November 2015

ECA Bulletin

Local Concerns. National Impact.

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Moniz, Jewell Sign MOA Officially Creating the Manhattan Project National Historical Park

On Tuesday, November 10, 2015, Energy Secretary Ernest Moniz and Interior Secretary Sally Jewell held a ceremony in Washington, D.C. to sign the Memorandum of Agreement (MOA) officially establishing the Manhattan Project National Historical Park.

ECA member communities have worked for almost ten years to see the creation of Manhattan Project National Historical Park. Leaders of the communities attended the ceremony; ECA held a reception the evening before in celebration of the signing.

ECA's Executive Board voiced its enthusiasm for the Park's establishment. ECA Vice Chair and Mayor of Kennewick (WA) Steve Young said, "Our communities are honored to be working together to tell the story of the Manhattan Project. The Park creates a real opportunity to preserve history while realizing the benefits the Park's heritage tourism industry will create for our communities."

ECA members from Oak Ridge/Roane/Anderson, Richland/West Richland and Los Alamos with Victor Knox of the National Park Service at the signing ceremony for the new Manhattan Project National Historical Park

Mayor of Richland (WA) David Rose added, "Not only is the creation of this Park going to preserve

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Executive Committee

Energy Communities Alliance

Chair
Councilman Chuck Smith
Aiken County, South Carolina

Vice Chair
Mayor Steve Young
City of Kennewick, Washington

Past Chair
Councilmember Robert Thompson
City of Richland, Washington

Treasurer
Council Chair
Kristin Henderson
Los Alamos County, New Mexico

Secretary
County Executive Ron Woody
Roane County, Tennessee

ECA Board Meeting
November 18, 2015
New Orleans, LA

See more information on Page 4

ECA Chair Testifies Before Congress on Waste Disposal

ECA Chair and Aiken County Councilman

ECA Chair Chuck Smith provided testimony during a House Energy and Commerce Subcommittee on Environment and the Economy hearing on Wednesday, October 28, 2015, titled "**Update on Low-Level Radioactive Waste Disposal Issues**."

Members heard from two panels that testified separately before the committee. The first panel included Mark Whitney, Principal Deputy Assistant Secretary at EM, and Michael Weber, Deputy Executive Director for Operations for Materials, Waste, Research, State, Tribal, and Compliance Programs at the NRC. Whitney updated Members on DOE's plans to submit its final Environmental Impact Statement (EIS) for the disposal of Greater Than Class C (GTCC) waste and GTCC-like waste. Whitney said that the EIS will evaluate potential impacts of the development, operation, and long-term management of a disposal facility for low level radioactive waste, including GTCC waste, and DOE expects it should be released by the end of March 2016.

The second panel consisted of representatives from states involved in low level waste compacts along with Chairman and Aiken County Councilman Smith. Chairman Smith provided a different perspective than the others, telling how additional disposal paths for GTCC waste – waste that under the current system must be disposed of in a geologic repository – exist if the way waste is classified in the U.S. is revised to reflect the composition of the waste rather than origin.

Smith said, "ECA believes that changing the way we [the United States] classify waste could provide additional, safe, publicly acceptable disposal paths for waste, leading to lower federal and taxpayer costs for storage and less risk to human health and the environment. ECA recommends that NRC and DOE work together to consider this option, and suggest that this change could be implemented immediately by Congress through legislation that clarifies waste definitions."

"ECA believes that changing the way we [the United States] classify waste could provide additional, safe, publicly acceptable disposal paths for waste, leading to lower federal and taxpayer costs for storage and less risk to human health and the environment.

Smith then provided three recommendations to the committee:

1. Consider feasible alternatives to move waste out of our communities safely, beginning with classifying waste based on its composition, not just by where it originated.
2. Give full consideration and support to communities and states interested in providing alternative storage and disposal options as part of a consent-based process.
3. Ensure that the public gets an opportunity to formally comment on any preferred alternative in pursuit of a "consent-based process."

He concluded by saying that the failure to address nuclear waste disposal increases the risks to the communities where waste now sits and limits future economic development opportunities. It also threatens the nation's energy security, impacts the economics of nuclear power as a viable energy resource under an "all of the above" energy strategy, and prevents the already limited available funds from being utilized as effectively as possible.

During the question and answer period, Ranking Member Paul Tonko (D-NY) asked Chairman Smith if there is support within ECA's communities to classify waste on a risk-based approach. Smith said many communities across the DOE complex support this approach and noted that ECA has raised the issue with DOE and NRC. Chairman John Shimkus (R-IL) asked Smith how he defines "local communities" a question he said always comes up for him in discussions of nuclear waste management and disposal. Shimkus noted that the

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Legislative Update

The appropriations process hit a bit of a snag in July (understatement) and there was talk of another shutdown throughout September. In relatively short order, however, some sense of certainty was injected into the government spending debate and there is a near certainty that Congress and the White House will be able to negotiate an omnibus package before the end of the year.

Spending Deal Reached

On Monday, October 26, congressional leaders announced they reached an agreement with the White House to raise spending caps and suspend the debt limit for two years. The agreement, unveiled as the *Bipartisan Budget Act of 2015*, was negotiated between outgoing Speaker John Boehner (R-OH), Senate Majority Leader Mitch McConnell (R-KY), House Minority Leader Nancy Pelosi (D-CA), and Senate Minority Leader Harry Reid (D-NV). A section-by-section summary of the agreement can be found **here**.

> *The spending deal is expected to smooth the path to a comprehensive spending bill funding the government for the rest of the year.*

On Wednesday, October 28, the House of Representatives passed the bill in a 266-167 vote. The Senate followed suit on Friday, October 30, by a vote of 64-35. The President signed the bill into law on November 2.

The deal, which applies to fiscal years (FY) 2016 and 2017, raises discretionary spending levels $80 billion – $50 billion in the first year and $30 billion in the second – above sequestration caps. The increased spending authority will be split evenly between defense and non-defense programs. An additional $32 billion for the Defense Department's Overseas Contingency Operations (OCO) account, evenly split between both years, is also part of the agreement. Overall, this funds the government at $66 billion above FY16 caps and $46 billion above FY17 caps. Leaders also agreed to suspend the debt ceiling until March 15, 2017.

It is expected that the agreement will significantly reduce the possibility of a government shutdown or political brinkmanship over the debt limit during a presidential election year.

Appropriations Negotiation Ongoing

The spending deal is expected to smooth the path to a comprehensive spending bill funding the government for the rest of the year. A spending bill must be passed by December 11.

On November 10, Senate Democrats lifted their filibuster of one appropriations bill – the Military Construction and Veterans Affairs bill – which now must be reconciled with the House version. Negotiations between senior appropriations leaders have been ongoing and Congress may be able to pass an omnibus package in the next few weeks. Various policy riders – legislative provisions that typically prevent the Executive from carrying out certain activities a majority of Congress disagrees with – may complicate the process however. Democrats are insisting an omnibus package be free of any unrelated riders while some elements of the Republican conference have thus far insisted on them, including provisions preventing certain environmental and water-related regulations.

National Defense Authorization Act, Take Two

Congress completed consideration of the National Defense Authorization Act (NDAA) on October 7. The bill totaled nearly $612 billion in spending, equal to the Defense Department's total request, but funding using legislative mechanism designed to circumvent spending caps laid out in the *Budget*

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Legislative Update

Control Act of 2011. The President on October 22 – only the fifth time the NDAA has been vetoed since 1961.

The House originally planned to attempt to override the vetoed, but the budget agreement announced on October 26 negated many of the objections between the White House and Congress. The deal did, however, require $5 billion be cut from the spending authorized by the NDAA – down to $607 billion. A revised bill was passed quickly by the House on November 5 by a vote of 370-58 and the Senate on November 10 by 91-3. The President is expected to sign it by the end of the month. This will be the earliest the NDAA has been signed into law since 2009.

New Speaker

On September 25, Speaker Boehner announced his intention to resign from Congress by the end of October. After an arduous process, House Republicans coalesced around Ways and Means Chairman Paul Ryan (R-WI). Ryan was previously a 2012 vice presidential candidate and negotiated the Bipartisan Budget Act of 2013 (also known as the Ryan-Murray Agreement) with Washington Senator Patty Murray (D-WA) when they were both heads of the budget committees. Speaker Ryan has said he wants to put an end to last minute, secret spending negotiations and ensure legislation is passed through the normal process. While he may face many of the same pressures as his predecessor, his ability to guide the appropriations process through the "regular order" next year will certainly be much easier because of the deal negotiated last month.

2015 Intergovernmental Meeting: New Orleans, November 18-20

On November 18-20, 2015, ECA ECOS, NAAG, NCSL, NGA and STGWG will hold the 14th combined Intergovernmental Meeting with DOE at the Hotel Monteleone in New Orleans, Louisiana.

The meeting will provide opportunities for increased communication and coordination with DOE among states, tribes, and local governments affected by the ongoing cleanup of the nuclear weapons complex. Attendees will have the opportunity to hear from and have discussions with officials from DOE's Office of Environmental Management (EM) and other senior officials within DOE and other relevant federal agencies.

A variety presentations and roundtable discussions will be featured among state, tribal, local, and federal government representatives on topics related to the cleanup of the DOE nuclear weapons complex.

ECA's Board will meet separately on Wednesday, November 18, from 10 AM – 2:00 PM EST to discuss priorities for the coming year, including a review of this year's accomplishments.

We look forward to your participation at the meeting in November. If you have any questions or if you would like further information please contact Ivana Brancaccio at ivana@energyca.org.

To sign up for the ECA news updates please visit our website:

www.energyca.org

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ECA Chair Testifies Before Congress on Waste Disposal

issue of "who is local" is particularly interesting as it pertains to Yucca Mountain, which is surrounded by federal lands. Smith was also asked by Rep. Tonko what gives him confidence that a consent-based approach to siting facilities for high-level waste can yield a better outcome in the future. Smith replied, "Well something has got to be better than where we've been…anytime you involve the communities we can give you ideas and opportunities that you may not see." Chairman Smith's testimony can be found **here**.

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Moniz, Jewell Sign MOA Officially Creating the Manhattan Project National Historical Park

Energy Secretary Moniz and Interior Secretary Jewell sign MOA

Energy Secretary Moniz and Interior Secretary Jewell sign MOA

our nation's history, it will tell the untellable Manhattan Project."

ECA Treasurer and Los Alamos County (NM) Council Chair Kristin Henderson stated, "The Manhattan Project is an important story in our nation's history and our communities appreciate the leadership of our senators and congressional members in ensuring that this story will be told to future generations."

ECA Secretary and Roane County (TN) Executive Ron Woody said, "The Manhattan Project National Historical Park will give current and future generations a better understanding of this indisputable turning point in world history. We look forward to telling that story together."

Oak Ridge (TN) Mayor Warren Gooch said, "The science of the Manhattan Project laid the foundation for innovation in fields such as nuclear medicine and clean energy, which has enhanced the quality of our lives, helped keep us competitive in a global economy, and maintained our national security."

ECA Chair and Aiken County (SC) Councilman Chuck Smith stated, "All of our energy communities support the Manhattan Project National Historical Park, as it teaches the lessons learned by our country and identifies an important moment in our history."

"The leadership of the local governments and their congressional members along with DOE and NPS has made this a reality. The real winners are the communities and the thousands of hardworking men and women at Los Alamos, Oak Ridge and Hanford that helped bring an end to World War II

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UPDATE ON NUCLEAR ENERGY AND NUCLEAR WASTE

Over the last month, there have been a number of developments that could impact how nuclear waste issues may be addressed in the future.

DOE Confirmation Hearings

In late October, **confirmation hearings** were held for nominated DOE officials including Victoria Wassmer, nominee to be the Undersecretary for Management and Performance, Cherry Murray, nominee to lead DOE's Office of Science, and John Kotek to replace Dr. Pete Lyons as Assistant Secretary for Nuclear Energy. Kotek is currently serving as acting assistant secretary and has been the Principal Deputy Assistant Secretary since July.

Kotek confirmed that DOE is still looking at developing a separate repository for defense HLW but provided no specific details

In her opening remarks, Senate Energy and Natural Resources Chairman Lisa Murkowski (R-AK) noted that Secretary Moniz is doing a good job at DOE and deserves to have a good team. In the discussion that followed, a number of questions regarding nuclear waste cleanup were asked of all three nominees including what role science will play in cleanup, what actions will be taken to ensure that cleanup projects are completed in a timely fashion, and what the plan is for DOE's proposal to pursue a separate repository for defense high-level waste (HLW).

In his responses, Kotek confirmed that DOE is still looking at developing a separate repository for defense HLW but provided no specific details. He did speak about DOE's commitment to develop a consent-based siting approach "that involves working with states, tribes, local governments, in a way that leads to signing agreements with what we would call a willing and informed host community for those facilities." Kotek added that with the necessary appropriations, DOE should be able to move forward on consent-based siting in the "not too distant future." He noted that it is an Administration priority to move decommissioned HLW into consolidated interim storage.

Senator Maria Cantwell (D-WA), Ranking Member of the Committee, said the nominees should be confirmed but Senator Rob Portman (R-OH) said he might hold up the confirmations over frustrations that DOE has not followed through on a commitment to ensure adequate funding levels are requested for environmental cleanup at Piketon.

BPC Report on Major Themes from Regional Nuclear Waste Stakeholder Meetings

Consent-based siting was also discussed in the Bipartisan Policy Center's (BPC) **report** on major themes identified through a series of regional nuclear waste stakeholder meetings. The goal of the meetings is to develop policy options for an "implementable and enduring" nuclear waste strategy. The report says there is general agreement that no working definition currently exists for a consent-based agreement but that the process for arriving at such an agreement cannot be top-down. "Almost all participants in BPC's regional meetings described a process in which host communities and tribal governments are invited to participate in a forum where opportunities and risks are clearly defined and where participants agree on what defines consent and agree on an end point for opting out," the report said.

Other areas of general agreement among stakeholders outlined in the report included the need for an integrated approach to storage and disposal, working with corridor communities on waste transportation issues, resolving cask design, and taking a risk-informed approach to the current "inadequate" waste classification system.

Areas of disagreement where continued discussion is needed included whether spent nuclear fuel should be kept where it is currently stored or moves to a consolidated storage facility, whether waste

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Update on Nuclear Energy and Nuclear Waste

should be reprocessed, the suitability of Yucca Mountain, and restricting the use of the Nuclear Waste Fund for waste-disposal activities only.

BPC concluded that the next phase of the project would build on these insights and knowledge sharing to develop recommendations for achieving resolution of the nuclear waste problem.

NRC Oversight Hearing

Nuclear Regulatory Commission (NRC) leadership similarly spoke about consolidated interim storage at an **oversight hearing** held by the Senate Committee on Environment and Public Works. NRC Chairman Stephen Burns noted that the NRC has received two letters of intent to begin licensing proceedings for consolidated interim storage facilities but acknowledged the agency does not currently have the skill to evaluate them. Interestingly, the conversation was part of a larger discussion where senators questioned whether the NRC bureaucracy is bigger than necessary given that the number of operating nuclear reactors in the country is declining but NRC spending and overhead costs are increasing. In response, Burns said under its **Project Aim 2020** initiative, the agency is looking to realign its budget and mission to increase efficiency.

NRC Chairman Stephen Burns

During the same hearing, NRC commissioners were asked about future nuclear development including small modular reactors (SMRs) and advanced reactors. Chairman Burns said the NRC is looking at necessary licensing actions and at ways to shift the regulatory framework so that they are not using old regulations for new technologies. He added that they are working with DOE.

White House Summit on Nuclear Energy

The NRC participated alongside DOE in the White House's Summit on Nuclear Energy held on November 6th. The purpose of the summit was to demonstrate the administration's commitment to the continued development of new and advanced nuclear technologies along with support for currently operating nuclear power plants as an important component of its clean energy strategy. A fact sheet on the Administration's announced actions is available **here**.

At the summit, DOE announced the establishment of **Gateway for Accelerated Innovation in Nuclear** (GAIN) to provide the nuclear energy community with access to the technical, regulatory, and financial support necessary to move new or advanced nuclear reactor designs toward commercialization while ensuring the continued safe, reliable, and economic operation of the existing nuclear fleet. GAIN has multiple components aimed at ensuring that DOE-sponsored activities are impactful to companies working to realize the full potential of nuclear energy. These include:

- Providing a single point of contact for users interested in a wide range of nuclear energy related capabilities and expertise;
- Publishing the Nuclear Energy Infrastructure database (NEID), a catalogue of existing nuclear energy related infrastructure and resources that will enhance transparency and support nuclear community engagement;

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Update on Nuclear Energy and Nuclear Waste

- Making $2 million available in the form of vouchers to provide assistance to small business applicants (including entrepreneur-led start-ups) seeking to access the knowledge and capabilities available across the DOE complex. This funding should help support interest from new companies working to develop advanced nuclear energy technologies;
- Providing assistance from NRC and DOE for prospective applicants for advanced nuclear technology to understand and navigate the regulatory process for licensing new reactor technology;
- Supplementing DOE's existing loan guarantee solicitation for nuclear energy;
- Establishing the LWR Research, Development, and Deployment (RDD) Working Group to examine possible needs for future RDD to support the development of competitive advanced LWRs;

Investing in SMR Licensing; and,

Addressing Small Modular Reactor Needs through DOE's Consortium for Advanced Simulation of Light Water Reactors (CASL). CASL also signed an agreement with NuScale to establish new cost-

SPENT NUCLEAR FUEL RESEARCH SHIPMENT TO IDAHO CANCELLED

The first of two proposed research shipments of spent nuclear fuel (SNF) to eastern Idaho have been canceled by federal authorities, leaving many wondering when the Idaho National Laboratory (INL) will see its next proposed shipment.

The reason for the cancellation, according to DOE, is due to federal and state officials failing to settle on a waiver to the 1995 agreement that ties shipments to nuclear waste cleanup at the site. DOE was previously tasked with converting 900,000 gallons of liquid waste into solid form, a process intended to take place at the Integrated Waste Treatment Unit (IWTU). The nearly $600 million ITWU has been plagued by problems and the waste remains stored at INL. This technical violation ignited a political debate in the state, with many current leaders supporting the shipment to ensure INL's continued research. The Attorney General and two former governors argue that DOE needs to deal with current nuclear waste before shipping more SNF into the state.

DOE did not disclose where it intends to send the first shipment of spent nuclear fuel. Idaho Attorney General Lawrence Wasden expressed his disappointment in DOE's decision, blaming the department for its lack of participation during the negotiation process.

Wasden says he would have signed a one-time agreement with DOE on a waiver to allow the shipments to the laboratory with the condition of federal officials demonstrating the ITWU's capability to process liquid waste.

DOE said it "will continue to work with the state of Idaho in an effort to identify a path forward for the proposed second shipment."

A lawsuit has been filed by two former governors against DOE in an effort to find out more about the shipments. Those governors have long warned that altering the 1995 agreement could result in Idaho storing tons of commercial nuclear waste for long-term storage.

One of 17 Department of Energy labs nation-wide, INL is the primary lab for nuclear research. It is estimated that research work on spent fuel could bring about $20 million a year to Idaho. Many worry that the lab's top-tier status will be damaged as a result of this missed opportunity.

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Moniz, Jewell Sign MOA Officially Creating the Manhattan Project National Historical Park

and the future generations that will learn about their contribution to our country," added ECA Executive Director Seth Kirshenberg.

The Manhattan Project National Historical Park Act became law as part of a provision passed in the 2015 National Defense Authorization Act. The MOA establishes three different sites in Los Alamos, New Mexico; Oak Ridge, Tennessee; and Hanford, Washington. The Park will conserve historic sites and artifacts that played a key role during the nuclear era while telling the story of the world's first atomic bomb and exploring its historical and societal consequences.

2015/2016 Calendar of Events

Week of November 16	Congressional Appropriations Committees complete Draft Omnibus appropriations bills for FY 2016
November 18	House Science Committee Hearing on the Recommendations of the Commission to Review the Effectiveness of the National Energy Laboratories
November 18-20	**DOE Intergovernmental Meeting**
November 30	Estimated Office of Management and Budget draft agency budget passback date
December 11	Continuing Resolution Expires, Deadline to pass an Omnibus appropriations bill or extend the CR
December 14	75th Anniversary of the discovery of Plutonium
January 1	New Year's Day
January 5	Congress reconvenes
January 27	65th Anniversary of the first nuclear test at the Nevada Test Site
Late January	ECA Peer Exchange on Nuclear Energy and Waste Issues, location TBD
February 1	Administration Submits Budget Request for FY 2017
March 6-10	Waste Management Symposium, for more info visit www.wmsym.org.
September 8	Federal Elections

ECA ELECTIONS

ECA elections will be held at the ECA Peer Exchange in January 2016. Please contact Nomination Committee Chairs Pam Larsen at plarsen@ci.richland.wa.us or Rick McLeod at rick.mcleod@srscro.org with any questions on nominations

ECA Members at the signing ceremony for the new Manhattan Project National Historical Park

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