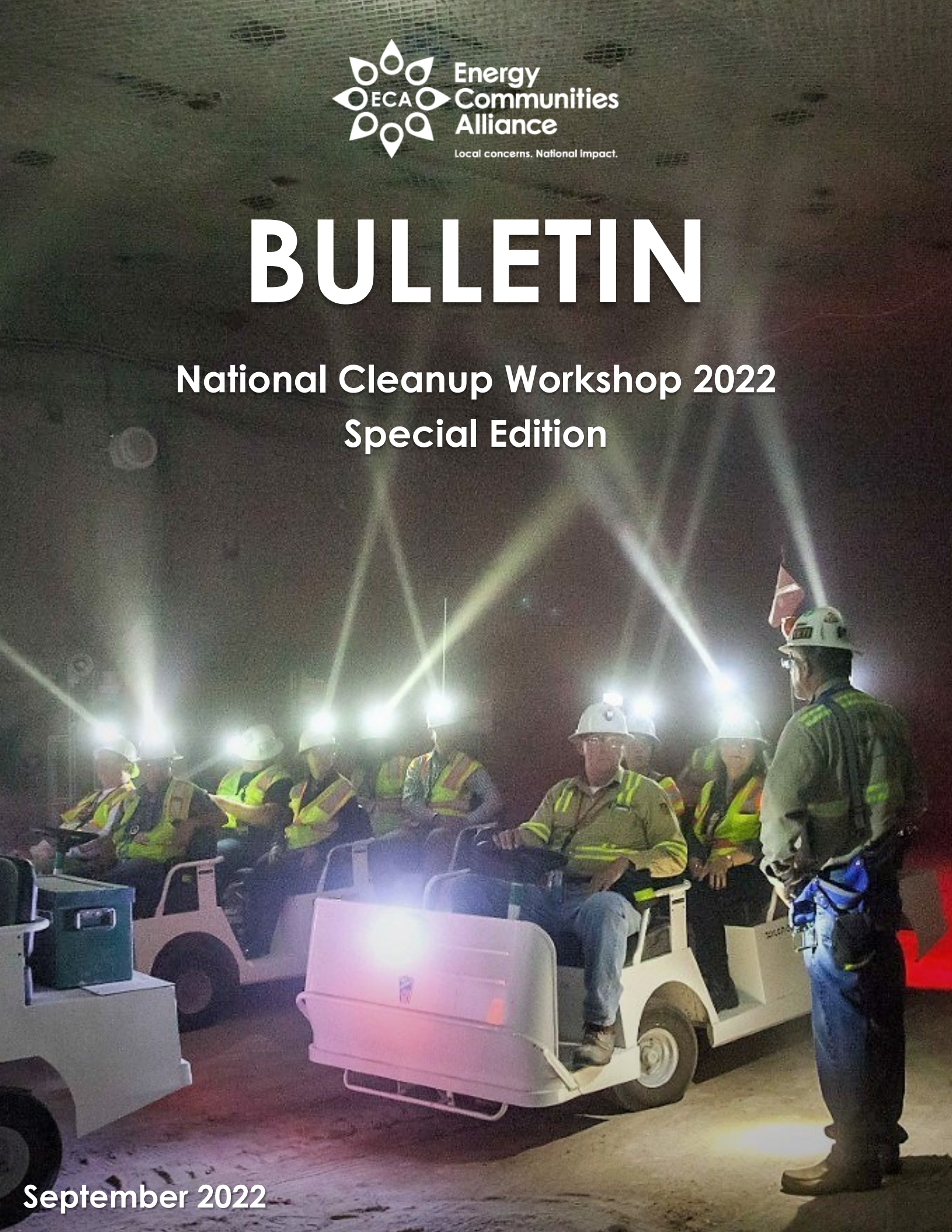
Energy Communities Alliance

Local concerns. National impact.

BULLETIN

National Cleanup Workshop 2022
Special Edition



September 2022

ECA Builds Support for Advanced Nuclear: Hosts Inaugural Forum on New Nuclear Development

The Energy Communities Alliance (ECA) hosted a forum on new nuclear development from August 3-5, where potential host communities, advanced nuclear developers, the U.S. Department of Energy (DOE), and academia convened for a first-of-a-kind meeting.

Communities are focused on creating opportunities for new nuclear development. The Forum highlighted the partnerships being formed by industry and local governments on the issues that each is facing to move projects from conception to power production.

Day 1 of the Forum included remarks from Dr. Kathryn Huff, DOE Assistant Secretary for Nuclear Energy (NE); panels featuring case studies about projects already making progress on the ground; and sessions on licensing and creating stakeholder alignment. Other key federal officials providing remarks included Todd Shrader, Deputy Director for Project Management for DOE's Office of Clean Energy Demonstrations, and Commissioner David Wright of the Nuclear Regulatory Commission.

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Dr. Meritxell Martel, *GMF (left) and* ***Seth Kirshenberg****, ECA (right)*

Mayor Rebecca Casper*, City of Idaho Falls, ID*

John Kotek*, NEI*

Nuclear Provisions in the Inflation Reduction Act

On August 16, President Biden signed the Inflation Reduction Act of 2022 (the IRA) into law. The Senate passed the bill by a 51-50 party line vote, and the House approved the Senate version by a 220-207 vote. The IRA promises to lower prescription drug costs, health care costs, and energy costs. The legislation is also the largest-ever investment made by the federal government to tackle the climate crisis, allocating nearly $370 billion to curb greenhouse gas emissions and promote clean technology. Included in these climate-focused programs are several nuclear-related provisions.

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Letter from ECA Executive Director Seth D. Kirshenberg

Welcome to the National Cleanup Workshop 2022. I am thrilled to be joining so many of you in person for this year's Workshop, focusing on "Clearing the Decks to Enable the Next Decade of Cleanup Success."

This has been an exciting year for ECA and throughout, our members have remained active and engaged, working with DOE to ensure cleanup work continues. In March, we hosted sessions at the Waste Management Symposia for the first time, where ECA members spoke directly with EM Senior Advisor Ike White. In May, ECA members traveled to Carlsbad, NM for a Peer Exchange meeting at the WIPP Site. In August, we hosted the inaugural ECA Forum: Hosting New Nuclear Development in Salt Lake City, UT. Speakers included Dr. Katy Huff, Assistant Secretary for NE, and Todd Shrader, Deputy Director for Project Management for OCED.

ECA appreciates the opportunities to work across DOE offices to accomplish our shared goals on workforce development, infrastructure improvement, equity and environmental justice - all under the "all of the above" energy approach that has introduced new economic development and U.S. leadership opportunities.

In this Bulletin, we look back on our accomplishments so far, the work that remains to be done, and what the future of the complex looks like for communities, contractors, and DOE. We also provide legislative updates and highlight some of the key provisions in recently passed laws. ECA is also excited to announce the release of our new Guide to Successful Environmental Cleanup (*see page 8*). Our website includes other great resources, including information on funding opportunities through the Bipartisan Infrastructure Law and updated profiles on DOE sites (www.energyca.org).

ECA continues to focus on DOE and NNSA engagement, and we appreciate the emphasis from both agencies' leadership on working with the communities that host and are adjacent to their sites. There is much work to be done, and we sincerely appreciate the meaningful and continued engagement with ECA. We look forward to a great Cleanup Workshop with you all.

Seth D. Kirshenberg
Executive Director
Energy Communities Alliance

ECA PEER EXCHANGE

ECA Returns to its Roots—Hosts WIPP Tour and Peer Exchange in Carlsbad, New Mexico

On May 4-5, the Energy Communities Alliance (ECA) held a Peer Exchange in Carlsbad, New Mexico. The conference was a homecoming of sorts; the city is home to former Carlsbad Mayor and ECA Chair Gary Perkowski, who helped found ECA over 20 years ago.

The Peer Exchange highlighted the critical role of the Waste Isolation Pilot Plant (WIPP) as the only underground repository for TRU waste in the country. The community support and education on the role of WIPP is a model for the rest of the country.

Authorized by Congress in 1979, Carlsbad leadership pushed hard for WIPP to be located nearby. Since its construction in the 1980s and receipt of its first shipment of waste in 1999, WIPP has had intergenerational support, and employed an intergenerational workforce, from Carlsbad and the surrounding community.

Last November, WIPP reached a significant milestone, receiving its 13,000 shipment of transuranic waste, and just this month, the Environmental Protection Agency recertified the facility, stating "[WIPP]" continues to be a cornerstone in the nation's effort to responsibly dispose of radioactive waste," in a press release.

From left to right: ***Kara Colton****, ECA;* ***Jack Volpato****, ELEA;* ***Ed Mayer****, Holtec; and* ***Eric Knox****, Amentum*

Participants of the Peer Exchange learned about the history and community support for WIPP from former Carlsbad Mayor Bob Forrest and Dr. Frank Hansen, retired senior scientist at Sandia National Laboratories. Reinhard Knerr, manager of the Carlsbad Field Office, and Sean Dunagan, president and project manager of Nuclear Waste Partnership, LLC – the site's contractor – provided insightful remarks on the future of WIPP.

WIPP stands a testament to what can be accomplished in the cleanup program when the community, the Department of Energy (DOE), the contractor, and other parties come together to solve the crucial question of what to do with our nation's waste.

Part of solving this question involves ensuring communities understand the waste acceptance criteria (WAC) at sites, and the role it has in determining any disposal mission. Attendees had the opportunity to learn more about the WIPP WAC at the meeting, as well as community involvement on the WAC at the Oak Ridge site.

The topic of community

ECA Returns to its Roots—Hosts WIPP Tour and Peer Exchange in Carlsbad, New Mexico

involvement carried through many other sessions at the Peer Exchange. Panelists spoke to the need for collaboration between frontline communities, DOE, contractors, and other impacted parties to develop community support for DOE facilities. Recommendations also included collaborating with universities to bolster STEM initiatives and preparing the future workforce.

The benefits of relationship-building and respect – from the perspective of all parties – were also highlighted across various sessions. EM Chief of Staff at the time, Michael Nartker, noted that the strength of the relationship with the local community at EM sites is essential to the success of the cleanup mission.

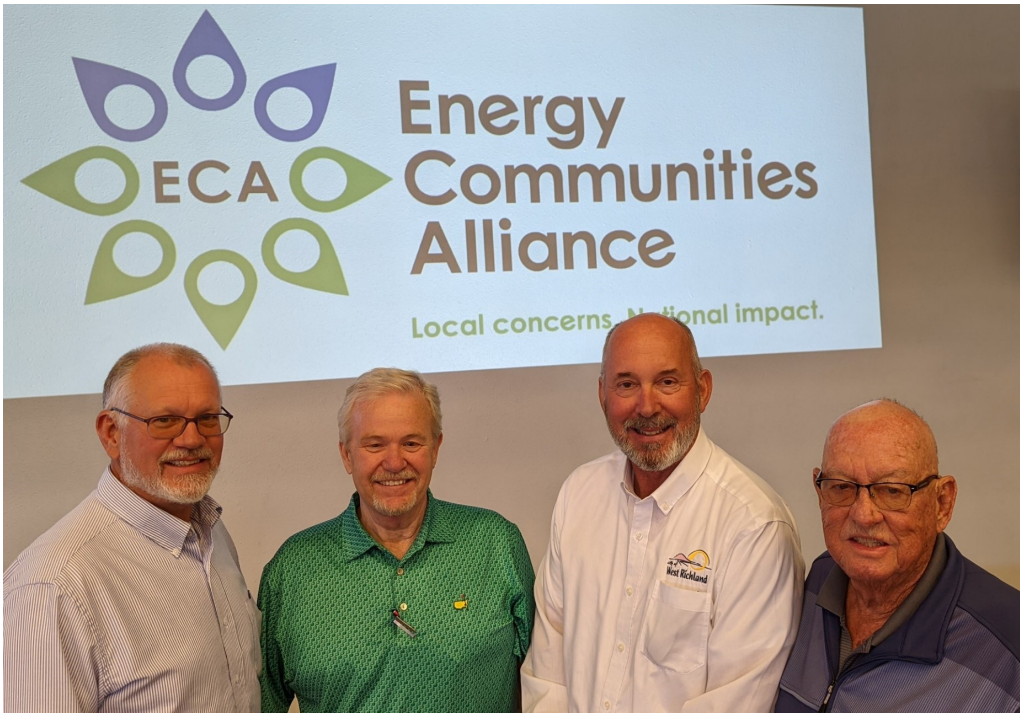
In building support for sites among their Congressional delegations, local government participants were encouraged to "go to DC, be bold in what you say, and share with them what you know to be true."

DOE leadership was encouraged to ensure they seek out the whole picture, getting responses from all intergovernmental groups at sites, when making decisions that impact the complex as a whole.

Participants of the conference also heard industry and community insights on the future of policy and licensing for interim storage, spent nuclear fuel, and defense high-level waste, as well as discussion on DOE priorities for the EM program.

One such priority for all ECA members is the roll-out of funding under the Bipartisan Infrastructure Law for local governments and communities. More information on how communities can receive this funding may be found using a new resource on the ECA webpage, which explains each relevant program's recipients, eligible uses, and timelines for applications.

ECA extends our thanks to all speakers, attendees, and organizers of the Peer Exchange. A special thank you to the Carlsbad team for their tireless efforts in making the meeting a success.



ECA returns to its roots to host a Peer Exchange Meeting in Carlsbad, NM. Featured in this photograph are former and current ECA Chairs. From left to right:

Ron Woody, Roane County, TN

Chuck Smith, Aiken County, SC

Mayor Brent Gerry, City of West Richland, WA

Gary Perkowski, Carlsbad, NM

Thank you for your many years of leadership and support of ECA.

ACROSS THE COMPLEX

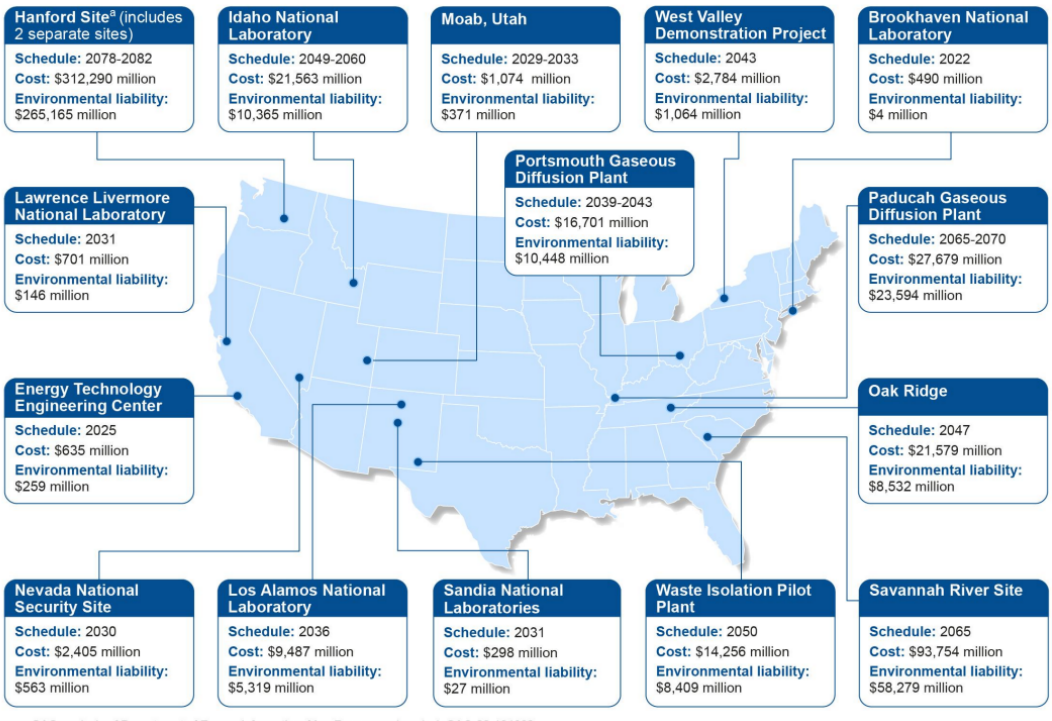
GAO Report Shows EM Mission Far From Complete

This spring, the U.S. Government Accountability Office (GAO) released an insightful report (Report) reviewing and summarizing the status and performance of the Department of Energy (DOE) Office of Environmental Management's (EM) largest projects and operations.

- EM estimates that the total life-cycle cost of the complex's 15 active sites is **over $525 billion.**
- In total, EM (based its own estimates) has **over $392 billion** in cleanup of the nation's former weapons complex remaining.
- The completion schedule for all EM work is projected to last until **2082**, assuming that funding is available and that unforeseen schedule overruns do not occur (for example, there is currently no place to ship high-level waste in the EM complex).
- Multiple factors – including the lack of a permanent waste disposition pathway, potential additional analysis of known and unknown waste sites, change in cleanup decisions, sufficient appropriations levels, adequate workforce, change in Administration policy on priorities, and risks – will likely contribute to cost and schedule increases beyond the reported estimates.

IMPLICATIONS FOR SITE COMMUNITIES, CONTRACTORS

The Report provides significant data and insights for each EM site, highlighting the work that has been completed in the complex and reminding us of the cleanup challenges ahead in the near- and long-term. It is important to remember that these are estimates that are rarely correct and the scope of the hazardous and nuclear cleanup program is likely much larger than the numbers indicate.



Sources: GAO analysis of Department of Energy information; Map Resources (map). | GAO-22-104662

GAO Report Shows EM Mission Far From Complete

Continued from page 6

Adequate funding, both now and in the future, is equally critical for cleanup to be completed in a timely and effective manner. Collaboration between community leaders, the workforce, state, local and tribal governments, stakeholders, and Congressional champions is needed to tell the story and highlight the impact funding (or lack thereof) has on whether a cleanup project will be completed within estimated time frames and budgets.

The Report also points to the need for a permanent repository or interim storage facility for defense high-level waste from EM's sites. Cleanup at many of the largest sites cannot be completed without a disposition pathway, indicating that the total cleanup figure and time frames in the Report will likely be even higher than estimated.

The lack of disposition pathway also suggests that sites may continue to serve as de facto waste storage sites for decades beyond what was originally envisioned. Communities want to support and be a part of making nuclear a successful element of the national "all of the above" energy strategy. Failure to address legacy defense waste, however, may create social equity and environmental justice issues in existing host communities, and could perhaps undermine the confidence that a future host community can trust DOE to prioritize the sites that host federal nuclear waste missions over time.

A track toward permanent storage would help to solve the critical question of what to do with our nation's nuclear waste, work to ensure cleanup can be completed at sites within cost and schedule estimates, and foster community trust and support in the cleanup mission. This community support is crucial to successfully meeting cleanup goals in a way that will permit the sites to remain or once again become assets.

Source: Department of Energy. | GAO-22-105809

Finally, cleanup will be ongoing at some sites for decades – in the case of the Hanford Site it is projected to take nearly 60 more years – underscoring the need for increased engagement with the next generation of workforce. In several communities the cleanup will be a multi-generational endeavor. Many long-time workers, and their institutional knowledge, are exiting the industry; it will be important for EM, contractors, and communities alike to determine how to recruit and retain new talent. Without this critical workforce, cleanup at sites will invariably be further delayed.

The rest of this story may be found in the latest edition of ***RadWaste Solutions****.*

For more information, please visit www.ans.org/pubs/magazines/rs

Energy Communities Alliance
Local concerns. National impact.

NEW! ECA Releases Online Guide to Successful Environmental Cleanup

ECA has created the **Guide to Successful Environmental Cleanup** to help local communities, stakeholders, states, and Tribes better understand the components of the DOE and NNSA cleanup program, and to assist DOE in better understanding the questions local elected officials in host and frontline communities need to answer to build and maintain support for cleanup decisions. As history has shown, without local support efforts to gain public acceptance will likely fail.

In this easy-to-use online tool, ECA applies a "Common Questions and Answers" format with information on the key issues of concern to DOE communities. Subjects covered include:

- Basics of environmental cleanup
- How local governments can establish priorities for their site
- How to engage with DOE and manage risk
- Role of the federal budget in cleanup decisions
- Federal laws and the impact on cleanup decision-making
- Economic development opportunities and impacts around federal facilities (reuse, workforce, PILT, and other issues)

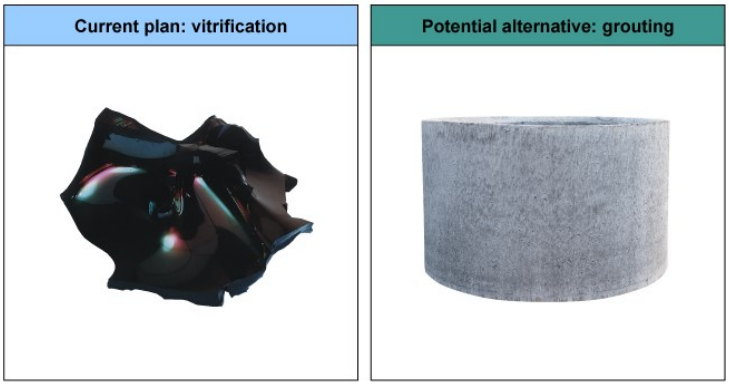
To explore the interactive guide, please scan the QR code below:

WASTE DISPOSITION

Billions Could be Saved in Hanford Site Cleanup - Here's How

In late July, the U.S. Government Accountability Office (GAO) released a report on the status of cleanup at the Hanford Site, **highlighting opportunities to save tens of billions of dollars.**

The Hanford Site presents one of the largest, most expensive cleanup projects in the world. The Hanford waste tanks are aging, and many are decades past their intended design life. In fiscal years 1997 through 2019, DOE spent over $10 billion to monitor, maintain, and retrieve waste from Hanford's tanks.



Source: Department of Energy, mdbildes/stock.adobe.com. | GAO-22-104365

DOE expects to spend at least $69 billion more on activities to retrieve tank waste and close the tanks, according to a January 2019 DOE report. GAO reported in January 2021 that DOE could save up to $18 billion by filling the closed tanks with grout (a concrete-like mixture) and leaving them in place, rather than exhuming them for disposal elsewhere, as the state of Washington may require.

The Waste Treatment and Immobilization Plant (WTP) is DOE's current planned approach to treating Hanford's tank waste. The WTP, which has been under construction since 2000, includes several waste treatment facilities, including a facility to vitrify – a process in which the waste is immobilized in glass – all of Hanford's high-level waste and a separate facility to vitrify about 60 percent of its low -level waste.

In May 2017 and December 2021, GAO reported that experts believed much of Hanford's low-level waste could be safely grouted and that options existed for shipping the grouted waste off-site for disposal. This approach to treating and disposing of the supplemental low-level waste could save tens of billions of dollars and reduce certain risks, compared with vitrification.

GAO also found that DOE continues to face cost and schedule challenges related to its efforts to address the tank waste at Hanford and that DOE's current plans for treating the waste assume significant increases in annual appropriations in the next 10 years – an assumption that is not guaranteed.

According to DOE's estimate, annual spending on the tank waste cleanup mission at Hanford would need to reach almost $6 billion in fiscal year 2030.

GAO RECOMMENDATIONS

GAO has recommended that Congress consider clarifying, in a manner that does not impair the regulatory authorities of the Environmental Protection Agency and any state, DOE's authority to determine, in consultation with the Nuclear Regulatory Commission, (1) whether portions of the tank waste can be managed as a waste type other than high-level waste and can be disposed of outside of Washington and (2) that residual tank waste can be managed as a waste type other than high-level waste.

2022 National Cleanup Workshop Agenda

Marriott Crystal Gateway

1700 Richmond Hwy, Arlington, VA

"Clearing the Decks to Enable the Next Decade of Cleanup Success"

Hosted by the Energy Communities Alliance in cooperation with the U.S. Department of Energy and the Energy Facility Contractors Group.

WEDNESDAY, SEPTEMBER 21, 2022	
4:00pm – 6:00pm	**Registration Opens**
4:00pm – 7:00pm	**Exhibits Open**
5:00pm – 7:00pm	**Welcome Reception**

THURSDAY, SEPTEMBER 22, 2022	
7:00am – 8:30am	**Registration and Continental Breakfast**
8:30am – 8:45am	**Opening Remarks** **Introduction: Seth Kirshenberg**, Executive Director, Energy Communities Alliance **Brent Gerry**, Mayor, City of West Richland, WA; Chair, Energy Communities Alliance (ECA) **Michael Lempke**, Chair, Energy Facility Contractors Group (EFCOG); President, Nuclear and Environmental group, HII's Mission Technologies Division
8:45am – 9:15am	**A New Era for EM Cleanup** **Introduction: Michael Lempke**, Chair, EFCOG; President, Nuclear and Environmental group, HII's Mission Technologies Division **Ike White**, Senior Advisor for Environmental Management, DOE
9:15am – 9:45am	**Upcoming EM Acquisition Plans and Schedule** **Introduction: Ryan Overton**, Executive Vice President, Navarro Research and Engineering **Angela Watmore**, Acting Deputy Assistant Secretary for Acquisition and Project Management, DOE-EM
9:45am – 10:00am	**COFFEE BREAK**
10:00am – 10:30am	**Remarks from the Office of Nuclear Energy** **Introduction: Kara Colton**, Director of Nuclear Energy Policy, ECA **Sam Brinton**, Deputy Assistant Secretary for Spent Fuel and Waste Disposition, DOE-NE

THURSDAY, SEPTEMBER 22, 2022	
10:30am – 10:45am	**Perspectives on Hanford and DOE Priorities** **Introduction: Matt McCormick**, VP West Coast Operations, Veolia Nuclear Solutions-Federal Services **Rep. Dan Newhouse (R-Wash.)**
10:45am – 12:00pm	**The Next Phase of EM Progress** **Moderator: Candice Robertson**, Acting Principal Deputy Assistant Secretary, DOE-EM *…Completing D&D of Building 326 at Portsmouth* **Joel Bradburne**, Manager, Portsmouth Paducah Project Office, DOE **Greg Wilkett**, Site Project Director, FBP *…A New Radioactive Waste Disposal Facility in Oak Ridge* **Laura Wilkerson**, Acting Manager, Oak Ridge Office of Environmental Management **Ken Rueter**, President and CEO, United Cleanup Oak Ridge (UCOR) *…End-State Contracting Model Implementation at Idaho* **Connie Flohr,** Manager, EM-Idaho **Ty Blackford,** President, Idaho Environmental Coalition, LLC
12:00pm – 1:00pm	**LUNCH**
1:00pm – 1:30pm	**Perspective from Capitol Hill** **Introduction: Chuck Hope,** Council Member, City of Oak Ridge, Tenn. **Rep. Chuck Fleischmann (R-Tenn.)**, Chairman, House Nuclear Cleanup Caucus **Introduction: Eric Freeman**, Deputy Group President, Leidos **Rep. Susie Lee (D-Nev.)**
1:30pm – 2:30pm	**Resetting Regulatory Relationships and Approaches to Enable the EM Mission** **Moderator: Shelly Wilson**, Longenecker & Associates **Kristen Ellis**, Director for Regulatory Intergovernmental and Stakeholder Engagement, DOE-EM **Kim Lebak**, President, N3B Los Alamos **Laura Wilkerson**, Acting Manager, Oak Ridge Office of Environmental Management **Wyatt Clark**, Chief Operating Officer, Savannah River Mission Completion **Connie Herman**, Associate Lab Director, Savannah River National Laboratory and executive sponsor, SRNL Regulatory Center of Excellence **Amy Fitzgerald,** Government Affairs and Information Services Director, City of Oak Ridge, TN

THURSDAY, SEPTEMBER 22, 2022	
2:30pm – 3:00pm	**COFFEE BREAK**
3:00pm – 4:00pm	**Developing the Future EM Workforce** **Moderator: David Izraelevitz**, Councilor, Los Alamos County, N.M.; Treasurer, ECA **Kristen Ellis**, Director for Regulatory Intergovernmental and Stakeholder Engagement, DOE-EM **Nicole Nelson-Jean**, Associate Principal Deputy Assistant Secretary for Field Operations, DOE-EM **JJ Chavez,** Council Member, City of Carlsbad, N.M.; ECA Executive Board **John Eschenberg**, President, CPCC **Myrna Redfield**, President/CEO & Program Manager, Four Rivers Nuclear Partnership, LLC
4:00pm – 5:00pm	**Roundtable: Lessons Learned and Improving Project Performance** **Moderator: Martin Schneider**, Energy Facility Contractors Group (EFCOG) **Tom Jouvanis**, President, Atkins Nuclear Secured **Michael Lempke**, President, Huntington Ingalls Industries' Technical Solutions Division **Greg Meyer**, Senior Vice President, Fluor **Dena Volovar**, Executive Vice President, Nuclear, Security & Environmental (NS&E), Bechtel **Mark Whitney**, President-National Security, Amentum

FRIDAY, SEPTEMBER 23, 2022	
7:00am – 8:30am	**Registration and Continental Breakfast**
8:30am – 9:30am	**DOE Leadership Perspectives** **Moderator: Colin Jones**, Deputy General Manager, North American Nuclear, Jacobs **Candice Robertson**, Acting Principal Deputy Assistant Secretary, DOE-EM **Nicole Nelson-Jean**, Associate Principal Deputy Assistant Secretary for Field Operations, DOE-EM **Dae Chung**, Associate Principal Deputy Assistant Secretary for Corporate Services, DOE-EM
9:30am – 10:00am	**COFFEE BREAK**

FRIDAY, SEPTEMBER 23, 2022	
10:00am – 11:00am	**Roundtable: DOE Field Office Managers** **Moderator: Rebecca Casper**, Mayor, City of Idaho Falls **Laura Wilkerson**, acting Manager, Oak Ridge Office of Environmental Management, DOE-EM **Joel Bradburne**, Manager, Portsmouth Paducah Project Office **Connie Flohr**, Manager, EM Idaho Operations Office, DOE **Michael Mikolanis**, Manager, EM Los Alamos **Reinhard Knerr**, Carlsbad Operations Office, DOE **Michael Budney**, Manager, Savannah River Site Operations Office, DOE-EM **Brian Vance**, Manager, Office of River Protection/ Richland Operations Office, DOE-EM **Jack Zimmerman,** Director, Environmental Management Consolidated Business Center, DOE-EM
11:00am – 12:00pm	**Maximizing Reuse Opportunities at EM Sites** **Moderator: Rick McLeod**, President/CEO, Savannah River Site Community Reuse Organization **Randall Ryti**, Chair, Los Alamos County Council **Diahann Howard**, Executive Director, Port of Benton **Jennifer Chandler**, Administrator, Village of Piketon, OH **Ken Rueter**, President and CEO, UCOR
12:00pm – 1:00pm	**LUNCH**
1:00pm – 2:00pm	**Entering a New Era for Hanford and the Tricities** **Brian Vance**, Manager, Office of River Protection/Richland Operations Office **Steven Ashby,** Director, Pacific Northwest National Laboratory **Wes Bryan**, President, Washington River Protection Solutions **Val McCain**, Project Manager, Bechtel-WTP **Bob Wilkinson**, President, Hanford Mission Integration Solutions **David Reeploeg**, Executive Director, Hanford Communities
2:00pm – 3:00pm	**Improving Assurance Approaches to Address Emerging Challenges** **Moderator: Jack Craig**, COO, Atkins Nuclear Secured **Dae Chung**, Associate Principal Deputy Assistant Secretary for Corporate Services, DOE-EM **David Blevins**, Vice President and General Manager, North American Nuclear, Jacobs **Stuart MacVean**, President, Savannah River Nuclear Solutions **Jim Blankenhorn**, Senior Vice President-Environment and Security, Amentum **Sandra Fairchild**, Director of Mission Assurance and Controls, UCOR **Heatherly Dukes**, President, BWXT Technical Services Group **Nathan Anderson,** Director-Natural Resources and Environment, GAO
3:00pm	**ADJOURN**

DOE WORKFORCE

SCOTUS Strikes Down Washington State Law Related to Hanford Workers

On June 21, the U.S. Supreme Court called a workers' compensation law enacted in 2018 in Washington State unconstitutional, as it applied only to certain workers at a federal facility in the State who were "engaged in the performance of work, either directly or indirectly, for the United States."

The facility in question is the Hanford Site, a former nuclear weapons production facility and current Department of Energy cleanup site. Most workers at the site involved in the cleanup are federal contract workers—people employed by private companies under contract with the Federal Government. A smaller number of workers involved in the cleanup include State employees, private employees, and federal employees who work directly for the Federal Government.

As compared to Washington's general workers' compensation scheme, the 2018 law made it easier for Hanford's federal contract workers to establish their entitlement to workers' compensation, thus increasing these costs for the Federal Government.

The United States brought suit against Washington state, arguing that Washington's law violates the Supremacy Clause by discriminating against the Federal Government. The District Court concluded that the law was constitutional because it fell within the scope of a federal waiver of immunity contained in 40 U. S. C. §3172. The Ninth Circuit affirmed. The Supreme Court disagreed.

Held: Washington's law facially discriminates against the Federal Government and its contractors. Justice Breyer delivered the unanimous opinion of the Court.

In the opinion, the Court first ruled that the case is not moot. A case is not moot unless it is impossible for the Court to grant any effectual relief. The Court found that it is not impossible for the United States to recover money if the Court rules in its favor, and thus it is within the jurisdiction of the Court to issue a ruling.

The opinion went on the discuss arguments pertaining to the Supremacy Clause. The Constitution's Supremacy Clause generally immunizes the Federal Government from state laws that directly regulate or discriminate against it. Congress, however, can authorize such laws by waiving this constitutional immunity.

A state law discriminates against the Federal Government or its contractors if it "single[s them] out" for less favorable "treatment," or if it regulates them unfavorably on some basis related to their governmental "status." The Supreme Court found that Washington's law violates these principles by singling out the Federal Government for unfavorable treatment.

To read the full story, visit energyca.org/eca-updates/

COMMUNITY ENGAGEMENT

Momentum Continues to Build on Consent-Based Siting

Sam Brinton, Deputy Assistant Secretary of the Office of Spent Fuel and Waste Disposition in DOE's Office of Nuclear Energy (NE), recently outlined six Action Steps DOE is taking in response to public feedback submitted on identifying a federal consolidated interim storage facility using a consent-based siting process:

1. Implement congressional direction to pursue consolidated interim storage in a way that **maximizes the potential benefits** of an integrated nuclear waste management system.

2. **Address the current lack of trust in DOE** by making changes internally—by improving follow through on commitments and acknowledging past missteps, and externally—by being inclusive, community-driven, phased and adaptive.

3. **Ensure DOE's consent-based siting process is fair** by actively and equitably engaging with communities, Tribes, states, local governments and other interested parties in all phases of the process; and by providing resources and data communities need to participate fully and make informed decisions.

4. **Focus on fairness in siting outcomes and the process** to prioritize equity and environmental justice considerations, and work collaboratively to define what constitutes "consent."

5. **Continue planning for the safe transportation of spent nuclear fuel** with partners and impacted parties to address the concerns of communities near proposed facility sites and potential transportation corridors.

6. **Rigorously apply safety, security, and other relevant criteria** in assessing the suitability of potential sites for different types of spent nuclear facilities.

These steps - and the feedback that led to them - are outlined in more detail in DOE's recently released report, "Consent-Based Siting: Request for Information Comment Summary and Analysis," which DOE is using to inform how it will move forward as well as future funding opportunities. As Brinton states, "When building a system of consent, listening is key and this report is the definition of letting communities and stakeholders know that we heard them loud and clear."

In total DOE received 225 submissions on the Request for Information released in December 2021, many of them echoing comments submitted by ECA including the need to rebuild trust, work collaboratively to define "consent," and allowing community priorities, needs and well-being to drive the process.

ECA looks forward to working with Assistant Secretary Brinton and the team in the Office of Nuclear Energy to meaningfully address this challenge and make progress. But we again remind DOE of its responsibility to dispose of commercial spent nuclear fuel **as well as** the legacy defense waste at the sites in our communities that have long supported and continue to support federal nuclear missions.

Kristen Ellis Selected for Senior Executive Service Role

On September 9, DOE-EM announced that Kristen Ellis was selected for appointment to the Senior Executive Service as Director for Regulatory, Intergovernmental, and Stakeholder Engagement.

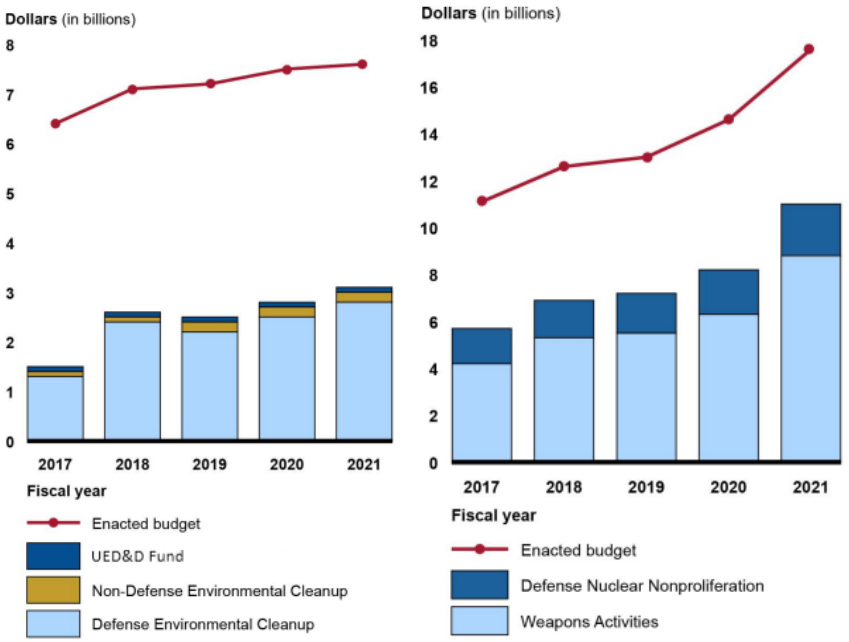
ECA appreciates Kristen's many years of partnership with ECA, and extends our congratulations on this exciting appointment!

BUDGET

GAO: EM, NNSA Have Over $14 Billion in Carryover Balances

The Department of Energy (DOE) Office of Environmental Management (EM) and National Nuclear Security Administration (NNSA) **each have billions in carryover balances - totaling over $14 billion - from Congressionally appropriated funds**, according to a recent report by the U.S. Government Accountability Office (GAO).

EM and NNSA oversee the cleanup of DOE's legacy sites and the operation of the nuclear security enterprise, respectively. Most funds that Congress appropriates to EM and NNSA remain available for obligation until they are expended (costed). Balances not obligated or costed can generally be carried over to future fiscal years, but these carryover balances can accumulate beyond the minimum needed to support programs, tying up resources that could be put to other uses.



Source: GAO-22-104541. Carryover balances and enacted budgets for EM (left) and NNSA (right).

GAO's recent report found that EM had about $3.2 billion in total carryover balances, and NNSA had about $10.9 billion. EM's carryover is equivalent to about 42% of the funds appropriated to EM for fiscal year 2021. The carryover balance for NNSA's Weapons Activities and Defense Nuclear Nonproliferation appropriation accounts is equivalent to about 62% of the funds appropriated to these accounts for fiscal year 2021.

While the majority of these balances were made available until expended, only 1.4% of the total $14.1 billion was appropriated more than five years ago, indicating that EM and NNSA have generally ensured that older funds were spent before newer funds.

The report also covers DOE and NNSA practices for identifying uncosted balances that warrant greater scrutiny. DOE and NNSA have used benchmarks, or thresholds, since 1996 to monitor uncosted balances for operating activities. DOE documents state that year-end balances exceeding these thresholds warrant greater scrutiny. At the end of fiscal year 2021, EM and NNSA had about $3.5 billion in such uncosted balances.

GAO RECOMMENDATIONS

GAO is making seven recommendations, including that DOE and NNSA better document their thresholds—including definitions, bases, and purpose—to ensure that they are applied consistently throughout the department, and that DOE develop guidance on how to evaluate uncosted balances and consider them when developing future funding requests. DOE and NNSA concurred with GAO's recommendations.

ECA Builds Support for Advanced Nuclear: Hosts Inaugural Forum on New Nuclear Development

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Communities play a key role in the new nuclear movement and clean energy transition. Day 1 of the Forum included case studies from Idaho; Kemmerer, WY; and Richland, WA. Speakers from discussed their groundbreaking partnerships with companies such as NuScale Power, TerraPower, and X-Energy, respectively. As Dr. Huff *(pictured below)* noted, "We can't solve our climate crisis without the help of nuclear energy and we simply can't deploy advanced reactors without our community partners."

DOE is forward thinking about the next generation of nuclear energy. NE is supporting a variety of new nuclear programs, and there is significant federal funding backing these efforts. Congress has already allocated hundreds of millions of dollars to support the Advanced Reactor Demonstration Program, which aims to accelerate the demonstration of advanced reactor technologies, and DOE has also awarded millions of dollars in awards for R&D projects across the country.

Alignment and communication between stakeholders will foster more progress. Several sessions identified the need to improve communication directly with the constituents of communities in order to create support for new nuclear projects. That means addressing important issues of risk, conveying the clean energy benefits of the projects, and how these projects can serve the existing workforce. Alignment within the industry is important too. Jim Schaefer of said he senses a shift in which investors are increasingly embracing companies developing advanced nuclear technology.

On Day 2 of the Forum, participants heard from more communities through case study sessions about Oak Ridge, TN and Portsmouth, OH. Other sessions included discussion on nuclear energy policies in state legislatures, strategic partnering, nuclear energy issues for communities in Europe.

From left to right: ***Audrey Ennis****, USNC;* ***Peter Hastings****, Kairos Power;* ***Councilmember Chuck Hope****, City of Oak Ridge, TN and* ***Christine King****, GAIN.*

To make progress on new nuclear energy projects, this type of communication between host communities will continue to be key. Additionally, having the developers, federal officials, and tribal officials in the same room allows for stakeholders to find alignment of priorities.

ECA Director of Nuclear Policy Kara Colton concluded the Forum by noting: "Communication is something we can all work together on, and bringing our perspectives together will create a more holistic message."

Why Local Governments and Communities Support New Nuclear Development

Strategic communities are the foundation of the next generation of nuclear energy

Local communities want clean energy development. Across the country, these communities know how to tout the abundant and reliable carbon-free energy source, including small modular reactors (SMRs) and microreactors, as a selling point to attract businesses and spur economic development. Similarly, leading businesses and the federal government are requiring their facilities to reduce their carbon output or become carbon free in the coming decades.

The United States faces a range of energy challenges, from seeking energy security to addressing climate change. The solutions lie in our local communities, serving as the hosts of groundbreaking energy and environmental projects throughout our nation's history.

In communities across the country, government officials, the workforce, manufacturers, economic development entities, businesses, and educational institutions are partnering to make progress on new nuclear development – especially SMRs. Communities are supporting new nuclear to demonstrate:

1. **Nuclear is a reliable source of clean and carbon free energy;**
2. **Nuclear projects create economic diversity and workforce opportunities;**
3. **Nuclear power makes the region and community economically competitive;**
4. **Nuclear is critical for energy independence, reliability, and security.**

To read the full report, please visit energyca.org/publications or scan the QR code below.

INFLATION REDUCTION ACT

Nuclear Provisions in the Inflation Reduction Act

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NEW ZERO EMISSION NUCLEAR POWER PRODUCTION CREDIT

The IRA includes zero-emission nuclear power production credits for existing nuclear power plants, which would subsidize these plants with an estimated $30 billion over the next decade, according to the Congressional Budget Office.

The program applies to nuclear power produced from 2024 through 2032. The law's text specifically states advanced reactors are not eligible for this credit.

PRODUCTION TAX CREDIT AND INVESTMENT TAX CREDIT

The IRA also provides tax credits for both clean energy production and investment for qualified facilities, including for advanced nuclear reactors. Under the credit provisions, a "qualified facility" means a facility owned by the taxpayer that is used for the generation of electricity, which is placed in service in 2025, and for which the greenhouse gas emissions rate is not greater than zero.

The production tax credit will provide a credit that is 0.3 cents times the kWh base rate for ten years. The credit would be increased by an additional 10% in energy communities.

Energy communities, as defined by the IRA, include three types of geographies: brownfield sites; certain metropolitan and also non-metropolitan areas; and certain census tracts with coal mines closed since 2000.

In addition to the production tax credit, an investment tax credit provides a technology-neutral investment tax credit of 6% for most generators, or a larger 30% credit for systems less than one megawatt.

HALEU

The IRA also appropriates a total of $700 million to support the availability of high-assay low-enriched uranium (HALEU) nuclear fuel for purposes of research, development, demonstration, and deployment activities and commercial use.

OFFICE OF NUCLEAR ENERGY

The IRA appropriates $150 million to the Office of Nuclear Energy (NE), which will remain available through 2027 to carry out activities related to nuclear infrastructure and the general plant projects carried out by NE.

NATIONAL LABORATORY FUNDING

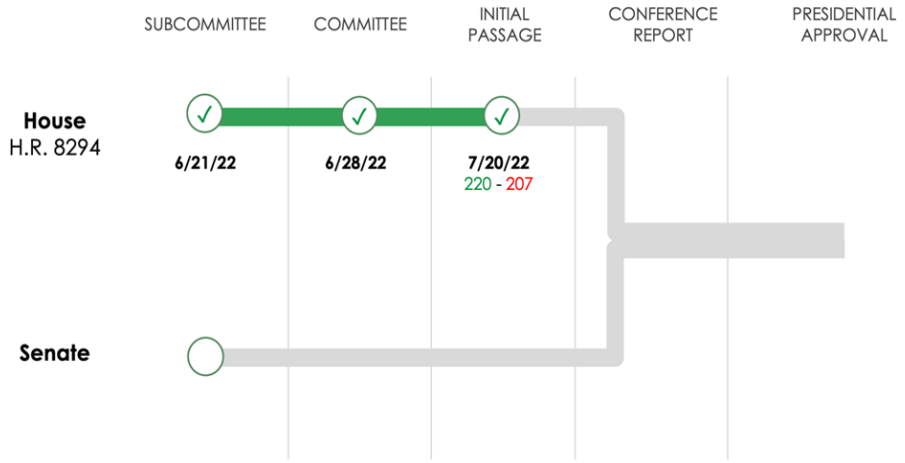
The IRA also provides over $1.5 billion in new funding for National Labs infrastructure through 2027. Included in that amount is $217 million for nuclear physics construction and $158 million for isotope research and development facilities.

ON THE HILL

Heard on the Hill: Legislative Updates

STOPGAP FUNDING BILL EXPECTED THIS MONTH

The big picture: Congress is considering a continuing resolution (CR) that will extend current levels of funding through December 16. At the time of this publication, the House has passed the its energy appropriations bill, but the Senate has not held hearings on its version of the bill with just days remaining until the beginning of the new fiscal year on October 1. In recent history, it has been rare for appropriations to pass on time in an election year, and they are usually passed in the months following the election.



Hurdles for the CR: House and Senate leaders have expressed confidence that the CR will pass. However, some legislators may oppose the CR over a proposed measure by Sen. Joe Manchin (D-WV) that would change the permitting process for certain energy infrastructure.

Digging into the details: When Congress ultimately passes appropriations for FY 2023—whether it is in mid-December or in early next year—increases are expected across various programs within the Department of Energy (DOE), including Environmental Management (EM), Nuclear Energy, National Nuclear Security Administration (NNSA), and Office of Science.

Department of Energy Budget & Appropriations Highlights
(amounts in thousands of dollars)

	FY 2022 Enacted	FY 2023 Request	FY 2023 House Bill	FY 2023 Senate Bill	Δ FY23 Senate – FY22 Enacted
Environmental Management	7,903,863	8,251,533	7,929,705	8,306,667	+402,804
National Nuclear Security Administration	20,656,000	21,410,400	21,232,065	22,102,143	+1,446,143
Nuclear Energy	1,654,800	1,675,060	1,779,800	1,765,600	+110,800
Science	7,475,000	7,799,211	8,000,000	8,100,000	+625,000
Legacy Management	178,730	196,146	188,463	196,146	+17,416
Nuclear Waste Disposal	27,500	10,205	10,205	10,205	-17,295
TOTAL, DEPARTMENT OF ENERGY	44,855,624	49,004,440	48,190,405	49,345,050	+4,489,426

Heard on the Hill: Legislative Updates

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NDAA LIKELY TO BE PUSHED UNTIL AFTER NOVEMBER ELECTIONS

With limited time on the legislative schedule before Election Day and no schedule to take up the FY 2023 National Defense Authorization Act (NDAA), the Senate appears likely to postpone any action on its version of the bill until November.

As Politico reported, "[w]ithout action this month, the bill is likely to slip past the midterm elections and significantly compress the timeline for House and Senate Armed Services leaders to iron out a compromise measure in the lame duck session."

A staff member for Senate Majority Leader Chuck Schumer (D-NY) noted, "[i]t will get done like we do every year," despite the compressed timeline. The Senate did not begin debating last year's NDAA bill until November as well.

What's in the FY 2023 NDAA for energy communities?

This year, Congress appears to be focusing on EM cleanup, DOE contracting, and plutonium pit production.

Cleanup: The House and Senate Armed Services Committee are requiring several assessments and reports about cleanup issues, including a complex-wide waste disposal strategy; the EM workforce; and oversight of cleanup efforts at Hanford and the Waste Isolation Pilot Plant (WIPP).

DOE Contracting: The House and Senate both expressed concern over "uncertainty surrounding the award of management and operation contracts" and its impact on NNSA employees at facilities. The Committees requested briefings on issues in the award process for M&O contracts. The Senate NDAA also aims to evaluate the extent to which EM has established processes and trained staff to implement, manage, and monitor all End State Contracting Model task orders.

Plutonium Pit Production: The NDAA bills both support plutonium modernization, but request further information about costs and schedules. The Senate bill would require the scientific advisory group JASON to assess annually the NNSA's progress towards completing the milestones outlined in the plutonium pit aging roadmap and provide a briefing on the results. The House bill would require reports on the environmental impact, integrated master schedule, and plutonium aging related to NNSA's pit production plan.

ECA Energy Communities Alliance

Local concerns. National impact.

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UPCOMING ECA MEETINGS

October 6, 2022 at 3:00pm EST

ECA New Nuclear Initiative Virtual Event: The Investor Outlook for Advanced Nuclear Development

For registration and more information, please scan the QR code.

Please note this is a virtual event.

November 29 – December 1, 2022

Intergovernmental Meeting with DOE on Nuclear Weapons Waste Cleanup

New Orleans, LA

****The ECA Board Meeting** will take place on Tuesday, November 29 from 12:00 - 5:00pm.****

February 28 – March 2, 2023

ECA Meetings at Waste Management Symposia 2023

Phoenix, AZ

For more information, please visit **www.wmsym.org/wm2023-conference**.

UPCOMING MEETING

In early October, ECA will convene a listening session with the Loan Programs Office on the **$250 billion available through the new Energy Infrastructure Reinvestment (EIR) Program.**

Learn more about the EIR at energy.gov/lpo/energy-infrastructure-reinvestment

To stay up-to-date on all of ECA's events, check out the ECA Bulletin by scanning the QR code below.

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