ECA Asks DOE to Improve Cleanup Contracting

This month, ECA released Changing Course: The Case for Sensible DOE Acquisition Reform. The White Paper comes as DOE prepares for a period of “unprecedented” contract competitions due to the expiration of at least 17 major contracts between 2016 and 2019. Host communities are concerned that DOE’s current contracting policies and processes are not “currently up to the task.”

Changing Course urges DOE to rely on proven contracting strategies that encourage competition, incentivize opportunities for small businesses, and ensure the job is done as efficiently, quickly, and completely as possible. In recent years, DOE’s acquisition approach has sought to shift more risk to its prime contractors, resulting in a “dramatic drop-off in the number of companies willing to bid for contracts with DOE-EM.”

Changing Course was developed by ECA’s Contracting Subcommittee, led by ECA Vice Chair and Kennewick Mayor Steve Young. The subcommittee was formed in February shortly before the Idaho Core Request for Proposals (RFP) was issued. That RFP serves as an example of how DOE’s current acquisition policies have discouraged competition and emphasized punitive penalties over mission completion.

The report urges DOE to better engage host communities throughout the acquisition process and make local field offices the focal point of acquisition planning, procurement, and award process. Changing Course issues 5 recommendations that ECA has already begun using to drive a reform-minded dialogue with DOE:

1. Use “highly incentivized” contracting models that have proven successful at prior cleanup sites;
2. Actively engage with host communities throughout the entire acquisition process, including the planning phase;

(Continued on page 3)
It’s been a busy month for Congress as they continue making progress on government funding for the next fiscal year. Congress reconvenes on the 7th, after their short Independence Day break, for what promises to be a packed July.

**Appropriations Bills Moving**

As reported earlier this year, congressional Republican leadership is determined to reestablish regular order in the passage of appropriations bills. That has led to a quick pace for the Appropriations Committees so far this spring and summer. The House has passed 6 out of 12 appropriations bills and taken committee or subcommittee action on the other 6. The Senate Appropriations Committee has taken action on 9 out of 12 bills, including the energy and water funding bill, but passage by the full chamber seems unlikely.

Democrats in both chambers are hoping to block consideration of appropriations bills until Republicans agree to a new budget agreement that would raise the spending caps laid out in the 2011 Budget Control Act. Thus far, Republicans have kept the caps in place for domestic spending but have sidestepped them for defense funding. A motion in the Senate to begin consideration of the defense appropriations bill, S.1558, was blocked on June 18. Majority Leader Sen. Mitch McConnell (R-KY) has said he will attempt to continue moving

(Continued on page 4)

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**ECA Peer Exchange:**

**Implementation of the Manhattan Project National Historical Park**

**Los Alamos County, New Mexico**

**July 16-17, 2015**

ECA’s Peer Exchange on Implementing the Manhattan Project National Historical Park will focus on the efforts of the Federal Government and communities of Los Alamos, NM, Oak Ridge, TN, and Hanford, WA to ensure this new national park comes to fruition. Local elected officials and administrators from the three sites will be joined by officials from the Department of Energy, National Parks Service, local economic development organizations, and librarians and historical preservationists to address issues including sharing the history of Manhattan Project communities, the economics of heritage tourism, and funding and standing up the Park.

For more information, please contact Devon Hill at devon@energyca.org.
3. Include subcontracting and small business plans in the evaluation criteria and emphasize the use of local and small businesses;

4. Ensure contracts incentivize the development, deployment, and eventual transfer of new technologies; and,

5. Shift acquisition planning to the site level.

Immediately after the release of the Paper, Acting EM Assistant Secretary Mark Whitney, Jack Surash, EM Deputy Assistant Secretary for Acquisition and Project Management, and Candice Trummell, EM Director of External Affairs, met with ECA Chair Councilman Chuck Smith, ECA Vice Chair Mayor Steve Young, and ECA Executive Director Seth Kirshenberg. In the meeting ECA identified its concerns and EM expressed its willingness to work with ECA to improve processes and asked ECA to provide additional specific recommendations. ECA plans to work DOE contracting organizations like Energy Facilities Contractors Group and others to develop recommendations that can be implemented by EM.

The Paper urges DOE to use contract structures based on the models that proved successful at River Corridor, Rocky Flats, Mound, and Fernald. Those models were praised in a 2005 Senate report:

“The committee applauds the level of priority and focus DOE and management within the Environmental Management Program have placed on cleaning up these three EM sites decades ahead of the original baseline schedule and at a savings of tens of billions of dollars.”

The same Senate report also stressed the need for DOE to learn valuable lessons from the accelerated cleanup of those sites in order to replicate success elsewhere:

"The committee encourages DOE to reach out to the communities at the 2006 closure sites and determine what lessons can be learned to help accelerate cleanup and thereby reduce the safety and health risks at the remaining major EM sites. In 1995, when a few individuals at Rocky Flats, Fernald, and Mound first began discussing closure of these sites as much as 60 years ahead of schedule, there were many more skeptics than believers in the accelerated closure approach. At that time, the contractors were required to merely meet compliance milestones, not to do cleanup. These three sites have proven that by reducing the highest risks first, the risk of exposure to the workers, environment, and communities was reduced, and accelerated cleanup has significantly reduced the life cycle cost.”

IS EPA SHIFTING CLEANUP COSTS FROM DOE TO A COMMUNITY?

In March, the Environmental Protection Agency (EPA) issued a preliminary determination that storm water discharges from Los Alamos County, NM would be required to obtain a special permit pursuant to the Clean Water Act. The county’s government believes this is an unfair attempt to shift the cleanup cost burden onto local taxpayers.

DOE activities on current and former government property in the area are the known cause of the contaminated runoff, yet the EPA’s regional office covering Los Alamos appears to be burdening the local government to remedy a federally created problem. Los Alamos is challenging EPA’s determination on the grounds that EPA lacks the jurisdiction to regulate this particular runoff. The County argues that EPA’s proposed action is based on an unsupportable expansion of its jurisdiction and that the regulatory basis for a permit does not apply to the county. Further, the County believes EPA is involving itself in an issue traditionally under state authority.

The comment period of the preliminary determination ended on June 15. EPA intends to issue a final decision by the middle of July.
Legislative Update

The appropriations process along with test votes throughout July. Without the votes to overcome a filibuster, however, Democrats hope Republican leadership will capitulate and negotiate. The last time Congress passed all appropriations bills individually before the start of the new fiscal year on October 1 was 1994.

Some in the media have begun speculating that a government shutdown may be looming, though it is more likely that a continuing resolution will be passed before October 1 followed by an omnibus spending bill later in the fall or early 2016.

Defense Authorization

The Senate passed its $612 billion National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016 on June 18; the vote was 71-25. The NDAA authorizes various national security policies, including DOE programs at NNSA and the Office of Environmental Management. This is the first time the Senate has passed its own version of the NDAA since December 2012 and the earliest the chamber has passed the bill in nearly 20 years. The Senate NDAA report requires quarterly reporting on actions taken to reopen the Waste Isolation Pilot Plant (WIPP) by the end of March 2016, and directs the Government Accountability Office to continue its ongoing evaluation of the Hanford Waste Treatment Plant with a briefing to the committee due not later than the end of February 2016. The Senate bill further recommends an increase of $20 million to the EM account to accelerate the cleanup of waste at the Los Alamos National Laboratory and calls for NNSA to report to Congress on the costs of its optimal plutonium disposition strategy which would impact the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site.

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National Laboratory Legislation

On June 9, the Senate Energy and Natural Resources (ENR) Committee held a hearing to consider 40 bills meant to reform DOE practices. Included among those bills were S.784, the Microlab Technology Commercialization Act, and S.1259, the National Laboratory Technology Maturation Program Act. The bills, sponsored by New Mexico Sen. Martin Heinrich and co-sponsored by Colorado Sen. Cory Gardner and Sen. Michael Bennet respectively, attracted the support of ECA outlined in a June 12 letter found on pages 19-20.

The bills aim to provide an important boost to local and regional technology-driven economies. S.784 aims to accelerate technology transfer by establishing off-campus microlabs that would serve as the “front-door” to National Laboratories. S.1259 seeks to facilitate the successful commercialization of laboratory-developed technologies, which would stimulate economic growth and technology development.

The legislation considered during the hearing may be included in a comprehensive reform bill being spearheaded by ENR Chairwoman Lisa Murkowski (R-AK) and Ranking Member Maria Cantwell (D-WA).

Nuclear Waste Markup and Legislation

On August 4, the Senate ENR Committee will hold a hearing to receive testimony on nuclear fuel cycle legislation, including S.854, the Nuclear Waste Administration Act of 2015. This bill is a follow-on to the proposed Nuclear Waste Administration Acts.
Legislative Update

of 2012 and 2013. A summary of the key segments of that and other nuclear waste management proposals can be found in the March ECA Bulletin on page 3. More information on other anticipated nuclear waste legislation that may be considered next month can be found on page 7.

WIPP Oversight Hearing

A June 12 House Energy and Commerce Oversight Subcommittee hearing revealed Congress’ frustration with security and safety lapses throughout the nation’s nuclear complex. The Albuquerque Journal reports that lawmakers pressed NNSA Deputy Administrator Madelyn Creedon and Acting Assistant Secretary for Environmental Management Mark Whitney for details on how the agencies plan to revamp oversight of those contractors that run various laboratories, manufacturing facilities, and other sites.

The hearing focused on the oversight failures that contributed to the 2014 radiation release incident at the Waste Isolation Pilot Plant (WIPP) in southern New Mexico. Members said the WIPP incident was just the latest in a string of safety and security breaches, pointing to the 2012 break-in at the Y-12 National Security Complex in Oak Ridge by nuns and the 2004 disappearance of classified computer disks at Los Alamos.

“This has been a recurrent theme that comes up over and over again,” said Rep. Michael Burgess, R-Texas, who has been on the subcommittee for more than 10 years. “It is important to get this right and get this solved. We are talking about the nation’s nuclear secrets.” Whitney and Creedon both said DOE is working to improve their oversight team at headquarters and reiterated their commitment to making improvements, but lawmakers said they had little confidence because lessons had yet to be learned from past problems.

“IT is important to get this right and get this solved,” said Rep. Michael Burgess (R-TX) during a WIPP oversight hearing.
### Department of Energy FY 2016 Budget*

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*Figures in these charts are based on figures reported by the Office of Budget and Management, Congressional Budget Office, and Senate and House Appropriations Committees. Any discrepancies are based on differences in accounting methods.
ONGOING EFFORTS TO ADDRESS NUCLEAR WASTE AND DEVELOP INTERIM STORAGE

Another Texas Storage Option

There were a number of interesting activities related to interim storage in June.

Earlier this month, a public meeting was held in Culberson County, TX, to discuss the potential for siting an interim storage facility there. Representatives from AFCI Texas, LLC, met with residents to provide information, answer questions, and gauge local interest in hosting a site that would implement dry cask storage (storing spent fuel in aboveground containers).

The site being considered is in West Texas, about 110 miles southeast of El Paso. The footprint of the potential waste facility would comprise approximately 350 acres, with an additional buffer zone of some 2,500 to 3,000 acres.

AFCI has approached at least two other counties in Texas—including Loving County—that ultimately were not interested.

Interim Storage Legislation Leaked

Meanwhile in Congress, draft legislation attributed to Rep. Michael Conaway (R-TX) found its way into media hands late this month. According to a draft made public by E&E Daily, the Interim Consolidated Storage Act of 2015 amends the Nuclear Waste Policy Act (NWPA) to authorize the Secretary of Energy to enter into contracts for the storage of certain high-level radioactive waste and spent nuclear fuel.

The bill has not yet been formally introduced.

House Energy and Commerce to Address Waste Storage Soon

Finally, another nuclear waste bill amending the NWPA and addressing potential interim storage options is expected to be released soon by House Energy and Commerce Subcommittee on Energy and Environment. While a draft of the bill is not yet publically available, a list of key provisions expected to be address is provided below:

- **Interim Storage**—The bill would authorize DOE to develop its own interim storage facility or to contract with a non-Federal entity to store spent nuclear fuel on an interim basis. An interim storage facility must be licensed by the NRC and have approval for use from the State and from affected local governments and Indian tribes.

- **Repository**—The bill includes “land withdrawal” (describing legal uses of the Federal land) for a permanent repository at Yucca Mountain and provides for sufficient water access to build and operate the facility, both effective if and when NRC approves the Yucca Mountain license application. This removes these issues as barriers to license approval, but does not make the changes for

(Continued on page 9)
EM-1 NOMINATION PUT ON HOLD

Oregon Sen. Ron Wyden announced during a June 16 hearing that he will object to the Senate’s consideration of Dr. Monica Regalbuto’s nomination to lead DOE’s Office of Environmental Management. Sen. Wyden said he will vote for nomination to proceed through committee but hold up full Senate consideration until DOE takes “concrete action” to address issues at Hanford. Sen. Wyden raised concerns about DOE’s failure to clean up high-level nuclear waste despite billions of dollars spent at the site and lambasted what he called a culture of hostility for workers.

“It is time for the culture of hostility against the whistleblowers at Hanford to end,” Wyden said during the hearing. “Until I see corrective action—concrete action—from the Department of Energy to address both the whistleblower issue and the treatment of radioactive waste, I am going to be objecting to the Senate proceeding to the nomination of Dr. Regalbuto.

“This is not a judgment of her qualifications, as she is highly qualified to serve in that role, but rather an insistence that needed changes at Hanford cannot be put off any longer.”

Regalbuto responded to Wyden’s Hanford concerns during her confirmation hearing, saying, “I recognize that there has been not the best culture with respect to whistleblowers. I will assure you that the Department of Energy and I, personally, take very serious this issue. We must have a culture at all of our sites, if we are to achieve our mission of cleaning up the environment, and that is that every worker, either in the federal or contractor side, should be able to freely come and express any disagreement, issues and concerns.”

The Office of Environmental Management has been without a confirmed leader since 2011 when Dr. Ines Triay left the position.

SENATE NDAA REPORT HIGHLIGHTS

Plutonium disposition program

The Department of Energy (DOE) continues to struggle with its plutonium disposition program, the intent of which is for the United States and Russia to each dispose of 34 metric tons of surplus weapons-grade plutonium—an agreement between the two countries was signed in 2000 and updated in 2011. The existing strategy is based on constructing a facility to fabricate mixed oxide (MOX) nuclear fuel and irradiating this fuel in specially-modified commercial nuclear reactors. Once used and removed from a reactor, the plutonium can no longer be readily used to make a nuclear weapon.

In 2013, in light of the cost increases and the current budget environment associated with the MOX facility and the overall Plutonium Disposition program, DOE’s fiscal year 2014 budget request stated that the strategy for converting plutonium to MOX fuel may be much higher than initially anticipated. The budget request announced that, as a result of these projected cost increases, the National Nuclear Security Administration (NNSA) would slow down activities associated with the current plutonium disposition strategy and conduct an analysis of alternatives to complete the mission more efficiently.

In April 2014, DOE released its analysis of the existing MOX strategy and four other alternatives including downblending the 34 metric tons and disposing this material at DOE’s Waste Isolation Pilot Plant (WIPP), or at a new repository that

(Continued on page 10)
(Continued from page 7)

Ongoing Efforts to Address Nuclear Waste and Develop Interim Storage

land and water use unless Yucca moves forward with a license. The bill also allows DOE to seek a license amendment for Yucca to increase project capacity beyond the 70,000-ton limit in current law.

- **Linkage**—Before DOE enters into a contract with a non-Federal entity for interim storage or NRC licenses a DOE-owned interim storage facility, NRC must reach a final decision on (i.e., approve or disapprove) the Yucca Mountain license application.

- **Fulfilling Federal Government Responsibilities**—The bill directs DOE to take title to commercial spent nuclear fuel once it is accepted for transport to an interim storage facility or repository. This will reduce ongoing taxpayer exposure to claims against the Judgment Fund of DOE’s breach of contract for failure to take title to the spent fuel.

- **Benefits to Host Communities**—The bill increases financial payments associated with a nuclear waste management system for states that host a repository or interim storage facility. The bill also provides additional authorities for Federal agencies to engage with host states to prioritize beneficial Federal activities to be located in the state.

A hearing is expected sometime this summer.

Intermountain Energy Summit

The **Second Annual Intermountain Energy Summit** will be held on August 18-19 in Idaho Falls, ID. Featured speakers include Idaho Sen. James Risch, Rep. Mike Simpson who chairs the House Energy and Water Appropriations Subcommittee, Principal Deputy Assistant Secretary for Nuclear Energy John Kotek, and a host of other experts and stakeholders throughout government, industry, and academia. More information on the Summit and instructions on how to register are in the link.
would need to be constructed if WIPP could not be modified to dispose of this downblended material. The April 2014 analysis found that the downblending option was significantly less expensive than the other four alternatives examined.

An April 2015 independent analysis conducted by the Aerospace Corporation of the lifecycle costs associated with the MOX and downblended options also concluded that the downblending option was significantly less expensive than the MOX option. Although cost is a factor in considering disposition strategies, it is important to note that the only option that meets the requirements outlined in the Plutonium Management and Disposition Act PMDA, signed by the United States and Russia, is MOX. All other alternatives would not only require that we renegotiate the PMDA with Russia, but will likely also require statutory and regulatory changes that could cause additional delay.

The committee is concerned, however, that these analyses inadequately assessed the technical, regulatory, and political feasibility of the downblending option. To address these inadequacies, the committee directs NNSA to prepare an analysis of the downblending option that includes answers to the following questions:

- What is the capital cost, operating and maintenance cost, other program costs, and overall lifecycle costs associated with the optimal downblending strategy?
- What is the existing subscribed capacity at WIPP and how would DOE accommodate the volume of downblended material from the 34 metric tons from the plutonium disposition program? Since WIPP is currently not accepting transuranic waste as a result of the February 2014 accident, and thus created a backlog of waste that is being temporarily stored at multiple sites, when would the first shipment of plutonium be transported to WIPP if this option was selected? What costs are associated with this delay?
- Would the WIPP Land Withdrawal Act need to be modified to accommodate this additional volume? If yes, how long with this likely take to complete? What, if any, costs are associated with this delay?
- Are there statutory changes or other regulations that would need to be modified to support the downblending option? If so, how long would it take to change these regulations and what are the associated costs?
- Would a new geologic repository be needed to accommodate all or some of this additional volume? If so, what would be the potential cost and schedule of siting, constructing, and operating such a repository? By way of comparison, what was the capital cost of constructing WIPP?
- What is the optimal blending of weapons-grade plutonium with inert material to maximize space in a repository?
- How might the percentage of plutonium in containers of downblended material affect the security requirements associated with transporting the material to a repository, the security requirements at the repository, and the ability of international monitors to monitor the downblended material in a repository?
- What are the nonproliferation and arms control concerns associated with disposing of weapons-grade plutonium in containers that lack a radioactive barrier in a repository?
- What are the views of the US Environmental Protection Agency, the Nuclear Regulatory Commission and State of New Mexico in pursuing a downblend strategy?
- The fiscal year 2016 budget request includes $345.0 million in Nonproliferation Construction for the MOX Fuel Fabrication Facility (MFF). The committee recommends an increase of $5.0 million for Nonproliferation Construction to support...
(Continued from page 10)

Senate NDAA Report Highlights

analysis of the downblending alternative. The committee requests that all cost analyses conducted as part of this analysis follow the best practice guidance of the Government Accountability Office’s (GAO) Cost Estimating and Assessment Guide.

The committee requests the Department of Energy to conduct a two-step analysis of alternative uses for the MOX Fuel Fabrication Facility (MFFF) should an alternative plutonium disposition strategy be adopted and this facility were no longer needed for this purpose.

To preserve the long-term mission for the Savannah River Site, (1) identify potential long-term mission needs at the Savannah River Site over the next 30 to 50 years, and (2) using best practices identified by the GAO, conduct an analysis of alternatives to identify how these mission needs could be met by using the MOX Fuel Fabrication Facility.

The analysis for the downblending option and the alternatives to using the MFFF shall be due to the congressional defense committees no later than October 31, 2015. The committee directs the Government Accountability Office to review the NNSA analysis as outlined in this section with a report to the congressional defense committees no later than 30 days after receipt of the NNSA analysis.

Plan for deactivation and decommissioning of nonoperational defense nuclear facilities

The committee recommends a provision that would require the Secretary of Energy to develop a plan to perform a cost-benefit analysis of defense nuclear facilities requiring deactivation and decommissioning as to whether they should be kept in cold shutdown awaiting demolition, or accelerated to save long-term storage costs. The plan will be required beginning every even calendar year no later than March 31, 2016, and end after the fifth report submission on March 31, 2026. The committee is concerned about the large inventory of nonoperational buildings at active defense nuclear facilities, such as at the Y–12 plant, some dating to the Manhattan Project, that continue to sit idle and must be continuously maintained in a safe condition by the National Nuclear Security Administration instead of being transferred to the Office of Environmental Management for demolition. The accelerated cleanup of the Rocky Flats plant saved the taxpayer billions of dollars. The committee expects the Department of Energy will take a similar approach with these facilities.

Assessment of emergency preparedness of defense nuclear facilities

The committee recommends a provision that would require the Secretary of Energy to include in each award-fee evaluation conducted of a management and operating contract for a DOE defense nuclear facility in 2016, or any even-numbered year thereafter, an assessment of the adequacy of the emergency preparedness of that facility, including an assessment of the seniority level of employees and contractors of the DOE that participate in emergency preparedness exercises at that facility. The committee is concerned that on September 3, 2014, the Defense Nuclear Facilities Safety Board (DNFSB) issued a recommendation to the DOE that it make specific improvements in its emergency management directive and strengthen the implementation of its emergency management requirements to ensure the continued protection of workers and the public. The DNFSB attributed observed problems to the absence of sound emergency preparedness and response programs at defense nuclear facilities. The committee notes that the Secretary of Energy accepted the recommendation on November 7, 2014, and is in the process of developing an implementation plan to accomplish the improvements.

Laboratory- and facility-directed research and development programs

The committee recommends a provision that would amend the Atomic Energy Defense Act to strike the 6 percent upper bound for NNSA weapons laboratory-directed research and development

(Continued on page 12)
programs with a floor not to go below 5 percent and with an upper bound not to exceed 8 percent. The committee recommends a similar provision recommended for NNSA weapons production facilities and the Nevada Site Office with an upper bound of 4 percent. These funds have served as the source of new innovations throughout the NNSA complex, keeping scientists and engineers at the cutting edge of technology, which translates into cost-saving innovations for the nation’s stockpile program, with an ability to meet any future uncertainties that might arise. The funds are also used to attract young scientists and engineers to mentor under senior personnel to ensure there is a fresh talent pool coming into the NNSA complex on an enduring basis.

Review of implementation of recommendations of the Congressional Advisory Panel on the governance of the Nuclear Security Enterprise

The committee recommends a provision that would require the NNSA to enter into agreements with the National Academy of Sciences and the National Academy of Public Administration to assess implementation of recommendations of the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise that can be carried out without additional legislation. In addition to monitoring implementation, the agreement should specify that the two entities should determine whether the implementation was effective in addressing the problem it was intended to solve. The agreement shall utilize the procedures of the National Academies in reviewing and publishing the joint report.

Defense Environmental Cleanup, Los Alamos National Laboratory

The committee recommends an increase of $20.0 million to the Department of Energy Defense Environmental Clean-up account to accelerate the cleanup of transuranic waste at the Los Alamos National Laboratory, and in particular to enhance the ability to sort, track and re-package transuranic waste drums. These actions are needed to avoid future preventable incidents associated with the Los Alamos drum that underwent an exothermic reaction at the Waste Isolation Pilot Plant.

Deferred Maintenance

The budget request for the NNSA contained $257.7 million for Recapitalization and $227.0 million for Maintenance. Respectively, these programs fund day-to-day preventative or corrective maintenance activities and efforts to reduce the large backlog of deferred maintenance across the nuclear security enterprise. Fiscal Year 2016 budget justification materials submitted by NNSA note that NNSA’s deferred maintenance backlog is over $3.6 billion and growing. The committee is encouraged that the Administrator and the Secretary have taken steps to stop the growth in the backlog of deferred maintenance, but believes more must be done to actually decrease the total amount of the backlog. Therefore, the committee recommends $407.7 million for Recapitalization, an increase of $150.0 million to the budget request.

Uranium enrichment decontamination and decommissioning fund

The committee notes that a legislative assumption accompanies the budget request of $471.8 million for the uranium enrichment decontamination and decommissioning fund, to reauthorize section 1101 of the Energy Policy Act of 2002 for matching industry contributions. As in fiscal year 2015, this legislation was not reauthorized and the committee assumes it will not be reauthorized again this year. Accordingly, the committee recommends a decrease of $471.8 million.

Microlab Technology Transfer

The committee is aware that directors of national laboratories, as well as a Brookings Institution study, have recognized that most national laboratories are located outside of major metropolitan areas, and most lab research occurs ‘behind the fence’ of main campuses, inaccessible

(Continued from page 11)
SAFETY SHORTFALLS HIGHLIGHTED AT SRS

A Defense Nuclear Facilities Safety Board (DNFSB) report uncovered significant emergency preparedness shortfalls at the Savannah River Site (SRS) according to the Augusta Chronicle. A comprehensive review of simulated drills found that numerous SRS facilities lacked plans for emergency scenarios such as fires and explosion and some plans needed to be changed to improve efficiency or performance.

Of 130 emergency action levels for specific facilities, 88 did not have adequate drill scenarios. Only 2 of 27 emergency action levels that applied site-wide had appropriate drill scenarios, according to the report.

At Savannah River National Laboratory, 12 emergency action levels lacked drill scenarios and 10 others needed revision. H-Canyon, a chemical separations plant, did not have fire drills for many locations nor did emergency plans include scenarios for puncture wounds, tornadoes or seismic events, according to the report.

Savannah River Nuclear Solutions, the sites primary management and operations contractor, and liquid-waste contractor Savannah River Remediation, conducted assessments of emergency preparedness following DNFSB reports last fall. The fall reports said SRS and its contractors failed to meet safety requirements and objectives droning an annual simulated drill.

In April, DOE issued a plan designed to strengthen emergency preparedness at nuclear materials facilities across the nation. This followed a September 2014 DNFSB report calling for an overhaul of emergency guidelines in the wake of last year’s WIPP incident.

SRS, in an e-mail through spokesman Bill Taylor to the Augusta Chronicle, said officials agreed with findings in the DNFSB report and met with the panel and members of the site’s emergency operations division.

“DOE-SR and its contractors are in the process of reviewing and revising several of the emergency response procedures that were part of the DNFSB recommendations,” the site said. “SRS is committed to the safety and security of the site and the community.”

“SRNS will use the board’s feedback, along with the areas identified during our internal assessments, to identify and prioritize the actions needed to ensure that the site’s emergency management program is capable of successfully responding to any emergency occurring on site, ensuring the safety of the site workers and surrounding communities,” a SRNS spokesman said.

Voices of the Manhattan Project, a joint development by the Atomic Heritage Foundation and the Los Alamos Historical Society, is publishing Manhattan Project oral histories. Check them out at www.manhattanprojectvoices.org.
NWTRB REPORT EVALUATES DOE’S PLAN FOR A DEFENSE WASTE REPOSITORY

This month, the Nuclear Waste Technical Review Board (NWTRB) released a report, *Evaluation of Technical Issues Associated with the Development of a Separate Repository for U.S. Department of Energy-Managed High-Level Radioactive Waste and Spent Nuclear Fuel*, examining DOE’s proposed initiative to develop two mined, geologic repositories: one for commercially generated high-level waste (HLW) and spent nuclear fuel (SNF), and a separate one for the disposal of defense HLW and possibly DOE-managed SNF.

The NWTRB reviewed two prior DOE’s reports, *Assessment of Disposal Options for DOE-Managed High-Level Radioactive Waste and Spent Nuclear Fuel*, released in October 2014, and *Report on Separate Disposal of Defense High-Level Radioactive Waste*, issued in March 2015. Based on its evaluation, the NWTRB identified various technical areas that DOE should explore in more depth and outlined four recommendations:

- Consider waste form performance in different host-rock types after degradation of the waste package in future assessments.
- Develop a better understanding of the degradation rates of DOE SNF in potential repository geologic environments, particularly the DOE SNF types that could contribute the most to radionuclide release and calculated dose, to improve the basis for the separate repository safety assessment.
- Evaluate approaches, benefits, and costs of repackaging cooler naval SNF into smaller disposal packages.
- Conduct research on borehole sealing technology and assess whether more robust engineered barriers might be required for disposal of selected waste forms in deep boreholes.

The full report as well as DOE’s reports on the matter can be found in the links above.

SECRETARY MONIZ Responds to CONGRESSIONAL QUESTIONS ON SEPARATE DEFENSE WASTE REPOSITORY

In April, House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Ranking Member Frank Pallone, Jr. (D-NJ) sent a letter to Secretary Ernest Moniz outlining their concerns regarding the decision to pursue a separate site for defense HLW waste and DOE-managed SNF. The letter asked that Secretary Moniz provide answers to ten questions in order for them to better understand how DOE made the decision to split defense and commercial nuclear waste disposal.

In May, Secretary Moniz’s response was released and can be read on pages 21-24.

ECA also sent a letter to Congressmen Upton and Pallone to provide background on this key issue. ECA noted support for proceeding with the Yucca Mountain licensing application, but also support for pursuing other options simultaneously in order to begin moving nuclear waste out of our communities in the most expedited manner possible. In the letter, ECA outlines advantages to prioritizing defense waste, many based on the differences that exist between legacy defense waste and commercial spent nuclear fuel.
ADVISORY BOARD DECRIES PROPOSED SPENDING LEVELS

In a letter of advice to DOE, the Hanford Advisory Board said it appears the department is preparing to significantly underfund Hanford cleanup in the coming fiscal years. According to the Tri-City Herald, the board discussed and reached a consensus on what it would like to see funded over the next two years. They acknowledged, however, that after years of budgets failing to provide enough funding to meet environmental cleanup requirements at Hanford that it would be nearly impossible to develop budgets for the next two fiscal years that would meet those requirements now.

“Current budgets fall far short of meeting those agreements (between DOE and the state of Washington) and place both the environment and public safety at ever increasing risk,” the board said in its letter.

When it opened public discussion on the fiscal 2017 budget last spring, DOE acknowledged that it would need to double spending in order to meet cleanup requirements. DOE has released little detail on half of the fiscal 2017 budget for Hanford, covering work to manage the tank farms where 56 million gallons of radioactive waste are stored and the vitrification plant currently under construction to treat the waste for disposal. The plans and deadlines for that work are being discussed in federal court as DOE has been unable to meet deadlines set in a 2010 court-enforced consent decree.

The board expects the Hanford budgets to change significantly after a new court order is issued.

(Continued from page 12)

Senate NDAA Report Highlights

to the public. The study recommends establishing off-campus microlabs that would serve as the ‘‘front-door’’ to national laboratories to give academia, local government, businesses owners, and communities direct access to the equipment, facilities, and personnel of national labs. The committee therefore directs NNSA lab directors to develop a plan for a ‘‘microlab’’ program in order to accelerate technology transfer from NNSA national laboratories, weapons production plants and facilities operated by the Nevada Site Office to private industry. The committee expects the NNSA to include an estimate of the associated costs, need, and benefit for establishing a microlab at a facility, NNSA to work with the Department of Energy’s Office of Technology Transitions and consider utilizing funds under the statutorily created Energy Technology Commercialization Fund to help establish the federal share of establishing a microlab. The committee directs NNSA to brief the congressional defense committees on the plan no later than September 31, 2015.

Report on program management at the National Nuclear Security Administration

The committee directs the Government Accountability Office to report to the congressional defense committees no later than February 28th, 2016, on the program management capabilities of the NNSA. The NNSA is organized into program offices to manage a wide variety of programs and relies on federal program and project managers as well as contracting officers to ensure that resources are used effectively and that programs and projects achieve their missions on time and on budget. The committee believes that these officials should also be held accountable when resources are not used effectively, programs or projects do not achieve their missions on time or on budget, or when programs or projects experience other types of management challenges.
JILL HRUBY TO LEAD SANDIA NATIONAL LAB

Jill Hruby was announced as the next president and director of Sandia National Laboratories (SNL) on June 22. She will replace current director Paul Hommert, who is retiring after nearly five years in the job, on July 17. Hruby will become the first woman to lead a national security lab and the head of the country’s largest national lab.

Jill Hruby will be the 14th director of SNL in its 66-year history. Her appointment was announced by Rick Ambrose, the chair of the board of directors for Sandia Corp. and the executive vice president of Lockheed Martin Space Systems. Sandia Corps is a wholly owned subsidiary of Lockheed Martin and operates SNL for the NNSA.

Hruby was born in Ann Arbor, Michigan and holds a bachelor’s degree from Purdue University and earned a master’s from the University of California at Berkeley, both in mechanical engineering.

DOE AWARDS CONTRACT FOR TRU WASTE PROCESSING CENTER SERVICES

On June 18, DOE announced the award of a contract to North Wind Solutions, LLC for waste processing services at the Oak Ridge Transuranic Waste Processing center. North Wind competed with seven other proposals in response to DOE’s solicitation.

The $123.9 million contract includes a 3-year base period with a 2-year option period. North Wind will be in charge of safely and compliantly managing the Center in support of processing EM legacy waste as well as providing support to the Central Characterization Project for final certification and disposition of TRU soil and debris waste.

North Wind Solutions is a government contracting small business with operations at military and civilian installations across the United States. The company’s focus is facilities operation and maintenance, waste management and radiological services, security control and force protection, and environmental services.

GOVERNMENT ACCOUNTABILITY OFFICE REPORTS

NATIONAL NUCLEAR SECURITY ADMINISTRATION:

Actions Needed to Clarify Use of Contractor Assurance Systems for Oversight and Performance Evaluation

A report released this month by GAO found that NNSA has not fully established policies or guidance for using information from contractor assurance systems (CAS) to conduct oversight of management and operating (M&O) contractors. As a result, NNSA does not have standards for ensuring that contractors are overseen consistently. For example, at the headquarters level, NNSA has not provided guidance beyond its general framework for assessing the maturity of contractors' CAS to determine whether information from CAS is sufficiently reliable for federal oversight purposes. GAO recommends, among other things, that NNSA develop guidance on using information from CAS to oversee and evaluate M&O contractors, reinstitute a process for evaluating oversight effectiveness, and study staffing needs. NNSA agreed with these recommendations.
INSPECTOR GENERAL REPORTS

Legacy Management Activities at Selected Closure Sites

On May 29, DOE’s Inspector General released a report on the Office of Legacy Management (LM). LM was established in 2003 to help DOE better manage its long-term responsibilities at certain sites following the completion of environmental remediation activities. Two sites, the Fernald Preserve near Cincinnati, Ohio, and the Mound Site in Miamisburg, Ohio, receive the most significant assistance from LM’s $172 million budget. The report did not identify any actions that would suggest poor management but did identify certain maintenance and public outreach-type activities where there may be opportunities to achieve efficiencies while fulfilling DOE’s commitments.

The Status of Cleanup at the Paducah Site

On June 2, a report on the Paducah site determined that while DOE had achieved some of its cleanup goal, progress had been delayed on cleaning up some of the site’s key environmental hazards. Notably, work on two of the site’s most significant hazards remains to be completed: a remedy for the final phase of the C-400 groundwater cleanup project and remediation plans for the Burial Grounds Operable Unit. According to the report, the impact that technical challenges have had on the successful completion of some of the cleanup projects at the Paducah Site was clear. Furthermore, in recent years, budgetary constraints have adversely affected DOE’s ability to achieve some of its cleanup goals. However, the lack of progress on these two projects was also due, in part, to the inability of the Department to reach a timely agreement with the regulators on cleanup decisions at the Paducah Site.

Implementation of the Commercializing Technology Pilot Program

A June 22 report discusses DOE’s February 2012 announcement that eight national laboratories would participate in a three-year initiative to remove barriers inhibiting the commercialization of technology by the private sector. The initiative, known as the Agreements for Commercializing Technology (ACT) pilot, has seen the approval of 73 proposals at four of the eight participating labs with a total value of over $60 million. The Inspector General found that the ACT pilot has largely worked as intended but identified opportunities to improve the effectiveness of DOE’s management of the ACT pilot. While the report detected no specific harm to DOE, it did not that many of the ACT agreements for unique lab services had low potential for the development and commercialization of technology.

CONTRACTS

<table>
<thead>
<tr>
<th>Deep Borehole Field Test: Site and Characterization Borehole Investigations</th>
<th>The Deep Borehole Field Test project is to conduct research and development to assess the viability of deep borehole disposal as an alternative for the disposal of smaller DOE-managed waste forms. The RFP will be released in early July and will include more information on bids and the response date. ECA will share the RFP notice with members when it becomes available.</th>
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<tr>
<td><strong>Status:</strong> Presolicitation issued June 22, RFP to be issued July 8</td>
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<td><strong>Response:</strong> N/A</td>
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<td>For more information, click <a href="#">here</a>.</td>
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Always/Never: Documentary Sheds Light on Sandia

Rare historical footage and interviews describing the role of national security laboratories from the dawn of the nuclear age to the end of the Cold War is being showcased in a new documentary called Always/Never: The Quest for Safety, Control and Survivability. Always/Never can be viewed on Youtube.

Always/Never tells the story of the push and pull between nuclear policy, technology, and operations. After World War II, U.S. policymakers decided the nation would rely heavily on nuclear weapons as an essential strategic deterrent. At the same time, they wanted assurances that weapons in the stockpile would always work if called upon but would never detonate as the result of accident, equipment failure, human mistake or malicious intent — hence the title of the film.

Always/Never documents Sandia’s role within the nuclear weapons complex with interviews and stories told from many viewpoints, including military, academics, other laboratories, and those opposed to nuclear weapons. Among those interviewed are the late former Defense secretaries Robert McNamara and James Schlesinger; Bruce Blair, co-founder of Global Zero, which seeks to eliminate nuclear weapons; and Stanford University senior fellow Scott Sagan, author of The Limits of Safety: Organizations, Accidents, and Nuclear Weapons. More than a dozen active and retired Sandia designers and engineers also recount their stories for the camera, many for the first time publicly.

“We decided to place Sandia’s achievements alongside those of Los Alamos and Livermore national laboratories. Additionally, those achievements had to be placed in the context of a much larger historical framework, one shaped by NATO and U.S. policy and military operations, international politics and world events,” said Dan Curry, the Sandia filmmaker who spent years gathering on-camera interviews with dozens of key players in nuclear policy.

Six active and retired Sandia National Laboratories employees gathered in 2011 at the National Museum of Nuclear Science & History in Albuquerque, New Mexico, around two B28 gravity bombs recovered from a 1966 nuclear accident over Palomares, Spain. They are, from left, Stan Spray, Leon Smith, who died in 2012, Dan Summers, Ray Reynolds, Bill Stevens and Bob Bradley. They are among the 42 people — including key policymakers, scientists and engineers — who appear in the Sandia video, Always/Never: The Quest for Safety, Control and Reliability. Looming overhead are U.S. Air Force emblems of the always of nuclear weapon systems deployed during the Cold War.
The Honorable Lisa Murkowski  
Chairman  
Committee on Energy and Natural Resources  
United States Senate  
304 Dirksen Senate Building  
Washington, D.C. 20510

The Honorable Maria Cantwell  
Ranking Member  
Committee on Energy and Natural Resources  
United States Senate  
304 Dirksen Senate Building  
Washington, D.C. 20510

June 12, 2015

Dear Chairman Murkowski and Ranking Member Cantwell:

The Energy Communities Alliance (ECA) urges you and your colleagues support S.784, the Microlab Technology Commercialization Act, and S.1259, the National Laboratory Technology Maturation Program Act. Both bills, which were be considered by the Committee on June 9, would provide an important boost to local and regional technology-driven economies.

S.784 aims to accelerate technology transfer by establishing off-campus microlabs that would serve as the “front-door” to National Laboratories. This legislation would create a link between cutting-edge scientific facilities and small businesses, local governments, and academic institutions. Essentially, the microlabs would give academia, local government, business owners, and communities direct access to equipment, facilities, and personnel of national laboratories. This presents a huge opportunity to allow the scientists and engineers at these national laboratories to collaborate with research universities and private industries, which will boost entrepreneurship and spur job growth. The Microlab Technology Commercialization Act authorizes $50 million to cover the federal share of establishing microlabs at the seventeen National Laboratories.

S.1259 seeks to facilitate the successful commercialization of laboratory-developed technologies, which would stimulate economic growth and technology development. Under the National Laboratory Technology Maturation Program, small businesses with licensed technology from a National Laboratory could apply for a voucher of up to $250,000 to purchase assistance from lab scientists and engineers. That assistance would then be used to mature technology and further develop products and services until they are market-ready or sufficiently developed to attract private investment. Additionally, small businesses with vouchers could also use their local lab’s special equipment, facilities, partner on a commercial prototype, or perform early-stage feasibility or later-stage field-testing. This would connect small businesses with scientists and engineers at national laboratories to spur innovation, boost the private tech industry, and create

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jobs in local communities. In March, the Department of Energy’s Office of Energy Efficiency and Renewable Energy launched a similar, small pilot program that will select three to five national labs to participate in a voucher program for small businesses focused only on renewable energy and energy efficiency.

A Brookings Institution report from September 2014 indicated that a voucher program for local businesses could help connect National Laboratories with their regions and support innovation and economic growth. The report said that the labs should “embrace a new mission that includes more active engagement with regional innovation systems with which they are located.” The same report noted that “Microlabs would help overcome both the problem that most labs are located outside major metropolitan areas, and the fact that most lab research occurs ‘behind the fence’ of main campuses. These microlabs could take the form of additional joint research institutes or new facilities that allow access to lab expertise for untapped regional economic clusters.”

Both S.784 and S.1259 will serve as a catalyst to increase innovation and ideas, as well as boost regional economies and local jobs. Moreover, these programs will further increase the value of scientific research by making it more accessible to the organizations that could use it most. Likewise, the increased collaboration will provide a stream of technologies for the commercial markets that would strengthen the economy while encouraging innovation. ECA strongly urges the Committee to support these two vital pieces of legislation and applaud their sponsors for introducing them.

Sincerely

Chuck Smith
Chairman

cc: Mayor Steve Young, City of Kennewick, WA, ECA Vice-Chair
    County Executive Ron Woody, Roane County, TN, ECA Secretary
    Councilor Kristin Henderson, Los Alamos County, NM, ECA Treasurer
    ECA Board of Directors
    Senator Martin Heinrich, New Mexico
    Senator Cory Gardner, Colorado
    Senator Michael Bennet, Colorado
MONIZ LETTER ON A DEFENSE WASTE REPOSITORY

The Secretary of Energy
Washington, DC 20585
May 15, 2015

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Upton:

Thank you for your April 14 letter concerning the finding made by President Obama that the development of a separate repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities is required.

This finding, made pursuant to Section 8 of the Nuclear Waste Policy Act of 1982 (NWPA), authorized the Department of Energy (DOE) to move forward with planning for a separate repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities. This finding did not in any way change the technical basis for geologic disposal of defense or commercial spent nuclear fuel and high-level radioactive waste either in a common repository or separate repositories. Instead, the decision to move forward with planning for the separate disposal of defense high-level radioactive waste offers greater flexibility and optionality in developing programmatic pathways for the disposal of such waste.

In 1985, a decision was made to “co-mingle” high-level radioactive waste from defense activities and commercial spent nuclear fuel and high-level radioactive waste. At the time, it was assumed that, among other things, production of new nuclear weapons would continue indefinitely. The 1985 decision also assumed that more than one repository would be needed and available for this combined inventory – the first in 1998, and a second soon thereafter.

Since 1985, circumstances have changed significantly. Among other things, the Cold War is over and the United States is no longer generating defense high-level radioactive waste associated with weapons production. As a result, a known quantity of defense high-level radioactive waste now exists in different forms that are largely defined, thereby opening up opportunities to look at separate disposal pathways for these waste forms. Some of this defense high-level radioactive waste is less radioactive, cooler, and easier to handle than commercial spent nuclear fuel, which could mean a simpler design and potentially fewer licensing and transportation challenges for a separate defense repository. Separate disposal of defense high-level radioactive waste could also allow greater flexibility in site selection – and that could help keep costs down. Meanwhile, the path to a common repository has been significantly more controversial, costly, and delayed than was anticipated in 1985.

Continued on page 22
The potential for earlier availability of a defense high-level radioactive waste repository could also reduce the substantial ongoing storage, treatment, and management costs for waste currently at DOE facilities, and could also help DOE in meeting its regulatory obligations, thereby avoiding still other costs triggered by missed milestones prescribed in various legal agreements with the states. Finally, moving forward with a defense high-level radioactive waste repository that may have a simpler design and present fewer licensing challenges in the near-term could reduce the overall cost and time required to develop future repositories through the experience gained in design, siting, licensing, and development.

The decision to move forward with planning for a separate defense repository does represent a significant change in our nuclear waste management policy, but I believe it is well justified in light of the changed circumstances, experience gained, and lessons learned over the last 30 years.

Your letter also asked a number of questions related to cost and schedule for past activities as well as the anticipated costs for program activities outlined in the Administration’s Strategy for Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste, the President’s Fiscal Year 2016 Budget Request, and the March 24, 2015 decision to go forward with planning for a separate repository for defense high-level radioactive waste. With respect to funds spent to date for activities related to the disposal of defense waste, a total of $3.7 billion was appropriated from Fiscal Year 1993 through Fiscal Year 2010 under the Defense Nuclear Waste Disposal account for activities carried out under the nuclear waste program. That funding was in part to support activities related to Yucca Mountain, but also to support activities associated with an integrated waste management system including transportation planning and infrastructure development. With respect to the time required to develop a geologic repository for commercial spent nuclear fuel and high-level radioactive waste, our goal, as noted in the Administration’s Strategy, is to implement a phased, adaptive, and consent-based approach to siting and implementing a comprehensive management and disposal system that would result in the operation of a geologic repository by 2048. Interim milestones for repository development include completion of siting by 2026, with site characterization and repository design and licensing completed by 2042.

Your letter also asks about deep borehole disposal. The Department is now beginning a field test to evaluate the concept. The Fiscal Year 2015 appropriation included $8 million for the preliminary borehole test work and the Fiscal Year 2016 Budget Request includes $26 million for the test and an additional $13.5 million for other core ongoing subsurface-related research and development. The Department’s currently planned field test, during which the feasibility of the concept will be evaluated without the use of radioactive waste, envisions the use of a small characterization borehole and a second larger research borehole, and is estimated to last approximately 5 years. The siting, characterization, and drilling of a single borehole for disposal would likely take 4 to 5 years, with an additional 6 months likely required for each additional disposal hole if it is determined that more than one is needed. Further work will be required to estimate the scope and duration of the licensing process for a deep borehole disposal site if the concept is proved feasible; the
Nuclear Regulatory Commission’s licensing process for geologic repositories does not currently explicitly address specific requirements for licensing deep boreholes for permanent disposal of radioactive waste. We will continue to refine cost and schedule estimates for deep borehole disposal as work goes forward and data and information is obtained from the field test.

With respect to the cost estimates contained in the Department’s March 2015 Report on Separate Disposal of Defense High-Level Radioactive Waste, it warrants emphasis that these cost estimates are intended to compare the relative costs between repository concepts in different geologic media for disposal of different waste inventories. The low and high range repository cost estimates represent rough order of magnitude costs that reflect the large inherent uncertainties involved in estimating costs well into the future and the limited cost data available on the construction, operation, and closure of actual repositories in most geologic media. These cost ranges were derived from studies that are available on the Department’s Office of Nuclear Energy website (www.energy.gov/ne/office-nuclear-energy). These studies were conducted in support of the Used Nuclear Fuel Research and Development program and relied on selected repository design and emplacement concepts appropriate for each of the geologic media adopted from international experience and past work in the United States. Going forward, the Department will continue to refine the cost estimates for a separate defense repository and will continue to look at optimizing the cost of disposal of defense waste.

We are still looking at what is the best future organizational structure to move forward with programmatic tasks related to a defense waste repository, which would include addressing not only the technical issues related to a repository but also planning for a consent-based siting process. The Office of Nuclear Energy currently performs ongoing research and development (R&D) as well as non-R&D activities related to storage, transportation, and disposal of spent nuclear fuel and high-level radioactive waste, making it the logical choice to move forward with planning for a separate defense repository, at least for the near-term. The Department is carrying out modest planning activities for a separate defense repository in Fiscal Year 2015.

The Department is committed to pursuing a consent-based siting process that will ensure public trust and confidence in decision-making throughout the process. The Administration’s Strategy endorses the principle that prospective host jurisdictions must be recognized as partners, and that overall public trust and confidence is a prerequisite to success. Accordingly, the Department seeks to consult with affected parties and stakeholders at every step of the process. Following release of the October 2014 report, Assessment of Disposal Options for DOE-Managed High-Level Waste and Spent Nuclear Fuel, the Department began an informal process of reviewing the technical recommendations of that report with – and soliciting input from – a broad group of interested parties, including industry and state and local governmental stakeholders. Those discussions provided valuable input to the Department in making a recommendation to the President to go forward with planning for a separate repository for defense high-level radioactive waste. For the reasons articulated above, the
Department does not believe that the decision to go forward with planning for a separate defense repository would have a predictable material net effect on its existing liability.

Finally, as noted in the March 2015 report, the Presidential finding in section 8(b) is necessary only for the separate disposal of defense high-level radioactive waste. The Department has broad authority under the Atomic Energy Act of 1954 (AEA) and other laws to dispose of nuclear materials including spent nuclear fuel and high-level radioactive waste. The NWPA does not limit the Secretary’s authority to dispose of high-level radioactive waste and spent nuclear fuel from the Department’s research and development activities or defense spent nuclear fuel. The Department’s authority to dispose of such spent nuclear fuel and high-level radioactive waste separately derives from the Atomic Energy Act. Consistent with Section 8 of the NWPA, a defense high-level waste repository would be subject to licensing by the Nuclear Regulatory Commission pursuant to section 202 of the Energy Reorganization Act of 1974.

Thank you again for your letter. I look forward to working with you on this important issue. Please contact me should you need clarification on any of these points or additional information.

Sincerely,

Ernest J. Moniz
NEWLY RELEASED AND UPDATED:
A Community Handbook on Nuclear Energy: Understanding Nuclear Energy and Alternatives for the Future

To receive your free copy, please send an e-mail to sharon.worley@energyca.org
## 2015 Calendar of Events

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<td>House and Senate Independence Day Recess</td>
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<td>July 4</td>
<td>Independence Day</td>
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<td>July 15</td>
<td>Nevada EM Site-Specific Advisory Board Meeting, more information <a href="#">here</a></td>
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<td><strong>Manhattan Project National Historical Park Peer Exchange, more information on page 2.</strong></td>
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<td>Northern New Mexico, EM Site-Specific Advisory Board Meeting, more information <a href="#">here</a></td>
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<td>Congressional Summer Recess</td>
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<td>August 4</td>
<td>Senate Energy and Natural Resources hearing on S. 854, the Nuclear Waste Administration Act of 2015, more information <a href="#">here</a></td>
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<td>September 8</td>
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<td>September – October</td>
<td>Commission to Review the Effectiveness of the National Energy Laboratories reports to Congress and the Energy Department</td>
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<td>October 1</td>
<td>Start of FY 2016</td>
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<td>November – December</td>
<td>DOE Intergovernmental Meeting</td>
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**ECA Articles**

Devon Hill, Program Manager  
Kara Colton, Director of Nuclear Energy Programs

**Layout and Design**  
Sharon M. Worley, ECA Staff Assistant