Inside this issue:

- Budget Update: Fiscal Year 2014 ........................................................................................................... 2
- Court Rules Yucca Mountain License Review Must Continue .............................................................. 3
- House Hearing on DOE Reorganization .............................................................................................. 7

ECA’S VICE CHAIR, CHUCK SMITH, HIGHLIGHTS ROLE FOR LOCAL GOVERNMENTS AT SENATE HEARING ON NUCLEAR WASTE BILL

On June 30, ECA Vice Chair and Council Member for Aiken County, South Carolina, Chuck Smith, testified before the Senate Energy and Natural Resources Committee on the Nuclear Waste Administration Act of 2013 (S. 1240). He offered six key recommendations to the Committee:

1. Local governments that are or may become hosts must be included throughout the entire decision-making process.

2. A consent agreement between a local government, state and a federal entity must be legally enforceable and reflect the terms and conditions under which a community will agree to host a nuclear waste facility.

3. On governance, local communities need to better understand how a new comprehensive nuclear waste policy will be implemented and by whom.

4. Disposition of defense waste must be considered a priority.

5. Resources, especially funding, must be provided for educating local communities on the technical, health and safety, and other issues related to nuclear waste.

6. Legislation must consider and address the impacts of transportation on local governments.

(Continued on page 4)
Budget Update: Fiscal Year 2014

Now that we are just one month away from fiscal year 2014, which starts on October 1, the policy battle over enacting annual government spending bills enters the foreground. This is the new method of budgeting in D.C., where Congress rushes to pass a placeholder continuing resolution (CR) before the Federal Government shuts down due to lack of funding. A primary cause of this “crisis budgeting” is disagreement between lawmakers over topline spending, revenue and deficit levels.

This budget cycle, these problems are manifested in conflict over sequestration and the debt ceiling. The end result will, again, be more budget uncertainty and flat, inflexible CRs for government agencies and the communities they impact.

Another Continuing Resolution

DOE’s budget will likely get bundled in the eventual CR (and therefore have flat funding based on FY13 levels), even though the House passed its version of the FY14 Energy-Water Appropriations Bill (H.R. 2609) on July 10 and the Senate Appropriations Committee passed its version (S. 1245) on June 27. To complete passage of DOE’s FY14 spending bill, the full Senate would still need to pass its version of the bill, then the House and Senate would have to reconcile stark differences between their versions and, finally, each chamber would have to pass the agreed-upon “conference” FY14 Energy-Water Appropriations Bill.

(Continued on page 5)
COURT RULES AGAINST ADMINISTRATION, YUCCA MOUNTAIN LICENSE REVIEW MUST CONTINUE

On August 13, the U.S. Court of Appeals for the D.C. Circuit ruled in a 2-1 vote that the Nuclear Regulatory Commission (NRC) must resume consideration of the Yucca Mountain license application. In the 29-page decision, it is noted:

“It is no overstatement to say that our constitutional system of separation of powers would be significantly altered if we were to allow executive and independent agencies to disregard federal law in the manner asserted in this case by the Nuclear Regulatory Commission… For present purposes, the key point is this: The Commission is under a legal obligation to continue the licensing process, and it has at least $11.1 million in appropriated funds – a significant amount of money – to do so.”

Aiken County, SC; Nye County, Nevada; three businessmen from the Tri-Cities in Washington; Washington State; South Carolina State; and the National Association of Regulatory Utility Commissioners (NARUC) filed a petition claiming the NRC was obligated under the Nuclear Waste Policy Act to continue processing the license application after the Administration moved to withdraw the application upon deeming Yucca Mountain “unworkable.”

Clay Killian, Aiken County Administrator, said “We applaud the decision of the Court and believe the order clearly and unequivocally points out that the licensing process was improperly set aside. We are hopeful that review of the application can now move forward expeditiously.”

Gary Petersen, ECA member and one of the three Tri-City business leaders that filed the lawsuit, noted, “It’s a win for following the law.” He estimates that if the license application is approved, Yucca Mountain could open in 15 years.

Chuck Smith, ECA Vice Chair and Aiken County Council Member, said, “I was pleased that the United States Court of Appeals recognized that the Yucca Mountain Licensing process is the law of the land and the Administration’s arbitrary decision to defund the project failed from a constitutionality principle. Yucca Mountain should be an integral part of our nation’s comprehensive energy policy that serves our nation as we have asked of so many other states to do.”

South Carolina Attorney General, Alan Wilson reacted, “This decision reaffirms a fundamental truth: the President is not above the law… His administration cannot pick and choose which laws to follow and which to ignore.”

Washington Attorney General Bob Ferguson stated, “We expect a fair and objective processing of the Yucca Mountain licensing application and look forward to a decision on the merits of the application. This is what Congress intended and affords the best opportunity for a permanent disposal facility for the nation’s high-level radioactive waste.”

Both the Senate Energy and Natural Resources and the Subcommittee on Environment and the Economy of the House Committee on Energy and Commerce held hearings on nuclear waste management and disposal in late July before the Court ruled. Secretary Moniz appeared at both hearings. When asked by Senator John Barrasso (R-WY) what the impact of passing the Nuclear Waste Administration Act of 2013 (S. 1240) would have on Yucca Mountain, he replied, “If the legal judgment is that DOE should move forward we would, provided we have funding.” He added, however, that he did not see a strong connection between the Senate bill and Yucca Mountain because the country still needs a system with both storage and disposal facilities.

Similarly in the House, Secretary Moniz stated that independent of the court decision, the country should pursue interim storage and will need new

(Continued on page 6)
A number of other concerns shared by ECA were raised during the hearing. David Boyd, commissioner from the Minnesota Public Utilities Commission and representative for the National Association of Regulatory Commissioners (NARUC), remarked it was unclear how “non-priority waste” is defined in the legislation. Marv Fertel, Chairman and CEO of the Nuclear Energy Industry, advised that successful consent-based siting will require credibility that the Federal Government will do what it says. Joe Garcia from the National Conference of American Indians (NCAI) underscored the importance of collaboration.

Senate Energy and Natural Resources Chairman, Ron Wyden (D-OR), asked about the safety and cost effectiveness of making payments to utilities for continuing onsite storage rather than paying to move waste to interim storage and then again to a permanent geologic repository. In response, witnesses expressed concern about spent fuel pools already being full (or over-filled) and needing to strike a balance between safety and using resources wisely. Senator Murkowski (R-AK) focused on what is needed to develop a successful consent-based siting process.

After the hearing, ECA received follow-on questions for the record. Chairman Wyden asked how to assure communities that sites chosen through a consent-based process would be safe as well as politically supported. ECA responded that education; meaningful engagement with local communities, states and tribes and technical feasibility are key to providing assurance that a site is safe.

Senator Murkowski’s questions addressed governance issues, co-location of storage and disposal facilities and geographically distributing waste facilities. In response, ECA stated that co-location, while ideal, is not required given that safe transportation has already been demonstrated. Regarding geographic distribution, ECA referred to how the Nuclear Waste Policy Act included an agreement that no one state would have to take all the waste. On governance, ECA replied that a single administrator-type structure or a board of directors/CEO structure could work if managed properly. ECA urged that representatives of the local government and state hosting a nuclear waste facility should have a position on any oversight or advisory board.

Finally, ECA also submitted to the Committee a letter highlighting the need to provide funding for potential host communities to begin outreach and education efforts. ECA noted that these efforts must start as soon as possible in order for a community to determine whether there is sufficient support to volunteer as a potential host in a consent-based siting process.

A copy of Chuck Smith’s written testimony submitted to the Senate Energy and Natural Resources Committee regarding the Nuclear Waste Administration Act of 2013 is available here.
Upon returning from August recess on September 9, Congress will have only nine legislative days to accomplish this task before the new fiscal year begins. As no real progress has been made on the underlying disagreement over how to implement long-term deficit reduction, it is widely expected that Congress will pass a CR and lump most or all of the twelve annual appropriations bills within it.

A CR is used to fund the Federal Government when Congress fails to pass (or the President does not sign into law) one or more of the twelve annual appropriations measures before the new fiscal year begins. A CR generally provides funding at the previous fiscal year’s level while Congress works on passing a new annual budget. Flat funding under a CR makes it difficult for agencies to implement new programs and respond to changes in priorities. Even passing a CR can be complicated, however, and could lead to additional cuts below FY13 funding levels. *CQ Roll Call* reports that House GOP leaders are considering putting forth a CR that provides $967 billion (the cap set by the Budget Control Act of 2011, P.L. 112-25) instead of the FY13 level of $988 billion. Although “clean” CRs that simply extend the previous fiscal year’s spending levels are most common, the rumored approach could complicate the process.

**The Debt Ceiling Approaches, Again**

Compounding the budget situation is disagreement over the debt ceiling and the resulting risk that the United States will default on its obligations if the statutory debt limit is exceeded. Congress has faced this challenge multiple times of late, most recently when lawmakers passed the “No Budget, No Pay Act of 2013” (H.R. 325) in January 2013, which suspended the debt ceiling through May 18, 2013. That suspension of the debt ceiling has since expired (meaning the debt ceiling is back in effect), however, the Treasury Department has used...
Budget Update

“extraordinary measures” (i.e., various accounting tricks on a grand scale) to keep the debt level beneath its statutory limit. The Congressional Budget Office estimates that, despite any measures taken by Treasury, the nation will hit its debt limit in mid-October 2013 (Treasury Secretary Jack Lew communicated this new deadline on August 26, moving it from the previously anticipated “October or November”). If this occurs, the United States will go into default and catastrophic impacts on the economy would result. To avoid this, Congress must pass a new law that increases the debt ceiling (or suspends it) before it is reached.

The fight over the debt ceiling is essentially a proxy war over how to control debt over the long term. Although Congress has shown the ability to avoid collisions with the debt ceiling at the last minute before (the merits of this approach are questionable, of course), it remains a significant variable that could complicate passage of FY14 spending bills.

Disagreement over Long-Term Deficit Reduction is the Key

The heart of these conflicts is disagreement over long-term deficit reduction. Lawmakers cannot agree on the amount or composition of revenues, expenditures and debt, therefore the same fight keeps manifesting itself in different ways: the debt ceiling, sequestration and individual fiscal year budgets.

Until the long-sought “grand bargain” is achieved, expect continued budget uncertainty and CR after CR. As for the next nine legislative days, don’t expect Congress to find a grand bargain in that time. Instead, agencies and communities should prepare for the first CR of FY14.

(Continued from page 5)

Court Rules Against Administration, Yucca Mountain License Review Must Continue

legislation to do so. He urged, “let’s keep taking steps to move forward to provide confidence to the industry and let the government take the waste.”

DOE did not issue an official statement, but Moniz characterized Yucca Mountain as a “complete stalemate” in a Washington Post article published the day the Court decision was issued. The NRC did not issue an official statement either, but an NRC spokesman was quoted in newspapers saying the agency had not yet decided whether to file an appeal.

Nevada Senator and Senate Majority Leader, Harry Reid (D-NV), the most prominent opponent of the Yucca Mountain project, did not seem concerned about the ruling. He was quoted in numerous media outlets saying, “It really doesn’t mean much… The fact is they have no money. The place is locked up, it’s padlocked. Nothing is happening with Yucca Mountain.”

It now remains to be seen whether Congress will appropriate additional funding to complete the licensing process. Otherwise, once the $11.1 million is spent, the NRC will have to suspend the licensing application proceeding due to lack of funds. It should be noted, however, that House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Environment and the Economy Subcommittee Chairman John Shimkus (R-IL) issued a statement on the decision stating, “Last month, 335 House members, including the majority of Democrats, voted to boost funding for the license review in the energy and water appropriations bill.”

A copy of the court order can be found here.
HOUSE HEARING ON DOE REORGANIZATION FOCUSES ON MANAGEMENT AND PERFORMANCE CHALLENGES

The House Energy and Commerce Oversight and Investigations Subcommittee held a hearing on July 24 regarding DOE’s recently announced reorganization plans. The hearing included testimony from Daniel Poneman, DOE Deputy Secretary; Gregory Friedman, DOE Inspector General; and David Trimble, Government Accountability Office (GAO) Director of Natural Resources and Environment.

Daniel Poneman, Deputy Secretary of Energy, explained the reorganization proposal. “Last week the Energy Secretary and I announced a reorganization that will better focus our efforts on all four mission areas of the Department: nuclear security, solving the Nation’s energy challenges, advancing fundamental science, and environmental stewardship. For the Department to carry out our critical work in these areas, the Secretary has made clear that we must renew our focus on improving our management and performance in addressing the challenges that the Department has faced for its entire history. For that reason, the reorganization will also focus heavily on increasing the focus on management and establishing a system of Departmental Councils to improve coordination of issues that cut across organizational lines,” said Poneman.

Chairman Tim Murphy (R-PA) said, “On paper, these changes look like positive steps to help DOE address the tremendous challenges and opportunities before the agency.”

“We want a governing framework based on today’s needs, not the antiquated priorities from decades ago,” added Energy and Commerce Committee Chairman Fred Upton (R-MI).

Members expressed concern with a number of programs and operating procedures at DOE, including concerns regarding NNSA and security failures at the Y-12 complex.

David Trimble, Director of Natural Resources and Environment at GAO, echoed many of these concerns, stating, “As we have reported in the past decade, DOE continues to face challenges managing its major projects and programs, which have incurred significant cost increases and schedule delays in several instances.”

Gregory Friedman, DOE Inspector General outlined his office’s work on oversight of the department and listed a number of areas where management challenges were present last year. “For Fiscal Year (FY) 2013, our list of significant management challenges includes: Operational Efficiency and Cost Savings, Contract and Financial Assistance Award Management, Cyber Security, Energy Supply, Environmental Cleanup, Human Capital Management, Nuclear Waste Disposal, Safeguards and Security, [and] Stockpile Stewardship,” said Friedman.

An archived version of the hearing webcast is available [here].
SECRETARY MONIZ ADDRESSES NUCLEAR WASTE STRATEGY IN HOUSE AND SENATE

Secretary Moniz appeared before both the Senate Energy and Natural Resources Committee and the House Energy and Commerce Environment and the Economy Subcommittee this month. He addressed Yucca Mountain, alternatives for nuclear waste management and disposal and the Senate’s Nuclear Waste Administration Act of 2013 (S. 1240).

During the Senate hearing, Secretary Moniz stated that the Nuclear Waste Act provides a workable framework for moving forward and the consent-based process will be critical to success. When asked by Senator Wyden (D-OR) whether a comprehensive nuclear waste policy needs to include both storage facilities and a repository, Moniz replied that a parallel path forward is necessary, and there should be a flexible approach that allows a community interested in hosting a storage facility to negotiate the linkage. He also agreed that decommissioned waste should be moved first to a pilot interim storage facility so that the land can be used for another purpose. In terms of a timeline for opening a storage facility, Moniz stated that ten years is an aggressive but doable timeframe provided the Federal Government has the statutory ability and technical resources are provided to interested communities.

He also assured the senators that some communities have expressed preliminary interest in potentially hosting nuclear waste facilities, although he was hesitant to name them. He made a similar statement during the House hearing, adding it is “premature”

(Continued on page 9)

ETEBA Business Opportunities Conference: November 12–14, 2013

The 14th annual ETEBA Business Opportunities Conference will be November 12–14, 2013 at the Knoxville Convention Center in the heart of Knoxville, TN. Packed with information about contracting opportunities, agency and industry developments and emerging market trends, this conference offers the chance to network with professionals from across the energy, technology and environmental supply chain.

More information can be found here.
to say who had come forward until resources are provided for technical studies.

At the same hearing, ECA testified about the role of local governments in the process and made recommendations on how to improve the Nuclear Waste Act (see the full story on the cover page).

Senator Tim Scott (R-SC) expressed concern that the Administration is not following the law as it pertains to Yucca Mountain and the MOX facility at the Savannah River Site. Secretary Moniz replied that he and DOE are committed to the law, but state and federal laws need to be aligned to move forward. In regards to MOX, he affirmed his commitment to disposing of weapons-grade plutonium but said there needs to be a pause to consider the cost overruns. The Secretary confirmed his plans to visit the Savannah River Site after a review of the project.

When asked by Senator Cantwell (D-WA) about commingling, Moniz said DOE has begun a review of the issue. He expressed his belief that many waste forms, including high-level waste and spent nuclear fuel, can be stored together. DOE plans to release its report on commingling this fall.

There were questions regarding the future of Yucca Mountain during both hearings. In the Senate, Moniz stated DOE would move forward with the licensing process if that is what the court rules and if funding is provided. However, he said he does not believe there is a strong connection between the Senate legislation and the Yucca Mountain project, as more than one repository will be needed to handle the nation’s waste.

At the House hearing, Energy and Commerce Chairman Fred Upton (R-MI) noted that DOE’s Strategy calls for a repository to be opened in 2048 – 65 years after the Nuclear Waste Policy Act was signed. He criticized DOE, saying that under the Strategy, DOE is writing off the $15 billion spent on Yucca Mountain thus far. Furthermore, he estimated it would cost $5.6 billion to start over, and after 10 years there will only be a pilot interim storage facility. Chairman Upton then suggested that the $5.6 billion be offered to the State of Nevada as an incentive (see a related story on Yucca Mountain on the cover page).
ECA Speaks at NCSL Meeting: States and Local Governments Should Work Together

ECA’s Director of Nuclear Energy Programs, Kara Colton, spoke at the National Conference of State Legislatures’ (NCSL) 2013 Legislative Summit in Atlanta on August 13, 2013. In her presentation, “Local Governments and the Future of Nuclear Waste Management and Disposal,” Colton outlined the importance of local and state governments being involved throughout the entire decision-making process, working together to define a consent-based process and to negotiate a legally enforceable agreement with the Federal Government.

Colton also discussed the opportunities for state and local governments as a new comprehensive policy on nuclear waste is debated. The challenges and recommendations Colton presented include:

- **Timeline:** DOE’s Strategy lays out a timeline for a pilot interim storage facility to open in 2021, a larger interim storage facility in 2025 and a repository to be opened by 2048.
  - **Timeline recommendation:** States and local governments should work together and urge DOE and Congress to act as quickly as possible to address nuclear waste currently sitting in communities and at reactor sites longer than originally expected.

- **Resources for education, outreach and feasibility studies:** Funding is needed to develop outreach and education programs to ensure local communities understand the proposed project, including the potential risks and benefits (like job creation or infrastructure development). It will also allow communities to bring in experts it trusts and whose responsibilities are to the community.
  - **Resources recommendation:** States and local governments should work together to secure resources and funding to start these programs as early as possible to determine if support exists for a community to volunteer as a potential host site.

- **Defining a consent-based process:** As it currently stands, the consent-based process remains to be defined. A one-size-fits-all approach will not work, as the terms of a consent agreement are likely to be specific to each potential host community and state.
  - **Consent-based process recommendation:** Local governments in communities that may potentially want to host a nuclear waste facility should reach out to their state governments and begin discussions of what a consent-based process should include and what each party needs from the Federal Government in order to volunteer.

- **Prioritization of government-owned/generated HLW:** The country’s legacy waste, currently stored in communities, should be addressed with more urgency. Defense waste and commercial waste may or may not ultimately be stored or disposed of separately, and the study currently being done by DOE should help determine a disposition path and timeline. However, the basis for how these decisions are being made is currently unclear.
  - **HLW recommendation:** Just as the Federal Government has an obligation to take title to commercial spent nuclear fuel, it also has an obligation to clean up defense sites. State regulators should understand the concern of local governments that cleanup dollars are being used to secure defense waste that remains onsite longer than originally expected.

- **Trust and minimizing political influence:** The current nuclear waste debate has impacted trust

(Continued on page 11)
(Continued from page 10)

ECA Says State Support Necessary for Successful Consent-Based Siting; Recommends How States and Local Governments Can Work Together

in the Federal Government that it can make and carry through on waste management decisions without being impacted by politics and technical issues.

- **Trust Recommendation:** There needs to be a forum for local governments, states, tribes and other stakeholders to have a definitive role in developing a new process.

The panel discussion also included Everett Redmond from the Nuclear Energy Institute, who provided the industry perspective. Representative Sally Young Jameson from Maryland moderated the session. She outlined the contents of the Nuclear Waste Administration Act of 2013 (S. 1240), the comments she provided during the Senate Energy and Natural Resources hearing on the bill and potential impacts for states.

**PRESIDENT OBAMA NOMINATES LIEUTENANT GENERAL FRANK G. KLOTZ, USAF (RET) TO SERVE AS NNSA ADMINISTRATOR AND UNDER SECRETARY FOR NUCLEAR SECURITY**

On August 1, President Obama nominated Lieutenant General Frank G. Klotz, USAF (Ret) to serve as NNSA Administrator and Under Secretary for Nuclear Security. This nomination will go before the Senate for confirmation. Bruce Held is currently serving as the Acting NNSA Administrator and Acting Undersecretary for Nuclear Security.

Klotz is the Senior Fellow for Strategic Studies and Arms Control at the Council on Foreign Relations, a role he has held since 2011. He is the former Commander of Air Force Global Strike Command, a position he held from 2009 to 2011. From 2007 to 2009, Lieutenant General Klotz was the Assistant Vice Chief of Staff and Director of the Air Staff. He served as the Vice Commander of Air Force Space Command from 2005 to 2007 and was the Commander of the Twentieth Air Force from 2003 to 2005. Lieutenant General Klotz served at the White House from 2001 to 2003 as the Director for Nuclear Policy and Arms Control on the National Security Council. He served as the Defense Attaché at the U.S. Embassy in Moscow from 1999 to 2001.


To sign up for the ECA email server please visit our website: [www.energyca.org](http://www.energyca.org)
NRC ON SCHEDULE TO PUBLISH DRAFT WASTE CONFIDENCE RULE IN SEPTEMBER 2013

This month, the Nuclear Regulatory Commission (NRC) approved publication of a proposed waste confidence rule for public comment. “Waste Confidence” refers to the Commission’s determination on the environmental impacts of storing spent nuclear fuel from the time a reactor’s license expires until final disposal of the fuel.

The NRC’s original waste confidence rule from 2010 was struck down in June 2012 by a U.S. Court of Appeals, necessitating the new rule. Consequently, the NRC has said it will not relicense existing nuclear reactors, or license new reactors, until a new final rule is in place.

On August 5, 2013, the NRC released draft versions of the new proposed temporary storage rule and draft generic environmental impact statement, saying the Commission would formally release the documents for public comment after certain listed changes were made. The Nuclear Energy Institute (NEI) reports that the NRC said in a teleconference, later in August, that they were on track to release the final proposed documents in September 2013.

The Commission proposes to conclude that it is feasible to safely store spent nuclear fuel beyond the licensed life for operation of a reactor and to have a mined geologic repository within 60 years following the licensed life for operation of a reactor. The proposed rule also would clarify that the generic determination applies to a license renewal for an independent spent fuel storage installation. In addition, the proposed rule would make conforming amendments to the Commission’s 2013 findings on the environmental effects of renewing the operating license of a nuclear power plant to address issues related to the storage of spent nuclear fuel after a reactor’s licensed life for operation and the offsite radiological impacts of spent nuclear fuel and high-level waste disposal.

The public will have 75 days to comment on the rule from its publication in the Federal Register. The proposed temporary storage rule is available here. The proposed draft generic environmental impact statement is available here.

SRS HIT BY MORE LAYOFFS—500 MOX LAYOFFS BY OCTOBER 1

Shaw Areva MOX Services announced this month that there will be 500 layoffs at the MOX facility at the Savannah River Site by October 1, in response to proposed federal budget cuts. Approximately half of the cuts will affect construction workers and half will affect support staff. All individuals affected have been notified, according to Bryan Wilkes, spokesman for Shaw. The MOX workforce will decrease from 1,900 to 1,400 as a result of the cuts.

A study commissioned by the Savannah River Site Community Reuse Organization found that the layoffs will cut $42 million from the annual payroll in five local counties: Allendale, Barnwell and Aiken counties in South Carolina; and Richmond and Columbia counties in Georgia.

South Carolina Senator Tom Young said, "Shaw/Areva is working with the Secretary of Energy (Dr. Ernest Moniz) and one of his senior advisors on funding for the project. Our local state legislative delegation continues to monitor this issue and how we can assist," in a letter to his constituents.
THE STORY OF THE PADUCAH GASEOUS DIFFUSION PLANT CHRONICLES SITE HISTORY

The Paducah community, in cooperation with DOE and industry partners, published a book, *The Story of the Paducah Gaseous Diffusion Plant*, to chronicle the site’s history. *The Paducah Sun*, a local newspaper, published the 160-page pictorial book in collaboration with DOE contractor Swift and Staley, the DOE Paducah Site Office and other community and industry partners.

"The history book is something the Paducah Citizens Advisory Board, the Paducah community and site workers can be proud of. It records the history of the facilities and the people important to us all,” DOE Portsmouth Paducah Project Office Manager Bill Murphie said.

Located on a 3,556-acre reservation, the plant began enriching uranium in 1952, first for the nation's nuclear weapons program, then for nuclear fuel for commercial power plants.

A DOE press release on the book is available [here](#).

DOE IG REPORT, FOLLOW-UP INSPECTION ON MATERIAL CONTROL AND ACCOUNTABILITY AT LOS ALAMOS NATIONAL LABORATORY


After the 2007 report, Los Alamos National Laboratory (Los Alamos) management committed to implementing the report recommendations and to taking appropriate corrective actions. The 2013 report was initiated to determine if Los Alamos implemented the planned corrective actions intended to improve the policies and procedures for inventory, transfers, characteristics and locations of nuclear materials related to the Material Control and Accountability (MC&A) Program.

Los Alamos continues to experience problems with the accountability of certain nuclear materials controlled under its MC&A Program, according to the new report. The issues occurred, in part, because Los Alamos personnel did not always provide effective oversight, assessing inventory at insufficient frequency and failing to ensure that its accounting record system accurately reflected the identity and location of nuclear materials.

Los Alamos management generally agreed with the report’s findings and recommendations.

The July 18, 2013 report is available [here](#).

The September 7, 2007 report is available [here](#).
**Reminder of DOE Community Commitment Regulations Under the Federal Acquisition Regulations (FAR) System**

The following regulations outline various requirements and commitments DOE and its contractors have to communities hosting and adjacent to DOE facilities and operations.

**48 CFR 970.5226-3 - Community commitment**

It is the policy of the DOE to be a constructive partner in the geographic region in which DOE conducts its business. The basic elements of this policy include: (1) Recognizing the diverse interests of the region and its stakeholders, (2) engaging regional stakeholders in issues and concerns of mutual interest, and (3) recognizing that giving back to the community is a worthwhile business practice. Accordingly, the Contractor agrees that its business operations and performance under the Contract will be consistent with the intent of the policy and elements set forth above.


(a) Consistent with the objectives of Section 3161 of the National Defense Authorization Act for Fiscal Year 1993, 42 U.S.C. 7274h, in instances where the Department of Energy has determined that a change in workforce at a Department of Energy Defense Nuclear Facility is necessary, the contractor agrees to (1) comply with the Department of Energy Workforce Restructuring Plan for the facility, if applicable, and (2) use its best efforts to accomplish workforce restructuring or displacement so as to mitigate social and economic impacts.

(b) The requirements of this clause shall be included in subcontracts at any tier (except subcontracts for commercial items pursuant to 41 U.S.C. 403) expected to exceed $500,000.

**48 CFR 970.5226-1 - Diversity plan**

The Contractor shall submit a Diversity Plan to the Contracting Officer for approval within 90 days after the effective date of this contract (or contract modification, if appropriate). The Contractor shall submit an update to its Plan annually or with its annual fee proposal. Guidance for preparation of a Diversity Plan is provided in the Appendix _. The Plan shall include innovative strategies for increasing opportunities to fully use the talents and capabilities of a diverse workforce. The Plan shall address, at a minimum, the Contractor's approach for promoting diversity through (1) the Contractor's workforce, (2) educational outreach, (3) community involvement and outreach, (4) subcontracting, (5) economic development (including technology transfer), and (6) the prevention of profiling based on race or national origin.

**DNFSB to Hold Public Meeting on Y-12 Safety Issues**

The Defense Nuclear Facility Safety Board will host a public meeting to discuss the Y-12 National Security Complex on October 22, 2013.

During the meeting, the Board will receive testimony from NNSA and its contractor concerning the safety-related risks associated with continued operation of aging defense nuclear facilities at Y-12. The Board will examine near-term and long-term risk assessment and mitigation efforts, including NNSA's progress since the Board's October 2, 2012, public meeting and hearing concerning improving the integration of safety into the design of the Uranium Capabilities Replacement Project. The Board will also discuss Y-12's emergency planning, response, and oversight capabilities for severe events and the safety of nuclear operations.

Public participation in the hearing is invited. The Board is setting aside time for presentations and comments from the public. Requests to speak may be submitted in writing or by telephone. The hearing will be presented live through video streaming, which will be available on the Board's home page (www.dnfsb.gov).

More information is available [here](https://www.dnfsb.gov).
As part of its DOE site post-closure responsibilities, the Office of Legacy Management (LM) published a map showing anticipated LM sites through FY 2020.

LM was established as a new DOE element in 2003, and is responsible for ensuring that DOE’s post-closure responsibilities are met and for providing DOE programs for long-term surveillance and maintenance, records management, work force restructuring and benefits continuity, property management, land use planning, and community assistance.

David Geiser is the Director and Acting Deputy Director of the Office of Legacy Management.

See the map in LM’s April–June 2013 Program Update here.
## 2013 Calendar of Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 30</td>
<td>&quot;Stories from the Secret City,&quot; Ray Smith, Y-12 National Security Complex Historian; University of Tennessee, Knoxville, TN. For more information, go to <a href="http://events.r20.constantcontact.com/register/event?oeidk=a07e7vgmueh44e8021">http://events.r20.constantcontact.com/register/event?oeidk=a07e7vgmueh44e8021</a></td>
</tr>
<tr>
<td>September (approximate)</td>
<td>Federal agencies submit initial fiscal year 2015 budgets to the Office of Management and Budget (OMB)</td>
</tr>
<tr>
<td>September 18–20</td>
<td>Energy Communities in the 21st Century Peer Exchange; Oak Ridge, TN. For more information, contact Allison Doman at <a href="mailto:allison@energyca.org">allison@energyca.org</a></td>
</tr>
<tr>
<td>October 1</td>
<td>Beginning of fiscal year 2014</td>
</tr>
<tr>
<td>October 14–18</td>
<td>National Nuclear Fuel Summit; Carlsbad, NM. For more information, go to <a href="http://www.nuclearfuelcyclesummit.org/">http://www.nuclearfuelcyclesummit.org/</a></td>
</tr>
<tr>
<td>October 22</td>
<td>Defense Nuclear Facilities Safety Board public meeting to discuss safety-related risks associated with continued operation of aging defense nuclear facilities at the Y-12 National Security Complex; Knoxville, Tennessee. For more information, go to <a href="https://www.federalregister.gov/articles/2013/08/13/2013-19723/sunshine-act-meeting">https://www.federalregister.gov/articles/2013/08/13/2013-19723/sunshine-act-meeting</a></td>
</tr>
<tr>
<td>October 28–30</td>
<td>Intergovernmental Meeting (ECA, NGA, ECOs, NAAG, STWG and NCSL) with DOE; New Orleans, LA. For more information, contact Allison Doman at <a href="mailto:allison@energyca.org">allison@energyca.org</a></td>
</tr>
</tbody>
</table>

---

**ECA Articles**

Allison Doman, Deputy Executive Director  
Kara Colton, Director of Nuclear Energy Programs  
Eli Persky, Assistant Director  

**Layout and Design**

Sharon M. Worley, ECA Staff Member