

March 2014

ECA Bulletin

Local Concerns. National Impact



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ECA PEER EXCHANGE FOCUSES ON “DOE MOVING FORWARD”

ECA members and other participants met in Washington, DC on February 27–28, 2014 to discuss the future of DOE and its host energy communities. Congressman Mike Simpson (R-ID); Congressman Doc Hastings (R-WA); DOE officials from the Office of Environmental Management (EM), the Office of Nuclear Energy (NE) and the National Nuclear Security Administration (NNSA); and industry representatives addressed the group.

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Mayor Tom Beehan (left) Commissioner Jim Beaver (middle), Congressman Doc Hastings (right)

CAN WE HAVE CONFIDENCE IN DEALING WITH NUCLEAR WASTE?

Communities keep asking ECA, “Now what?” in relation to high-level waste disposition. It has been four years since the Blue Ribbon Commission on America’s Nuclear Future (BRC) was established to conduct a comprehensive review of policies for managing the back end of the nuclear fuel cycle and recommend a new plan. There have been many discussions of alternatives for the storage, processing, and disposal of civilian spent nuclear

fuel, legacy high-level waste, and materials derived from nuclear activities. The Administration points to Congress, Congress points to the Administration and communities are stuck in the middle.

Here is where we stand:

- **Yucca Mountain** was designated under the Nuclear Waste Policy Act (NWPA)

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Executive Committee



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Communities
Alliance

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City of Oak Ridge, Tennessee

Vice Chair

Councilmember Chuck Smith
Aiken County, South Carolina

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Secretary

Mayor Steve Young
City of Kennewick, WA

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Councilmember Robert Thompson
City of Richland, Washington

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ECA Peer Exchange Focuses on “DOE Moving Forward”

Congressman Mike Simpson, Chairman of the House Energy and Water Appropriations Subcommittee



Congressman Simpson, a key supporter of energy communities, addressed ECA for the fifth time. He was appointed to serve as Chairman of the House Energy and Water Appropriations Subcommittee in November 2013. “I’m going to be an active chairman,” Congressman Simpson said. He added that participation from energy communities will help him achieve that goal. “My door is always open in Washington.”

Regarding the state of Congress, Simpson expressed hope that “we’ve seen a little crack in the ice” of



ECA Peer Exchange, “DOE Moving Forward”

congressional dysfunction. The Ryan-Murray budget deal set the table for quick passage of the fiscal year 2014 budget and expeditious consideration of the fiscal year 2015 budget, he said.

Congressman Simpson is committed to following regular order in the budget process and passing regular appropriations bills instead of continuing resolutions or an omnibus. With this goal in mind, the House Appropriations Committee has set a full and ambitious schedule to consider the FY15

budget. After holding hearings in February and March, the committee will start marking up bills in mid-April. “We’re going to be more actively involved with DOE and the labs” as the FY15 appropriations bills are written, he added.

Talking about EM’s mission, Congressman Simpson said “Cleanup is very important to me.” With constrained budgets across the Federal Government, he expressed concern about properly funding the whole complex and not just worrying about any one site. In this budgetary environment, boosting one site is likely to take away from another, he said. Based on this reality, it’s important to work together and to figure out what we can accomplish instead of just cutting a percentage across the board, Simpson expressed.

Looking to the future, Congressman Simpson believes a major goal for DOE should be to establish a long-term vision that can reach across administrations yet leaves flexibility for new administrations to do what they were elected on.

Setting the Stage

Martin Schneider, Chief Executive Officer and Editor-in-Chief of ExchangeMonitor Publications, said it is “vital for communities to work together with the Department on a clear path forward.” He expressed concern about the current strategic direction of EM.

Schneider said vacancies in DOE leadership positions have contributed to a lack of direction. As an example, he said the EM Deputy Assistant Secretary for Program Planning and Budget has to go all the way up to Secretary Moniz before finding someone “you know will be there next month.” On the plus side, he said, nominations for top positions have started to shake loose, and hopefully confirmations will follow.

Regarding the recent fire and radiological events at the Waste Isolation Pilot Plant (WIPP), Schneider said WIPP is extremely important for New Mexico,

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SOUTH CAROLINA FILES LAWSUIT OVER DOE DECISION TO PLACE MOX FACILITY IN “COLD STANDBY”

This month, the State of South Carolina filed a lawsuit against the U.S. Department of Energy (DOE) and the National Nuclear Security Administration (NNSA) over the future of the Mixed Oxide (MOX) Fuel Fabrication Facility at the Savannah River Site. Construction of the facility, which began in 2007, is reportedly 60 percent complete and employs 1,800 people from surrounding communities. It is designed to take surplus weapon-grade plutonium, remove impurities, and mix it with uranium oxide to form MOX fuel pellets for commercial nuclear reactor fuel.

The lawsuit comes in the wake of the fiscal year 2015 federal budget request, where the budget for the MOX facility was cut and the project placed in “cold standby.”

As explained in the budget request:

“During FY 2013, the Administration slowed activities associated with the current plutonium disposition strategy while it conducted an analysis of options to complete the mission more efficiently. Based upon the ongoing analysis, the Department determined that the MOX fuel approach is

(Continued on page 4)

ECA SENDS LETTER TO SECRETARY MONIZ REQUESTING ACTIONS AT WIPP TO ENSURE WORKER AND COMMUNITY SAFETY AND PROTECTION

On Monday, March 10, ECA sent a letter to Energy Secretary Moniz regarding recent events at the Waste Isolation Pilot Plant (WIPP). The letter asks DOE to expedite the investigation of what occurred at WIPP to ensure the safety and protection of workers and the community.

ECA requests that DOE continue to pursue seven actions:

- Host town hall meetings and use multiple formal channels to ensure all impacted local governments and states are regularly informed of current and potential activities.
- Emphasize that the safety response systems in place at WIPP worked as they were designed to contain the release.
- Support the US Environmental Protection Agency to conduct independent tests and studies that can assist and verify monitoring assets already in the area. There should be transparency, and early and full disclosure of any findings to all impacted parties.
- Coordinate with the site contractor (Nuclear Waste Partnership, LLC) to analyze exposure to

workers on site and address potential health concerns. Status reports regarding health, radiation and exposure should also be provided to the public so there is a clear understanding of what is actually occurring at the site.

- Ensure that other DOE sites understand the impact of the incident on facility operation and DOE's Environmental Management program.
- Work with the New Mexico Environment Department to explore the possibility of extended temporary storage above ground at WIPP beyond changes recently implemented.
- Examine other alternatives for TRU waste management in light of existing cleanup commitments.

In the letter, ECA also highlights the importance of public health and environmental protection to the success of DOE's cleanup program and trust between the Department and local governments. It also states the important role WIPP has in the cleanup of our communities and the legacy of weapons production and research.

See the full text of the letter [here](#).

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South Carolina Files Lawsuit over DOE Decision to Place MOX Facility in “Cold Standby”

significantly more expensive than anticipated, even with consideration of potential contract restructuring and other improvements that have been made to the MOX project. Due to these increases, the MOX fuel approach is not viable within available resources. As a result, the MOX project will be placed in cold stand-by while we further study implementation and costs of options to complete the plutonium disposition mission more efficiently.”

The lawsuit says, however, that DOE’s action violates Section 2566 of the Atomic Energy Defense Provisions, entitled, “Disposition of Weapons-Usable Plutonium at Savannah River Site” which sets forth the Congressional mandate for the “construction and operation of [the MOX Facility].” Furthermore, DOE may violate the Plutonium Management and Disposition Agreement (PMDA) made in 2000 with Russia under which each nation agreed to dispose of no less than 34 metric tons of weapons-grade plutonium. Finally, the lawsuit also states that “for the current fiscal year ending on September 30, 2014, Congress has directed DOE and NNSA to spend over approximately \$343 million for continued construction of the project,” and federal law prohibits the Administration from diverting these funds from building the facility to shutting it down.

According to reports by the Government Accountability Office (GAO), there have been a

number of issues with cost and scheduling estimates related to the project. The MOX plant is reported to be \$3 billion over budget, with construction costs now estimated at \$7.7 billion. A yet-to-be-released DOE study estimates that the life-cycle cost of the project could be \$30 billion.

Even before the lawsuit was filed by the state, the Savannah River Site Community Reuse Organization (SRSCRO) questioned DOE’s lifecycle cost estimate. In a letter to Energy Secretary Ernest Moniz, SRSCRO Chair, Susan Winsor, noted a lack of transparency, as DOE has not publicly released the data used to determine the life-cycle cost.

A 2005 GAO report states SRS has already received nearly 1,900 containers of plutonium from the Rocky Flats site in Colorado, and stabilization and packaging is still ongoing at other DOE sites. DOE estimated it will have nearly 5,700 plutonium storage containers that could eventually be shipped to SRS.

The MOX facility is designed to permanently and irrevocably destroy weapons-grade plutonium, rendering it forever unusable in a nuclear weapon. If the MOX facility is abandoned, there is currently no other disposition path identified that would destroy the plutonium in a similar manner. As the SRSCRO Executive Director Rick McLeod noted in the recent SRSCRO newsletter, “The national security and terrorist situation has not changed... Plutonium promises need to be kept!”

The South Carolina lawsuit against DOE is available [here](#). See the SRSCRO letter on page 7.



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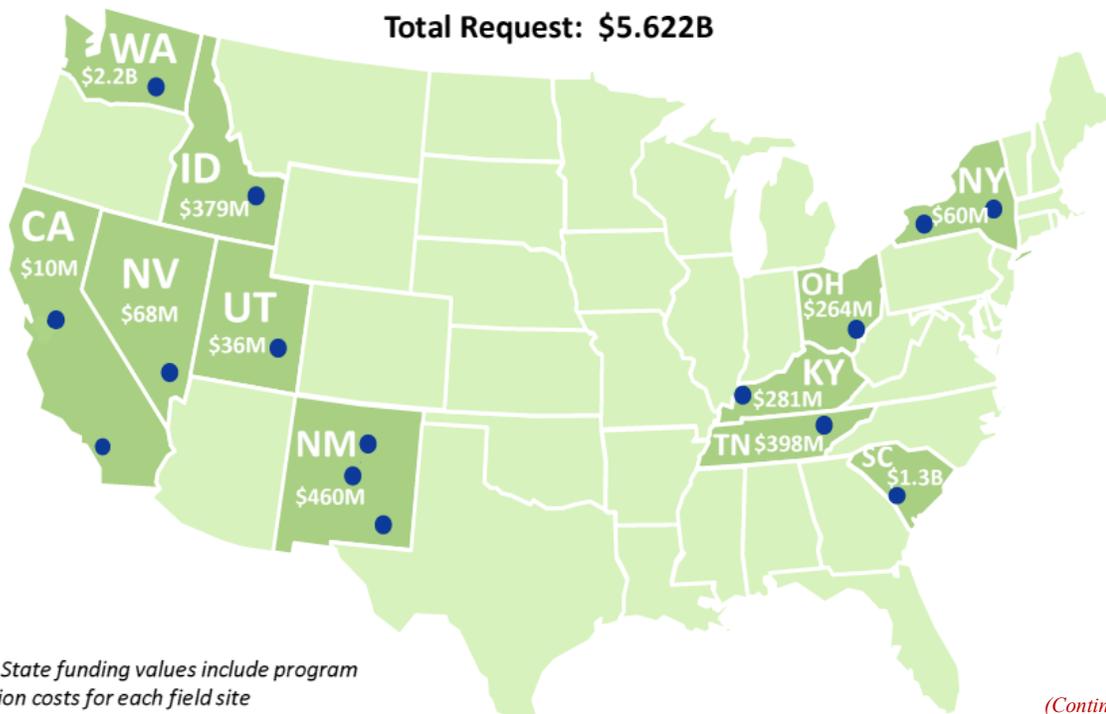
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EM FY 2015 BUDGET PRESENTATION

(dollars in millions)

Appropriation	FY 2013 Current (\$M)	FY 2014 Enacted (\$M)	FY 2015 Request (\$M)
Defense Environmental Cleanup	4,646	5,000	5,328
Non-Defense Environmental Cleanup	223	234	226
Uranium Enrichment Decontamination and Decommissioning Fund	448	599	531
Subtotal, Environmental Management	5,318	5,833	6,085
D&D Fund Offset	0	0	-463
Use of Prior Year Funds (Defense & Non-Defense Environmental Cleanup)	-19	-2	0
Total, Environmental Management	5,299	5,830	5,622

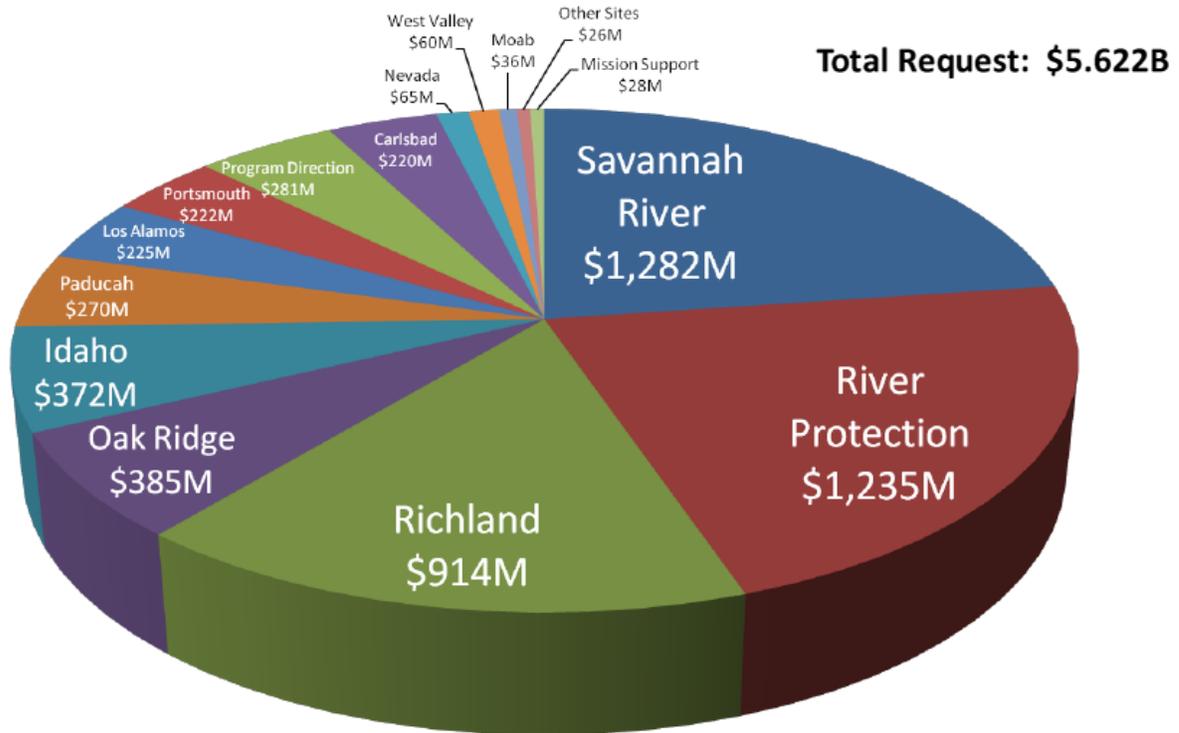
Cleanup: 4,865
 D&D Fund Deposit: 463
 Total: 5,328



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EM FY 2015 Budget Presentation



*Includes Program Direction, Program Support, Technology Development & Deployment, Post Closure Administration and Community and Regulatory Support

**Includes Safeguards and Security



COMMUNITY REUSE ORGANIZATION

two states, one future

March 21, 2014

The Honorable Dr. Ernest Moniz
Secretary of Energy
U. S. Department of Energy
The Forrestal Building
1000 Independence Avenue
Washington DC 20585

Subject: Mixed Oxide Fuel Fabrication Facility (MOX) “Cold-Standby” Decision

Dear Secretary Moniz:

The Savannah River Site Community Reuse Organization (SRSCRO) – is the U. S. Department of Energy’s designated Community Reuse Organization for the Savannah River Site (SRS) and is governed by a 22-member Board of Directors composed of business, government and academic leaders from Georgia and South Carolina. The SRSCRO is focused on new missions at SRS and ensuring the site maintains its role as part of this nation’s national security infrastructure.

MOX is about SECURITY – international security (agreement with Russia), national security (getting rid of dangerous nuclear material that terrorists want to steal and use), job security (MOX currently employs about 1800 people on the project, with many more around the country as vendors and manufacturers), and energy security (one MOX assembly can provide enough electricity to power 9,000 homes for a year). We as taxpayers may have to make sacrifices to obtain this level of security. The MOX budget should not be usurped to replace budget deficits within other areas of the government, like the Department of Defense (DOD).

The current MOX fuel approach is the most effective and appropriate means for disposing of surplus weapons plutonium. The most compelling reason is the nonproliferation objective of the program. Simply stated, we are disposing of our plutonium by fabricating it into fuel because we want Russia to do the same. To date the US and the Russian Federation have committed over 90 tons of weapons grade plutonium to the plutonium disposition program – enough plutonium to make over 20,000 nuclear weapons. MOX provides a pathway out of the SRS for plutonium previously brought here for disposition.

The Administration’s FY15 proposed budget and policy for the MOX program will not achieve this critical goal, and will leave 47 Metric tons of U S excess weapons-grade plutonium in its weapons-usable form in our backyard indefinitely. We will lose the moral high-ground in expecting the Russian Government to destroy an equal amount of their weapons plutonium stockpile.

Reportedly, the only feasible alternative being considered seems to be diluting Plutonium (Pu) through H-canyon with final disposition at the Waste Isolation Pilot Plant (WIPP). However, dilution through H-canyon currently does not meet the definition of “disposition” in the Plutonium Management and Disposition Agreement (PMDA). Additionally, dilution is a reversible process, and does not meet the Spent Fuel Standard. Thus, to make dilution acceptable, US negotiators would have to walk away from the basic tenant of the PMDA, and accept a program which only isolates, but does not destroy weapons grade plutonium. This is a large step backwards for achieving a safer world.

Both the 1994 study and the follow-on 2000 National Academy of Sciences (NAS) studies recommended adoption of the “Spent Fuel Standard” for the long-term disposition of weapons plutonium. While many options were considered, only converting excess weapons plutonium into MOX fuel and irradiating that fuel in nuclear reactors

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Dr. Ernest Moniz
March 21, 2014
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meets the Spent Fuel Standard. That determination was the basis for DOE's 1999 Surplus Plutonium Disposition Environmental Impact Statement and subsequent Record of Decision. That determination is equally valid today.

A theme constantly used by those opposed to MOX is the lack of a commercial customer for the MOX fuel. The real story is that several of America's largest nuclear operators have expressed interest in MOX fuel. However, the MOX contractor is unable to complete any commercial contracts until DOE signs the Commercial Agreement (also known as the Master Fuel Contract) that allows the negotiation of sales prices, terms and conditions. Bona fide negotiations of this Commercial Agreement, between NNSA and the MOX contractor, were completed more than a year ago, but DOE has provided no reasons why the Agreement has not yet been signed to date.

Also of concern is the methodology and expense of items used to determine the reported \$30 billion "life cycle cost" estimate for MOX. This information has not been publicly provided and is considered questionable and unsubstantiated, along with reported costs for MOX alternatives, until DOE releases this data. Of equal importance is the timeline comparison of any proposed alternative versus the MOX timeline for dispositioning the Pu currently stored at SRS.

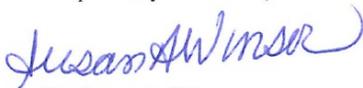
Even though, the current official stance of DOE is to place MOX in "cold standby", DOE has not officially stated that Pu shipments into South Carolina have stopped. PL No. 107-314 ("2003 Appropriations Act"), which was amended in 2006 and 2013, and is now codified at 50 U.S.C. § 2566, governs the construction and operation of the MOX facility at the SRS and outlines the methods through which the United States can meet its obligations under the Plutonium Management and Disposition Agreement. Section 2566 also sets forth certain reporting requirements and/or certifications and limitations on shipments of weapons grade plutonium to the SRS. Additionally, the statute provides for "economic and impact assistance" to the State of South Carolina beginning in 2016 if the MOX facility does not stay on schedule.

Based upon all of the above concerns, we insist on receiving the following information:

1. Access to the methodology and costing strategy used to determine the "life cycle" cost for the MOX facility and any and all proposed alternatives. Once received, we will form an independent panel of financial and technical experts to render an opinion on the validity of the data.
2. Written official status on the Commercial Agreement/Master Fuel Contract and the reason why the Agreement has not been signed to-date.
3. Written official status that Pu shipments into SRS have ceased and verification that provisions outlined in 50 U.S.C. § 2566 can be met. If the provisions cannot be met, what options are available to move Pu out of SRS?
4. Show how any of the proposed MOX alternatives meet all of the Plutonium Management and Disposition Agreement (PMDA) and the Spent Fuel Standard.

We are available to discuss our concerns in person. Regardless, we do expect an acknowledgement of the receipt of this letter and written correspondence to the issues raised above.

Respectfully Submitted,



Dr. Susan A. Winsor
Chair, SRS Community Reuse Organization

C: Georgia Governor
South Carolina Governor
Georgia Congressional Delegation
South Carolina Congressional Delegation
Five-county State Legislative Delegation

EM-1 NOMINATED AND OTHER EM LEADERSHIP ANNOUNCEMENTS



President Obama nominated Dr. Monica Regalbuto to serve as Assistant Secretary for Environmental Management on March 6, 2014. Dave Huizenga is currently Senior Advisor and acting as head of EM.

Dr. Regalbuto is Deputy Assistant Secretary for Fuel Cycle Technologies with the Office of Nuclear Energy. She previously served as a Senior Program Manager with the Office of Waste Processing with EM.



Terry Tyborowski, EM Deputy Assistant Secretary, Moving to DOE's CFO Office

ECA has learned that, starting April 21, Terry Tyborowski, EM Deputy Assistant Secretary for Program Planning and Budget, will move to a new position as Deputy Director for Budget Analysis in the DOE Office of the Chief Financial Officer. Dennis Deziel, currently her deputy, will take over her duties until a permanent replacement is found.

Terry has been a good friend to all local governments and has been very helpful in explaining the complicated budget numbers to ECA members. We wish her the best as she moves on to this new position.



Kristen Ellis Appointed as EM Director of Intergovernmental and Community Activities

Kristen Ellis was appointed to serve as the EM Director of Intergovernmental and Community Activities this month. When announcing the appointment, Candice Trummell, Acting Director of External Affairs, said:

“Kristen has served in EM’s Office of Intergovernmental and Community Activities for over five years, where she has successfully managed the Environmental Management Advisory Board and cooperative agreements with national, state and local government organizations. Prior to her time in EM, Kristen served in DOE’s Office of Congressional and Intergovernmental Affairs for approximately eight years representing DOE to the White House, tribal governments, and national intergovernmental organizations.”

Kristen has worked to assist ECA for over five years. We appreciate all of her efforts to support community engagement, and know that she will continue to advocate for ECA and communities in her new role.

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ECA Peer Exchange Focuses on “DOE Moving Forward”

sites that dispose of waste at WIPP, and future missions across the complex.

The congressionally appointed Commission to Review the Effectiveness of the National Energy Labs is another key development Schneider said communities should pay close attention to. The commission has a “broad mandate to look at the possibility of taking a national lab or two away... If it’s not already on your radar screen, it should be.”

Schneider also highlighted the ongoing renegotiation of cleanup enforcement agreements between states and the Federal Government. States are in a hard position, he said, because existing agreements are the only leverage they have, but those agreements were made in an era of different budgets and are largely unachievable today.

Bruce Held, Acting Administrator of NNSA



Bruce Held, Acting Administrator of NNSA, said Secretary Moniz sent him to NNSA to focus on “leadership and cultural issues.” Other challenges facing the organization, he said, include management of major construction projects

and fostering a strategic partnership between national laboratories and the Federal Government.

Regarding major construction projects, Held said “NNSA needs to do better at managing mega multi-billion dollar projects.” He added that NNSA must modernize the enriched uranium processing facilities. The current facilities are safe to operate but are 70 years old and do not communicate that safety is the first priority, he said.

Held outlined the five enduring missions of the NNSA:

- Nuclear safety
- Nuclear security

- Maintaining the nuclear deterrent
- Promoting a world without nuclear weapons
- Stewarding tax-payer dollars

Held also discussed how to focus the national laboratories on what they do best. The low-cost producer role belongs to the private sector, he said. Labs need to focus on challenging, high-reward problems. If the Federal Government uses a purely metrics approach to evaluate labs, that will push them to lower risk and just make widgets, which is not what the country needs. NNSA should push the labs to do great things.

To support this goal, Held said appropriate contract mechanisms are needed to stimulate scientific excellence. Additionally, it’s important to consider what motivates scientists to engage in innovative work. Primary factors include research dollars and good, safe working conditions, he said.

Dr. Lyons, Assistant Secretary for Nuclear Energy

Dr. Lyons, Assistant Secretary for Nuclear Energy, discussed high-level issues affecting the prospects for nuclear power research and construction projects. President Obama and Secretary Moniz support an all-of-the-above energy policy, including nuclear, he said. For example, the FY14 budget was very supportive of nuclear energy, including the development of new reactor designs.



The largest trend influencing the nuclear industry is economics, Lyons said. Nuclear power is becoming less economical due to the abundance of natural gas, flat energy demand, and renewable energy mandates. Five new nuclear plants are now under construction in the United States, however, more plants are shutting down.

Small modular reactors (SMRs) hold great promise for their flexibility and safety, he said. MPower is on schedule to submit an SMR design application in 2014, with a construction application anticipated in

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ECA Peer Exchange Focuses on “DOE Moving Forward”

mid-2015. This progress is the result of collaboration between industry, communities and the Department.

David Klaus, Deputy Under Secretary for Management and Performance

David Klaus, Deputy Under Secretary for Management and Performance, discussed his role in helping resolve land transfer regulation issues (10 CFR 770, Transfer of Real Property at Defense Nuclear Facilities for Economic Development) last year. Klaus said he focused on facilitating conversations between communities and the Department to resolve the issue.



Through that process, Klaus realized the most important thing to communities is that land transfers happen expeditiously so the land can provide economic benefit. This “reconcentrated and redoubled our efforts” on implementing land transfers for economic development, Klaus said.

Klaus is also focused on helping communities with economic development via tourism. For example, he said Hanford’s B Reactor will be a centerpiece of the Manhattan Project National Historical Park, thereby representing the national significance of DOE’s mission and bringing value to the local community. This is an excellent symbol of how DOE and communities can work together, Klaus said.

National laboratories are key to the entire country’s economic future, Klaus said. They enable the nation to innovate and compete in the global economy. To support this goal, the Laboratory Operations Board was created to focus on “nuts and bolts” infrastructure issues that enable smooth operations.

Terry Tyborowski, EM Deputy Assistant Secretary for Program Planning and Budget

Terry Tyborowski, EM Deputy Assistant Secretary for Program Planning and Budget, discussed EM’s budget. Refer to page 7 to see slides from her presentation.



Tyborowski said the \$5.8 billion allocated to EM in the FY14 Consolidated Appropriations Act was a “vote of confidence.” The boost may have been intended to restore the account because it was hit so hard in FY13, she suggested.

An important trend from recent years, Tyborowski said, is that budget uncertainty has taught the Department and site managers to be cautious with funding. Contractors and federal managers withstood sequestration and the partial government shutdown because they had wisely reserved some of their funding.

Tyborowski similarly recommends site managers use caution in spending FY14 and FY15 money. She advised the Department and communities to recognize fiscal constraints and plan around them.

Candice Trummell, Acting Director of External Affairs, emphasized how important it is for communities and the Department to work together. One avenue for participation is the EM SSAB process to discuss budgetary priorities for the FY16 budget development process.

Congressman Doc Hastings (R-WA)



Congressman Hastings received a standing ovation from meeting participants as he spoke before ECA for the first time since announcing his retirement from Congress earlier this year. Hastings said he was able to achieve so much in support of energy communities throughout his

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ECA Peer Exchange Focuses on “DOE Moving Forward”

career because communities told their members of Congress about the issues that mattered to them.

One more goal Congressman Hastings wants to achieve before retirement is passage of the Manhattan Project National Historical Park Act (HR 1208), which ECA members can support by telling their members of Congress and community. Such advocacy “makes our job a whole lot easier,” he said. “I have every intention of getting that done this year,” Congressman Hastings added. “You just need to broaden the support in your respective states, especially in the Senate.”

Local Government and DOE Partnerships

In this roundtable discussion, Kristen Ellis from EM’s Office of Intergovernmental and Community Activities (she has since been appointed as Director of the office); Mark Watson, City Manager of the City of Oak Ridge, Tennessee; Pam Larsen, Executive Director of Hanford Communities; and

Rick McLeod, Executive Director of the Savannah River Site Community Reuse Organization, discussed how DOE and communities can work together.

Ellis said it’s important to find what organization type works best for your community.

Watson said Oak Ridge focuses on being a strong host community. For example, it is important to ensure local utilities provide reliable service to the site.

Pam Larsen emphasized the value of having local elected officials communicate with members of Congress and DOE.

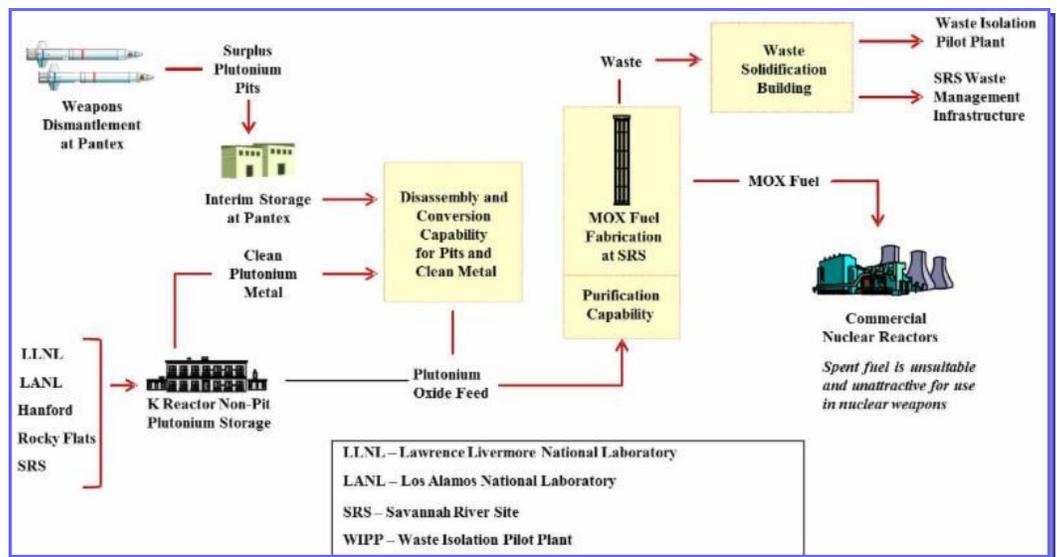
Rick McLeod advocated recognizing fiscal constraints and doing the best with funding provided.

**ECA thanks our meeting supporters:
The Department of Energy (DOE), the
Nuclear Energy Institute (NEI), Bechtel,
and ExchangeMonitor Publications**

ALL THINGS MOX AND NOT

This article is republished with the permission of the Savannah River Site Community Reuse Organization. The original article can be found [here](#).

All the recent headlines have been about the Administration's decision to place the Mixed Oxide Fuel Fabrication Facility (MOX) in “cold-standby”. It all started with the President's FY15 budget proposal. The White House Management and Budget Office said in a briefing document that “This current plutonium disposition approach may be unaffordable ... due to cost growth and fiscal pressure.”



As a result of this action, South Carolina's Governor Haley decided to file a lawsuit against the Department of Energy. The lawsuit states “DOE decided not to proceed with the immobilization

WIPP Fire and Radiological Events Update

WIPP DAILY AND WEEKLY UPDATES

The City of Carlsbad and the Department of Energy's Carlsbad Field Office will co-host weekly town hall meetings to discuss recovery efforts following the Waste Isolation Pilot Plant's fire and radiological events in February. The meetings are scheduled for 5:30 p.m. each Thursday in the council chambers of City Hall, 101 N. Halagueno St. Weekly updates on the status of WIPP and recovery efforts will be provided. Meetings will also be available live online [here](#).

Additionally, daily updates on the WIPP recovery effort are being posted at <http://www.wipp.energy.gov/>.

DNFSB INITIAL ASSESSMENT OF THE WIPP FIRE AND RADIOLOGICAL RELEASE

On March 21, the Defense Nuclear Facilities Safety Board released its initial assessment of the WIPP fire and radiological events, including an evaluation of the on-going response.

See the DNFSB Assessment [here](#).

DOE FINALIZES WIPP FIRE INVESTIGATION REPORT

On March 14, the Office of Environmental Management released an accident investigation report for the February 5 underground mine fire involving a salt haul truck at the Waste Isolation Pilot Plant (WIPP).

“The Accident Investigation Board report is a thorough examination of the events that led to the fire and the response to the fire once it was discovered. Obviously there are many lessons learned that can now be incorporated into the safe future operations of WIPP,” said, Matt Moury, EM Deputy Assistant Secretary, Safety, Security, and Quality Programs. “I would like to thank the Board Members for their efforts in drafting a report that will be helpful for the future safe operations of WIPP.”

See the Accident Investigation Report [here](#).

LANL WASTE DESIGNATED FOR WIPP TEMPORARILY REDIRECTED TO TEXAS SITE

Transuranic waste from Los Alamos National Laboratory (LANL) designated for permanent repository at the Waste Isolation Pilot Plant (WIPP) has been redirected to the Waste Control Specialists nuclear waste disposal site in Texas for temporary storage until WIPP can accept the waste. LANL is working with the State of New Mexico and DOE to dispose of 3,706 cubic meters of transuranic waste stored above ground at LANL by January 30, 2014. To date, 3,160 cubic meters of waste have been shipped to WIPP and 546 cubic meters of waste remain.

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All Things MOX and Not

portion of the hybrid strategy, leaving the construction and operation of the MOX facility as the only strategy to dispose of surplus plutonium in the United States.,”

What is not being discussed in the “main stream” media, although potentially key to the lawsuit, is the plutonium, more specifically, the plutonium already being stored at SRS. There is the potential for more to come and the very good likelihood that it will stay at SRS indefinitely. With MOX, even at the high price tag, there is a disposition path which could be achieved in 5-6 years given the 60-70% construction status. Even if an alternative being proposed or studied by DOE is cheaper than MOX, will it achieve the removal of plutonium faster? It is surprising that the media, anti-nuclear special

interests groups and the general public is not making the removal of plutonium the primary driver in the MOX discussion.

As indicated in a 2005 GAO report, SRS has already received nearly 1,900 containers of plutonium from the Rocky Flats site in Colorado, and stabilization and packaging is still ongoing at other DOE sites. DOE estimated it will have nearly 5,700 plutonium storage containers that could eventually be shipped to SRS.

Overall the US has declared 61.5 MT of plutonium to be excess to potential use in nuclear weapons, out of the inventory of 99.5 MT held by the US Government in 1994 after the end of the Cold War. Click here for the Plutonium Balance. From the 61.5 MT of excess plutonium, at least 41.1 MT is likely to prove suitable for MOX fuel fabrication. Up to 9 MT of non-weapons-grade plutonium and

(Continued on page 15)

UPDATE ON NUCLEAR WASTE FEE DECISION

On March 18th, the US Court of Appeals for the District of Columbia Circuit denied the US Department of Justice’s (DOJ) request for an en banc review of its decision to order the US Department of Energy (DOE) to suspend collection of the nuclear waste fee. DOJ filed the petition in January along with Energy Secretary Moniz’ proposal to Congress to adjust the fee of 1 mill per kilowatt-hour for electricity to zero. The proposal itself was mandated by the US Court of Appeals for the District of Columbia Circuit per its ruling on a lawsuit filed by the National Association of Regulatory Utility Commissioners (NARUC) and the Nuclear Energy Institute (NEI) against DOE. The lawsuit challenged DOE’s 2010 determination that no adjustment to the Nuclear Waste Fund fee was needed, even though the administration and DOE decided to terminate the Yucca Mountain repository program

Both NARUC and NEI released statements about the decision. NEI stated that “Nuclear energy

generators are very pleased that their consumers will not have to pay the fee while no program is under way” and maintained the safety of current on-site fuel storage systems. However, NEI emphasized that the federal government still has to meet its “commitment to generators, states, local governments and the public to remove used fuel to a NRC-licensed disposal facility.” NARUC called the decision a “big win for consumers of nuclear power,” adding that, “While the debate over the proposed repository at Yucca Mountain will continue, consumers should not be forced to pay for a program that is, at best, in hiatus.”

The order to change the statutory fee to zero - in the absence of the necessary statutory prerequisites - will go into effect after a 90 day Congressional review period which could end in late April.

See NEI’s statement [here](#).

See NARUC’s statement [here](#).

(Continued from page 14)

All Things MOX and Not

very impure plutonium (non-”MOXable”) will be disposed by other methods, including disposal to WIPP as TRU waste or by co-disposal with High Level Waste. DOE is currently evaluating optimum pathways for approximately 6 MT of non-pit metal and oxide, which could include processing to meet MOX requirements or processing.

Governor Haley's lawsuit is not the only attempt to ensure plutonium leaves the state of South Carolina. Back in 2002, then Governor Hodges suggested that the state of South Carolina would likely sue DOE over its decision to begin plutonium shipments to SRS. He sought legally binding obligations from DOE that the plutonium will not remain indefinitely in South Carolina.

In an April 12, 2002 letter, then Secretary of Energy, Spencer Abraham, promised Hodges that DOE would incorporate assurances into a revised Record of Decision, but refused to enter into a consent decree with the state that would give his pledge the binding force of a court order. He further

claimed that judicial intervention into the pending shipments would be wholly irresponsible, especially at a time when we have clear evidence that terrorist groups are seeking access to nuclear materials. He further admonished the potential South Carolina lawsuit, by saying it would amount to “an attempt to conduct national security and foreign policy affairs through the judicial process” and “goes beyond what we can do.”

He also outlined what he called a string of concessions to ease the governor's concerns. Among them is a formal commitment to take the plutonium back if the MOX conversion plant falls behind schedule or runs into funding trouble. Click here for a copy of the Hodges/Abraham correspondence.

The national security and terrorist situation has not changed and may even be more heightened in 2014. Plutonium promises need to be kept!

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(Continued from page 1)

Can we have confidence in dealing with nuclear waste?

Amendments of 1987 to be a deep geological repository. Originally scheduled to open and receive waste in January 1998, delays continually pushed the date back. Calling Yucca Mountain “unworkable,” the Obama Administration moved to withdraw the license application. Federal funding ended in 2010 and lawsuits challenging the decision continue.

- The **Blue Ribbon Commission on America’s Nuclear Future** (BRC) was established to review alternatives to Yucca Mountain. The BRC met more than two dozen times before issuing recommendations in 2012 that still require action to be taken by the Administration and Congress.

- One year later, the Department of Energy released the Administration’s response to the BRC’s final report and recommendations, the **Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste**. The Strategy calls for a still-to-be-defined consent-based siting process for interim storage facilities and a repository (and regardless of the NWPA, not Yucca Mountain).
- There appeared to be some progress on Capitol Hill with the **Nuclear Waste Administration Act of 2012** and then the **Nuclear Waste Administration Act of 2013**, but ultimately the bills have not moved forward as there is a disagreement between the House (which is focused on Yucca Mountain opening) and the Senate (which is looking towards interim storage).

(Continued on page 17)

FINAL LOAD OF DEBRIS SHIPPED FROM K-25 BUILDING DEMOLITION PROJECT



On March 11, The final truckload of debris from the K-25 Building demolition project was shipped from East Tennessee Technology Park.

The K-25 Building, located at the East Tennessee Technology Park (the former Oak Ridge Gaseous Diffusion Plant), was built in 1943 as part of the Manhattan Project. At that time, K-25 was the world’s largest building under one roof. Demolition of the mile-long, U-shaped structure was completed in December 2013. Since then, workers have focused on removing the resulting demolition debris.

See the full Office on Environmental Management press release [here](#).

(Continued from page 16)

Can we have confidence in dealing with nuclear waste?

- The **incidents at the Waste Isolation Pilot Plant** last month mean TRU waste shipments have been stalled for at least a short period (see related stories on page 13).
- With the FY 2015 budget rollout, DOE announced it was **cutting funding for the MOX facility** at the Savannah River Site and placing it into “cold standby.” As in the case with Yucca Mountain, DOE acted independently. The decision will leave surplus plutonium waste on site and does not identify an alternative disposition path (see related story on page 12).

In late March, the Nuclear Regulatory Commission (NRC) held a briefing on waste confidence rulemaking and whether it can be assumed that a nuclear waste repository will be available. Andy Imboden from the NRC stated, “The Staff heard a fairly clear message... that the NRC should remove a statement regarding the repository availability time line from the rule. Reasons cited... included a lack of NRC control over repository timelines and previous failures in accurately predicting when a repository would become available... [and] because siting a repository is impossible.” Mr. Imboden agreed that removing the timeline might be warranted. Mr. Imboden also noted that there is near unanimous support for changing the title of the rule. Reasons given by commenters included “historical findings of confidence in the availability of a disposal site have proven incorrect, and confidence in the ability to manage or dispose of waste does not now exist.”

At the same hearing, Geoff Fetus, of the Natural Resources Defense Council (NRDC), urged the Commission to also consider how the rule would

impact the licensing of nuclear power plants and thus, the production of more waste and the environmental impacts that waste will have if it needs to be stored indefinitely. He added that the environmental cost-benefits of available alternative storage models needed to be taken into account in order to comply with the National Environmental Policy Act (NEPA). A discussion of institutional controls and their potential erosion over time was also raised as an important consideration moving forward.

It is expected that the updated final rule will be released in early October 2014, but the revisions are unlikely to be enough to rebuild confidence in our ability to manage or dispose of nuclear waste in the US. Without that, the role of nuclear power as an “integral” part of an all-of-the-above energy strategy, and the advantages of new nuclear technologies like small modular reactors, may not be realized.

When ECA testified before the BRC, we noted that trust and accountability flow from a program’s mission and vision. The mission is clear; it is the vision for getting there that keeps changing. Policymakers need to find the balance between science and politics, and develop a comprehensive policy that lays out how and where legacy high-level defense waste and spent nuclear fuel will be disposed.

Over the past few years, ECA has focused on how local governments will be impacted by actions like consent-based siting, reprocessing, or how waste management organizations should be structured. Given recent events, it is evident that local governments, not just DOE or NRC, need to consider the impacts of inaction.

DNFSB RELEASES 24TH ANNUAL REPORT TO CONGRESS

The Defense Nuclear Facilities Safety Board released its 24th Annual Report to Congress on March 6, 2014. The Board is an independent executive branch agency responsible for making recommendations to the Secretary of Energy, and in certain cases to the President, necessary to ensure adequate protection of public health and safety at DOE's defense nuclear facilities. This report describes the Board's current safety initiatives and assesses improvements in the safety of defense nuclear facilities, as well as safety problems yet to be resolved.

The report is available [here](#).

GAO: PLUTONIUM DISPOSITION PROGRAM: DOE NEEDS TO ANALYZE THE ROOT CAUSES OF COST INCREASES AND DEVELOP BETTER COST ESTIMATES

The Government Accountability Office released a report, "Plutonium Disposition Program: DOE Needs to Analyze the Root Causes of Cost Increases and Develop Better Cost Estimates" on February 13, 2014.

The report is available [here](#).

GAO REPORT: NUCLEAR SAFETY: COUNTRIES' REGULATORY BODIES HAVE MADE CHANGES IN RESPONSE TO THE FUKUSHIMA DAIICHI ACCIDENT

The Government Accountability Office released a report, "Nuclear Safety: Countries' Regulatory Bodies Have Made Changes in Response to the Fukushima Daiichi Accident" on March 6, 2014.

The report is available [here](#).

DOE IG: FISCAL YEAR 2012 WORK PERFORMED UNDER THE WORK FOR OTHERS PROGRAM AT LOS ALAMOS NATIONAL LABORATORY

The Department of Energy Inspector General released a report, "Fiscal Year 2012 Work Performed Under the Work for Others Program at Los Alamos National Laboratory" on March 12, 2014. The report presents the results of the audit of Los Alamos National Laboratory's fiscal year 2012 Work for Others Program.

The report is available [here](#).

2014 Congressional Calendar

January

SUN	MON	TUES	WED	THUR	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
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February

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September

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28	29	30	31			

 House and Senate in Session

 Senate in Session Only

 House in Session Only

 Federal Holiday



Please Note: Congressional schedule is subject to change

2014 Calendar of Events



March 31	NNSA submits an annual report to Congress on its plutonium pit production plan
April (anticipated)	Senate Floor consideration of Lt. Gen. Frank Klotz (retired) to be Administrator for NNSA and Madelyn Creedon to be Principal Deputy Administrator for NNSA
April 1	Senate Armed Services Subcommittee on Emerging Threats and Capabilities hearing, "Proliferation Prevention Programs at the Department of Energy and at the Department of Defense." More information here
April 2	House Energy and Water Appropriations Subcommittee FY15 budget hearing on DOE, with Secretary Moniz as witness; More information and live video available here
April 3	House Energy and Water Appropriations Subcommittee FY15 budget hearing on NNSA Weapons Activities; More information and live video available here
April 3	House Energy and Water Appropriations Subcommittee FY15 budget hearing on NNSA, Nuclear Nonproliferation and Naval Reactors; More information and live video available here
April 8	House Energy and Water Appropriations Subcommittee FY15 budget hearing on the Office of Environmental Management; More information and live video available here
April 15	Deadline for internal review by NNSA on the Uranium Processing Facility at the Y-12 National Security Complex
April 30	Deadline for internal review of the Department of Defense's nuclear enterprise to be reported to the Secretary of Defense
Late April (anticipated)	House Armed Services on Strategic Forces markup of the FY15 National Defense Authorization Act, which includes NNSA programs
May 6	"Nuclear Modernization in an Era of Budget Austerity," Huessy Congressional Breakfast Seminar. More information here
May 7–9	National Training Conference on the Toxics Release Inventory (TRI) and Environmental Conditions in Communities; Arlington, VA. More information here
May 10–18	House recess
Late May (anticipated)	Senate Armed Services Subcommittee on Strategic Forces markup of the FY15 National Defense Authorization Act
May 23–27	House recess
May 24–June 1	Senate recess
May 31–June 8	House recess



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