposed activity, but to solicit public comments and recommendations.

In addition, the Nuclear Waste Administrator must enter into a consultation and cooperative agreement with the “a Governor or duly authorized official of the State in which the site is located; the governing body of the affected unit of general local government; and the governing body of any affected Indian tribe” to provide “compensation…for any potential economic, social, public health and safety, and environmental impacts associated with site characterization.” Under the consultation and cooperation agreement, financial and technical assistance must be given to enable the State, any affected units of local government, and any affected Indian tribes to “monitor, review, evaluate, comment on, obtain information on, and make recommendations on site characterization activities.”

Making a Final Site Determination

After site characterization activities for storage facilities or a repository are completed, the Nuclear Waste Administrator must once again solicit public comment and recommendations

Prior to submitting a license application, the Administrator must enter into a consent agreement ratified by law that expresses the consent of and contains the terms and conditions on which each State, local government, and Indian tribe consents to host the repository or storage facility.

The terms and conditions of the consent agreement should promote the economic and social well-being of the people living in the vicinity of the nuclear facility and may include:

- Financial compensation and incentives;
- Economic development assistance;
- Operational limitations or requirements;
- Regulatory oversight authority; and
- In the case of a storage facility, an enforceable deadline for removing nuclear waste from the storage facility.

Once ratified, the consent agreement can only be amended or revoked through mutual agreement of the parties. The inclusion of this proposal appears aimed to avoid another situation such as what has happened at with the Yucca Mountain project.

Defense Waste

As the current de facto storage sites for government-owned and generated high-level waste, ECA had asked the BRC and DOE to prioritize defense waste. While it is not defined as priority waste in the legislation, language is included outlining that the DOE Secretary can arrange for the Nuclear Waste Administrator to dispose of it in a repository or in storage facilities developed under the Act. The federal government, however, must first allocate its portion of the cost to develop, construct and operate the facilities for defense wastes into the new Working Capital Fund.

Finally, within two years of the enactment of the Act, the Administrator must notify the President and appropriate committees of Congress whether he/she plans to reevaluate whether defense waste and commercial nuclear waste should not be commingled and why. If after a reevaluation the Administrator determines that separate waste facilities are necessary – and the President concurs - the Act provides for the siting, construction and operation of one or more facilities for storage or disposal of defense waste.

Transportation Assistance

The Act provides for advance notification, and financial and technical assistance to States and Indian tribes through whose jurisdictions nuclear
NNSA Contract Challenge Partially Upheld by GAO

Tennessee, challenging the award of a contract by the Department of Energy (DOE), National Nuclear Security Administration (NNSA), to Consolidated Nuclear Security, LLC, of Reston, Virginia.

GAO sustained these protests on the basis that NNSA failed to follow the publicly-stated solicitation criteria, which provided that the agency would evaluate the feasibility and size of each offeror’s proposed cost savings resulting from the consolidation of the management and operation of these sites. Specifically, GAO concluded that NNSA failed to meaningfully assess the majority of each offeror’s proposed cost savings, and based its source selection decision on the unsupported assumption that all cost savings proposed by every offeror would be achieved. The protesters raised various other protest allegations which were denied.

The challenged contract, awarded pursuant to request for proposals No. DE-SOL-0001458, contemplates the consolidation of management and operating activities at NNSA’s Y-12 National Security Complex, in Oak Ridge, Tennessee, and NNSA’s Pantex Plant near Amarillo, Texas, as well as the construction of a new uranium processing facility at the Y-12 Complex. The contract also contemplates the possible exercise of an option to subsequently add the management and operation of NNSA’s Savannah River Tritium Operations, located near Aiken, South Carolina. NNSA has stated that the total value of this contract is $22.8 billion.

We recommended that the agency reopen the procurement, request additional information from the offerors about their proposed cost savings, and evaluate the relative size of each offeror’s proposed cost savings, consistent with the solicitation’s provisions. At the conclusion of this review, we recommended that NNSA make a new source selection decision.

Because this protest decision contains proprietary and source selection sensitive information, release of the decision, at this point, is limited to NNSA personnel and to outside counsel who have been admitted under the GAO protective order issued for these protests. The parties have been directed to submit proposed redactions for the purpose of preparing a public version of the decision. GAO expects to publish a public version of the decision as soon as possible; however, since this competition will be ongoing, the release of a public version of the decision may take a few weeks. When the public version of the decision is available, it will be posted to our website, www.gao.gov.

In January, the contract was awarded in January to Consolidated Nuclear Security.

In response to the announcement ECA members were told by NNSA: “NNSA leadership appreciates the GAO’s advice and has begun reviewing the decision. NNSA will take some time before deciding on the next course of action. We will provide you with more detail on NNSA’s path forward soon.”

Bulletin Ideas?
Would you like to have stories featured in the next Bulletin?
Send your ideas and photos to Allison@energyca.org
The FY 2014 EM budget is “basically flat” and supports EM’s ability to “meet compliance agreements and regulatory milestones,” Huizenga said.

EM baselines the cost of its activities at $6 billion, however, the amount of the FY 2014 request is only $5.62 billion (not taking sequestration into account). Huizenga hopes EM does not, in the future, find its baseline at $5.6 billion.

At the time of the meeting, Huizenga said DOE hoped to get its reprogramming request (to reallocate FY 2013 funds within EM) to the Office of Management and Budget (OMB) in mid-April. He emphasized the importance of reprogramming to continue work at sites and mitigate the impact of furloughs and contractor layoffs. As of print time OMB had not released the reprogramming request numbers.

In response to a participant comment that EM’s budget request seems insufficient to meet state compliance agreements, Huizenga said, “we need to work within the constraints” of the current fiscal times. Compliance agreements are built in a way so that DOE can work with states to shift priorities if it appears that milestones will not be met, he added. “We’ve been talking about this for two years,” he said, “this isn’t something that’s new.”

Regarding the Hanford Tank Farms, Huizenga said that EM is analyzing whether it is best to package the waste or process it through the Waste Treatment and Immobilization Plant (WTP).

Asked about how to advance property transfer and reuse issues in DOE, Huizenga said, “If you’ve got a view, write it down and send it in.”

There are a number of accomplishments from the past fiscal year, Huizenga said, including disposal activities at WIPP; cleanup activities at LANL, Columbia River, and Oak Ridge; and EM’s partial removal from GAO’s high risk list for contract management (EM remains on the list for contract management of projects with values of at least $750 million).

DOE Budget Overview and Environmental Management Initiatives

Terry Tyborowski, Deputy Assistant Secretary, Program Planning and Budget for Environmental Management

Deputy Assistant Secretary Tyborowski gave a presentation on EM’s FY 2014 budget proposal, saying it was the same presentation given to Congress the day before. Key slides from Tyborowski’s budget presentation can be seen on page 16.

The largest program in EM, she said, is radioactive liquid waste, followed by facility decommissioning, nuclear materials and spent fuel, TRU waste, soil and groundwater and technology development.

Referring to the current fiscal year, Tyborowski said “[fiscal year] 13 is still kind of in the mix,” with EM budget planners figuring out how to handle the Continuing Resolution that was enacted in March. Sites are now formulating operating plans for the remainder of the year and the Department is preparing reprogramming requests.

Letters from communities to Congress about the impacts of reprogramming are helpful, she said.

Regarding delays in formulating the reprogramming request and rolling out the detailed DOE FY 2014 budget justification materials, Tyborowski said that the program planning and budget department has been stretched thin by all the budget activities occurring at once (e.g., sequestration, FY 2014 formulation and reprogramming). Tyborowski added that everyone working on the budget knows how important the reprogramming request is and that they know “jobs are on the line.”

Per instructions from headquarters, sites did a good job of conserving FY 2013 funds when it was unknown how sequestration and the continuing resolution would affect funding for the remainder of
the year. If sites were not so judicious, Tyborowski said, furlough and contractor layoff impacts “would’ve been much, much greater.” Because sites were “very prudent in not starting new activities or not ramping up” preexisting activities, sites are also in a better position to handle future funding volatility.

Tyborowski expressed concern that EM funds could be vulnerable to further reductions due to defense funding caps enacted under the Budget Control Act of 2011 (P.L. 112-25). The way defense environmental cleanup funding may be categorized under the Act could put the account into competition with other defense programs for a limited pot of funding. This is a “new characterization of defense EM I’ve never seen before,” she said. It is still unknown “how Congress is going to treat it.”

Tyborowski mentioned the need to constantly educate Congress on the importance of EM and the “difficulty of the missions we have” because of turnover among members of Congress and because of other priorities competing for their attention.

Regarding the FY 2014 budget process, which is now in the hands of Congress, Tyborowski said, “I’m an optimist.” This references the possibility that a FY 2014 Energy and Water Appropriations Bill will be enacted instead of another continuing resolution. “I think we’re going to get a bill this year.”

Neile Miller, Acting Under Secretary for Nuclear Security and Acting Administrator of the National Nuclear Security Administration

Acting Administrator Miller started her presentation by noting how much has happened since she last addressed ECA, citing the enactment of the Continuing Resolution, the implementation of sequestration, the FY 2014 budget rollout and the hearing to consider the nomination of Dr. Moniz as Secretary of Energy.

NNSA sites “cannot succeed without support from all of your communities,” she said. NNSA and its host communities may not always agree, Miller said, but they are “important partners.” She wants NNSA to continue to work on that relationship. Your communities are the pillar of our nuclear deterrent.”

Regarding Moniz, Miller said he is “no stranger” to the issues concerning energy communities, adding that they are important to him.

On the FY 2014 budget, Miller said that NNSA got an increase, which is uncommon in these fiscal times. “We’re in a very challenging time with regard to money,” she said, because money is tight and because it is difficult to agree on where to spend it.

Regarding the NNSA complex, Miller said, “It’s an aging infrastructure… it’s downright old in places.” In response, “NNSA is modernizing right now in every way imaginable.” This includes infrastructure, the nuclear stockpile and management. Modernizing how NNSA functions is also a “top priority of mine,” Miller said.

Regarding the management of major construction projects, she said it is important to have project management that is independent of people that set the facility requirements. This is because change orders to construction projects add significant cost and delay.

Miller said that NNSA contractors are world class companies, however, DOE and NNSA don’t always get world class service. It is essential, therefore, to instill a strong sense of accountability in the contractors.

She is also interested in trying to bridge the feeling of disconnect between HQ and the field. Speaking of sites, there is also a need to drive consistency and accountability of site security management, while also recognizing the unique properties of each site.

Regarding the MOX facility construction at Savannah River Site, which the FY 2014 budget intends to put on hold, Miller said the project has gotten so expensive that it is appropriate to take a
“serious look” at if it is still the best option. NNSA still knows that it has commitments to South Carolina on this issue, she added.

When asked about modernization of Los Alamos facilities and the requirements set forth in the 2013 Defense Authorization Act related to CMRR, Miller said the CMRR facility at Los Alamos National Laboratory was deferred last year because NNSA could not afford two massive capital construction projects in light of the significant budget cuts and caps on future spending. There is an interim strategy to meet the nation’s plutonium needs. A new facility will eventually be needed, but the process has taken so long that requirements have changed.

What Changes are in Store for Energy Communities?

A roundtable discussion with Tim Smith, President, Government Strategies, Inc.; Martin Schneider, Chief Executive Officer, ExchangeMonitor Publications and Forums; and Tyler Przybylek, General Counsel, Universities Research Association, Inc.

Speaking of the broader budget, political and policy climate in DC, Tim Smith told ECA that it is important to figure out how their issues fit into the greater narrative.

Smith discussed the current Congress and how it may or may not be similar to the previous Congress. The same parties control each house, he noted, however, party ratio (which determines representation on committees) is slightly more favorable to Democrats. Partisanship remains high, and it is difficult to find common ground, he added.

Another similarity between the current and previous Congress is that fiscal issues dominate the policy debate. “Budgets affecting DOE projects in your communities will continue to face stress absent a breakthrough in fiscal debate,” he said.

Energy communities benefit from having some well positioned champions, such as Congressman Doc Hastings (R-WA), chairman of the House Natural Resources Committee, Smith said.

Smith noted that Ernest Moniz did an excellent job at his nomination hearing, with the exception of some difficult questions regarding the MOX facility from Senator Tim Scott (R-SC). If confirmed, Secretary Moniz is likely to enjoy a “honeymoon period” of uncertain duration with Congressional overseers.

Regarding nuclear waste legislation, Smith said leadership “is going to have to come from outside the Beltway” because Washington can’t resolve disagreements between the House and Senate on the issue. He noted that the Senate seems in favor of implementing the Blue Ribbon Commission recommendations, as interpreted by the Administration, however, the House is dominated by the view that Yucca Mountain should be the focus.

Martin Schneider noted how the FY 2014 budget cycle is unusual, saying that the President’s budget was two months late and DOE was still not ready. He was referring to the fact that on April 10, 2013, the day of the budget release, DOE did not release detailed budget justification materials, whereas most other agencies released their justifications. DOE eventually released the materials approximately one week later.

Based on the level of the FY 2014 budget request, Schneider said, it is “no secret” that DOE is “going to miss a host of regulatory milestones.”

The budget is likely to continue going down, so there are going to be ongoing discussion about how money is distributed within the Federal Government. EM needs to demonstrate relevance to Congress within these discussions. It is particularly important for EM to show near-term success, not just in twenty years. Schneider noted that it would be possible to finish a number of smaller projects if some money is transitioned out of Hanford.

This is an important time for communities to get involved as these decisions are made, he said. “Now is the time to start talking about [FY] 15, 16 and 17,” he told communities.
Tyler Przybylek said the new normal for DOE is going to be “pretty rocky.” Regarding the impact of sequestration, he noted most attention is focused on large contractor employment. The largest impact will be on small sized contractors, however, because many subcontractors are being eliminated from prime contracts. The impact on medium sized contractors will also be sizeable due to the slowdown of procurement.

Small contractors could also be hurt, ironically, by new small business contracting goals included under the FY 2013 National Defense Authorization Act. Small contractors do most of their business as subcontractors under prime contracts operated by large companies, an arrangement which is suited to both parties, but will not be counted under the new requirements. The new requirement could also harm DOE, Przybylek said, due to the difficulty of overseeing the increased number of prime contracts that would likely result from meeting the small business goal as defined.

Continuing on the topic of contracts, Przybylek noted that contract consolidation is a major driver of change within DOE and could provide significant cost savings.

Przybylek said laboratory consolidation, an idea floated by DOE Inspector General Gregory Friedman, “didn’t get much traction,” however.

Alternative financing is another important issue, Przybylek said, which could make a comeback under Secretary Moniz. He noted the model could support various arrangements, including DOE/laboratory/private partnerships and renewable energy projects.

EM Focusing on the Future

Paul Seidler, Director of External Affairs, DOE-EM

Paul Seidler noted that ECA recognized EM as the “gold standard” for government and community outreach this year. EM is always looking to improve, he said, and would be particularly interested to receive feedback about how local governments communicate with sites.

EM has dramatically increased the number of people it is reaching electronically. The goal is to have 35,000 people subscribed to EM’s mailing list by the end of the year. EM also revamped its website this year.

Seidler agreed with a comment from a participant that EM can do more public outreach with the average citizen, and said these efforts support that goal.

For EM headquarters, a news clip service was implemented so headquarters know what is happening at the local level. The same tool is offered to sites.

Regarding the possible renegotiation of cleanup regulatory agreements between states and DOE, Seidler agreed with a participant that, due to fiscal issues, DOE should reevaluate how such decisions are made with stakeholders.

Seidler emphasized that solutions on big policy issues “have to come from the local communities” and that is why he focuses on communication and collaboration at the local level.

Dave Trimble, Director, Natural Resources and Environment, Government Accountability Office

GAO Natural Resources and Environment Director Trimble discussed a number of recent and upcoming GAO products regarding energy communities.

Upcoming reports may cover Y-12 consolidation, cost efficiency across the complex, Work for Others, an examination of indirect costs, the Uranium Processing Facility (UPF), the MOX facility, nuclear weapons modernization, nuclear weapons dismantlement, nonproliferation, Fukushima and leaking Hanford tanks.

(Continued on page 13)
He noted the trend of delays and cost overruns with major constructions projects, saying it is difficult for appropriators to work effectively if they can’t trust construction project budget estimates.

**Pete Lyons, Assistant Secretary, Office of Nuclear Energy**

Assistant Secretary Lyons testified before the House Appropriations Energy and Water Subcommittee on nuclear waste programs and strategies before addressing ECA. He noted that the panel has very strong feelings on the subject. He added that it is important to “move on to options beyond Yucca Mountain.”

Near-term plans for a nuclear waste strategy include construction of a pilot interim storage facility and progress on both a full-scale interim storage facility and a long-term permanent geologic disposal facility.

Funding for these efforts will include discretionary appropriations of up to $200 million starting in FY 2014 and mandatory appropriations out of the Nuclear Waste Fund starting in 2017. BRC implementation funds in FY 2014 include $30 million for R&D and $30 million for high level waste management and disposal system design activities.

In response to a participant question, Lyons said DOE has authority to start working on consolidated waste storage. However, he is concerned, if DOE moved ahead with site specific activities, it would complicate the legislative process to address the issue. He is hopeful the bill being worked on by Senator Wyden and his colleagues will help.

Lyons agreed with a participant that it could take a lot of time and education to get buy-in from states and local governments to host a site, saying that is why he is now doing outreach with groups like ECA.

Lyons discussed several other notable items from the FY 2014 budget rollout.

He said the President has repeatedly talked about the importance of nuclear power. In particular, the Administration has “very strong enthusiasm” for small modular reactors.

The Next Generation Nuclear Plant project was not funded under the FY 2014 request, he noted, because there was not enough to interest to proceed with the program, however, related research will continue under the Advanced Reactor Concept program.

Due to the Fukushima accident, accident tolerant fuels will be researched under the Fuel Cycle R&D program.

**Nuclear Roundtable: Consolidated Storage Facility: Community Needs**

A roundtable discussion with Eric Knox, Operations Manager, URS and Everett Redmond, Senior Director, Nonproliferation and Fuel Cycle Policy, NEI

Eric Knox said DOE needs to provide clarity on the next steps for a nuclear waste strategy. The Administration has adopted the BRC recommendations, but what is next?

If DOE needs Congress to authorize activities, then DOE needs to increase its engagement with Congress, he said.

Everett Redmond agreed that DOE “should be taking more of a leadership role and not just trickling things out.” That’s why it is so important for energy communities to put pressure on DOE.

Knox added that a pilot interim storage facility is not needed because each energy community is a sort of pilot project.

Knox believes it would be helpful if more communities took an active position to define and present the funding and support required for them to host a facility. He encouraged communities to not
ECA New Leadership Peer Exchange Summary

be shy in communicating with DOE and Congress. Forums such as the ECA Peer Exchange are very important to communicating and pushing for action, he noted.

There are communities willing to host facilities, Knox noted, but more regional buy-in is needed. In part to address this issue, community support funding should go to both the local and state level. It is also important to clarify the siting process. Who is the decision making authority in a state? Who can stop the process?

Paul Seidler agreed that state support is key, saying it is important to think about what will sustain state support over a long time. The process will take ten years and there will be state elected official turnover during that time, he added.

Communities are not in competition with each other, Knox added, because there can be more than one facility. “Redundancy is the hallmark of safety” in the nuclear industry, he said.

Redmond agreed with many of Knox’s comments, adding that it will be difficult to move forward in Congress because of conflict between the House and Senate over Yucca Mountain.

Redmond noted that he supports Yucca Mountain, however, multiple facilities are needed and there is no progress on Yucca Mountain at present.

Communities need to tell Congress and DOE that implementation of a nuclear waste strategy should begin, he said. Some in Congress believe no one is willing to hose a site, and that notion needs to be dispelled. “Pressure needs to be applied.”

ECA Executive Director Seth Kirshenberg noted that these issues will be discussed in detail at the next Peer Exchange meeting, in Idaho Falls, Idaho on June 3-4, 2013. Contact Kara Colton for more information about this peer exchange.

Congressman Doc Hastings discussed the challenges and opportunities facing nuclear cleanup communities like the Tri-Cities. Hastings focused on strategies to strengthen cleanup and his priorities for land use, as cleanup is complete.

Hastings discussed “the real work that is being accomplished in our communities.” He reviewed some of the key projects being done by the Richland Operations Office and the Office of River Protection, highlighting that progress is being made. He noted that the River Corridor Project is nearly 90% complete, that at the Plutonium Finishing Plant 77 percent of gloveboxes have been removed, and that at K West the first stream of highly radioactive material from under water storage has been retrieved. In addition, four billion gallons of contaminated groundwater has been treated across Hanford.

He reminded ECA that “we read often misleading reports about exploding tanks and leaks...news about the progress being made at the tank farms where some of the most challenging cleanup work is ongoing - too often goes unnoticed beyond the Tri-Cities. In fact, just this week tank farm employees have hit and exceeded 7 million hours of work without a notable injury.”

Hastings went on to note: “Perspective is also important when it comes to the potential tank leaks. Many of the tanks in question have been designated assumed leakers since the 1970’s. No new contamination has been detected in the soil. And, the overall amount of materials that could be leaking from these tanks is minute compared to the millions of gallons of waste that leaked over a course of decades.”

Congressman Hastings emphasized that regardless of this progress, cleaning up waste is important, and that the solution is a “a robust tank retrieval program so that this waste can be treated and stored as low
ECA New Leadership Peer Exchange Summary

level waste or shipped to Yucca Mountain. Progress must continue at the tank farms AND progress must continue on the Hanford waste that was never put in tanks, but instead went directly into the ground.”

As for the Waste Treatment Plant, Hastings noted, “despite my frustration about the Department’s lack of transparency in their planning, real progress is being made and the project is over 60 percent complete. WTP is not optional – it is in fact the key to cleaning up the vast majority of the tank waste.”

Congressman Hastings also addressed the budget process. He noted the “lack of details that are typically included the budget request for EM” and went on to say “we don’t know much about exactly where and how the proposed funding would be spent. As all of you know, when it comes to cleanup, details matter – and I hope to get more information soon.” Congressman Hastings also noted that he was still waiting for DOE to submit its reprogramming package to Congress.

Congressman Hastings also outlined steps that can help strengthen the EM program including 1) Congress and the White House must get back to a regular budget and appropriations process 2) The federal government must get optional spending under control 3) Department of Energy must increase transparency and be prepared to answer basic questions if cleanup investments are to be sustained 4) Yucca Mountain must move forward and 5) an Assistant Secretary for Environmental Management should be nominated

Finally, Congressman Hastings discussed future opportunities for energy communities after cleanup activities are completed. Hastings said “The fact is sites are being cleaned up and land is being freed up. This land is no longer needed by the government and should be turned back over to the communities for economic development, recreation and other activities. With a 74 percent footprint reduction the expectation is that this turnover could and should happen sooner rather than later in some areas...When I spoke to you in 2011, I noted my encouragement that DOE was prepared to begin taking the steps required to transfer land based on a request from TRIDEC. Two years later, that transfer is still pending. There is no reason why proposals to make good use of land no longer needed by the federal government should be held up in Washington, D.C. for years.” Hastings noted that “a fair and timely process will be required to ensure the expectation is that this turnover could and should happen sooner rather than later in some areas...When I spoke to you in 2011, I noted my encouragement that DOE was prepared to begin taking the steps required to transfer land based on a request from TRIDEC. Two years later, that transfer is still pending. There is no reason why proposals to make good use of land no longer needed by the federal government should be held up in Washington, D.C. for years.” Hastings noted that “a fair and timely process will be required to ensure that land” can be used for other purposes and that communities must have input and real authority over these decisions.

Congressman Hastings also shared his support for establishing the Manhattan Project National
DOE’s FY 2014 Budget Request

EM Funding

The FY 2014 budget includes $5.62 billion for the Office of Environmental Management, which is $89 million (1.6 percent) less than FY 2012.

Key Challenges Facing EM (according to EM budget documents):

- Along with other federal programs, EM is facing an uncertain fiscal environment.
- Major technical challenges have emerged, particularly for large construction projects.

The Path Forward (according to EM budget documents):

- Partner with regulators, tribal nations and other stakeholders to align cleanup priorities and commitments with expected performance and funding levels.
- In close consultation with stakeholders, work to optimize existing waste disposal processes and systems.
- Improve project and contract management.
- Invest in targeted, applied technology development in areas where cleanup depends on the use of new technologies and where innovative technologies can reduce the risk and cost of cleanup.

NNSA Funding

The FY 2014 budget request for NNSA is $11.7 billion, an increase of $647 million (6 percent) from FY 2012 levels. Funds are requested in four accounts:

- Weapons Activities: $7.9 billion, $311 million (4 percent) higher than the FY 2013 annualized CR level of $7.6 billion
(Continued from page 16)

**DOE’s FY 2014 Budget Request**

- Defense Nuclear Nonproliferation: $2.1 billion, $161 million (7 percent) lower than the FY 2012 level of $2.3 billion
- Naval Reactors: $1.2 billion, $166 million (15 percent) higher than the FY 2012 level of $1.1 billion
- Office of the Administrator: $398 million, $12 million (3 percent) lower than the FY 2012 level of $410 million

**Legacy Management Funding:** The FY 2014 budget request includes $177 million for the Office of Legacy Management.

**Nuclear Energy Funding:** DOE requests $735 million in FY 2014 for the Office of Nuclear Energy. The request includes $70 million to continue support for design certification and licensing activities for Small Modular Reactor designs through cost-shared arrangements with industry partners. The budget includes an estimated programmatic cost to address disposition of spent nuclear fuel and high level waste at $5.6 billion in the first 10 years. This cost includes construction and operation of a pilot interim storage facility, progress on a full scale interim storage facility and long term permanent geologic disposal.

**BRC Recommendations Implementation:** The Administration's Strategy supports the principles of the Commission's recommendations and provides a framework for an integrated program for nuclear waste management, including sustainable funding mechanisms. Fundamentals of the Strategy include the creation of a well-defined consent-based facility siting process, implementation of interim storage in the near-term, development of geologic disposal as a permanent solution, establishment of a new body to run the program, and an approach to make funds collected to support nuclear waste management more directly available for that purpose. The Budget provides $60 million for activities to lay the ground work for the design of an integrated waste management system and related research and development activities.
ECA TO HOLD SHAPING A NUCLEAR FUTURE PEER EXCHANGE IN IDAHO

ECA will host a peer exchange to facilitate discussion of the roles for local communities in the development of new nuclear technologies, nuclear waste storage and disposal plans, nuclear research and demonstration projects. The peer exchange will also address how to leverage nuclear support and expertise in and across communities. Additional details are provided below.

When: Arrive Sunday evening June 2, 2012
Monday, June 3, 2013 (full day INL tour)
Tuesday, June 4, 2013 (full day meeting)

Where: Idaho Falls, ID

Cost: The registration fee for this meeting is $75.00 for ECA members, local governments and non-profit invitees. The registration fee for private sector participants is $150.00.

Who: ECA members, local governments, DOE and other invited parties

Why: The purpose of the meeting is to discuss the role for local communities in advancing a new waste management strategy; as potential hosts for new nuclear waste management facilities; and as supporters of research, development and demonstration of new nuclear technology and initiatives underway in the Department of Energy’s Office of Nuclear Energy (DOE-NE).

Meeting sessions will consider:

- How can communities work with DOE as it begins to implement its strategy to develop a consent-based process for transporting, storing and disposing of used nuclear fuel and high-level radioactive waste?
- What key issues communities should consider as they evaluate interest in hosting new nuclear waste and nuclear power facilities?
- What incentives might communities request as potential hosts for new nuclear power and nuclear waste storage facilities?
- How should communities engage with and help educate states, regions, the Administration and federal decision-makers to define a consent-based process and support waste management alternatives and new nuclear development?
- How can communities with government-owned/generated high-level waste coordinate with DOE’s Offices of Nuclear Waste and Environmental Management to identify shared priorities and options for storage and disposition? Are there other federal agencies communities should be working with?
- How is DOE pursuing its mission to develop new nuclear reactor and fuel cycle technologies?

For more information on registration, please contact Kara Colton at kara.colton@energyca.org or 703-864-3520.
The Senate Energy and Natural Resources Committee held a hearing to consider the nomination of Dr. Ernest Moniz to be the Secretary of Energy.

Moniz served as DOE Under Secretary from 1997 until 2001 and as Associate Director for Science in the Office of Science and Technology Policy in the Executive Office of the President from 1995 to 1997.

Former Senator Jeff Bingaman and Lieutenant General Brent Scowcroft, former co-chairman of the Blue Ribbon Commission on America's Nuclear Future, provided opening remarks.

**Comprehensive Nuclear Waste Strategy**

In his opening remarks, Committee Chairman Wyden said he and Senators Alexander, Murkowski and Feinstein are working on a nuclear waste bill based on the work of the BRC, which will "hopefully" be released in the "coming weeks."

When asked by a reporter after the hearing, Senator Wyden noted that the last hurdle right now is regarding the management structure and that the senators had made progress on the issue of interim storage linkage to repository development.

Moniz agreed with Senator Heinrich of New Mexico that communities which host or agree to host interim storage facilities must have assurance from the Federal Government that they do not become de facto permanent sites without consent. "Storage is not disposal," Moniz said.

Senator Alexander of Tennessee asked Moniz to confirm that the linkage outlined in the BRC report regarding interim storage and repository development was NOT intended to prevent interim storage efforts from proceeding. Moniz agreed, restating that the efforts should be done parallel to each other.

**EM Cleanup**

Moniz stated that environmental remediation is a major mission, both legally and morally. He promised to work with communities and other stakeholders.

**National Laboratories Budget and Planning**

In response to a question about funding support for the national laboratories from Senator Risch of Idaho, Moniz said he does not know the contents of the President's fiscal year 2014 budget request. He added that, if confirmed, he would like to increasingly utilize lab directors as "resources for how we plan going forward," not just as people who implement plans.

**Manhattan Project National Historical Park Act**

Senator Cantwell of Washington asked Moniz about his support of the Manhattan Project National Historical Park Act, to which Moniz replied that he sees no reason why the bill shouldn't go forward.

**Commingling of Defense and Commercial Waste**

It is appropriate to reconsider the issue of commingling defense and commercial waste, Moniz said, because the conditions that originally led to commingling are no longer relevant. "If confirmed, I really want to push that evaluation."

**Land Exchange**

In response to a question from Senator Cantwell, Moniz said he understands the importance of land exchange after cleanup is completed at DOE sites and, if confirmed, will look at the issue more closely.

**Small Modular Reactors**

In his opening remarks, Moniz cited small modular reactors (SMRs) as part of a plan to achieve a lower carbon economy. In response to a follow-up question from Senator Mark Udall of Colorado, Moniz added that SMRS are an area "we need to pursue." The biggest unknown, he said, is to what extent mass production will lower costs of SMRs.

(Continued on page 20)
(Continued from page 19)

Coverage of Senate Panel Hearing to Consider Moniz as DOE Secretary

In any event, Moniz said, SMRs have many desirable properties.

Scowcroft also mentioned the benefits of SMRs in his opening remarks.

Footprint Reduction

Senator Schatz of Hawaii asked how DOE and DOD were working together and Moniz said he needs to learn more about shared efforts on initiatives including footprint reduction.

Technology Transfer

Heinrich asked whether DOE and the labs are doing all they can on issues related to technology transfer and national laboratories. Moniz said a lot more can be done to leverage working with universities and the private sector. He specifically mentioned a more prominent role for states in the process.

Yucca Mountain

Senator Heller of Nevada discussed the Yucca Mountain nuclear waste repository, saying Nevadans don't trust assertions that Yucca Mountain is safe due to flawed science. He asked Moniz "whether we should look beyond Yucca Mountain to consent-based siting?" Moniz replied in the affirmative.

Hanford Cleanup

Moniz said he would go to the Hanford Site soon after confirmation and "expeditiously" put together a plan to respond to the issues there. Moniz added that he recognizes the Tri-Party agreement and the milestones it includes.

Wyden expressed concern that DOE says it could take up to two years to determine if/which tanks at Hanford are "officially" leaking. Wyden also asked whether Moniz would address design plans given that DOE says pre-treatment of waste can be bypassed at WTP, with direct feed into the vit plant. Moniz said the issue is "critical" and needs "deep consideration."

Wyden asked Moniz if he'd be willing to meet with Hanford whistleblowers. Moniz agreed and said he'd also meet with contractors to discuss safety issues.

Cantwell asked Moniz to characterize the challenges at Hanford - were they scientific or process driven? Moniz said he believes scientifically they can be answered - there is a need to look at issues of process, system integration and resource efficiency.

LANL Cleanup

Regarding Los Alamos National Laboratory (LANL), Moniz said at Heinrich's prompting, he would be happy to look at the prioritization of disposal of transuranic waste above ground at LANL.

Oak Ridge Cleanup

Alexander asked Moniz about mercury contamination in the water near Oak Ridge. Moniz assured the Senator that public health and safety is a priority. He did not agree or disagree with Alexander about specifically building a facility to intercept the mercury.

MOX Fuel Fabrication Facility

In response to a question from Senator Scott of South Carolina, Moniz said he generally supports MOX fuel plans as a strategy to promote nonproliferation. Scott pressed Moniz on if he would support completion of the MOX Fuel Fabrication Facility, however, Moniz said he could not make a judgment prior to confirmation. Scott underscored the penalties that need to be paid to the State of South Carolina if DOE fails to meet the agreement.

Scott was very interested in Moniz' position on the MOX facility and whether, after spending $4 billion
Coverage of Senate Panel Hearing to Consider Moniz as DOE Secretary

on it and it being 60% completed, Moniz thought it should be completed.

As Under Secretary, Moniz was the lead negotiator with the Russians in developing the MOX agreement.

Scott noted that he has heard that the President's fiscal year 2014 budget request includes significant cuts to the MOX facility.

Uranium Enrichment

Senator Barrasso of Wyoming asked about USEC and Moniz' support for it. Moniz responded that it is a goal to having US-origin uranium, a domestic industry in the U.S.

Portman asked about the American Centrifuge project. Moniz responded that he understands there is an agreement in place and that it pays for cleanup. He added that he supports having American technology for uranium enrichment and will focus on the application for the project and will look at the loan guarantee.

CONGRESSIONAL NUCLEAR CLEANUP CAUCUS BRIEFING SERIES BEGINS

Congressman Doc Hastings (WA-04), Chairman of the bipartisan House Nuclear Cleanup Caucus, has announced the schedule for the 19th annual briefing series on the Department of Energy’s (DOE) nuclear cleanup program.

“These briefings provide valuable insight and help educate my colleagues in Congress and their staff about nuclear cleanup issues. The fact is, cleanup doesn't happen in Washington, D.C. – it’s accomplished at our sites in our communities,” Hastings said. “I’m pleased to announce that we’re kicking off this series with an overview of the Environmental Management Program from DOE Senior Advisor for Environmental Management Dave Huizenga.”

The series began on April 25 with the Environmental Management Overview from Senior Advisor Dave Huizenga. In his presentation Huizenga reviewed the EM budget, discussed priorities at each site, and addressed questions about reprogramming. Huizenga noted that DOE has completed its reprogramming request, but that the request is still with the Office of Management and Budget.

Future briefings will focus on a specific site office and the presentations are conducted by the local site managers and contractors. The briefings are open to Members of Congress, Congressional staff, the news media, and other interested individuals. The 2013 briefing schedule follows:

May 7 at 4:00 p.m.
Office of River Protection, Washington
1334 Longworth House Office Building,
Washington, D.C.

May 15 at 3:00 p.m.
Oak Ridge, Tennessee
1334 Longworth House Office Building,
Washington, D.C.

May 21 at 4:00 p.m.
Richland Operations Office, Washington
1334 Longworth House Office Building,
Washington, D.C.

June 4 at 4:00 p.m.
Idaho National Laboratory
1334 Longworth House Office Building,
Washington, D.C.

June 12 at 4:00 p.m.
Savannah River Site, South Carolina
1334 Longworth House Office Building,
Washington, D.C.

(Continued on page 22)
Congressional Nuclear Cleanup Caucus Briefing Series Begins

For more information about the House Nuclear Cleanup Caucus and the current briefing schedule, visit [http://hastings.house.gov/CleanupCaucus](http://hastings.house.gov/CleanupCaucus)

As founder and Chairman of the bipartisan Nuclear Cleanup Caucus, Hastings arranges and hosts the briefings each year. If you have questions about the briefings, room locations, or schedule, please contact Whitney Riggs at 202-225-5816.

**GAO Testimony: Commercial Spent Nuclear Fuel: Observations on the Key Attributes and Challenges of Storage and Disposal Options**

Frank Rusco, Director of Natural Resources and Environment for GAO, provided testimony before the House Appropriations Energy and Water Subcommittee on nuclear waste programs and strategies on April 11, 2013.

His testimony is primarily based on prior work GAO issued from November 2009 to August 2012 and updated with information from DOE. It discusses the key attributes and challenges of options that have been considered for storage or disposal of spent nuclear fuel.

GAO is making no new recommendations at this time.

The testimony is available [here](http://hastings.house.gov).

Rusco’s prepared summary:

In November 2009, GAO reported on the attributes and challenges of a Yucca Mountain repository. A key attribute identified was that the Department of Energy (DOE) had spent significant resources to carry out design, engineering, and testing activities on the Yucca Mountain site and had completed a license application and submitted it to the Nuclear Regulatory Commission, which has regulatory authority over the construction, operation, and closure of a repository. If the repository had been built as planned, GAO concluded that it would have provided a permanent solution for the nation's commercial nuclear fuel and other nuclear waste and minimized the uncertainty of future waste safety. Constructing the repository also could have helped address issues including federal liabilities resulting from industry lawsuits against DOE related to continued storage of spent nuclear fuel at reactor sites. However, not having the support of the administration and the state of Nevada proved a key challenge. As GAO reported in April 2011, DOE officials did not cite technical or safety issues with the Yucca Mountain repository project when the project's termination was announced but instead stated that other solutions could achieve broader support.

Temporarily storing spent fuel in a central location offers several positive attributes, as well as challenges, as GAO reported in November 2009 and August 2012. Positive attributes include allowing DOE to consolidate the nation's nuclear waste after reactors are decommissioned. Consolidation would decrease the complexity of securing and overseeing the waste located at reactor sites around the nation and would allow DOE to begin to address the taxpayer financial liabilities stemming from industry lawsuits. Interim storage could also provide the nation with some flexibility to consider alternative policies or new technologies. However, interim storage faces several challenges. First, DOE's statutory authority to develop interim storage is uncertain. Provisions in the Nuclear Waste Policy Act of 1982, as amended, that allow DOE to arrange for centralized interim storage have either expired or are unusable because they are tied to...
milestones in repository development that have not been met. Second, siting an interim storage facility could prove difficult. Even if a community might be willing to host a centralized interim storage facility, finding a state that would be willing to host such a facility could be challenging, particularly since some states have voiced concerns that an interim facility could become a de facto permanent disposal site. Third, interim storage may also present transportation challenges since it is likely that the spent fuel would have to be transported twice—once to the interim storage site and once to a permanent disposal site. Finally, developing centralized interim storage would not ultimately preclude the need for a permanent repository for spent nuclear fuel.

Siting, licensing, and developing a permanent repository at a location other than Yucca Mountain could provide the opportunity to find a location that might achieve broader acceptance, as GAO reported in November 2009 and August 2012, and could help avoid costly delays experienced by the Yucca Mountain repository program. However, developing an alternative repository would restart the likely costly and time-consuming process of developing a repository. It is also unclear whether the Nuclear Waste Fund—established under the Nuclear Waste Policy Act of 1982, as amended, to pay industry's share of the cost for the Yucca Mountain repository—will be sufficient to fund a repository at another site.

DOE IG: The Department of Energy's Use of the Environmental Management Waste Management Facility at the Oak Ridge Reservation


The report was conducted to audit the efficiency of operation of the Environmental Management Waste Management Facility (EMWMF), an above-ground waste disposal facility operated by the Oak Ridge Office of Environmental Management (OREM).

DOE IG found that OREM had not maximized its use of available capacity at EMWMF, and as a consequence, may incur more than $14 million in unnecessary disposal costs.

During the course of the audit, UCOR recognized the same issues and implemented procedures to rectify the problem; however, DOE IG believes that additional action is necessary to improve efficiency of waste disposal operations and conserve EMWMF capacity. EM generally concurred with the report.

The report is available [here](#).

To sign up for the ECA email server please visit our website: [www.energyca.org](http://www.energyca.org)
ENERGY DEPARTMENT ANNOUNCES NEW INVESTMENT IN NUCLEAR FUEL STORAGE RESEARCH

DOE Announces Spent Nuclear Fuel Storage Research Project

The U.S. Department of Energy (DOE) recently announced plans to invest $15.8 million over five years for research into the design and demonstration of dry storage cask technology for high burn-up spent nuclear fuels removed from commercial nuclear power plants. Nuclear fuel burn-up, also known as fuel utilization, is the amount of fuel consumed in a reactor. The nuclear power industry will contribute 20 percent of the full cost.

The project builds on recommendations of the Blue Ribbon Commission on America’s Nuclear Future to support a new strategy for the back end of the fuel cycle. According to DOE, “Over the last few years, many improvements have been made in fuel technologies which have allowed plant operators to achieve higher burn-up levels, almost doubling the amount of energy captured.” DOE has studied current long-term dry cask systems to store spent nuclear fuel and this project, which will be led by the Electric Power Research Institute (EPRI), will address areas identified for further research and data collection related to the storage of high burn-up spent fuel.

In its press release, EPRI outlines plans to equip a dry storage cask lid with advanced instrumentation to allow gas samples to be collected and to enable temperatures to be monitored as fuel cools. EPRI aims to develop a draft test plan by September 2013 followed by an eight-week public comment period and a final test plan by the end of the year. The demonstration is targeted for mid-2017.

DOE proposed $60 million for nuclear waste research and development in its FY2014 budget request.

See DOE’s press release here.

(Continued from page 7)

Bipartisan Group of Senators Propose Nuclear Waste Administration Act of 2013

waste will be transported. The assistance will be for training public safety officials and emergency responders, as well as for equipment and transportation safety programs related to shipments of nuclear waste. Neither notice nor assistance is outlined for impacted local governments.

Mission Plan

The Administrator of the Nuclear Waste Administration is required under the Act to submit a proposed comprehensive report or “mission plan.” The plan will include a schedule, estimated funds and actions necessary to complete activities laid out in DOE’s strategy released in January 2013:

- Opening a pilot interim facility no later than December 31, 2021;
- Opening a storage facility or non-priority waste no later than December 31, 2025;
- Opening a repository no later than December 31, 2048.

The mission plan should be submitted for comment to Congress, the Oversight Board, the Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board (as established in the Nuclear Waste Policy Act of 1982), the States, affected Indian tribes; and other interested parties considered appropriate. Notice of the proposed plan is also to be published in the Federal Register.

Released with the discussion draft were alternative policy options offered by Senators Feinstein and Alexander who propose a separate but still consent-based siting process for repositories.

Rep. John Shimkus (R-Ill.), Chair of the House Energy and Commerce Subcommittee on Energy and Environment, has said that nuclear waste legislation that does not include Yucca Mountain will not pass the House.

Washington State Congressman Doc Hastings said of the discussion draft, “Legislative efforts like this that circumvent Yucca Mountain and support the Obama Administration’s illegal shutdown of Yucca Mountain will be met with my strongest opposition… punt[ing] a permanent repository off until 2048 is wholly unacceptable.”
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<tr>
<th>Date Range</th>
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<tr>
<td>April 29–May 6</td>
<td>Congressional recess</td>
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<td>Week of May 20 (anticipated)</td>
<td>House Armed Services Subcommittee on Strategic Forces markup of the Fiscal Year 2014 National Defense Authorization Act, including DOE national security energy programs</td>
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<td>House and Senate Memorial Day recess</td>
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<td>ECA Peer Exchange; Idaho Falls, ID, Contact Kara Colton at <a href="mailto:kara.colton@energyca.org">kara.colton@energyca.org</a> or 703-864-3520 for registration information</td>
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<td>June 12–14</td>
<td>Environmental Management Advisory Board (EMAB) meeting; Aiken, SC</td>
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<td>July 1</td>
<td>Nuclear Weapons Council report to congressional defense committees on the feasibility of finding further efficiencies in the facilities and functions of NNSA in order to reduce costs</td>
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