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PRIORITIZING DEFENSE WASTE:  
NEW REPORT IDENTIFIES POTENTIAL ADVANTAGES OF SEPARATE GEOLOGIC DISPOSAL PATHWAY FOR DEFENSE LEGACY HLW AND COMMERCIAL SNF

October has been a busy month for nuclear waste management issues. Not only did the NRC release Volume 3 of the Yucca Mountain Safety Evaluation Report (SER) (see article on page 2), but also this month DOE released a report, Assessment of Disposal Options for DOE-Managed High-Level Radioactive Waste and Spent Nuclear Fuel (“Assessment”). The Assessment is in part a response to a recommendation made by the Blue Ribbon Commission on America’s Nuclear Future (BRC) in 2012 to review “commingling” – or the disposal of defense and commercial high-level radioactive waste (HLW) and spent nuclear fuel (SNF) together in a single repository or repositories. As part of the Assessment, DOE considered three main options: (1) disposal of all HLW and SNF regardless of origin in a common repository (or (Continued on page 4)

CONGRESSMAN DOC HASTINGS: EM MUST BE OPERATED MORE STRATEGICALLY  
DOE MUST TRANSFER LAND TO COMMUNITIES

Chairman Doc Hastings

This year’s Weapons Complex Monitor’s Annual Decisionmakers Forum, held in Florida, included presentations by the Chairman of the Defense Nuclear Facilities Safety Board, high ranking Energy Department officials, ECA Director Seth Kirshenberg, SRSCRO Executive Director Rick McLeod and House Natural Resources Committee Chairman Doc Hastings (R-WA).

During his speech, Hastings highlighted his personal interest in cleanup and his role in creating the Office of River Protection in the late 1990s.  

(Continued on page 6)
On October 16, the Nuclear Regulatory Commission (NRC) staff published Volume 3 of its Safety Evaluation Report (SER) on the Yucca Mountain nuclear waste depository. Volume 3 covers the period after a repository at Yucca would be closed should remaining steps in the licensing process be completed.

The staff report found that the repository design meets requirements that would apply after the repository is closed, including NRC post-closure performance objects. Those objectives include the requirements that the repository be composed of multiple barriers to isolate radioactivity from the environment.

Some commentators have called the report a “win for science.” James Conca, a Forbes contributor, said that this report coupled with the recent NRC Waste Confidence ruling that long-term storage of spent nuclear fuel is safe for over a hundred years, gives the country options for waste management and disposal.

The Department of Energy (DOE) submitted its Yucca application in 2008, but filed a motion to withdraw the application in March 2010. In response, NRC closed out its application review and published three technical evaluation reports containing analyses but no regulatory conclusions. In August 2013, however, the US Court of Appeals for the DC Circuit ordered the NRC to resume the licensing process using funds currently available in the Nuclear Waste Fund. That order led to Volume 3 being published. NRC staff say they expect to complete three other reports on repository safety before permanent closure, administrative and programmatic requirements, and license specifications by January 2015.

In its press release on the report, the NRC noted that publication of Volume 3 does not signal that Yucca construction might be authorized. A final decision could only be made after a safety evaluation report, supplement to DOE’s environmental impact statement, administrative hearings, and a final commission review. The State of Nevada and others have promised lawsuits should the site be approved.

Completion of the licensing process to authorize Yucca Mountain may prove costly. Completing the licensing process to authorize Yucca Mountain may cost the NRC at least $100 million and the DOE has stated that more than $1.6 billion would be needed to complete licensing and administrative activities before any actual work on the repository could begin. The cost of constructing and operating the repository over 60 years is estimated at more than $100 billion.

House Energy and Commerce Chairman Fred Upton (R-MI) praised the report calling it “game-changing.”

“Science, not politics, should determine Yucca’s course, and this report confirms that Yucca Mountain has met the safety requirements. After a four-year delay, the public now has the benefit of the first independent safety assessment of Yucca Mountain, and can now have confidence that the repository would be in fact ‘safe for a million years,” Upton added.

Senate Majority Leader Harry Reid (D-NV) called the report “useless” and a “waste of millions of dollars.”

“The Energy Department will not pursue licensing Yucca, and Nevada has persistently opposed the dump,” Reid said. “I will continue doing everything in my power to ensure that the project is never resurrected and doesn’t receive another dime. Americans want to see nuclear waste dealt with in a safe and responsible way that gives states and communities a meaningful voice, and Yucca fails in every way,” he added.

The timing of the report has caused some controversy. NRC was supposed to release the report on November 6 and has offered no explanation as to why this was released prior to the elections.

(Continued on page 7)
The midterm elections are in November and analysts now expect the Republican Party to narrowly take control of the Senate. Two races, however, that may determine control may not be decided for weeks after November 4th. Louisiana, where Senate Energy and Natural Resources Chairwoman Mary Landrieu is locked in a tight race with 6th District Representative Bill Cassidy, will likely be headed to a runoff held on December 6. In Georgia, Democrat Michelle Nunn has kept the race surprisingly close – statistically tied in the latest polls – against Republican nominee David Perdue. If no candidate gets more than 50% of the votes on Election Day, a runoff will be held on January 6 – after the next Congress convenes. Most political analysts expect Republicans to pick up five to eight seats in the House.

Before the 114th Congress convenes next year, the current Congress will meet for a “lame duck” session starting November 12th. It is scheduled to consider a $1 trillion omnibus spending bill and the National Defense Authorization Act (NDAA).

The Continuing Resolution (CR) that currently funds government operations expires on December 11. By this date, Congress must pass either a yearlong spending bill or another stopgap measure. While the full Senate has not considered any appropriations bills, many have been passed by committee. The House has passed a number of its bills this year. Many of the House and Senate measures are no more than a few billion dollars apart making final negotiations for an entire government funding measure much easier for staff and legislators. The minimal differences can be attributed to the two year Murray-Ryan budget deal that set spending levels for the current fiscal year (FY). Should the Republicans capture the Senate, some have suggested delaying action on final appropriations until after the new Congress convenes. Senior appropriators are keen to finalize government spending this year, however.

Included in the omnibus bill will be roughly $550 billion in defense appropriations, nearly $60 billion for the Pentagon’s Overseas Contingency Operations account, and roughly $40 billion in energy and water development appropriations which funds defense environmental cleanup.

Negotiations for final passage of the FY15 NDAA, which includes a provision creating the Manhattan Project National Historical Park, have been ongoing since it became clear that the Senate would not be able to consider it during the two week session in September. Congress has passed the NDAA every year for 53 years. Both retiring Armed Services Committee Chairs, Sen. Carl Levin and Rep. Buck McKeon, do not want their legacies marred by failure to pass this key bill.

This month, Washington Governor Jay Laslee wrote a letter in support of the National Park. Other ECA members and supporters continue to meet with an advocate for the project. ECA staff will keep you updated on any new developments.
Manhattan Project National Historical Park Update

ECA Communities remain united in their efforts to pass legislation to create the Manhattan Project National Historical Park. Oak Ridge, Los Alamos, and the Tri-Cities continue to meet with Members of Congress and work with other supporting organizations to press their case for this important educational and historical preservation project.

The Manhattan Project legislation has long had strong bipartisan, bicameral support. Efforts have been underway since 2003 to preserve Manhattan Project history, study creation of a national park, and to actually establish sites and make them available to tourists and the general public. In April 2013, the House passed the park legislation (H.R. 1280) and the next month the Senate Committee on Energy and Natural Resources passed similar legislation (S. 507). This year, the legislation is included in the National Defense Authorization Act (NDAA). Oak Ridge, Los Alamos, and the Tri-Cities are encouraging their senators and senators from other energy community states to work with the Armed Services Committee and support its passage as part of the NDAA.

On October 30, Washington Governor Jay Inslee wrote a letter to leaders of the Senate Energy and Natural Resources Committee as well as the House Natural Resources Committee in support of the National Historical Park. His letter was also sent to key Armed Services Committee members. He noted that more than 220,000 tourists visited the B Reactor at Hanford, the Bradbury Science Museum in Los Alamos, and the American Museum of Science and Energy in Oak Ridge last year. “With the creation of the Manhattan Project National Historical Park, tens of thousands of additional visitors are expected to visit these former ‘Secret Cities’ of the Manhattan Project,” the letter said. Governor Inslee called the park “critical to the preservation of important 20th century American history” and hoped this year’s NDAA would include a provision creating the park.

Oak Ridge, Los Alamos, and the Tri-Cities, along with other groups including the Regional Coalition of LANL Communities and a group of business from the Tri-Cities groups, have also been engaging in letter writing and media campaigns to support the park. ECA has drafted a letter for those from outside of the Tri-Cities, Oak Ridge and Los Alamos to send to their senators to express support for the establishment of the Park. Please contact Allison Finelli at allison@energyca.org if your community is interested in writing a letter of support.

ECA members have been working very hard to get the Manhattan Project National Historical Park legislation passed. Please support their efforts!

(Continued from page 1)


repositories); (2) disposal of some DOE-managed HLW and SNF in a separate repository; and (3) disposal of smaller waste forms in deep boreholes.

The Assessment concludes that it is technically feasible to have multiple disposal options, and recommends that DOE pursue options for disposing of DOE-managed HLW from defense activities and some thermally-cooler DOE-managed SNF (such as cooler naval SNF) separately from commercial HLW and SNF waste. The recommendation is welcomed by the majority of ECA’s local government members, many of whom host sites with high-level defense waste. The

(Continued on page 5)

The recommendation is consistent with ECA’s policies that state:

“As the strategy for managing and disposing of the nation’s nuclear waste is debated, the disposal of defense waste must be addressed with urgency. Defense – or legacy – waste is older and colder than commercial spent fuel, and it has no value as it can never be reused. The communities that have become de facto storage sites for defense waste played an important role supporting the country as part of the Manhattan project, and disposing of the waste that currently sits at these sites should be considered a priority as is the waste at decommissioned commercial nuclear power plants.”

Further, ECA agrees with the Assessment that if DOE begins by disposing of defense waste, the technical and institutional lessons learned through the process can only assist in the development of any future consolidated interim storage site or geologic repository (Yucca) for commercial waste.

In the Assessment, potential advantages to a strategy that allows some DOE HLW and SNF to be disposed of separately from the commercial HLW and SNF are identified. Many of them echo ECA’s testimony in front of the BRC and to the Senate Energy and Natural Resources Committee regarding the Nuclear Waste Administration Act of 2013 (S. 3469), including a sentence on page 24 of the Assessment: “The communities and states currently storing DOE-managed HLW and SNF are doing so largely as a result of federal eminent domain processes to site facilities used for the benefit of the entire country.”

Potential advantages outlined in the report include:

- **Fewer challenges to moving forward** since a repository used exclusively for the disposal of DOE-managed HLW and SNF not of commercial origin can be sited and developed outside the framework of the Nuclear Waste Policy Act of 1982.

- **Little further technology development** is needed to support repository design and licensing. Further, the lower thermal output of this waste and lower overall radionuclide inventory could allow for a simplified design and licensing process.

- The potential to help provide a greater degree of public acceptability by implementing and testing a consent-based, flexible waste management system incrementally that can adapt operations based on lessons learned.

- Potential savings to taxpayers due to avoided costs for safely storing inventories of immobilized tank waste if a repository for these wastes is available earlier. Resulting savings could then be redirected to focus resources on other high-priority cleanup activities at the three defense HLW sites: the Savannah River Site in South Carolina, the Hanford Site in Washington, and the Idaho National Laboratory.

- Providing a pathway for timely progress on DOE’s cleanup mission as a significant amount of HLW already exists in its final form at the Savannah River Site and projected HLW canisters can be transported by truck which can allow disposal to begin as soon as a repository is available. This could increase the likelihood that DOE can meet its consent and compliance agreements with states and local communities around the DOE complex.
Congressman Doc: EM Must Be Operated More Strategically

That new office “streamlined management structure to ensure that the safety, retrieval and treatment of the waste stored in Hanford’s underground tanks receives the focus and attention that is required. [sic]”

Chairman Hastings is also the founder and Chair of the House Nuclear Cleanup Caucus, a bipartisan forum of congressmen who represent districts impacted by Department of Energy (DOE) activities. The group schedules briefings for Members and congressional staff on cleanup sites and Office of Environmental Management (EM) operations. His remarks largely focused on the future of cleanup work and life for communities once cleanup actions have ended. To be successful, the nature of cleanup work – its planning and design, procurement processes, and workforce – requires steady and stable funding, Hastings said. He lamented the budgetary uncertainty of the past and suggested that a biennial budget and appropriations process may be necessary to help the Federal Government live up to its obligations to provide adequate cleanup funding.

Chairman Hastings went on to say that EM must be operated more strategically and its spending must be smart. EM must sign legal agreements that include deadlines that can be met to do its job wisely and underscore the argument that “legal cleanup commitments must be met and must come first.” Smart spending, he said, means focusing on activities that actually advance cleanup or saves money and pushing back against activities that don’t. He also said that those who make the budgets should use caution in taking money away from successful site projects, especially when there is other work to be done and milestones to be met at a particular site.

Post-cleanup, Hastings presented three core principles for communities to move on, diversify their local economies, and attract new jobs.

- First, he said land no longer needed for cleanup should not remain in the Federal Government’s hands forever. He used the example of Hanford’s 586 square miles which was taken from private landowners, not other government entities. “In my view,” Chairman Hastings said, “land no longer needed for cleanup should not remain with the federal government in perpetuity.”

- Second, he said portions of those lands must be made available for economic development in communities that have hosted defense and cleanup sites for decades. Hastings is working on legislation to do just that in Hanford. Finally, he said that local communities must drive decisions about future land use and the Federal Government should help implement local visions.

- In closing, he offered advice Energy Communities Alliance members should appreciate. First, he noted that those who will carry on efforts to strengthen the EM program should always try to speak with one voice. The cleanup universe is small but should be broadened and the Cleanup Caucus renewed. Secondly, he said that EM success should be celebrated and misinformation should be pushed back against. Third, he suggests that the EM program should be discussed in the same way other environmental issues should be. And finally, he said the “never forget cleanup is hard work.” Technical issues are immense, he said, stakes are high, and there is little room for error.

Chairman Hastings is retiring this year after 20 years in Congress. But, he said, “my interests in cleanup and the cleanup communities will continue well beyond my service in Congress and I wish you all the best.”
“For the NRC staff to publically release just this one volume of the SER outside the proper context of an ongoing licensing proceeding and in the absence of a complete SER is unprecedented,” said Bob Halstead, Executive Director of the State of Nevada Agency for Nuclear Projects. “It creates a false impression that the safety review has been completed. It is difficult to see what reason there could be for such a release except to provide political support and encouragement for Yucca Mountain supporters in Congress”.

The Safety Evaluation Report is available here.

INSPECTOR’S GENERAL SPECIAL REPORT ON MANAGEMENT CHALLENGES

On Tuesday October 7, the Department of Energy’s (DOE) Inspector General (IG) released its “Special Report: Management Challenges at the Department of Energy – Fiscal Year 2015.” The report, released annually, serves to highlight significant issues the IG hopes to work with DOE managers to enhance the agency’s effectiveness. This year, the IG’s management challenges included: Contract and Financial Assistance Award Management; Cybersecurity; Environmental Cleanup; Nuclear Waste Disposal; Safeguards and Security; and Stockpile Stewardship.

The IG singled out these particular issues largely because of involved costs, but also the size of the workforce involved in particular projects in each category.

1. **DOE is the most contractor-dependent civilian agency in the Federal government.** Around 90 percent of the DOE’s annual budget is spend through contracts, grants, and other financial assistance to public, private, and non-profit organizations. Contract management has been recognized internally as a challenge by the agency itself and externally by the Government Accountability Office which has listed inadequate contract and project oversight on its High-Risk list since 1990.

2. **Environmental Cleanup was identified because of its complexity and cost.** According to the IG, cleanup efforts will cost more than $280 billion well into the foreseeable future involving more than 2 million acres of land and over 30,000 employees.

3. **The Department’s nuclear responsibilities were highlighted.** With the Yucca Mountain Project effectively ended, the IG noted that until a viable solution for disposal and storage is developed Nuclear Waste Disposal would remain a significant challenge to the DOE. DOE also has responsibility for ensuring the maintenance and reliability of the Nation’s nuclear weapons stockpile. IG reviews over the years have suggested efforts to improve Stockpile Stewardship operations, but because of the management problems associated with an aging weapons complex this issue will continue to confront leadership. Safeguards and Security were first recognized on the list in 2013 and the Defense Nuclear Facilities Safety Board recently held an open hearing to examine the Department’s safety culture.

The report found that the Department has made progress towards improving Operational Efficiency and Cost Savings. In the last year, Secretary Moniz announced the formation of a congressionally mandated Commission to Review the Effectiveness of the National Laboratories. The DOE manages 17 national research and development laboratories and the IG has previous recommended establishing a commission to analyze this complex. The Congressional Advisory Panel on the Governance Structure of NNSA was also singled out for its work towards improving the National Nuclear Security Administration’s organizational structure. The Operational Efficiency and Cost Savings issue was removed from the formal challenges list this year,
SECRETARY MONIZ TESTIFIES ON SAFETY

On Tuesday, October 7, 2014, the Defense Nuclear Facilities Safety Board (DNFSB) held a public hearing to address the safety culture at the Department of Energy’s (DOE) defense nuclear facilities. Three high-ranking DOE officials were invited: Secretary Ernest Moniz, National Nuclear Security Administration (NNSA) Principal Deputy Administrator Madelyn Creedon, and Acting Assistant Secretary for Environmental Management (EM) Mark Whitney. Each spoke on separate panels.

Secretary Moniz opened his remarks by noting that he had already spoken with new Deputy Secretary Elizabeth Sherwood-Randall regarding safety culture. He said one of her main priorities will be to ensure continuing progress in responding to DNFSB’s Recommendation 2011-1 and correcting problems regarding safety at sites throughout the country. Moniz pointed out that the DOE has concurred with DNFSB recommendations on safety and regards any identification of safety issues as “an opportunity to up our game.” He explained that creating an integrated safety management approach is part of the Department’s ongoing framework in creating a new safety culture. For the last year, DOE has been looking at “redoing” its public safety infrastructure, including strengthening the way the office of the secretary deals with problems. Secretary Moniz also announced that the charter for the new Safety Culture Improvement Panel will be finalized and released within the next few weeks.

During the question-and-answer period, Secretary Moniz insisted that he wanted employees on the frontlines to feel they work in an environment where their input is valued. He said he encourages openness and wants employees and contract workers to feel they can address safety problems to site managers without fear of reprisal. Moniz also said the Department is hoping to make certain procurement reforms that will anticipate future problems and give managers the set of tools they will need to deal with problems in the future. In response to a question from DNFSB Vice Chairman Jessie Roberson, Secretary Moniz highlighted the difficulties in changing any organization’s safety culture but said he is committed to doing what he can to ensure the right training and attention is given to fix problems in the department.

NNSA Principal Deputy Administrator Madelyn Creedon was the second panelist. She highlighted the dedication of the nearly 40,000 NNSA employees saying that essential work was being carried out in spite of problems and organizational difficulties. Creedon said that healthy safety cultures are found in organizations with aligned processes and motivated workers and field managers were working to change the culture. Those managers must make an effort to get in better touch with their workers, she stressed. Creedon testified that it would be impossible to transplant another agency’s safety culture but that she and Administrator Klotz are doing everything possible to identify best practices elsewhere and emulate them within their agency. She closed with a commitment to continue to make progress to improve the overall work and safety cultures.

During the question and answer session, Board Member Sean Sullivan asked about the safety culture and management of the Pantex Plant Site. Creedon said she would be visiting the plant soon and will be talking with senior technical advisors. She also said she would look into the logistics of the combined contractor scheme that has managers (Continued on page 9)
overseeing the Pantex Plan in Texas and the Y-12 Complex in Oak Ridge, Tennessee. In response to a question from Chairman Peter Winokur, Creedon acknowledged that the safety message being transmitted from senior leadership would take a while to “trickle down.” The NNSA is working on ensuring managers focus on their main mission and emphasize safety while encouraging workers to raise their concerns, she said.

Creedon was also asked to address the issue of Los Alamos legacy cleanup work being transitioned from NNSA to EM. She said she believed the issues were not technical in nature but had to do with challenges of management and culture. Creedon closed with a defense of Administrator Klotz’s slogan of “Mission First, People Always.” “[Our work] takes the whole phrase. It is the ‘People Always’ part that is as important as the ‘Mission First’…because it is the people: how they do the work, how they’re trained, how they do safety, how they do security. It’s a phrase in its entirety: ‘Mission First, People Always,’” she said.

Assistant Secretary Mark Whitney addressed the challenges associated with changing and improving EM’s 25 year safety culture. He testified that the key requirements in changing the culture involve building trust, mutual respect, and a “questioning attitude.” He noted lessons learned following the incidents at the Waste Isolation Pilot Plant (WIPP), including how DOE awards and oversees contracts, and said that decisions moving forward will be made on their technical merits. He said DOE is awaiting a third investigatory report following the fire that took place at WIPP earlier this year and hopes to reopen the plant by the first quarter of 2016 but will not do so if safety issues are not addressed.

Board Member Sullivan raised the issue of a January 2013 report on WIPP that rated the site’s management safety status as high. Worker feedback following this years’ incidents showed that the culture was “not good at all,” a clear discrepancy in assessments. Whitney said the 2013 report was “clearly wrong” and that a full systematic review would be forthcoming. He added that oversight of other site’s cultures was ongoing.

In response to questions regarding the Waste Treatment Plant, Whitney said he believes there is a great management team in place and he will be able to work with them to identify and share lessons learned throughout the complex. He also noted that while there are problems in addressing the safety culture and that it may look like there is no progress, it is not because of a lack of effort and it will take more than a couple of years to make visible changes. Whitney did say there were strong cultures at many EM sites and he would be focusing on emphasizing safety – a message that must emanate from the headquarters and trickle down in various ways. One of the final questions had to do with a net assessment of EM itself and whether there was a corrective action plan in place to address safety culture issues. Whitney said that while there was not a formal plan, actions have been taken and are being communicated.

Chairman Winokur closed the meeting by saying they will continue to monitor Recommendation 2011-1, which is still listed as open. The record to submit comments will be open until November 17, 2014.

The meeting can still be viewed online here.

Information and comments on Recommendation 2011-1 can be found here.

- **Supporting national security objectives** by being able to remove naval SNF from the State of Idaho and avoid delays that could potentially impact naval operations beginning in 2035 (because of a binding settlement agreement entered into by DOE and the Navy with the State of Idaho to remove SNF from the state by that time).

DOE estimates that, depending on the geologic host rock selected, the cost for a separate repository for some DOE-managed HLW and SNF could cost between “~$14 billion and ~$47 billion.” This is compared to the cost for a common repository the report states could be between “~$29 billion and ~$96 billion,” again depending on the geologic host rock selected.

Since the mid-1980s, DOE has planned to dispose of all HLW and SNF, regardless of origin, in one or more mined geologic repositories. But over time, the body of knowledge regarding geologic repositories has grown and there is a greater understanding of the DOE-managed wastes requiring disposal. As explained in the report, the inventory of DOE-managed HLW and SNF is “now essentially fixed and known.”

In addition, DOE summarized the inventory of both commercial and DOE-managed HLW and SNF, and grouped the inventory into broadly defined waste groups with similar disposal characteristics. As noted in the report, “there is a growing disparity in terms of heat output between the DOE-managed HLW and some thermally cooler DOE-managed SNF and commercial SNF, which is a factor in repository siting, design and performance analysis.” This disparity could make separate disposal paths for some of the DOE waste favorable. While DOE-managed wastes are projected to represent only 15 percent of the total volume of HLW and SNF, the report finds that they account for eight of the ten waste groups as defined on the basis of disposal characteristics. Based on these characteristics, other disposal options such as deep boreholes for disposal of smaller DOE-managed waste forms could allow for earlier disposal and should be considered further.

The DOE-managed HLW and SNF that does not meet the criteria for a separate repository — including the waste with commercial origin and naval SNF with higher heat output — would be disposed of together with the commercial waste. Whether the latter repository will be Yucca Mountain, which is not mentioned in the Assessment, is unclear due to numerous political hurdles. However, ECA does support moving forward with the Yucca Mountain licensing review.

Too much of the obligated defense facility cleanup funds and activities are currently dependent upon the development of Yucca Mountain to abandon the process now.

What happens with the Assessment, and the recommendation to pursue options for developing separate repositories is uncertain. While DOE states in the report that it is for comparison and informational purposes only and is not a decision document, a number of important questions remain:

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1 Disposal characteristics included radionuclide content; thermal, chemical, and physical properties; packaging; and security and safeguard considerations.

- What is the timeline for development and implementation? How does this fit into DOE’s *Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste*? Will priorities shift?
- How will the phased, adaptive approach and consent-based process be defined?
- Will consolidated interim storage still be pursued?
- What will the impact of this strategy be for Yucca Mountain?
- Does funding exist to develop a separate repository for some DOE-managed HLW and SNF?
- How will potential hosts for a separate repository be engaged? When?

As our members have in the past, ECA will encourage DOE to engage local governments and its stakeholders in a transparent process as decisions on next steps are developed. Open communication can build trust, ensure that different priorities and concerns are recognized, and help maintain the newfound momentum on nuclear waste management issues that we have seen this month.

Download full report [here](#).

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Note: DOE-managed SNF (including naval SNF) is projected to 2035. Values are point estimates drawn from ranges reflecting uncertainty regarding final treatment and packaging decisions. Waste volumes do not include packaging.

*aCommercial waste (e.g., HLW at West Valley and SNF at Ft. Saint Vrain) is not eligible for a repository exclusively for DOE-managed HLW and SNF from defense or DOE research and development activities*
HANFORD CONSENT DECREES UPDATE

This month, the State of Washington and the Department of Energy (DOE) asked a federal court to set new deadlines in the 2010 Consent Decree for Hanford. The 2010 Decree obliges DOE to start up the Waste Treatment and Immobilization Plant (WTP) by 2019 and reach an average 70 percent operation capacity by 2022. According to Acting Environmental Management (EM) Assistant Secretary Mark Whitney, the Consent Decree now needs to be modified due to unresolved technical challenges that make the WTP deadlines unachievable.

The Tri-City Herald reports DOE says they will miss all remaining deadlines for building and starting up the Hanford verification plant, which will treat up to 56 million gallons of radioactive waste left over from the past production of weapons plutonium. Those deadlines would have the plant at full operations by 2022. The Herald further reports that both the state and DOE propose that some waste be treated starting in 2022 but all parts of the plant may not be operating until 2031.

Discussions between the State and the DOE broke down in September. Washington is now proposing an expanded list of 100 new deadlines and requirements to prevent any future delays and ensure continued long-term progress.

“We must have specificity, accountability and enforceability for the federal cleanup,” said Bob Ferguson, Washington attorney general.

DOE is asking for an almost opposite approach. It asks the court set short-term deadlines but wait to set longer-term deadlines until technical issues are resolved to give confidence in success.

According to the Tri-City Development Council, the Tri-Cities communities will feel the greatest impact from giving the matters to the courts to decide if the courts require more money be spent on the tanks and the plant, said Gary Peterson, vice president of the council. If funds from the Richland Operations office are transferred to the Office of River Protection the rest of the Hanford environmental cleanup may suffer. This could include progress on remediation of the radioactive sludge currently stored not far from the Columbia River.

Despite hopes for a speedy resolution, it may take months for the courts to decide the issue. January 16 is the deadline for the parties involved to file legal briefs, with arguments possible beginning the week of January 26. Oregon has indicated it will file a brief in support of Washington.

“It is critical that this not languish in the courts and that an achievable, realistic, fundable plan is finalized,” Rep. Doc Hastings, Chair of the Committee on Natural Resources, said Friday. “As decisions are made, long-awaited details about costs, schedules and trade-offs must be clearly and fully explained.”

In a message earlier this month, Whitney said the DOE “has made tremendous progress in the cleanup efforts at Hanford, but we still have a long way to go. It is critical that we move forward as quickly as practicable to begin immobilizing the tank waste.”

HANFORD HISTORY PROJECT NOW ONLINE

The Hanford History Partnership, a collaborative effort of Washington State University Tri-Cities and regional organizations, has been on a mission to share Hanford's history. “From pioneers to post-war cleanup,” the Partnership has begun sharing some of the oral histories online. This month, they started posting videos on their YouTube page [here](#).
Save the Date for the ECA Peer Exchange:
Communities Working with DOE
February 12-13, 2015
Liaison Hotel, Washington, D.C.

LOCATION
Liaison Hotel
415 New Jersey Avenue, NW
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Join the communities and local governments around DOE sites as we discuss key issues. DOE Officials, administration officials and Washington insiders will discuss important issues and provide you with their insights.

Schedule
Thursday, February 12th (all day)
ECA Peer Exchange: Communities Working with DOE

Friday, February 13th (half day) Board meeting for ECA members and invited guest

Current Meeting Supporters

If you are interested in being a sponsor please contact Devon Hill at 202-828-2465 or Devon@energyca.org.org
Allison Finelli at 202-202-828-2423 or Allison@energyca.org for more information
ECA BOARD MEETING
Intergovernmental Meeting
Wednesday, November 12, 2014
Hotel Monteleone, New Orleans, LA
9:30 am – 12:30 pm
(Lunch will be served at 12:00 pm)

- Welcome and Introductions
  Mayor Tom Beehan, Oak Ridge, ECA Chair

- ECA Activities and Work Plan Presentation from ECA Staff
  - EM Cooperative Agreement
  - NE Cooperative Agreement
  - Other ECA Activities

- Review of Proposed ECA Policies and Priorities

- Elections
  Slate of Nominees from Nominating Committee:
  - Councilman Chuck Smith, Aiken County, ECA Chair
  - Mayor Steve Young, City of Kennewick, ECA Vice-Chair
  - County Executive Ron Woody, Roane County, ECA Secretary
  - Councilor Kristin Henderson, Los Alamos County, ECA Treasurer

- Board Members Review Top Priorities
  (ECA Board Members will have 5 minutes to present top priorities for each community, including any suggested action items for ECA)

- ECA Federal/Legislative/Other Issues Discussion
  - Manhattan Project Legislation
  - Defense Authorization
  - Appropriations
  - Elections Impacts
  - Other


- Treasurer’s Report

- New Member Session
MACFARLANE ANNOUNCES DECISION TO STEP DOWN AS NRC CHAIR

Allison Macfarlane announced she is stepping down as the 15th chair of the U.S Nuclear Regulatory Commission (NRC), effective on January 1, 2015. Macfarlane was confirmed for a second term as chairman in June 2013, a term that was supposed to end on June 30, 2018.

The timing of her departure has left a hole in the NRC leadership. It is questionable whether a new NRC chair can be nominated and confirmed during the upcoming “lame duck” session of Congress. According to Politico, Democrat Stephen Burns, one of two new NRC commissioners confirmed by Congress last month, may end up serving as chairman at least on an interim basis.

In her formal statement released by the NRC, Macfarlane states:

“I came to the Commission with the mission of righting the ship after a tumultuous period for the Commission, and ensuring that the agency implemented lessons learned from the tragic accident at Fukushima Daiichi, so that the American people can be confident that such an accident will never take place here. With these key objectives accomplished, I am now returning to academia…”

Upon her departure, Macfarlane will become the Director of the Center for International Science and Technology Policy at George Washington University in Washington, D.C.

An article in The Washington Post detailed some of the Commission votes Macfarlane did not win as NRC chair, including an effort to expedite the transfer of spent fuel rods from cooling pools to dry cask storage that can better withstand incidents at nuclear power plants.

The NRC Press Release can be found here.

(Continued from page 7)

Inspector’s General Special Report on Management Challenges

as the fiscal atmosphere has changed somewhat, but the IG says “cost savings and increased efficiencies should be a primary agency objective at all times.” The report also listed Infrastructure Modernization, which includes revitalization of its aging weapons complex, on its Watch List. The Watch List includes issues that do not rise to the level of Management Challenges. The report can be found here.
Waste Isolation Pilot Plant Update

Recovery Plan Released

On September 30, the Department of Energy (DOE) released the Waste Isolation Pilot Plant Update (WIPP) Recovery Plan outlining the steps to resume operations at the transuranic waste disposal site near Carlsbad, New Mexico. The goal is to reopen WIPP by in the first quarter of 2016 at an expected cost of more than $240 million.

Developed over several months with help from nuclear industry experts, the plan includes cost estimates for a new underground ventilation system and exhaust shaft that could take up to three years to construct at an additional cost of $309 million. Officials estimate that 90 percent or more of the disposal site is free of radiological contamination.

“The plan lays out a clear and dedicated plan to not only reopen the site, but to mitigate future accidents by implementing new safety standards and requirements,” Congressman Pearce said. “Once again, I must thank Energy Secretary Moniz for his commitment to safely and expediently reopen WIPP, and for his support for the Carlsbad community. The New Mexico Delegation and Congress must now do its part by providing DOE and WIPP with the funds it needs to move forward.”

U.S. Sens. Tom Udall and Martin Heinrich both said DOE’s recovery plan was “a reasonable framework for moving forward” in a joint news release.

“We expect WIPP to operate with the highest level of safety and the highest level of transparency. The safety, health, and protection of our workers and community is of the utmost importance.”

The full plan can be found here.

To keep up with WIPP news, visit their website.

Mark Whitney Goes Underground

(Continued on page 17)
On October 16, Acting Assistant Secretary for Environmental Management Mark Whitney became the first non-WIPP employee to tour the underground facility since two incidents closed the facility last February.

“EM and the greater DOE is committed to reopening WIPP to support the important mission of cleaning up the nation’s legacy of nuclear waste,” Whitney said. “DOE’s highest priority is the safety, health and protection of the public, the workers, the community, and the environment.”

EM’s Carlsbad Field Office (CBFO) Manager Joe Franco appreciated Whitney's visit to WIPP.

EM’s demolition of the K-31 Building at Oak Ridge’s East Tennessee Technology Park (ETTP) began this month, marking the removal of the fourth of five gaseous diffusion buildings at the former uranium enrichment site.

The two-story building covers 750,000 square feet and spans a 17-acre footprint. The K-31 facility began operations in 1951, and it was used to enrich uranium for defense and commercial purposes until it was shut down in 1985. In 2005, EM removed most of the hazardous materials from the building’s interior.

“This project is possible because of the project managers and crews that completed the K-25 Demolition Project under budget and ahead of schedule,” said Sue Cange, Acting Manager of the Oak Ridge Office of Environmental Management. “DOE and UCOR have established a model partnership that is allowing us to maintain momentum, complete additional cleanup work, and retain skilled workers.”

URS | CH2M Oak Ridge LLC (UCOR), EM’s cleanup contractor for the Oak Ridge Reservation, is responsible for demolishing the facility. The company prepared it for demolition this past summer by conducting asbestos abatement, disconnecting the building’s power sources, and completing pollution prevention efforts, such as filling interior and exterior storm drains.

EM and UCOR worked together to accelerate K-31’s demolition five months ahead of its original proposed baseline schedule.

“Demolishing K-31 will bring us another step closer to our Vision 2016 initiative — removal of all gaseous diffusion facilities from ETTP by 2016,” said Ken Rueter, UCOR president and project manager. “Achieving this vision will mark the first-ever complete cleanup of a gaseous diffusion plant and facilities. Removal of K-31, and afterward K-27, will eliminate a nuclear hazard and open up more ETTP property for reindustrialization and regional economic development.”

Once the K-31 demolition is completed next year, the 383,000-square-foot K-27 Building will be the only remaining gaseous diffusion building at ETTP. The K-27 Building demolition is scheduled to start in fall 2015.

Under DOE’s reindustrialization program, property at ETTP is being transferred to the private sector as the agency works to make the site a private sector industrial park.
SRSCRO and CNTA Send Letter Highlighting Importance of Savannah River National Laboratory to National Laboratory Review Commission

This month, the Savannah River Site Community Reuse Organization (SRSCRO) and Citizens for Nuclear Technology Awareness (CNTA) sent a letter to the National Laboratory Commission highlighting the importance of the Savannah River National Laboratory (SRNL). The letter discusses the unique capabilities of the lab and how it meets DOE’s mission needs. A copy of the letter is below.

October 14, 2014

National Laboratory Review Commission
Attn: Karen Gibson, Designated Federal Officer
US Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

Dear Commissioners:
We write to you as concerned community leaders with a vested interest in the outcome of your deliberations. The Commission certainly has a lot to accomplish in its two phase list of activities. With this letter, we hope to convey to you the importance of the Savannah River National Laboratory (SRNL) to our local community and our region.

We will point out the unique capabilities the SRNL possesses to meet current and future energy and national security challenges and how SRNL is appropriately sized to meet the Department’s energy and national security missions. In addition, we will call attention to how the Department could more effectively and efficiently use the capabilities of the SRNL. But, we certainly do not believe consolidation or any type of reduction would enhance or benefit the SRNL.

First, SRNL is the newest of all the National Laboratories and the only laboratory under the Department’s Environmental Management purview. The Community supports SRNL and more important, the Community wants SRNL. We see SRNL as the catalyst for new missions and the pathway to, most needed, private sector investment in our region. Clearly put, SRNL is the SRS future.

Applied research is one unique aspect offered by SRNL. As an applied research and development laboratory, SRNL supports customers at SRS, throughout DOE, at other federal agencies, across the country and around the world. The laboratory currently serves the nation in three major program areas: (1) National and Homeland Security, (2) Energy Security, and (3) Environmental and Chemical Process Technology. For example, SRNL is the FBI “Hub Lab” for pre-detonation forensics.

SRNL is a small multi-program, multi-purpose laboratory compared to other National Laboratories. However, for its size, significant achievements, too numerous to list here, have been made that rival the larger laboratories’ accomplishments. With a little more encouragement from additional financial resources and improvements in existing infrastructure, we believe our “little” Lab is poised for great things.

We welcome the opportunity to discuss further the community attributes of SRNL as you work through your deliberations. We are also available to meet with the Commission if a site visit of SRNL is arranged. SRNL’s motto is, “We Put Science to Work.” Our motto for the Commission is, “Put SRNL to Work and Success Will Follow.”

Charles W. Bowers
Vice Admiral Charles Munns USN (ret)
CNTA Board Chair
1204 Whiskey Road, Suite B, Aiken, SC 29803

Susan A. Winsor
Dr. Susan A. Winsor
SRSCRO Board Chair
PO Box 696, Aiken, SC 29802

Signed Community Leaders – see attached signature page.
GAO REPORT ON CHALLENGES WITH THE URANIUM PROCESSING FACILITY DESIGN

In January 2013, the National Nuclear Security Administration (NNSA) completed a review to identify the factors that contributed to the space/fit issue with the Uranium Processing Facility (UPF), and identified a number of factors within both NNSA and the contractor managing the UPF design at that time.

NNSA conducts enriched uranium activities—including producing components for nuclear warheads—at the Y-12 National Security Complex in Tennessee. NNSA has identified key shortcomings in the Y-12 plant's current uranium operations, including rising costs due to the facility's age. In 2004, NNSA decided to build a new facility—the UPF—to consolidate and modernize its enriched uranium activities. In July 2012, the UPF contractor concluded that the UPF's processing equipment would not fit into the facility as designed, and that addressing this issue—which NNSA refers to as a “space/fit” issue—would cost an additional $540 million.

The Fiscal Year 2013 National Defense Authorization Act mandated that GAO periodically assess the UPF. This is the fourth report, and it assesses (1) factors NNSA identified that contributed to the UPF space/fit issue and (2) actions, if any, NNSA and the UPF contractor have taken to address the space/fit issue.

NNSA's review identified shortcomings in 1) federal oversight of the project, 2) design integration, 3) communications, and 4) the UPF contractor's management processes and procedures.

NNSA has taken actions to improve its oversight of the project by increasing federal staffing levels for the UPF project office from 9 full-time equivalents (FTE) in 2012 to more than 50 FTEs as of January 2014. According to NNSA officials, these additional staff enabled NNSA to conduct more robust oversight of the contractor's design efforts than was previously possible. In addition, NNSA has recently begun to share lessons learned from the space/fit issue, consistent with DOE guidance and GAO's prior recommendation to ensure that future projects benefit from lessons learned. For example, in July 2014, the UPF federal project director conducted a presentation on lessons learned from the UPF project, including lessons learned from the space/fit issue, at a training session for NNSA federal project directors.

GAO reviewed NNSA and contractor documents, visited the Y-12 plant, interviewed NNSA and UPF contractor representatives, and observed the computer model NNSA and the UPF contractor use to track space usage within the facility.

GAO is not making any new recommendations. In commenting on a draft of this report, NNSA generally agreed with GAO's findings.

Read full report [here](#).
PADUCAH GASEOUS DIFFUSION PLANT PREPPED FOR DEACTIVATION

On October 21, the Office of Environmental Management (EM) officially resumed possession of the Paducah Gaseous Diffusion Plant (PGDP). The transfer from the former United States Enrichment Corporation (USEC) marks the end of a year-long process after USEC announced it would no longer enrich uranium in May 2013.

Fluor Federal Services, Inc. will perform deactivation of the plant and other activities under its three-year, $420 million contracted to optimize the site’s utilities and infrastructure to support reduced operations and energy needs.

EM site lead Jennifer Woodward received a symbolic key to the plant during a brief ceremony.

“Today is a big day for all of those involved in this transition and a significant step forward in the Department’s cleanup mission.” said Woodward. “For over 60 years this plant has served its purpose of enriching uranium for nuclear defense and energy. Now it is time to begin the process for deactivating the plant and preparing for decontamination and decommissioning.”

Up to 400 workers laid off by USEC may be rehired by Fluor Federal Services. According to Paducah Economic Development Vice President Charlie Martin, that number does not include workforce for clean-up phases. In a press release, EM said Fluor expects to ramp up to approximately 500 employees over the next year, comprised primarily of highly skilled former workers.

The Paducah Gaseous Diffusion Plant is a 3,556-acre federal reservation that was built as part of the nation’s nuclear weapons complex, and enriched uranium beginning in 1952. EM’s site missions include deactivation and stabilization, environmental cleanup, waste disposition, depleted uranium conversion, and eventual decontamination and demolition of the plant.

SRR REACHES SAFETY MILESTONE

This month, Savannah River Remediation (SRR) announced that it had surpassed 6.5 million hours of work without a lost work day. SRR, the liquid waste contractor at the Savannah River Site, reached the milestone on September 24 and has not lost a work day since March 25, 2013.

According to the Bureau of Labor Statistics, the average company in SRR’s industry would have experienced 29 injuries, requiring a worker to miss a day of work during the span of 6.5 million hours. No stubbed toes here!

Patricia Allen, Director of SRR Environmental, Safety, Health & Quality Assurance, & Contractor Assurance had this to say:

“This milestone is an outstanding achievement for each member of our SRR team. Our employees never tire of looking out for each other while diligently guarding their own safe work practices.”

Stuart MacVean, SRR President and Project Manager, said SRR employees continue to show a daily, focused commitment to safety.

“From focusing on Nuclear Safety Culture tools and using Human Performance Improvement lessons, to operationally closing massive radioactive waste tanks, SRR employees meet the challenge every day to work safely,” MacVean said.

SRR has a long record of safety at SRS. SRR took over liquid waste operations in July 2009 and now is only adding to the longest streak without a lost workday. Here’s hoping for another 6.5 million hours!
DOE IG ISSUES SPECIAL REVIEW OF HANFORD CONTRACTOR ISSUES

The Department of Energy’s (DOE) Inspector General (IG) reported this month that it would not be able to reach a conclusion in its investigation of the firing of Donna Busche by URS Energy and Construction, Inc. (URS). Busche was fired in February and has since asserted that her termination was in retaliation for disclosing what she believed to be technical and safety concerns at the Waste Treatment and Immobilization Plant (WTP). URS is a major subcontractor under the DOE contract with Bechtel National, Inc. to construct WTP.

The IG wrote that both Bechtel and URS denied investigators access to several thousand emails and other documents because they were subject to either attorney-client or attorney work product privilege. URS also made the unilateral decision that certain documents requested by the IG were not relevant.

The IG was requested to review the circumstances surrounding Ms. Busche’s firing. It requested certain documents it says were based on specific terms of the contracts between the DOE, Bechtel, and URS. The IG asserts that contract clauses require the contractors to “produce for government audit all documents acquired or generated under the contract, including those for which attorney-client and attorney work product privilege was asserted.” The contractors’ attorneys asserted that those clauses were too broad and unenforceable. Attorney’s asserted privilege over the documents given the likelihood of litigation regarding the Busche matter.

Bechtel issued a press release saying it was disappointed in the report. They claimed they went “above and beyond in cooperation” and are “committed to providing a work environment in which all employees are treated fairly and are able to raise concerns without fear of retaliation.”

U.S. Sen. Ron Wyden, D-Ore., a frequent Hanford critic, said it was unacceptable that the Energy Department's inspector general could not obtain documents from the agency's own contractors.

Read the full IG Special Review here.
NWTRB MEETING IN AUGUSTA TO DISCUSS DOE MANAGEMENT OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE, ON OCTOBER 29, 2014

The U.S. Nuclear Waste Technical Review Board will meet in Augusta, Georgia, on Wednesday, October 29, 2014, to review U.S. Department of Energy (DOE) activities related to managing DOE spent nuclear fuel (SNF) and high-level radioactive waste (HLW). Among the topics that will be discussed at the meeting is work underway at the Savannah River Site (SRS) in South Carolina related to storage and processing of DOE SNF and vitrification and storage of HLW at the SRS. The Nuclear Waste Policy Amendments Act (NWPAA) of 1987 charges the Board with conducting an ongoing and independent evaluation of the technical and scientific validity of DOE activities related to implementing the Nuclear Waste Policy Act of 1982.

The meeting will begin at 8:00 a.m. on Wednesday, October 29, 2014, with a call to order and introductory statement by the Board Chairman and is scheduled to adjourn at 5:20 p.m. Topics that will be discussed at the meeting include issues related to storage of DOE SNF at the L Basin at SRS, alternatives for dry storage of DOE SNF at SRS, processing of DOE SNF, and issues related to aging of the facilities involved in these operations. The Board will also discuss vitrification of HLW and the storage of the vitrified waste, including production rates for HLW canisters and plans for a new vitrified waste storage facility. Detailed meeting agenda can be found here.

Intergovernmental Meeting with the U.S. Department of Energy

NOVEMBER 12-14, 2014
NEW ORLEANS, LOUISIANA

The 2014 Intergovernmental Meeting with DOE will be held in New Orleans. The meeting will be held on November 12-14 at the Hotel Monteleone.

ECA will hold a board meeting and elections on Wednesday, November 12 from 9:30 am – 12:30 pm. The Plenary Sessions of the Intergovernmental Meeting will start at 2:00 PM on Wednesday, November 12. The Plenary Session will continue all day Thursday, November 13. Some other Intergovernmental Groups plan to meet on Friday, November 14, but ECA will not hold any events that day.

The participating intergovernmental groups will be ECA, Environmental Council of the States (ECOS), National Association of Attorneys General (NAAG), National Conference of state legislatures (NCSL), National Governors Association (NGA) Center for Best Practices, and State and Tribal Government Work Group (STGWG).

Meeting Information:

At the meeting participants will discuss EM planning budgets, DOE waste management policy and strategies, America’s nuclear future, and interagency and intergovernmental coordination and decision making. Top DOE-EM officials and other intergovernmental representatives will address participants.
# 2014 Calendar of Events

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<td>November 4</td>
<td>Mid-term Elections</td>
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<td>November 4</td>
<td>Commission to Review the Effectiveness of the National Energy Laboratories Open Meeting, more information <a href="#">here</a></td>
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<td>November 6</td>
<td>Environmental Management Site-Specific Advisory Board, Portsmouth Open Meeting, more information <a href="#">here</a></td>
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<tr>
<td>November 19</td>
<td>Environmental Management Site-Specific Advisory Board, Paducah Open Meeting, more information <a href="#">here</a></td>
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<td>November 12</td>
<td>“Lame Duck” Congressional Session begins</td>
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<tr>
<td>November 12-14</td>
<td>Intergovernmental Meeting with DOE, New Orleans, LA <em>(see page 22 for more information)</em></td>
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<tr>
<td>November 20</td>
<td>Environmental Management Site-Specific advisory Board, Northern New Mexico Open Meeting, more information <a href="#">here</a></td>
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<td>December 11</td>
<td>FY15 Continuing Resolution Expires</td>
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<tr>
<td>December 15</td>
<td>Commission to Review the Effectiveness of the National Energy Laboratories Meeting in Alexandria, VA, more information <a href="#">here</a></td>
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<tr>
<td>January 6, 2015</td>
<td>Commission to Review the Effectiveness of the National Energy Laboratories Meeting in Alexandria, VA, more information <a href="#">here</a></td>
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<td>Week of January 6, 2015</td>
<td>114th Congress convenes</td>
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<td>February 2, 2015</td>
<td>FY16 Budget due to be released</td>
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<tr>
<td>February 12-13, 2015</td>
<td>ECA Annual Meeting and Board Meeting, Liaison Hotel, Washington, DC <em>(see page 9 for more information)</em></td>
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**ECA Articles**

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