

Spring 2017 BULLETIN

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AGING HANFORD INFRASTRUCTURE LEADS TO PARTIAL TUNNEL **COLLAPSE**



On Tuesday, May 9, workers at the Hanford Nuclear Reservation discovered a 20feet-by-20-feet section of tunnel that was partially collapsed during a routine surveillance of the 200 East Area of the site. The tunnel is one of two that connects to the Plutonium Uranium

Extraction Facility (PUREX) and was constructed during the Cold War to store failed equipment from the site's plutonium production operations.

Though the tunnel was not actively used to store spent nuclear fuel, its connection to PUREX (a facility that remains highly contaminated) was concerning. Upon initial discovery of the tunnel collapse, Hanford officials declared an "alert," at the site-calling for all employees at the facility to take shelter. The alert was later expended to a "Site Area Emergency," and all nonessential personnel were safely released from the site. A temporary flight

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ECA SENDS LETTER TO EM EMPHASIZING COMMUNICATION WITH LOCAL GOVERNMENTS

On May 2, ECA Chair Chuck Smith sent a letter to The Office of Environmental Management's (EM) Acting Assistant Secretary Susan Cange highlighting the importance of EM site managers regularly and meaningfully communicate with local government officials.

"While this type of communication is practiced at many sites across the complex, it is imperative that it be practiced by all site managers at all EM cleanup sites," said Smith.





ECA Chair Chuck Smith

Acting Assistant Secretarv Susan Cange

ECA's Executive Board developed this letter to see that EM ensures direct and substantive engagement between site management at the Portsmouth Gaseous Diffusion Plant and the Village of Piketon, Ohio. More generally, this letter serves as an important reminder to DOE of the vital role all local governments play in the cleanup process. The full letter is published on pages 9-10.

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WIPP RECEIVES FIRST SHIPMENT SINCE REOPENING



On April 10, 2017, DOE's Waste Isolation Pilot Plant (WIPP) confirmed the receipt of its first shipment of transuranic (TRU) waste since its reopening back in January. The shipment was from the Idaho site and marks an importance milestone for DOE, Carlsbad, NM (the host community of WIPP), and all other communities across the complex that have become de-facto holding sites for TRU waste since the February 2014 accident at WIPP that led to the facility's 3-year closure.

"To see shipments arriving again at WIPP is celebrated not only by the WIPP workforce and the Carlsbad community, but also by our DOE host communities that support the critical missions of the Department," Carlsbad Field Office Manager Todd Shrader said in an <u>EM news update</u>.

Between April 2017 and January 2018, WIPP is expected to accept 128 shipments in total from Idaho, Los Alamos, Oak Ridge, the Savannah River Site, and Waste Control Specialists (WCS).

A WIPP <u>press release</u> stated that the "exact allocation and sequence for shipping will be adjusted based on the emplacement rate at WIPP, operational needs at the WIPP and generator sites, and logistical issues (such as weather) that affect shipping." The estimated numbers of TRU shipments from each site are in the table below.

Site	Projected Shipments
Idaho Site	61
Oak Ridge Site	24
Savannah River Site	8
Waste Control Specialists	11
Los Alamos Site	24
Total	128



At the Waste Management Symposium in Phoenix, AZ back in March, Shrader commented, "The first group [from which WIPP will receive shipments] will be WCS in Texas, Idaho, and Savannah River," reports the <u>Exchange Monitor</u>. "Then, eventually, we'll move on to Oak Ridge and then Los Alamos will be next."

Commenting on Idaho being the first shipment to WIPP, Jack Zimmerman, Deputy Manager for the Idaho Cleanup Project said, "Due to the skill and dedication of our workers, the Idaho Site has made remarkable progress over the years. We owe a great debt of gratitude to every employee who has worked on this project. I speak for all of us when I say that we are pleased to be shipping to WIPP again."



After months of uncertainty (and the threat of possible government shutdown) the 115th Congress passed the Fiscal Year (FY) 2017 budget. Appropriators are now gearing up both for the anticipated release of the President's FY'18 budget request on May 23, and for what promises to be an exciting and active legislative session—with many new and old issues back on the table.

FY 2017 Budget

Congress passed a Continuing Resolution (CR) in December 2016 to provide appropriations at FY'16 levels through April 28, 2017. To avoid a government shutdown on April 28, Congress passed a stopgap budget, funding the government for an additional week. Finally, on May 3, the House passed the <u>Consolidated Appropriations Act of 2017</u> (vote: 309-118); the Senate followed suit the next day (vote: 79-18). On May 5, President Trump signed the nearly \$1.1 trillion omnibus appropriations bill into law.

The budget gives a wide range of DOE programs modest funding increases through September 2017. For example, The Office of Nuclear Energy (NE) will receive a \$36 million dollar boost (just over \$1 billion in total), with the Gateway for Innovation and Acceleration in Nuclear (GAIN) program receiving \$4.5 million and the Small Modular Reactor (SMR) Technical Licensing Support program receiving \$95 million.

The Uranium Enrichment Decontamination and Decommissioning Fund received \$768 million for FY'17, a 14% increase from FY'16 enacted levels. Oak Ridge will receive \$194.7 million, Paducah \$205.5 million, and Portsmouth \$315.2.

The Office of Science funding increased by \$42 million, with language in the bill directing the Office of Science to work with NE in future budget requests to demonstrate a commitment to operations and maintenance of nuclear facilities at Oak Ridge National Laboratory. The Advanced Research projects Agency - Energy (ARPA-E) received a \$15 million increase.

Funding for non-defense environmental cleanup efforts at the West Valley Demonstration Project increased to \$66.4 million; the Gaseous Diffusion Plants received \$101.3 million—a slight decrease from FY'16.

Defense environmental cleanup funding increased by \$115 million from FY'16 enacted levels. For cleanup efforts, Hanford (combined offices) is set to receive \$2.3 billion, the Idaho National Laboratory will get \$382 million, The National Nuclear Security Administration's (NNSA) sites (including Los Alamos National Lab, Sandia National Lab, Lawrence Livermore National Lab, and Nevada Offsites) will receive \$265.4 million, Oak Ridge Reservation gets \$263.2 million, Savannah River Site (SRS) \$1.2 billion, and WIPP \$292.7 million. The budget also makes a provision of \$26.8 million in economic assistance to New Mexico as part of a larger \$74 million settlement between DOE and the New Mexico Environmental Department reached after the 2014 accident at WIPP. The \$26.8 million will be remitted to the New Mexico Department of Transportation for repairs and improvements to roads and shipping routes at and around WIPP.

The National Nuclear Security Administration's (NNSA) funding increased by over \$411 million over FY'16 levels (a total of \$12.9 billion) to support stockpile upgrades and maintenance, infrastructure and capabilities improvements, and various other weapons, nuclear nonproliferation, and naval reactors activities. The Mixed Oxide (MOX) facility at SRS received \$335 million, a decrease of \$5 million from last year.

The Office of Legacy Management (LM) received \$154 million, a decrease of \$12 million from FY'16 levels. Likewise, the Nuclear Regulatory Commission (NRC) received a \$6.7 million cut in

FY 2017 Budget Highlights (amounts in thousands)				
	FY 2016 Enacted	FY 2017 Requested	Final 2017 Omnibus Bill	
DEPARTMENT OF ENERGY	29,717,278	31,503,903	30,746,009	
Environmental Management	6,218,491	5,453,750	6,420,000	
Defense Environmental Cleanup	5,289,742	5,235,350	5,405,000	
Richland	922,590	716,811	839,760	
Office of River Protection	1,414,000	1,487,456	1,499,965	
Idaho National Laboratory	396,000	362,088	382,088	
Lawrence Livermore National Laboratory	1,366	1,396	1,396	
Separations Process Research Unit		3,685	3,685	
Nevada NNSA Sites	62,385	62,176	62,176	
Sandia National Laboratory	2,500	4,130	4,130	
Los Alamos National Laboratory	185,000	189,000	194,000	
Oak Ridge Reservation	239,050	198,219	263,219	
Savannah River Site	1,208,421	1,297,453	1,233,429	
Waste Isolation Pilot Plant	299,978	262,253	292,720	
Non-Defense Environmental Cleanup	255,000	218,400	247,000	
West Valley Demonstration Project	59,213	61,613	66,413	
Gaseous Diffusion Plants	104,403	101,304	101,304	
Uranium Enrichment Decontamination &	673,749	674,000	768,000	
Oak Ridge	194,673		194,673	
Paducah	199,925		205,530	
Portsmouth	225,166		315,168	
Legacy Management	167,180	154,320	154,320	
National Nuclear Security Administration	12,526,512	12,875,600	12,938,252	
Weapons Activities	8,846,948	9,234,747	9,245,567	
Defense Nuclear Nonproliferation	1,940,302	1,807,916	1,882,872	
Naval Reactors	1,375,496	1,420,120	1,419,813	
Nuclear Energy	986,161	993,896	1,016,616	
Nuclear Waste Disposition (Yucca Mountain)				
INDEPENDENT AGENCIES				
Defense Nuclear Facilities Safety Board	29,150	31,000	30,872	
Nuclear Regulatory Commission	119,212	121,087	112,505	
Nuclear Waste Technical Review Board	3,600	3,600	3,600	

Note: These figures are compiled from different sources: the Office of Management and Budget, the congressional appropriations committee reports, and press releases. There are some discrepancies in how each calculates government spending

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Legislative Update

funding, though \$5 million was designated for the agency's work on licensing advanced nuclear reactors.

As a disappointment to many proponents of the project, the omnibus made no mention of funding for the Yucca Mountain nuclear waste repository. This, along with the funding of ARPA-E, come in sharp contrast with the President's "<u>skinny budget</u>" released in mid-March, which called \$120 million to restart licensing activities for Yucca Mountain and the complete elimination of the ARPA-E program.

Nuclear Production Tax Credits

Another item missing from the omnibus: language to extend the nuclear production tax credits (PTCs) beyond 2020. Currently, this credit applies only to reactors that come on line before the end of 2020. Senator Lindsey Graham (R-SC) initially attempted to add the provisions to the omnibus appropriations, but was unsuccessful.

The extension is needed to permit future SMR projects (like UAMPS, TVA and others), and current AP1000 reactors still under construction in Georgia and South Carolina, to benefit from the tax credit. However, prospects for the production credit in FY'18 may not be any better than in FY'17. Some sources have identified that with tax reform a high priority for the Administration, it may be difficult to pass any tax credit extension this year.

Nevertheless, Representatives Tom Rice (R-SC) and Earl Blumenauer (D-OR) have introduced <u>H.R.</u> <u>1551</u> to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities. This would allow nuclear power facilities that become operational after 2020 to qualify for the nuclear PTC. The legislation would amend the tax code to also allow nonprofit partners in nuclear power facilities to effectively use the nuclear PTC to pass rate savings to customers. The companion bill in the Senate, <u>S. 666</u>, was introduced by Senator Tim Scott (R-SC).

FY 2018 Appropriations

Congressional appropriators have less than 140 days to hold hearings, draft language and reach a FY'18 budget deal before the end of FY'17 deadline (September 30). Rumors are already circulating throughout Washington, DC of a possible CR for the fall, and on May 2, President Trump <u>tweeted</u> to threaten a government shutdown in September if Senate Democrats don't cooperate.

Office of Management and Budget (OMB), is expected to release the White House's complete budget blueprint on May 23, but many believe this or other key milestones of the appropriations calendar could be pushed off further due to Congressional focus on other legislative issues, such as tax reform and the Affordable Care Act.

The FY'18 budget will to provide a more detailed review of discretionary programs in FY'18 than his "<u>skinny budget</u>" released earlier this year. It is expected to prioritize tax reform, increase spending for national security and defense programs, and address domestic infrastructure projects. Budgetwatchers anticipate funding increases for NNSA, EM, and licensing activities for Yucca Mountain.

Restarting Yucca Mountain

While there was no funding for the Yucca Mountain project in the FY'17 omnibus, legislation on the matter is expected to gain traction in the 115th Congress. On April 26, the Environment Subcommittee of the House Energy and Commerce Committee held a <u>hearing</u> to discuss the draft <u>Nuclear Waste Policy Amendments Act of 2017</u>.

The draft legislation, sponsored by Representative John Shimkus (R-IL), Chair of the Environment Subcommittee, would amend the Nuclear Waste Policy Act of 1982 to pave a path forward for licensing Yucca Mountain for the storage and permanent disposition of the nation's spent nuclear fuel (SNF) and high-level waste (HWL).

As an overview, the bill:

- Allows DOE to undertake infrastructure activities considered necessary to support future access to, or construction and operation of, the repository in parallel with any NRC licensing review;
- Calls for the designation of Federal authority over lands at and around Yucca Mountain and the shifting of water and air quality permitting privileges from the state of Nevada to the U.S. Environmental Protection Agency;
- Requires DOE to halt any effort to create a defense waste repository until the NRC issues a final licensing decision on Yucca Mountain;



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Legislative Update

- Places limitations on DOE's ability to pursue a defense-only waste repository;
- Clarifies benefits agreements available for host communities;
- Empowers the Energy Secretary to establish procedures for using money from, and collecting fees for, the Nuclear Waste Fund, and that funding from the Nuclear Waste Fund are available to the Secretary without further appropriations; and
- Calls for the reestablishment of DOE's Office of Civilian Radioactive Waste Management (OCRWM).

During the hearing, Edward Sproat, former Director of OCRWM, said that the reestablishment of his former office would be critical toward opening Yucca Mountain. Sproat noted that the next step for the waste repository will be litigating 200+ contentions filed by the state of Nevada and other Yucca Mountain opponents before the Atomic Safety and Licensing Board (ASLB). Sproat estimated that it would require at least three to four years for the hundreds of contentions to be adjudicated and appealed, and for the ASLB to issue a final determination. He observed that during this process, funding for both the NRC and DOE must be prioritized in order to develop the expertise and infrastructure necessary to successfully proceed with the licensing process.

Anthony O'Donnell, Chairman of Nuclear Issues Subcommittee at the National Association of Regulatory Utility Commissioners, also testified during the hearing, noting that any expenses incurred during the licensing process have to be considered alongside the cost of inaction on the project.

"The cost of inaction comes in from the judgment fund payments; about \$800 million a year coming out of the judgment fund payments. Up to this point, DOE has already payed \$6.1 billion in damages that's the cost of inactivity. So the cost of inaction is very tremendous, about \$2.5 million a day."

With both provisions in the President's "skinny budget" and Secretary Perry's March 27 visit to Yucca Mountain, it's clear the Administration favors a restart of the licensing process and is supportive of legislation that does so.

After Perry's trip to Yucca Mountain and visit with Nevada Governor Sandoval, DOE released a <u>statement</u> from the Secretary:

"I stressed the need for Nevada to maintain its key role as we seek sensible, stable, and long term solutions to fulfilling our responsibility to safely manage spent nuclear fuel. [...] Today's meeting with Gov. Sandoval was the first step in a process that will involve talking with many federal, state, local, and commercial stakeholders."

NRC Nominees Rumored

President Trump is expected to announce his nominees for two empty seats at NRC, according to unnamed sources who closely track the agency. NRC Chairwoman Kristine Svinicki is also expected to be tapped for another five-year term after her term expires June 30.

The two names rumored for nomination: Annie Caputo and David Wright.

Caputo, who has worked closely with ECA over the years, previously worked for Senator Jim Inhofe and the House Energy and Commerce Committee. Earlier this year she joined Senator John Barrasso's staff when he took over the Senate Environment and Public Works Committee. Wright is a former chairman of the South Carolina Public Services Commission and former president of the National Association of Regulatory Utility Commissioners.

Though the President is expected to announce shortly, the White House has not indicated a specific date when it might be expected.



citizens. The chartering of an SSAB and other modes of public participation should play an important role in DOE's decision-making process, but public meetings and DOE's own advisory boards are not substitutes for direct communication and regular engagement with affected local

use planning and control. Local governments and their elected officials are primary stakeholders in DOE site decisions as they represent the first line of communication and information for affected

¹ See "The Politics of Cleanup," Energy Communities Alliance, 2007, <u>http://bit.ly/2ghbnVg</u>

² See Chung, Dae Y., Memorandum to DOE Site Mangers, U.S. Department of Energy, 30 March 2011. http://bit.ly/2pAUGHW

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government officials. We note that you were a leader in this process during your time at Oak Ridge.

Moving forward, EM must ensure that site managers commit to the practice of local government engagement at all DOE sites, including the PORTS site. Holding one public meeting every couple of years and having a site manager not engaging local elected officials are practices both surprising to many ECA members at other sites and contrary to every EM success story. ECA suggests looking to successful mechanisms in place at other DOE sites that facilitate substantive local government involvement in cleanup, such as the DOE Richland Operation Office's appointment of a liaison specially assigned to meet with local government officials on a monthly basis.

Early engagement of local governments at the onset of any decision-making process builds trust between all parties. Now, following a nine month period wherein EM did not respond to Mayor Billy Spencer's letter dated June 21, 2016, it is imperative that DOE actively seek to correct relations and rebuild trust with the Village of Piketon. More importantly, EM must respond to their real health and safety concerns.

The ECA Executive Board has been briefed on the issues of disagreement between the Village of Piketon and DOE regarding the planned cleanup and waste disposal activities at the PORTS site. We ask that you actively work in cooperation with the local government officials to develop a solution. ECA is willing and able to facilitate future meetings between DOE officials and Village of Piketon leadership. Sustained, meaningful engagement with, and support of, local governments results in cleanup success.

If you have any questions or concerns on this matter, please contact ECA Executive Director Seth Kirshenberg at (202) 828-2317 or ECA Program Manager Megan Casper at (202) 828-2410 or meganc@energyca.org.

Sincerely, J Smith Councilmember Chuck Smith

Aiken County, SC ECA Chair

Enclosure.

Cc: ECA Executive Board;
Seth Kirshenberg, ECA Executive Director;
Megan Casper, ECA Program Manager;
Mayor Billy Spencer, Village of Piketon, OH;
Megan Williams, Treasurer and CFO, Scioto Valley Local School District;
Robert Edwards, Portsmouth/Paducah Project Office Manager, DOE;
Stacy Charboneau, Associate Principal Deputy Secretary for Field Operations, DOE;
John Krohn, Director of Intergovernmental and External Affairs, DOE

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Aging Hanford Infrastructure Leads to Partial Tunnel Collapse

restriction was also placed over the area by the Federal Aviation Administration.

"[These security measures] are purely precautionary. No employees were hurt and there is no indication of a spread of radiological contamination," said Hanford site spokesperson Destry Henderson, reports <u>*Reuters*</u>.

On May 10, crews began to fill-in the hole created by the collapse. In total, approximately 53 truckloads of clean soil were used; a video of workers filling in the hole can be found <u>here</u>. DOE plans soon to place a durable plastic cover over the entire length of the tunnel. While the situation at Hanford is nearly stabilized, plans have yet to be announced on when and how the collapsed tunnel will be permanently disposed of.

"Our next step is to identify and implement longerterm measures to further reduce risks. This week's incident is a reminder that the men and women who work for the Department of Energy do incredible work, but that work does not come without risk," said Secretary Perry.

Many believe investment in infrastructure revitalization or disposition is a necessary action to reduce future risks at sites like Hanford, which still has a large portfolio of infrastructure projects, shuttered facilities, and waste sites awaiting disposition managed by the Richland Operations Office. The PUREX tunnel #1, for example, was built over 50 years ago and supported by wooden beams. <u>Reuters</u> reports that the risk of a tunnel collapse was known as early as 2015, when DOE noted that wooden beams in the tunnel had been weakened up to 40% by gamma radiation.

Speaking to the concerns over deteriorating infrastructure at Hanford, Richland Mayor Bob Thompson said, "[T]his is not an isolated problem for the DOE defense complex. All the sites have aging, decaying infrastructure, and the Department will have to make some critical budget decisions that may impact cleanup milestones."

NEW CHANGES FOR TRIDEC



David Reeploeg

Council (TRIDEC) has a new Vice President for federal programs following the retirement of Gary Peterson in early March.

The Tri-City Development

David Reeploeg, a native of the Tri-Cities and both former central Washington director for Senator Maria Cantwell (D-WA) and

staffer for Senator Patty Murray (D-WA), brings to the position insider knowledge of Washington, DC as well as an intimate understanding of local interests.

In his new position, Reeploeg will advocate for funding of Hanford cleanup and the support of the Manhattan Project National Historic Park, among other issues. ECA is excited to be working with Reeploeg moving forward.



ECA wishes to extend our gratitude for Garv Peterson's 14 years of leadership at ECA and TRIDEC. Many of ECA's key initiatives, including funding for the EM program, implementation of the Manhattan Project National Historical Park, land transfer processes,

Gary Peterson

various legislative issues, and other matters, were successful due to Peterson's leadership and the support of communities around the Hanford site.

Peterson's interest in these issues has not diminished upon his retirement; ECA trusts that he will continue to be a valuable resource for ECA members.

MAJOR CONTRACTS

DOE Extends Liquid Waste Contract at Savannah River Site

DOE has <u>announced</u> the decision to extend Savannah River Remediation's contract for the liquid waste mission at the Savannah River Site for six months, till December 31, 2017. The original contract, set to expire June 30, was established for April 2009 to March 2015 with the option to extend two years. The estimated value of the contract is \$4-\$6 billion. DOE has not released information regarding the bidding selection process for the new contract.

DOE Awards Contract for the West Valley Demonstration Project for the Development of a Supplemental Environmental Impact Statement Procurement

On April 6, DOE <u>announced</u> the award of a contract to SC&A, Inc. for the development of a Supplemental Environmental Impact Statement for the West Valley Demonstration Project (WVDP). The contract's total value is \$16,943,727 with a five -year period of performance.

DOE Releases Draft Request for Proposal for Portsmouth Paducah Project Office (PPPO) Technical Support Services Procurement

EM's Consolidated Business Center <u>released</u> a Draft Request for Proposal (RFP) for the Environmental Management Portsmouth Paducah Project Office (PPPO) Technical Support Services procurement. The department is seeking industry comment on the Draft RFP. The contract aims to provide DOE with technical and administrative support for oversight of

cleanup activities at the Gaseous Diffusion Plants in both Piketon, OH and Paducah, KY. In addition, the contract aims to provide support for operation of the Uranium Hexafluoride Depleted Conversion various "and to provide Project. technical engineering functions, information technology infrastructure support, Safeguards and Security oversight, and general administrative support for all PPPO sites. This contract will be issued as a consolidated effort for the continuation of three current, separate technical support services contracts for PPPO.

NNSA Awards Nevada National Security Site Management & Operating Contract to Mission Support and Test Services, LLC

On May 12, NNSA <u>announced</u> the award of the Nevada National Security Site (NNSS) Management & Operating (M&O) contract to Mission Support and Test Services, LLC (MSTS). The award is valued at \$5 billion over 10 years. MSTS is a subsidiary of Honeywell International Inc., Jacobs Engineering Group Inc., and Stoller Newport News Nuclear, Inc. The current M&O contract at NNSS will be extended beyond its expiration date of May 31, 2017 to allow for a four-month transition period between the incoming and outgoing contractors.

Originally, the M&O contract for NNSS was awarded to Nevada Site Science Support and Technologies Corporation (NVS3T) in August 2016, but NNSA rescinded the award after learning that NVS3T did not disclose in its proposal its recent acquisition by Leidos Innovations Corporation from Lockheed Martin.

UPCOMING CONTRACT EXPIRATIONS 2017-2019				
Contract Type	Expiration Date			
Sandia National Laboratories	April 2017			
Paducah	July 2017			
WIPP M&O	September 2017 (option of 5-year extension)			
SRS Liquid Waste	December 2017			
Hanford Central Plateau	September 2018			
Los Alamos National Laboratory	September 2018 (more award terms possible)			
Lawrence Livermore National Laboratory	September 2018 (more award terms possible)			
Salt Waste Processing Facility	2018			
West Valley Demonstration Project	April 2019			
Y-12/Pantex	June 2019 (option of 5-year extension)			
Hanford Mission Support	September 2019			

FORMER DOE LEADERSHIP URGE CONTINUED INVESTMENT IN NUCLEAR



Dr. Pete Lyons



John Kotek

In a recent op-ed featured in Eastern Idaho's *Post Register*, two former leaders of DOE's Office of Nuclear Energy urge Congress and the Administration to remain invested in nuclear energy innovation projects and to maintain U.S. leadership in nuclear energy innovation. Dr. Pete Lyons, Assistant Secretary for Nuclear Energy at DOE from 2010-2015, and John Kotek. Acting Assistant Secretary for Nuclear Energy from 2015-2017, noted the importance of U.S. leadership in nuclear energy with regard global to influence.

national security and economic benefits.

"[...] A nuclear power plant is an long-lived extremely piece of infrastructure, designed to operate for 60 to 80 years or more. When a U.S. company sells a nuclear reactor in another nation, that transaction marks the beginning of what can be century-long а relationship. The economic benefits to the U.S are obvious. These are multi-million dollar projects that can create tens of thousands of American jobs. But when the U.S. works with another nation on a nuclear power plant project, we also enter

into long-term relationships in areas such as education, training, safety regulation, environmental protection, physical security and nuclear non-proliferation."

Lyons and Kotek call for growing DOE's energy technology budget, increasing access to DOE's national labs, and encouraging public-private partnerships to help bring innovative energy technologies to market. They cite small modular reactors (SMRs) as one example of emerging nuclear technologies that could open new domestic and international markets for electricity generation and exports.

Already, SMRs are at the forefront of the push for U.S. investment in new nuclear. In February 2016, DOE granted a site use permit at the Idaho National Laboratory for NuScale's SMR. To date, NuScale remains the only company to have submitted a design certification application to the NRC. 18 other reactor design firms have since expressed interest in building at INL's desert site, reports the <u>Post</u> *Register*.

The Tennessee Valley Authority (TVA) is also considering adding an SMR to their commercial fleet. In January 2017, TVA <u>announced</u> that the NRC accepted and docketed the utility's early site permit application for the potential construction and operation of multiple SMR units at the Clinch River Site in Oak Ridge, TN.

MANHATTAN PROJECT NATIONAL PARK FOUNDATION DOCUMENT NOW AVAILABLE



The Foundation Document for Manhattan Project National Historical Park was completed in February. During the development of the document, the National Parks Service and DOE held workshops in Oak Ridge, Los Alamos, and Hanford. The three communities provided input regarding resources, stories, and opportunities for the park.

The purpose the Foundation Document is to establish the Park's historical significance and core mission, as well as outline the different features of interest inside and around the Park. You can view the document online <u>here</u>.

The Manhattan Project National Historical Park was established in November 2015. ECA member communities at and around the Park's three sites continue to play an active role in the Park's implementation and success.

GAO REPORTS

Action Needed to Address Affordability of Nuclear Modernization Programs

A Government Accountability Office (GAO) report published in April raised concerns about NNSA's plans for nuclear security modernization programs. The report found that the NNSA FY 2017 budget materials "do not align with the agency's modernization plans" over the next 25 years. GAO conducted the review to ensure that NNSA can afford its modernization goals for maintaining a secure and effective nuclear arsenal. GAO found that some modernization programs will be \$5 billion short of the funding levels needed by NNSA in FY 2018 through 2021. The recommendations in the report call for NNSA to include "an assessment of affordability of its portfolio of modernization programs" in its next Stockpile Stewardship and Management Plan.

DOE Could Improve Aspects of Nuclear Security Reporting

In April, GAO released a review of DOE's annual reports on the security of nuclear facilities for 2014 and 2015, finding that the Department did not "fully meet the definition of quality information under the federal internal control standards." Specifically, GAO noted that DOE did not provide the information to Congress in a timely manner and did not provide complete information about the process for sites' security assessments. The review found that DOE has not assessed the estimated costs for a physical security infrastructure plan slated to be released in spring 2017. Furthermore, DOE's 2014 2015 annual reports did not include and "comprehensive risk and potential vulnerability information" to Congress. GAO recommended that DOE include complete information in future annual reports, ensure that it meets mandated deadlines, and notify Congress of the reason for the delay in meeting a June 2011 order that it has not yet implemented.

Benefits and Costs Should Be Better Understood Before DOE Commits to a Separate Repository for Defense Waste

A January 2017 GAO <u>report</u> found that DOE did not quantify the costs and benefits of a separate repository for defense waste in information the agency provided to the President. While federal guidance calls for quantified benefits when possible, DOE argued the guidance does not apply because the plans are still in a conceptual stage. GAO concluded that DOE did not demonstrate that the benefits outweighed costs in its recommendation to the President regarding the separate repository. The report recommended that DOE continue to evaluate cost and schedule estimates, in addition to its site selection activities.

Regulatory Fee-Setting Calculations Need Greater Transparency

In February, a GAO report called for more transparency in the NRC's fee calculations. The NRC announced the fiscal year 2016 final fee rule, which included resources for licensees to understand how the agency calculates service fees and annual fees. GAO found that the NRC did not clearly define key terms or key calculations, which hindered the industry's ability to understand the hourly and annual fees. The NRC collects 90 percent of its annual appropriation by establishing fees for its services provided to commercial nuclear stakeholders. In its investigation, GAO found that licensees encountered difficulty understanding the FY 2016 NRC fee rules. GAO recommended that the NRC fully explain the fee calculations and set performance goals to increase transparency of the fee-setting process.

Opportunities Exist to Reduce Risks and Costs by Evaluating Different Waste Treatment Approaches at Hanford

A GAO <u>report</u> released in May 2017 examined DOE's methods for, and progress on, treating lowactivity waste (LAW) at Hanford. DOE adopted the vitrification approach to treat one-third to one-half of Hanford's supplemental LAW, but has not yet selected a treatment method for the remailing LAW. The report recommends that Congress give special authorization to DOE to classify the supplemental LAW on site based on risk. GAO also recommended that DOE revisit other treatment strategies such as grout, as to balance concerns for the reduction of risk and the economic cost of LAW treatment. Grout is a method already used at the Savanah River Site.

MOX INJUNCTION DELAYED UNTIL AT LEAST JULY 31

The injunctive order regarding plutonium disposition in Aiken County was delayed after a U.S. District judge extended the deadline for parties to develop a jointly-written statement to July 31, per the request of DOE.

In February 2016, South Carolina sued DOE and NNSA, arguing that the federal government did not dispose of the plutonium on time and failed to make "economic assistance payments," reports the <u>Aiken</u> <u>Standard</u>. A judge previously ruled in favor of South Carolina, saying that DOE failed to dispose of one metric ton of weapons grade plutonium by the agreed date of January 1, 2016.

An order to delay was requested by DOE and the codefendants. DOE noted that it missed the January 1 deadline because the MOX Facility at SRS is not built yet. The facility, still only 73% complete, will

have the ability to convert plutonium stockpiles into fuel for commercial reactors when completed.

If an agreement is not reached in July, both parties will submit individual statements to the court.



Photo courtesy of SRS High Flyer

IDAHO SITE COMPLETES TRU WASTE REMOVAL

In March, EM celebrated a major cleanup milestone over two months ahead of schedule as crews from Fluor-Idaho completed the retrieval of over 65,000 cubic meters of TRU waste at the Advanced Mixed Waste Treatment Project (AMWTP) Site.

On March 2, EM Acting Assistant Secretary Sue Cange, Idaho Governor C.L. Butch Otter, Idaho Attorney General Lawrence Wasden, Idaho Falls Mayor Rebecca Casper, and other DOE and state officials attended a ceremony at the site to commemorate the completion of the job.

The 14-year-long retrieval process was set to be completed by May 2017, but finished in late February, despite the complexity of the cleanup task. The project consisted of the exhumation of hundreds of thousands of wooden boxes and metal drums of TRU waste that were buried in soil and found to be in varying states of degradation.

After the TRU waste from the Idaho Site is processed at AMWTP, little is known on the future use of the facility. The AMWTP facility cost about \$560 million to construct, and has the ability to



EM's Acting Assistant Secretary Sue Cange and Idaho's Governor C.L. "Butch" Otter speak to a crowd in celebration of the completion of the retrieval of waste at the Advanced Mixed Waste Treatment Project

process TRU waste from other sites across the DOE complex. A 2008 DOE analysis recommended sending waste from 14 other sites to AMWTP "because setting up duplicative characterization or other necessary facilities at other sites would not be practical or cost effective."

BIPARTISAN LEGISLATION IN CONGRESS AIMS TO REFORM NRC AND PROMOTE NUCLEAR TECHNOLOGY INNOVATION

Bipartisan legislation was introduced in both the Senate and the House in March aimed at modernizing the Nuclear Regulatory Commission (NRC), reforming the agency's fee structure, increasing transparency and accountability, and ensuring a regulatory framework exists for licensing advanced nuclear reactors.

Senate Environment and Public Works Committee Chairman John Barrasso (R-WY) introduced the <u>Nuclear Energy Innovation and Modernization Act</u> (NEIMA), a bipartisan bill co-sponsored by Senators Michael Crapo (R-ID), James Inhofe (R-OK), Sheldon Whitehouse (D-RI), Cory Booker (D-NJ), Deb Fischer (R-NE), Shelley Moore Capito (R-WV) and Joe Manchin (D-WV). After its initial introduction, Senators Robert Casey (D-PA), Tammy Duckworth (D-IL) and Jeff Flake (R-AZ) also came on as co-sponsors of the bill.

The legislation, originally introduced in the last Congress, provides for:

- A program to develop the expertise and regulatory processes necessary to allow innovation and the commercialization of advanced nuclear reactors;
- A revised fee recovery structure to ensure the availability of resources to meet industry needs without burdening existing licensees unfairly for inaccurate workload projections or premature existing reactor closures; and
- More efficient regulation of uranium recovery.

The legislation also calls for Congress to receive reports that address how the NRC will:

- Expedite and establish stages in the licensing process for commercial advanced nuclear reactors (due no later than 2 years after the date of enactment);
- Increase the use of risk-informed and performance-based evaluation techniques and regulatory guidance in licensing commercial advanced nuclear reactors within the existing regulatory framework;

- Prepare the licensing process for research and test reactors within the existing regulatory framework;
- Complete a rulemaking to establish a technology -inclusive regulatory framework for optional use by commercial advanced nuclear reactor technologies designers and to enhance NRC expertise relating to advanced nuclear reactor technologies; and
- Consider lessons learned since September 11, 2001, Superstorm Sandy, and Fukushima regarding directed or spontaneous evaluations in densely populated areas.

In a <u>press release</u>, Senator Crapo stated, "Using more clean nuclear energy must be part of any forward-looking domestic energy portfolio. [...] This bipartisan measure [...] will help ensure that the work being done at Idaho's National Lab will have a path through the Nuclear Regulatory Commission and on to the commercial market. It will also bring more openness and accountability to the NRC's budget and fees, which will help stakeholders in-and-out of government better understand what the agency is doing with its resources."

Senator Inhofe noted, "[I]t is important that we consider the future of nuclear energy. This bill not only updates the regulatory structure for existing plants but creates a predictable NRC review process for advanced reactors and new technologies."

Reps. Adam Kinzinger (R-IL) and Michael Doyle (D-PA) introduced legislation with identical provisions on NRC reform in the House. In addition, the <u>Nuclear Utilization of Keynote Energy</u> <u>Policies (NUKE) Act</u> would develop performance metrics and milestones schedules for licensing activities, increase opportunities for informal hearings, address the regulatory framework for decommissioning nuclear reactors, and requires a study of the feasibility and implications of repealing restrictions on issuing licenses for certain nuclear facilities owned by foreign entities.

ECA FILES COMMENTS ON DOE'S DRAFT CONSENT-BASED SITING PROCESS

Last month, ECA formally filed <u>comments</u> on DOE's "Draft Consent-Based Siting Process for Consolidated Storage and Disposal Facilities for Spent Nuclear Fuel and High-Level Radioactive Waste," released on January 12, 2017. In its submission, ECA notes that, "Regardless of the path forward, ECA is urging DOE, Congress and the Administration to maintain transparency, collaboration, respect for taxpayers dollars already spent, and most importantly, momentum."

As in all of ECA's feedback related to DOE's consent-based siting initiative, ECA recommended first and foremost that the Yucca Mountain licensing review be completed and the Nuclear Waste Policy Act (NWPA) modified to authorize



consideration of alternative sites for interim storage or permanent disposal in parallel. ECA was encouraged seeing this approach reflected in the recent release and hearing on the legislative discussion draft, Nuclear Waste Policy Amendments Act of 2017.

ECA also advised DOE to meaningfully consider private consolidated interim storage proposals from the Eddy Lea Energy Alliance and Waste Control Specialists or clarifying waste definitions to reflect composition rather than origin. Both are nearerterm alternatives that could enhance a nuclear waste management system that includes Yucca Mountain and increase the robustness of approach by ensuring "all eggs are not and will not be in one basket."

WCS ASKS NRC TO TEMPORARILY SUSPEND REVIEW OF APPLICATION

In April, Waste Control Specialists (WCS) sent a <u>letter</u> to the NRC asking the agency to "temporarily suspend all safety and environmental review activities as well as public private activities" related to the company's application for a Consolidated

Interim Storage Facility (CISF) in Andrews County, Texas. WCS originally submitted its application to the NRC in late April 2016; and in January 2017 the NRC docketed and accepted the application for formal review.

The reason for the request, as explained in the letter signed by WCS's Chief Executive Officer and President, Rod Balzer, includes the pending sale of WCS to the parent

An overhead view in 2012 of Waste Control Specialists' low-level radioactive waste storage facilities near Andrews, Texas

company of EnergySolutions and the higher-thanoriginally estimated cost of the application review, now projected at \$7.5 million.

The sale of WCS was complicated after the United States filed a lawsuit last year seeking an injunction on antitrust grounds. The trial began on April 24th. While both WCS and EnergySolutions are confident the sale will go through, "due to the substantially

increased application review and related costs, WCS must focus its limited financial resources on those expenditures necessary to safely run and maintain its currently licensed facilities, proceed through the trial...and complete the sale to EnergySolutions."

> In the letter, WCS explains that their request is to suspend licensing review activities from the date of receipt until the completion of the sale, which they "believe to be by late summer 2017." After that, the company "expects to move forward with the consolidated interim storage projects at the earliest possible opportunity..."

WCS was the first company to submit a license application for a CISF to the NRC. WCS

is seeking to build a 40,000-metric-ton-capacity consolidated interim storage facility projected to open in 2021. Holtec International submitted the only other application in late March this year for a 120,000-metric-ton-capacity storage facility near Carlsbad, NM, as part of a coalition with the Eddy-Lea Energy Alliance LLC.

TEXAS FILES LAWSUIT AGAINST DOE, NRC FOR VIOLATING NWPA

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the NRC, the

On March 15.

violating the

(NWPA).

against

federal

Waste

DOE,

Attorney General Ken

Paxton filed a lawsuit

a number

agencies

Policy

named in the suit include



Attorney General Ken Paxton

NRC's Atomic Safety and Licensing Board (ASLB), and the U.S. Department of the Treasury.

The lawsuit, filed in the U.S. Court of Appeals for the 5th Circuit, alleges that several federal agencies and federal officials violated the law by failing to execute their obligations to complete the licensing process for a nuclear waste storage repository at Yucca Mountain. In addition, the suit charges that engaging in consent-based siting activities to identify new locations for a permanent geologic repository is unlawful given that the NWPA designates Yucca as the sole repository and does not include consent-based siting as an alternative. The lawsuit contends that consent-based siting should only be pursued provided the NWPA is amended to allow it.

The lawsuit asks the Court to prohibit DOE from conducting any other consent-based siting activities and to order the Respondents to finish the Yucca licensure proceedings. The lawsuit also seeks declaratory judgments that DOE and Secretary of Energy violated the NWPA "by failing to request appropriations from Congress to complete the Yucca Mountain license application process, and by failing to move forward with that application"; and that the NRC, the NRC Chairman, the ASLB and ASLB judges violated the NWPA, "by failing to request appropriations from Congress to complete the Yucca Mountain license application adjudicatory hearings and suspending those hearings."

In addition, the petitioners ask the Court to order the Secretary of the Treasury to provide an accounting of the "whereabouts of the corpus of the Nuclear Waste Fund," and the "total value of the principal, interest, and income of the Nuclear Waste Fund." The Court is also asked to issue an order "appointing a special master to assume the statutory authority and duties of DOE, the Secretary of Energy, and the NRC with respect to completion of Yucca Mountain as a permanent repository."

Furthermore, the suit states, "Ultimately, if Respondents are unable (or unwilling) to complete their obligations under the NWPA, or fail to approve the license for Yucca Mountain, the Court should exercise its equitable powers to correct the problem and help bring an appropriate end to a growingly unacceptable circumstance."

On April 12, Nevada Attorney General Adam Laxalt filed a <u>motion to intervene</u> with the Court to approve the state as a respondent in the case, stating that the lawsuit filed by Texas "directly—and adversely—threatens the rights of Nevada and its citizens," because of the "intense negative perception and stigma associated with transportation to Nevada and disposal of high-level radioactive waste and spent nuclear fuel in Nevada."

Texas is home to Waste Control Specialists which currently operates a number of low-level radioactive waste disposal sites at its facility in Andrews, Texas, and last year, submitted an application with the NRC to construct and operate a consolidated interim storage facility for used nuclear fuel.



Yucca Mountain proponents and opponents are preparing for a fresh fight in the 115th Congress, but the politics of today are still greatly colored by the long history of the proposed repository. The book, *Waste of a Mountain*, tells the story of the 70-year-long effort to dispose of spent nuclear fuel and high-level radioactive waste at Yucca Mountain. The book, written by Michael Voegele and Donald Vieth, details the history of government action in the effort to locate and develop a site for the permanent disposition of the waste. The book is available on the Pahrump Valley Museum's website <u>here</u>.

IDAHO PREP FOR CALCINE RETRIEVAL PROJECT RAISES QUESTIONS ABOUT THE STATE'S LEGAL AGREEMENT WITH DOE

Preparations for the retrieval and transfer of 220 cubic meters of radioactive calcine waste are underway at DOE's Idaho site. The waste, a product of spent nuclear fuel reprocessing, is set to be transferred from its current storage bin to a newer bin.

Idaho site officials say this project is necessary to meet a milestone of the 1995 Idaho Settlement Agreement which requires the calcine waste to be ready for shipment and disposal outside of Idaho by 2035.

The retrieval and transfer project is estimated at \$50 million over the course of 5 years and will require the design of a new system to retrieve the waste. The 220 cubic meters targeted in the project are part of the larger total of 4,400 cubic meters of waste currently stored at the Idaho Nuclear Technology and Engineering Center.

"This project has many challenges from both an engineering design as well as a regulatory standpoint," said Flour Idaho Project Manager Howard Forsythe in an <u>EM news update</u>. "Demonstrating that we can design and build a system to retrieve this waste is the first step."

Some in Idaho are arguing that this project, while an important step for meeting DOE's legal obligations with the state, is not the most urgent cleanup issue at the site. Former Idaho National Laboratory Director John Grossenbacher believes that the terms of the 1995 Settlement Agreement no longer serve the intentions of the Agreement.

Grossenbacher says the Settlement Agreement is incentivizing DOE to prioritize projects that pose a lower environmental risk rather than cleanup projects which could be considered more environmentally harmful. It's a case of regulatory compliance conflicting with efforts for environmental risk mitigation, notes the <u>Post</u> <u>Register</u>.

For example, the \$50 million calcine waste retrieval and repackaging project currently in process is consistent with the Settlement Agreement, but Grossenbacher believes that money and time would be better spent retrieving TRU waste at the site currently stored in deteriorating steel drums and buried in unlined pits. Furthermore, any retrieved TRU waste could be shipped to WIPP whereas the calcine waste has no pathway out of the state until Yucca Mountain opens—an event which may not occur until after the 2035 deadline.

The terms and requirements of the Settlement Agreement rely on federally-established definitions of radioactive waste that characterize wastes by source or origin instead of composition. Barring a clarification of these definitions or a reevaluation of the 1995 Idaho Settlement Agreement, DOE's calcine waste retrieval efforts at the Idaho site will proceed as planned.

Dylan Kama Joins ECA Staff



In April, Dylan Kama joined ECA as Program Manager. Previously, Dylan worked at the American Association for University Women (AAUW) and for former Senate Minority Leader Harry Reid. He graduated from the George Washington University (GWU) with a B.A. in Political Science in 2015, and he is currently working on a Master's degree in Political Management at the GWU Graduate School of Political Management.

Dylan is originally from Las Vegas, Nevada. As a native of the Southwest, he is excited to work with ECA on familiar energy issues that have an impact nationwide. In his free time, Dylan enjoys hiking and rooting for the LA Lakers. You can reach Dylan at <u>dylank@energyca.org</u>.

HOLTEC SUBMITS CONSOLIDATED INTERIM STORAGE APPLICATION TO NRC

At the end of March, Holtec International formally submitted an application for its HI-STORE consolidated interim storage (CIS) to the NRC. Holtec <u>reports</u> that the application includes a complete package of documents, including the

Safety Analysis Report and the Environmental Report. Holtec's HI-STORE facility is self-funded and will be hosted by the Eddy-Lea Energy Alliance (ELEA) in Southeastern New Mexico at a 1000-acre site halfway between the supportive communities of Hobbs and Carlsbad.

The proposed HI-STORE

CIS facility will utilize the subterranean storage system, HI-STORM UMAX that has already been certified by the NRC. According to Holtec, "HI-STORM UMAX...provides an unprecedented level of safety, security and environmental protection to the user. The dose emitted from the HI-STORM UMAX Independent Spent Fuel Storage Installation is virtually zero, making the accreted dose to the environment, even at the site's full capacity (10,000



loaded canisters), negligible. HI-STORE CIS is a truly universal storage system in as much as it is designed to accept every Canister currently loaded at every US nuclear plant. Therefore, every nuclear plant in the country, shutdown or operating,

including even those that do not currently use Holtec's storage systems, will be able to ship their canisters to the HI-STORE site."

The NRC has 60 days to ensure the application is complete before the formal, multi-year review process begins.

In a <u>letter</u> to the Secretary of Energy, New Mexico Governor Susanna Martinez stated, "I support the ELEA and its member cities and counties in their effort to establish a consolidated interim storage facility in southeastern New Mexico that will be regulated by the high safety and technical standards of the Nuclear Regulatory Commission."



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 <u>www.manhattanprojectvoices.org</u>.

🖫 2017 Congressional Calendar



Both chambers in session
Both chambers in recess
Senate only in session
House only in session

April

October

Т

М

Columbus Day

5 12	6 13	7 14
12	13	14
		Good Friday
19	20	21
26	27	28

May				
М	T	W	Т	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29 Memorial D	ay 30	31		

August

July М W Т F Т Indep Day з

W

Т

F

М Т W F Т з

November

М	Т	W	Т	F
		1	2	3
6	7	8	9	10 Veterans Day (observed)
13	14	15	16	17
20	21	22	23 Thanksgiving	24
27	28	29	30	

June

М	Т	W	Т	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

September

М	Т	W	Т	F
				1
4 Labor Day	5	6	7	8
11	12	13	14	15
18	19	20	21 Rosh Hashanah	22
25	26	27	28	29 Yom Kippur begins

December

М	Т	W	Т	F
				1
4	5	6	7	8
11	12	13 Hanukkah begins	14	15
18	19	20 Hanukkah ends	21	22
25 Christmas	26	27	28	29

Credit CQ Roll Call: <u>http://troutmansandersstrategies.com/wp-content/uploads/2016/11/CQ-2017-Congressional-</u> <u>Calendar.pdf</u>

2017 Upcoming Events

May 22-26	OMB expected to release White House's full FY 2018 budget
June 14	ECA High-Level Waste Committee Strategic Session , Washington, DC, <i>(invitation only)</i> ; contact <u>kara.colton@energyca.org</u> with questions.
August 16-17	ECA Peer Exchange on Manhattan Project National Historical Park Implementation , Richland, WA, <i>(invitation only)</i> ; contact <u>meganc@energyca.org</u> with questions.
September 12	ECA Members Meeting , Alexandria, VA; contact <u>meganc@energyca.org</u> with questions.
September 12-14	2017 National Cleanup Workshop , Alexandria, VA; visit <u>www.cleanupworkshop.com</u> or contact <u>meganc@energyca.org</u> for details.
September 30	FY 2017 ends
October 1	FY 2018 begins
November	ECA, NGA, STWG, ECOS, NCSL, NAAG Intergovernmental Meeting with DOE; details TBD

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