Energy Communities Alliance
Local concerns. National impact.

October/November
BULLETIN

In This Issue

Executive Committee

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Local Governments Support DOE Clarifying the Definition of High-Level Waste

ECA is encouraging stakeholders to provide input on the U.S. Department of Energy's (DOE) Notice on its Interpretation of High-Level Radioactive Waste. In its Request for Public Comment, DOE outlines a potential modification in how defense high-level waste (HLW) may be defined. This would allow DOE to dispose of waste in accordance with its radiological characteristics and ability to meet appropriate disposal facility requirements rather than the waste's origin.

ECA supports the clarification of the definition of high-level waste. DOE will treat waste based on the waste's actual characteristic, rather than an arbitrary definition based on the waste's origin. ECA expects these changes will:

- Reduce years of DOE operations and risks to current host communities;
- Accelerate Hanford, Idaho, West Valley and Savannah River tank retrievals and closures – which decreases risk;
- Reduce the number, size and duration of storage facilities pending availability of a permanent deep geologic HLW repository (which has been delayed for decades); and

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The Big Picture: DOE's Order 140.1 and the Defense Nuclear Facilities Safety Board

In May of this year, the Department of Energy (DOE)—without any notice—rolled out a new policy dictating how the Department will interface with the Defense Nuclear Facilities Safety Board (DNFSB). The policy, Order 140.1, was introduced with little fanfare, and with no input from the DNFSB, relevant stakeholders, or the public.

Established in 1988, after significant safety lapses at DOE facilities, the DNFSB was created as an independent body that offers recommendations to the Secretary of Energy on DOE and National Nuclear Security Administration (NNSA) high-hazard and nuclear operations. Though DOE has its own internal review procedures, DNFSB provides third party oversight to a completely unregulated mission to identify information on the actual risk of activities, and actions needed to mediate risk for both DOE/NNSA and the public.

The new Order 140.1 may impact safety at DOE/NNSA sites by decreasing timely reporting of information to the DNFSB, limiting DNFSB access to information on DOE activities, key DOE/NNSA

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Legislative Update

Congress passes earliest energy appropriations bill in over a decade

In September, President Trump signed two "minibus" appropriations bills, which contained funding for most federal agencies, avoiding a government shutdown before the beginning of Fiscal Year (FY) 2019 on October 1. For the past several years, the government has been operating through continuing resolutions, which are short-term stopgap bills that carry over previous years' funding levels. This is the first time in over ten years that Congress has passed and the President has signed the appropriations bills before the funding deadline.

The minibus containing funding for Energy & Water Development, Military Construction and Veterans Affairs, and Legislative Branch, was signed on September 21. The last time the Energy & Water Development appropriations bill was signed before the new fiscal year was in 2004.

The Energy and Water Development portion of the minibus provides $35.7 billion for DOE programs, which is a $1.1 billion increase above the FY 2018 enacted level. Of that amount, $6 billion is allocated for Defense Environmental Cleanup for FY 2019, an increase of about $36 million above the FY 2018 level and $393 million above the President's budget request. Among the sites that received an increase in funding above the FY18 levels are WIPP, Savannah River Site, and Oak Ridge Reservation.

The minibus provides $1.3 billion for the Office of Nuclear Energy (NE). Congress agreed to provide $100 million within NE's budget for Advanced Small Modular Reactor Research and Development to support "technical, first-of-its-kind engineering and design and regulatory development of next generation light water and non-light water small modular reactors."

Additionally, the bill provides $6.6 billion for the Office of Science and $366 million for the Advanced Research Projects Agency—Energy (ARPA-E) in fiscal year 2019.

NNSA has one of its highest budgets ever at $15.2 billion. The minibus provides $11.1 billion for Weapons Activities, which is a $457 million increase above the FY 2018 enacted level. The bill also provides $1.9 billion for Defense Nuclear Nonproliferation, a $69 million decrease below the FY 2018 enacted level. Congress included $75 million to commence a new project to meet NNSA's plutonium pit production targets. To accompany the project, DOE is required to report to Congress within 60 days of the bill's passage on the scope, costs, and schedule for meeting plutonium mission targets.

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Roll Call 2018 Congressional Calendar

Both chambers in session
Senate only in session

October

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
	1 FY '19 (begins)	2	3	4	5	6
7	8 Columbus Day	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
				1	2	3
4	5	6 Election Day	7 Diwali	8	9	10
11	12 Veterans' Day (observed)	13	14	15	16	17
18	19	20	21	22 Thanks-giving Day	23	24
25	26	27	28	29	30	

December

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
						1
2 Hanukkah (begins)	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23 30	24 31	25 Christmas Day	26	27	28	29

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Legislative Update

A breakdown of funding levels for major DOE offices can be found on page 15.

The minibus addresses the recent DOE Order 140.1, which is a new policy for how the Department will interface with DNFSB. The appropriations conferees expressed concern about the order's potential impacts on the ability of DNFSB to carry out its key functions. The conference report directs DOE to brief Congress on "how the Order differs from the previous Manual, how the Department plans to incorporate concerns from the DNFSB and the public, and the Department's plans to implement the Order across the organization."

The White House is already developing its FY 2020 budget proposal, which is expected to address the deficit. The administration's chief economist, Kevin Hassett, recently stated, "The deficit is absolutely higher than anyone would like. And I think as you watch our next budget come out, and you'll start to see things in the next two weeks, then you'll see a much more aggressive stance." Additionally, President Trump recently floated the idea of cutting five percent of each federal departments' budgets in the upcoming fiscal year. The President's budget request is anticipated to be released in February 2020.

DOE nominations await Senate approval

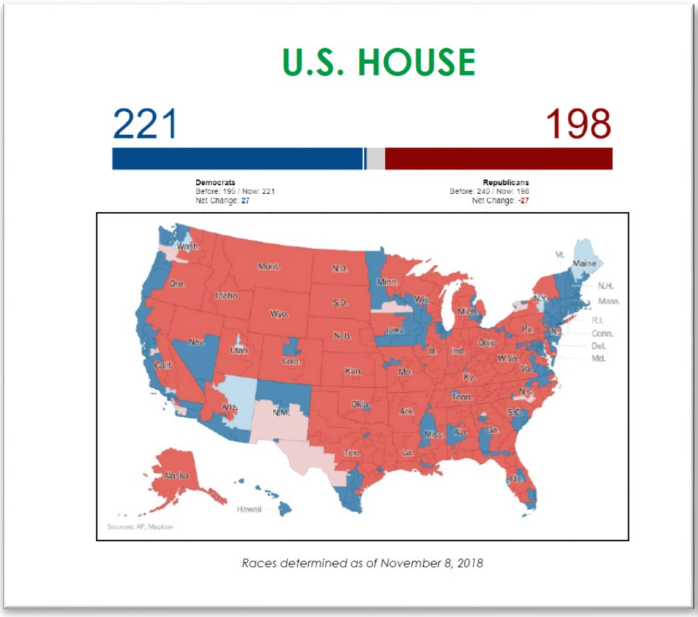
President Trump recently nominated Dr. Rita Baranwal to be Assistant Secretary of Energy for Nuclear Energy. Baranwal currently serves as the director of DOE's Gateway for Accelerated Innovation in Nuclear (GAIN) initiative at Idaho National Laboratory. The Senate Energy and Natural Resources Committee will hold a confirmation hearing on November 15, 2018 at 10:00am ET in Room 366 of the Dirksen Senate Office Building.

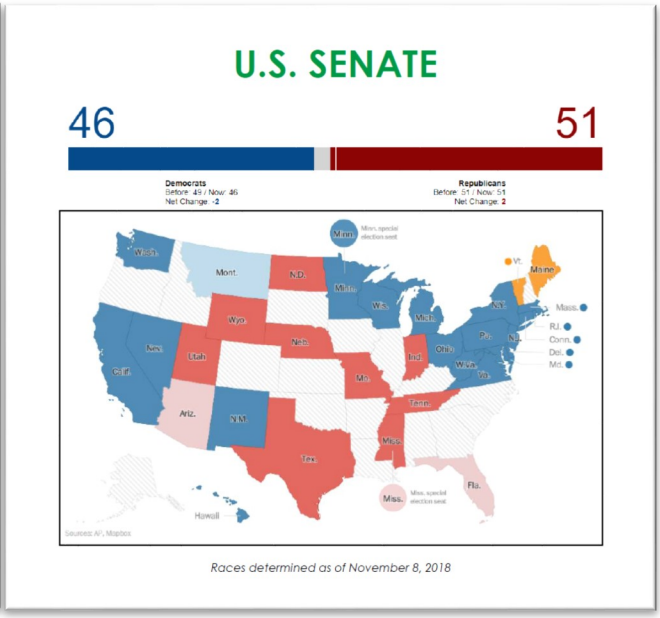
Other DOE nominees awaiting Senate confirmation include Chris Fall (Office of Science), Teri Donaldson (Office of Inspector General), Lane Genatowski (ARPA-E), William Cooper (Office of General Counsel), Daniel Simmons (Office of Energy Efficiency and Renewable Energy), and William Bookless (NNSA).

2018 Midterms: Post-Election Analysis

ECA has prepared an overview of the November 6 midterm elections—what changes to expect from the new divided Legislative branch (Democratic House and Republican Senate), expected new Congressional committee leadership, and gubernatorial races from across the country.

The analysis is available at **www.energyca.org/policy/**.





FACT SHEET ON DOE HLW NOTICE

Fact Sheet: Overview on DOE's Interpretation of High-Level Radioactive Waste

On Oct. 10, 2018, the Department of Energy (DOE) Environmental Management (EM) Program published a request for public comment on their interpretation of the statutory definition for high-level radioactive waste (HLW) [FR Vol 83, No 196]. DOE will consider comments received or postmarked by Dec. 10, 2018.

What is the current definition of HLW and why would DOE "interpret" the HLW definition?

The statutory definition for HLW is based on the Nuclear Waste Policy Act of 1982 and the Atomic Energy Act of 1954. These laws define HLW as:

> (A) The highly radioactive material resulting from the processing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and
>
> (B) Other highly radioactive material that the (Nuclear Regulatory) Commission, consistent with existing law, determines by rule requires permanent isolation.

DOE is interpreting that some reprocessing wastes may be classified as non-HLW and may be disposed based on their radiological characteristics, rather than their origin. This is significant because, historically, DOE has conservatively managed most wastes resulting from reprocessing as HLW destined for geologic disposal in the federal HLW repository, based solely on their origin, using only the first paragraph of the definition. After decades of experience evaluating the *actual* radiological hazards posed by the wastes and the development of advanced waste forms and site-specific performance-based disposal strategies, DOE appears poised to remove the unneeded conservatism and define disposition paths that are technically defensible and implementable in the near term.

This interpretation of the statutory HLW definition is very consistent with the recommendations ECA made last year in its publication *Waste Disposition: A New Approach to DOE's Waste Management Must Be Pursued* (September 2017). It is also consistent with the IAEA's activity-based waste classification scheme and safety standards which call for the specific types and properties of wastes to be taken into account when making disposal decisions.

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How is this different from "Waste Incidental to Reprocessing" and "Tank Waste Determinations"?

DOE's interpretation is distinct from the "wastes incidental to reprocessing" and "tank waste determinations" made pursuant to authorities within DOE Order 435.1 and Section 3116 of the National Defense Authorization Act, respectively. DOE is not attempting to designate additional wastes as "incidental" to reprocessing. Rather, they are explicitly stating that some reprocessing wastes are not HLW because their radiological characteristics do not require geologic disposal. Specifically, their interpretation is that if reprocessing wastes do not exceed the statutory definition for Class C low level waste (LLW) in 10 CFR Part 61 or if reprocessing wastes meet the performance objectives of a disposal facility that is not a deep geologic repository as demonstrated by a regulatorily-approved performance assessment, than the reprocessing wastes are not HLW and do not require geologic disposal.

It is also important to note that DOE has not made and is not making any revised decisions on waste streams disposal via this Federal Register notice.

How will DOE's interpretation impact disposition plans in the future?

DOE's Notice is directly relevant to the DOE sites that store large amounts of waste that is currently classified as HLW but would be considered non-HLW under this interpretation – Hanford, Idaho, Savannah River Site (SRS) and West Valley (WV) – and the potential receiver sites identified below.

ECA can reasonably interpret that the waste streams to which this interpretation may apply are the vitrified canisters at SRS and WV, the sodium-bearing waste and calcine at Idaho and some Hanford tank wastes. Notably, an extension of this risk-based approach to disposition of other DOE waste streams can reasonably be anticipated, which would have far-reaching impacts to virtually every site across the EM complex.

The disposal sites that DOE may consider utilizing for disposal of reprocessing wastes determined to *not* be HLW are those that have performance assessments demonstrating they can safely dispose of Class C LLW or even wastes that exceed Class C concentrations. Based on DOE's prior analysis (the Greater Than Class C LLW Disposal Environmental Impact Statement) and other current regulatory information, these disposal facilities include the Waste Isolation Pilot Plant, Waste Control Specialists facilities in Texas, DOE's Nevada National Security Site (NNSS) and certain on-site DOE disposal facilities, such as the Integrated Disposal Facility (IDF) at Hanford. While other commercial LLW disposal facilities can accept Class C LLW (Barnwell in SC and US Ecology in WA), they operate as Compact facilities (i.e., commercial facilities designated under the Low Level Waste Policy Act to receive commercial wastes from specific states defined by legal compacts), and DOE does not currently dispose of DOE wastes at these sites. Also, all DOE on-site disposal facilities operate under disposal authorization statements (similar to disposal licenses) that are based on site-specific performance assessments. Therefore, it is inappropriate to assume that all on-site DOE disposal facilities could accept reprocessing wastes subject to this interpretation.

What are the potential cost savings?

ECA, based on previous DOE estimates, expects over $40 billion can be saved in avoided storage facilities and operations and these savings from current baseline costs can be reinvested to the advantage of all EM sites around the country.

Why is DOE doing this now?

As ECA identified in its White Paper, there is a strong technical basis for the interpretation that DOE is now making. Careful implementation of this performance-based approach to disposition planning will enable significant near-term progress at these DOE sites, overcoming barriers such as the decades-long delay in availability of the federal repository. Performance-based disposal strategies will enable acceleration over current cleanup baselines and enable the "end states" vision that EM is pursuing in its current solicitations.

Is legislation necessary?

Despite the technical basis of DOE's interpretation, some stakeholder groups have identified that they may challenge this change through litigation. Legislation that codifies DOE's interpretation could: mitigate the risk of litigation, expedite resolution of any legal challenges, and institutionalize this approach so it is less vulnerable to change. However, legislation has its own process that may not lead to the desired solution.

What are the next steps and potential timeline?

DOE is accepting comments on DOE's interpretation received or postmarked by December 10, 2018. ECA expects DOE to take at least two months to consider and address the comments. It will be necessary for DOE to develop and issue guidance to its sites on how this interpretation is to be implemented relative to the existing DOE Order for Radioactive Waste Management (DOE Order 435.1).

Therefore, any further DOE action or direction on this topic could occur in March 2019, at the earliest. It is likely that any revisions to current waste stream disposition strategies will require new or additional review under the National Environmental Policy Act. Thus, any revised disposal decisions are also likely to involve additional public review and will not occur until late in 2019, at the earliest.

For more information, please visit ECA's web page at www.energyca.org

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Local Governments Support DOE Clarifying the Definition of High-Level Waste

- Saves taxpayers $40 billion or more on DOE-EM's remaining lifecycle costs.

DOE's Notice is an important first step in pursuit of recommendations made by ECA in its 2017 report, "Waste Disposition: A New Approach to DOE's Waste Management Must Be Pursued," which examines how clarifying the interpretation of HLW may allow DOE to put into place a smarter, risk-based decision framework.

State regulatory input is critical for both sender and receiver sites prior to the movement of any of the waste. DOE's notice identifies that any changes to how waste is currently managed will still require compliance with the state agreements and performance objectives of a disposal facility as demonstrated through a performance assessment conducted in accordance with all applicable state and federal regulatory requirements.

"Most local governments support DOE clarifying the definition high-level waste at both sites where the waste is currently located and the potential receiver sites," says Ron Woody, ECA Chairman and County Executive for Roane County, TN.

"As the hosts, sender and receiver sites for the federal government's HLW, we support DOE's efforts to examine alternative disposal pathways for waste in our communities that, under the current interpretation based on artificial standards, can only go to a HLW repository. If DOE moves to more appropriately align disposal decisions based on actual risk, some of this waste may be safely managed as transuranic or low-level waste and can be moved out of our communities sooner while saving significant taxpayer dollars," according to Rick McLeod, CEO of the Savannah River Site Community Reuse Organization.

"By beginning the evaluation of this alternative with a call for Public Comment, DOE is notably working to move beyond the old 'Decide, Announce, Defend' approach to policy-making. Allowing the people most directly impacted by DOE decisions to provide input early in the process, DOE can more fully understand the challenges and opportunities related to a shift in how this waste is characterized and build support. It could also bring the U.S. in line with how other countries around the word manage nuclear waste," adds Pam Larsen, Executive Director of Hanford Communities.

"We are pleased with DOE's effort to attempt clean up and clarify the definition of High Level Waste. Defining waste by its source rather than what it actually is, is an antiquated approach that strands waste at sites when safe disposal pathways are actually available. Disposal decreases the risk and eliminates billions of dollars in future costs associated with oversight of the millions of gallons of waste in storage tanks at our defense sites," says John Heaton, Energy Coordinator for Carlsbad, New Mexico.

Any change in the HLW Interpretation will most directly affect how liquid reprocessing wastes stored in or removed from large underground tanks at DOE's Savannah River Site in South Carolina, the Idaho Clean-up Project at the Idaho National Laboratory Site, at the Hanford Site in Washington State and at the West Valley Demonstration Site in New York, can be managed in the future.

During DOE's 60-day comment period, ECA will co-host a roundtable discussion with other DOE stakeholders to consider DOE's proposal and potential outcomes. The comment period ends on December 10, 2018.

A full copy of ECA's Waste Disposition: A New Approach to DOE's Waste Management Must Be Pursued can be found on our website at www.energyca.org/publications/.

For further information contact Kara Colton, Director of Nuclear Energy Programs, at (703)-864-3520 or kara.colton@energyca.org.

New on ECA's Website: DOE Site Profiles

Energy Communities Alliance
Local concerns. National impact.

LEARN ABOUT DOE'S SITES
www.energyca.org/site-profiles

ECA's site profiles detail DOE's 13 active EM cleanup sites and national laboratories and highlight the history, missions, and priorities. Key parties at the sites are identified, including local governments, contractors, and advisory boards. The site profiles make the latest news and contact information for media and local officials accessible to parties who may be interested in learning more about nearby DOE activities.


NEVADA NATIONAL SECURITY SITE


LAWRENCE LIVERMORE NATIONAL LABORATORY


IDAHO

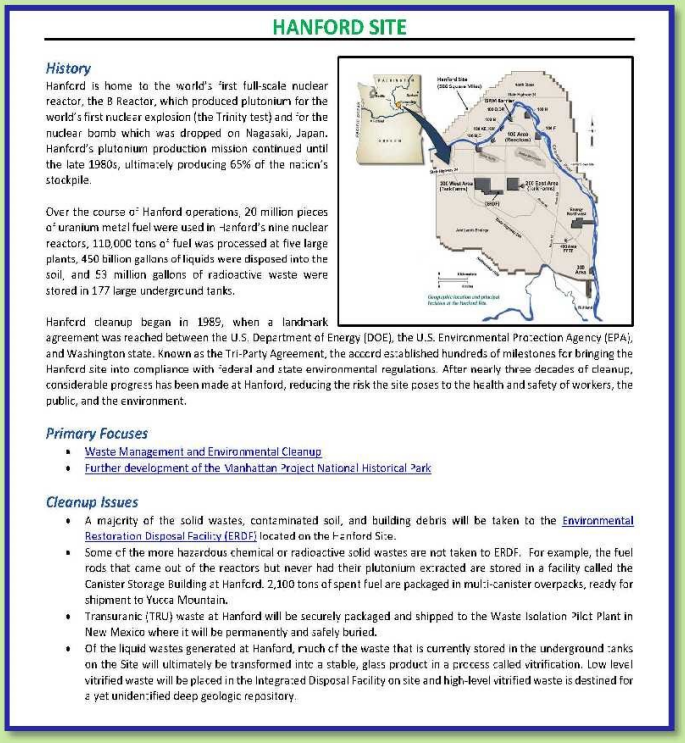

HANFORD SITE


LOS ALAMOS NATIONAL LABORATORY

- **Developed with input from host communities, ECA's profiles highlight each site's history, missions, and priorities;**
- **Provides local elected official's information and media contacts at each site;**
- **Share your community's profile by visiting: www.energyca.org/site-profiles.**

If you have questions and/or updates for your local site profile, please contact Dylan Kama at 202-828-2465 or email at DylanK@energyca.org.

SAMPLE PROFILE OF HANFORD SITE



HANFORD SITE

History

Hanford is home to the world's first full-scale nuclear reactor, the B Reactor, which produced plutonium for the world's first nuclear explosion (the Trinity test) and for the nuclear bomb which was dropped on Nagasaki, Japan. Hanford's plutonium production mission continued until the late 1980s, ultimately producing 65% of the nation's stockpile.

Over the course of Hanford operations, 20 million pieces of uranium metal fuel were used in Hanford's nine nuclear reactors, 110,000 tons of fuel was processed at five large plants, 450 billion gallons of liquids were disposed into the soil, and 53 million gallons of radioactive waste were stored in 177 large underground tanks.

Hanford cleanup began in 1989, when a landmark agreement was reached between the U.S. Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA), and Washington state. Known as the Tri-Party Agreement, the accord established hundreds of milestones for bringing the Hanford site into compliance with federal and state environmental regulations. After nearly three decades of cleanup, considerable progress has been made at Hanford, reducing the risk the site poses to the health and safety of workers, the public, and the environment.

Primary Focuses

- Waste Management and Environmental Cleanup
- Further development of the Manhattan Project National Historical Park

Cleanup Issues

- A majority of the solid wastes, contaminated soil, and building debris will be taken to the Environmental Restoration Disposal Facility (ERDF) located on the Hanford Site.
- Some of the more hazardous chemical or radioactive solid wastes are not taken to ERDF. For example, the fuel rods that came out of the reactors but never had their plutonium extracted are stored in a facility called the Canister Storage Building at Hanford. 2,100 tons of spent fuel are packaged in multi-canister overpacks, ready for shipment to Yucca Mountain.
- Transuranic (TRU) waste at Hanford will be securely packaged and shipped to the Waste Isolation Pilot Plant in New Mexico where it will be permanently and safely buried.
- Of the liquid wastes generated at Hanford, much of the waste that is currently stored in the underground tanks on the Site will ultimately be transformed into a stable, glass product in a process called vitrification. Low level vitrified waste will be placed in the Integrated Disposal Facility on site and high-level vitrified waste is destined for a yet unidentified deep geologic repository.

NMED Holds Hearing on WIPP Permit Modification

On October 23-25, the New Mexico Environmental Department (NMED) held a public hearing in Carlsbad, NM to discuss DOE's permit modification request (PMR) to change how waste volume is counted at the Waste Isolation Pilot Plant (WIPP).

The hearing comes after a June 2018 decision by NMED to elevate the PMR classification from "Class 2" to "Class 3," a decision that triggers a process consisting of multiple public hearings and comment periods before a NMED-selected judge can ultimately make a decision on DOE's request.

DOE's PMR is an attempt to modify how the volume of transuranic (TRU) waste stored at WIPP is counted as to avoid "counting air." Waste drums currently at WIPP are over-packed into larger containers, and current waste volumes are calculated by those outside layers. Modifying the reporting method for volume to include only the interior waste containers could reduce the accounting of waste already emplaced at WIPP by up to 30 percent. WIPP officials say by current standards, the facility is already half full. If the PMR were to be approved, it would only be considered one-third full.

The three-day hearing in Carlsbad consisted of DOE and WIPP's managing contractor as well as NMED giving opening statements with their support or, at times, critiques of the PMR, and providing technical, expert witnesses to be cross examined.

During the public comment period of the hearing, many locals from Carlsbad voiced their support for DOE's request, including ECA member and Carlsbad Mayor Dale Janway, who said, "There is a high level of local response on this issue. The change makes a lot of sense to everyone. This proposal is simply a matter of counting how much waste is in the underground by counting how much waste is in the underground. We feel like right now, we're just counting air."

Carlsbad City Councilor Jason Shirley said, "To count the actual waste instead of the air would be tremendous not only to our citizens, but to our country."

Carlsbad Energy Coordinator John Heaton said, "The interveners argue that this is how we've been counting waste since WIPP opened, and why would we change now? As explained, the state permit only deals with the mixed waste, and the state has no limit on the number of hazardous waste units it could permit at WIPP. That volume has absolutely nothing to do with WIPP's volume of actual waste as designated in the Federal Land Withdrawal Act of 1992 which specifically says 6.2 million cubic feet of transuranic waste which is controlled by he EPA, not the state.

"As a consequence of the proposed Volume of Record counting system, DOE will continue to count the volume of the overpacks for the state's permit purpose, and they will now formally count the volume of actual waste in order to conform to the formal limit of Transuranic Waste in the Congressional Land Withdrawal Act of 1992."

DOE Environmental Assessment Analyzes GTCC LLW and GTCC-like Waste Disposal at Waste Control Specialists

On October 13, 2018, the U.S. Department of Energy released its Environmental Assessment for the Disposal of Greater-Than-Class C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste at Waste Control Specialists, Andrews County, Texas. The Environmental Assessment provides a site-specific analysis of the potential environmental impacts of disposing the entire inventory -– 12,000 cubic meters – of GTCC LLW and GTCC-like waste at Waste Control Specialists (WCS).

The Environmental Assessment is the latest development in regards to DOE's responsibility to dispose of GTTC and GTCC-like waste. In February 2016, DOE issued the Final Environmental Impact Statement (EIS) for the Disposal of Greater-Than-Class C Low-Level Radioactive Waste and GTCC-Like Waste. The Final EIS evaluated the potential environmental impacts associated with the proposed development,

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The Big Picture: DOE's Order 140.1 and the Defense Nuclear Facilities Safety Board

personnel and contractors, and limit investigations into critical safety issues.

Furthermore, in an August 28 public hearing, the DNFSB board members noted that the Order had several fundamental changes when compared to the previous policy governing DNFSB interaction, including a definitional change of "public health and safety" to include only individuals beyond the site boundaries. So any issues that may arise on-site would be off limits. (But don't all safety issues that impact people off-site first start on-site?)

Board member Joyce Connery stated, "Here we are with the Department defining for the Board that public health and safety and our consideration in determining adequate protection includes only individuals located beyond the site boundary of DOE sites. … [Workers] are not our concern, according to this document. Yet, they are the mothers, the brothers, the bread-winners, and the soccer coaches in the communities of Aiken, Los Alamos, and Amarillo. They are the public."

ECA sent a letter to DOE Secretary Rick Perry on August 28 requesting that the Department pause implementation of the Order until after the DNFSB, local governments, other stakeholders, and the public have an opportunity to comment on the policy. The letter also included a second request for a briefing which has not been provided as of the beginning of November.

On August 29, New Mexico Senators Tom Udall (D) and Martin Heinrich (D) sent a letter to Senators Lamar Alexander (R-TN) and Dianne Feinstein (D-CA), the leaders of the Senate Energy and Water Appropriations Subcommittee, requesting that the Committee include in the final FY2019 Appropriations bill language that: (1) prohibits funds from being used to support a proposed reorganization and staff reduction at DNFSB; and (2) suspends Order 140.1. The letter contends that the Order "appears to restrict the amount of information the Board can access for its safety oversight work at DOE sites," and recognizes DNFSB board members' unanimous opposition to the policy.

The final version of the FY2019 Energy and Water Appropriations bill, released in mid-September, barred the use of appropriated funds to implement the proposed DNFSB reorganization. And the conference committee issued a Joint Explanatory Statement, which called upon DOE to provide a briefing to House and Senate appropriators no later than 30 days after the bill's enactment on "how the Order differs from the previous Manual, how the Department plans to incorporate concerns from the DNFSB and the public, and the Department's plans to implement the Order across the organization."

On September 17, the DNFSB sent letters to DOE Secretary Perry, House and Senate Appropriations Committees, and House and Senate Armed Services Committees laying out the Board's concerns with the Order 140.1, and announcing that the Board will hold at least two additional public meetings on the Order to "solicit feedback and receive input from the public and stakeholders."

DNFSB Chairman Bruce Hamilton has stated that the first public hearing will be held in Washington, DC this fall, with a second hearing to be held in New Mexico in the wintertime.

On October 3, Bruce Hamilton, previously acting Chairman, was appointed Chairman by President Trump. The DNFSB now has a Chairman, three board members, and one vacancy.

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**.

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DOE Environmental Assessment Analyzes GTCC LLW and GTCC-like Waste Disposal at Waste Control Specialists

operation, and long-term management of a disposal facility or facilities for GTCC LLW and DOE's inventory of GTCC-like waste. DOE concluded that the preferred alternative for the disposal of GTCC LLW and GTCC-like waste is the WIPP geologic repository and/or land disposal at generic commercial facilities.

With respect to a commercial alternative, the Final EIS only analyzed generic commercial facilities and not a specific commercial facility. While there was interest from vendors, no vendors provided specific information on disposal locations and methods. DOE noted in the Final EIS that should a specific commercial facility or facilities for disposal of GTCC LLW and GTCC-like waste be identified, DOE would conduct site-specific NEPA reviews, as appropriate. This recently published Environmental Assessment does just that, considering the impacts of a proposal for DOE to dispose of the entire GTCC LLW and GTCC-like waste inventory at WCS in Andrews County, Texas.

GTCC LLRW and GTCC-like waste, which currently has no identified disposal path, includes:

- Activated metals from the decommissioning of nuclear utilities;
- Sealed sources used for diagnostics and treatment of cancer and other illnesses and other industrial uses; and
- Other wastes, which include waste from the production of molybdenum-99 (used in medical diagnostics); waste from radioisotope power systems (used in support of space exploration); and waste from environmental cleanup at DOE sites (e.g. the West Valley Demonstration Project in New York).

The path forward still requires Congressional action.

MOX Officially Terminated by NNSA

On October 9, the 4th U.S. Circuit Court of Appeals lifted a preliminary injunction that protected construction of the Mixed Oxide Fuel Fabrication Facility (MOX). Since June, there had been an injunction in place that prohibited DOE and NNSA from terminating the project.

One day after the court's lifting of the injunction, NNSA officially delivered a termination notice for MOX to its prime contractor, MOX Services. In the notice, NNSA clarified that it seeks to preserve the building and its resources. Instead of its original purpose to turn weapons-grade plutonium into commercial fuel, the MOX facility is now planned to be a second location to produce plutonium pits in the future.

Several activist groups, such as Nuclear Watch New Mexico, SRS Watch in South Carolina, and Tri-Valley CAREs, sent a letter to NNSA arguing that the federal government must follow certain requirements of the National Environmental Policy Act (NEPA) before expanding pit production at Savannah River Site (SRS). The groups stated that NNSA must conduct an environmental impact statement must be conducted before increasing pit production. NNSA reiterated, "The pit production mission will be carried out in accordance with all applicable environmental and regulatory requirements."

Savannah River Site has also been involved in another plutonium-related lawsuit.

In response to a December 2017 federal court order, NNSA announced in September that it plans to remove one metric ton of plutonium from SRS and ship it temporarily to the Nevada National Security Site or the Pantex Plant, and finally ship it to Los Alamos National Laboratory. The one metric ton of plutonium is to be removed from SRS by January 2020.

In late October, the State of South Carolina and DOE began negotiations to settle a $100 million claim by South Carolina. The state originally sued DOE for not removing weapons-grade plutonium in a timely manner. South Carolina argued that it was entitled to $1 million for each day (up to 100 days) under federal law because DOE failed to process the plutonium at MOX or remove it from the state. An updated on the negotiations is expected no later than November 26.

DOE Welcomes New EMAB Members

In October, DOE announced the appointment of seven industry leaders to DOE's Environmental Management Advisory Board (EMAB). The seven join 11 returning board members, including the former Chair of ECA, Mayor Bob Thompson of Richland, WA.

EMAB is chartered under the Federal Advisory Committee Act to provide independent advise, information, and recommendations to EM on corporate management issues and large project planning. Members serve two-year terms, which are renewed by EM.

The New EMAB members are:

- David Abelson, founder and managing director of Abelson Partners in Boulder, Colorado
- Mark Fallon, president and CEO of Envirocon of Missoula, Montana ;
- Diahann Howard, director of economic development and governmental affairs for the Port of Benton, Washington state;
- Carol Johnson, retired corporate executive of Santa Fe, New Mexico who has over 35 years of leadership experience in the operation of high hazard nuclear facilities, environmental management, decommissioning, and infrastructure;
- Randall Jostes, founder and CEO of Environmental Liability Transfer, Inc. of St. Louis, Missouri;
- Elliott Laws formerly served as president of safety, health and environment for Texaco Inc. Laws is currently a partner at Crowell & Moring LLP in the Washington, D.C. area; and
- Tracye McDaniel, founder and CEO of McDaniel Strategy Ecosystems in Austin, Texas.

DOE/NNSA Contracts and Awards

Triad National Security Begins Management of Los Alamos National Laboratory

On November 1, Triad National Security, LLC assumed management and operations of Los Alamos National Laboratory (LANL). Triad is a consortium made up of the Texas A&M University System, Battelle Memorial Institute, and the University of California. The lab was previously managed by Los Alamos National Security LLC since 2006.The new contract includes a five-year base period with five one-year options to extend it for a total of ten years. Los Alamos County officials have expressed support for the new contractor.

Concern about NNSA Direction on Taxes

Northern New Mexico local governments and governmental entities have learned that NNSA is still trying to force Triad to change its corporate status to a 501(c)(3) status to avoid paying taxes. Despite the contrary direction in the RFP process to the bidders, NNSA seems to think it is a requirement. Los Alamos County officials have expressed concern about the federal government's pressure on Triad to seek a local tax exemption that would significantly cut services, education funding, bus and transportation funding and other services.

RFP for Hanford Mission Essential Services Contract Released

On September 20, DOE released a Request for Proposal for the Hanford Mission Essential Services Contract, which has an estimated value of $4-6 billion for a ten year period. Mission Support Alliance currently holds the contract, which expires on May 25, 2019.

The services provided under the contract include security and emergency services, land management, and building infrastructure to support the Waste Treatment and Immobilization Plant. The new contract also includes language that would allow the contractor to assist DOE "in the solicitation and administration of DOE's small business prime contracts."

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DOE and NNSAS Contracts and Awards

DOE Announces Draft RFP for Hanford Central Plateau Cleanup Contract

DOE issued a draft Request for Proposal for the Central Plateau Cleanup Contract. The contract has an estimated value of $6.5 billion over a ten year period. The new contractor will perform environmental cleanup services to meet specified End States for the EM mission at Hanford. The current contract, which expires on September 30, 2019, is held by CH2M HILL Plateau Remediation Company.

Interested parties may provide input on the Draft RFP as DOE develops the final RFP. DOE held a pre-solicitation conference, site tour, and one-on-one meetings with interested parties during the week of October 15, 2018.

DOE Extends Cleanup Contract at Hanford, Columbia River

Jacobs Engineering Group received a one-year extension of its contract for environmental remediation operations at sections of the Hanford site and the Columbia River. Until September 20, 2019, Jacobs will provide "demolition, radioactive material retrieval, waste disposal, revegetation completion and maintenance of the Fast Flux Test Facility." DOE will continue to conduct a competitive procurement process over the next year.

DOE Inspector General Audit Reports

Special Report: Compilation of Challenges and Previously Reported Key Findings at the Hanford Site for Fiscal Years 2012-2018

Between FYs 2012 and 2018, the DOE Office of Inspector General (IG) conduced 38 investigations and 24 audits and inspections at the Hanford site, identifying a variety of management challenges, including contract oversight, quality assurance, project management, safety culture, and fraudulent activities. In a Special Report issued on November 2, DOE's IG provided a consolidated summary of all previously-issued and open recommendations related to past investigations and audits.

In the report, the IG contends that the Hanford site has been "plagued with mismanagement, poor internal controls, and fraudulent activities, resulting in monetary impacts totaling hundreds of millions of dollars by the various contractors involved at the site."

The report continues, "Although we recognize that the Department has implemented improvements in response to prior Office of Inspector General findings, weaknesses continue with the management of contractors and subcontractors at a level that, in our opinion, results in an unacceptable level of risk of inappropriate charges to the Government."

The IG hopes that the report will serve as "evidence of systematic internal control weaknesses and fraudulent activities and ultimately result in the Department strengthening its oversight of Federal operations and contractors."

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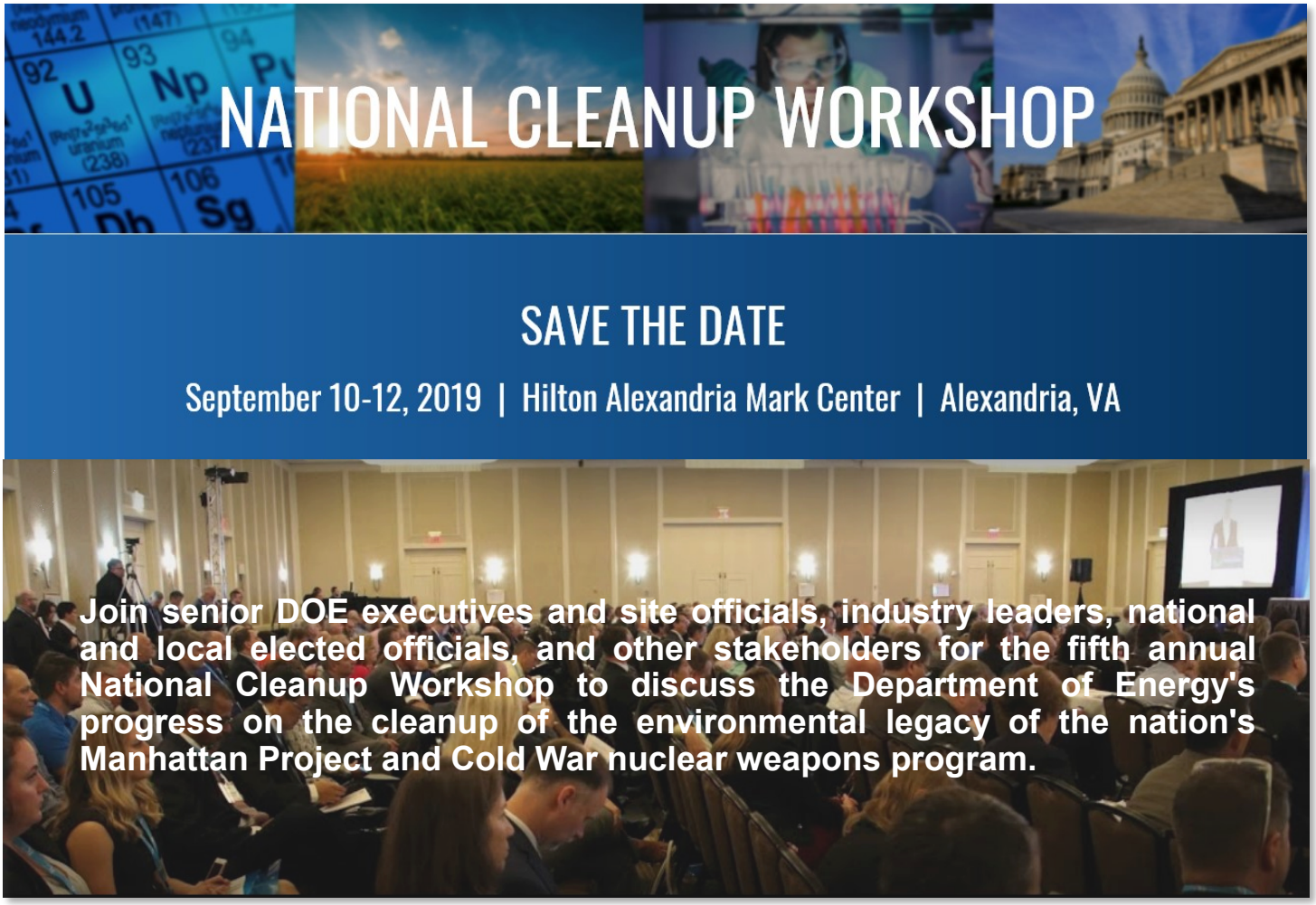

GAO Reports

GAO Accountability * Integrity * Reliability

Nuclear Weapons Sustainment: Fiscal Year 2018 Nuclear Forces Budget Estimates

On November 2, the Government Accountability Office (GAO) released a report discussing the extent to which a FY 2018 joint report released by DOE and the Department of Defense (DOE) provides accurate and complete information about nuclear sustainment and modernization budget estimates, and related budget estimating methodologies given that the February 2018 Nuclear Posture Review (NPR) was issued subsequently to the President's FY 2018 budget.

The GAO found that the joint report did not capture key programmatic changes in nuclear weapon modernization plans contained in the NPR. DOE and DOE officials stated that they expect the FY 2019 joint report (to be issued in fall 2018) to reflect NPR-based changes. GAO assessed that the DOD budget estimates in the joint report were generally accurate and complete based on the underlying data used by DOD to create them. DOE noted in the joint report that it "will make a policy judgment" on budget amounts for future years in accordance with the NPR.

GAO's assessment of DOE's and DOD's budget estimating methodologies found that the agencies had taken some steps to address prior GAO recommendations, though the recommendations have not fully been addressed. GAO expects to further evaluate actions taken by the agencies to follow their recommendations, and did not at this time offer any additional recommendations.

FY 2018/2019 Budget & Appropriations Highlights*

	FY 2018 Enacted	FY 2019 Requested	FY 2019 Conference
DEPARTMENT OF ENERGY	**34,520,049**	**30,609,071**	**35,685,317**
Environmental Management	**7,126,448**	**6,601,366**	**7,175,129**
Defense Environmental Cleanup	5,988,048	5,630,217	6,024,000
Hanford/ Richland	863,192	658,171	865,171
Office of River Protection	1,560,000	1,438,513	1,573,000
Idaho National Laboratory	434,071	359,226	433,200
Lawrence Livermore National Laboratory	1,175	1,704	1,704
Separations Process Research Unit	4,800	15,000	15,000
Nevada NNSA Sites	60,136	60,136	60,136
Sandia National Laboratory	2,600	2,600	2,600
Los Alamos National Laboratory	220,000	191,629	220,000
Oak Ridge Reservation	400,219	226,206	410,000
Savannah River Site	1,312,314	1,656,180	1,387,657
Waste Isolation Pilot Plant	376,571	403,487	396,907
Non-Defense Environmental Cleanup	298,400	218,400	310,000
West Valley Demonstration Project	75,000	63,687	75,000
Gaseous Diffusion Plants	101,304	100,575	101,304
Uranium Enrichment Decontamination & Decommissioning Fund	840,000	752,749	841,129
Oak Ridge	194,673	151,039	195,000
Paducah	205,530	270,224	206,000
Portsmouth	381,271	415,458	408,099
Legacy Management	**154,606**	**158,877**	**158,877**
National Nuclear Security Administration	**14,668,952**	**15,091,050**	**15,228,618**
Weapons Activities	10,642,138	11,017,078	11,100,000
Defense Nuclear Nonproliferation	1,999,219	1,862,825	1,930,000
Naval Reactors	1,620,000	1,788,618	1,788,618
Nuclear Energy	**1,205,056**	**757,090**	**1,326,090**
Science	**6,259,903**	**5,390,972**	**6,585,000**
Yucca Mountain and Interim Storage	**0**	**120,000**	**0**
Nuclear Waste Disposal	0	90,000	0
Defense Nuclear Waste Disposal	0	30,000	0

*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 source calculates government spending.

2018-2019 Upcoming Events

November 14, 2018	**ECA Board of Directors Meeting**, New Orleans, LA; Contact meganc@energyca.org for details.
November 14-16, 2018	**2018 Intergovernmental Meeting with DOE**, New Orleans, LA; Contact meganc@energyca.org for details.
March 3-7, 2019	**Waste Management Symposia**, Phoenix, AZ; visit www.wmsym.org for more information.
September 10-12, 2019	**2019 National Cleanup Workshop,** Alexandrea, VA; see page 14 and visit www.cleanupworkshop.com for more information.

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