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Mark Whitney Named EM Principal Deputy Assistant Secretary

Office of Environmental Management

May 8, 2014

Dear Colleagues,

I am very pleased to announce that Mark Whitney has accepted the position of the Principal Deputy Assistant Secretary for the Office of Environmental Management (EM), effective May 18. Mark joined the

Department of Energy in 2005 as part of the Department's Senior Executive Service after having already had a very successful career in the private sector. Since coming to the Department, Mark has served in several key positions including as the Manager of the Oak Ridge Office of Environmental Management and as the acting Principal Assistant Deputy Administrator for Defense Nuclear Nonproliferation. In his leadership roles at the Department, Mark has shown an exceptional ability to develop high-performing organizations and teams. Mark's experience leading field operations coupled with his deep understanding of headquarters operations make him an ideal selection for the EM Principal Deputy Assistant Secretary. Once I transition back to National Nuclear Security Administration, Mark will lead the EM organization until Monica Regalbutto is confirmed as the EM Assistant Secretary.

I want to thank Jim Owendoff who has been a tremendous help to me and the EM organization not only as acting Principal Deputy Assistant Secretary but also in his role as EM's senior advisor. The depth and breadth of Jim's knowledge, coupled with his ever willingness to serve where needed, has been and will continue to be invaluable as EM's senior advisor. Jack Craig will remain the acting Associate Principal Deputy Assistant Secretary. EM is a strong organization with seasoned leaders in the field and at headquarters. I know that Mark will rely on all of you as much as I do. Please join me in congratulating Mark on his new position.

Sincerely,
Dave Huizenga

Dennis Deziel Named EM Deputy Assistant Secretary for Program Planning and Budget

Office of Environmental Management
May 7, 2014

Colleagues,

I am pleased to announce that Dennis Deziel has been named EM's Deputy Assistant Secretary for Program Planning and Budget. With his deep knowledge of the federal budget process, Dennis has been a great asset to EM since he was named the Associate Deputy Assistant Secretary for Program Planning and Budget in November 2012.

More than 20 years ago, Dennis began his Federal career in EM as a Management Fellow, contributing to the creation of our program's initial Five-Year Plans and the Baseline Environmental Reports in the mid-1990s. Dennis then moved on to work as a regulator at the U.S. Environmental Protection Agency, managing environmental cleanup and chemical programs. He has also held roles as an advisor at the White House Council on Environmental Quality and as a National Security Fellow in the U.S. Senate. Before returning to EM in 2012, Dennis managed chemical and nuclear infrastructure security programs at the U.S. Department of Homeland Security.

Please join me in congratulating Dennis on his new position.

Sincerely,
Dave Huizenga

Message from Dave Huizenga on Matt McCormick's retirement

Office of Environmental Management
May 6, 2014

Dear colleagues -

As many of you know, Matt McCormick announced today that he is retiring from federal service after 32 years of dedication and high-performance in a variety of challenging jobs for both the United States Navy and the Department of Energy. Matt's leadership at RL over the last decade has resulted in tremendous achievements for the cleanup at Hanford. Here are some highlights of Matt's achievements at RL:

- Led the development and implementation of the 2015 vision at Hanford, which has helped show demonstrable and meaningful progress in cleanup;
- Managed \$1.6 billion in Recovery Act funding, which provided unprecedented cleanup progress on the Hanford Site from the River Corridor to the Central Plateau;
- Shipped over four metric tons of plutonium off site in over 2000 containers;
- Demolished the Plutonium Finishing Plant vault buildings, tank storage building and incinerator building;
- Finalized Tri-Party negotiations and gained approval from the regulators on Hanford's groundwater strategy;
- Installed four new pump and treat facilities leading to the current treatment capacity of over 150 million gallons a month;
- Negotiated the successful startup of the retrieval, processing and shipment (to WIPP) of underground stored transuranic waste after over 30 years of storage with the State of Washington;
- Obtained key Records of Decisions under the CERCLA process to progress Hanford cleanup such as groundwater, PFP, U canyon, and the River Corridor; and
- Developed, socialized and implemented Central Plateau Cleanup Strategy (outer area, inner area, and groundwater) that is reflected in the Tri Party Agreement and the Hanford Cleanup Completion Framework.

Please join me in thanking Matt for his service to the nation and congratulating him on a remarkable federal career. I am confident Matt will be equally successful in whatever challenges he chooses to tackle next, which I understand may include cleaning out his garage.

Sincerely,

Dave

Defense Authorization Approved by House Panel

[CHAIRMAN'S MARK](#)
[HOUSE ARMED SERVICES COMMITTEE](#)

The House Armed Services Committee approved the Fiscal Year 2015 National Defense Authorization Act (H.R. 4435), which authorizes funding and sets policy for DOE national security programs, just after midnight. ECA is reviewing the bill and will provide additional updates.

The "Chairman's Mark" of the bill is available at the link above. This version of the measure does not reflect amendments that were adopted yesterday. Amendments are expected to be posted at the House Armed Services Committee website later today. The "committee report" that reflects the committee's final recommendations is expected to be filed and released in several days.

LANL waste eyed in leak at WIPP

Albuquerque Journal

May 3, 2014

[LINK](#)

Investigators have homed in on waste from Los Alamos National Laboratory as they hunt for the source of the radiation leak at the Waste Isolation Pilot Plant, according to the Department of Energy.

The DOE said Friday it has halted shipments of the waste in question to a second storage facility.

In its latest entry into the underground site near Carlsbad, DOE uncovered the disintegration of several heavy bags containing magnesium oxide. The bags sit atop the sealed drums containing nuclear waste and are an "engineered barrier to prevent radiation from being released into the environment over 10,000 years," according to the DOE.

According to a DOE document released Thursday, experts evaluated photos and video taken during the latest entry into the underground storage area where the leak is believed to have occurred.

The DOE said a possible cause of the problem was the presence of untreated nitrate salts in some of the containers, which could result in an "energetic chemical reaction" if they came in contact with certain other material in the containers.

WIPP has been investigating the source of a Feb. 14 radiation leak, which resulted in the release of small amounts of plutonium and americium into the environment at levels that did not breach federal public health limits.

The leak, and an underground fire days before it, shuttered the facility and prompted WIPP to subcontract temporary storage for the LANL waste.

The document stated that containers of the waste stream in question are currently found not only underground at WIPP, but also at the site where the waste was generated and at subcontractor Waste Control Specialists, of Andrews, Texas. It does not say how many containers were affected.

While the new report does not name LANL directly, WIPP on Friday confirmed the waste containers in question came from LANL. A spokesman for subcontractor Waste Control Specialists, Chuck

McDonald, said, "I'm aware of the situation. We have been in communication with DOE."

LANL waste is the only WIPP-destined waste currently being received at the Texas site, McDonald said.

LANL said Friday afternoon that any questions should be addressed to WIPP.

The investigation into what caused the radiation leak is continuing. "We are evaluating all possible causes including the waste packages themselves," a WIPP statement said.

LANL has a deadline of June 30 to remove 3,706 cubic meters of nuclear waste from the Los Alamos site. Most of the waste was moved to WIPP before the leak and fire closed down the facility. About 100 LANL shipments are destined for temporary storage at Waste Control Specialists because of the WIPP closure.

Located outside of Carlsbad, WIPP is a 2,150-foot-deep salt mine that is a permanent disposal site for radioactive waste from U.S. nuclear weapons production.

The waste disposal area is divided into eight "panels" containing seven rooms each - each room the length of a football field - stacked to the ceiling with sealed containers of transuranic waste.

Destroying and building nuclear weapons have something in common: high overruns

The Washington Post

May 6, 2014

[LINK](#)

There is a budget crisis, but the truth is we're still planning to spend tens of billions of dollars to eliminate plutonium from thousands of dismantled, surplus nuclear weapons built during the Cold War.

Not to worry. We also are spending hundreds of billions on building newer nuclear warheads and bombs, and 21st-century submarines, bombers and intercontinental ballistic missiles to keep more than 1,000 nuclear weapons at the ready.

One thing that building and destroying the weapons have in common: Their cost overruns are way beyond original estimates.

One such program -- to dispose of 34 metric tons of weapons-grade plutonium -- got full exposure Wednesday at a Senate Appropriations subcommittee hearing. First estimated by the Energy Department in 2002 to cost \$3.8 billion over 20 years, the project is now projected to cost more than \$31 billion.

Radioactive materials such as plutonium decay very slowly and continue to emit potentially harmful particles long after the warhead or bomb is dismantled.

In 2000, the United States and Russia signed an agreement in which each country would convert 34 metric tons of surplus weapons-grade plutonium into a form no longer useful for weaponry. They also would have to approve the other side's method, and the International Atomic Energy Agency would serve as monitor.

For both countries, the idea was to mix the plutonium with uranium to make mixed-oxide (MOX) fuel for use in reactors that produce electrical power.

While Russia chose to use its MOX in what are known as fast reactors, the United States initially chose using MOX in light-water reactors. The overall U.S. approach required constructing a new MOX facility, another to disassemble the nuclear weapon triggers (or "pits") and a facility to handle radioactive waste.

It also required finding a buyer for the reactor fuel.

In 2002, the Energy Department estimated the total cost of the MOX project over 20 years would be \$3.8 billion. The department's facility at Savannah River, S.C., was chosen as the site for the plutonium conversion.

As Sen. Lindsay O. Graham (R-S.C.) noted at Wednesday's hearing: "South Carolina said we will take this highly toxic 34 metric tons of weapons-grade plutonium . . . into our state with the condition that it will go out of our state and the federal government would honor the commitment."

Concerned because the South Carolina facility was already stuck with waste from its tritium-production plant, Graham recalled that he put a deadline in a law that "requires 1 ton of plutonium to be processed through MOX or shipped out of the state of South Carolina by 2016 or pay my state \$100 million a year for five years."

The most recent estimate is that the MOX project, between 40 and 60 percent completed, would not go into operation before 2019.

But rocketing costs last year got the program slowed down while a task force was set up to assess MOX alternatives.

The original \$3.8 billion had grown to \$4.8 billion by 2008 and to \$7.7 billion by 2012. Also, annual operating costs of more than \$500 million were said to be underestimated, driving total cost to more than \$31 billion.

At Wednesday's hearing, retired Air Force Lt. Gen. Frank Klotz -- just 10 days on the job as the Energy Department's new undersecretary for national security and head of the National Nuclear Security Administration (NNSA), told the senators, "The current MOX approach must be critically examined alongside costs of other potential options to complete the plutonium disposition mission."

The report of the study begun last year, he said, laid out four MOX alternatives. They would be reviewed, he said, and a way forward would be decided in 12 to 15 months.

Meanwhile, Klotz said, work on the MOX project, on which about \$5 billion has been spent, will continue through Sept. 30.

Sen. Lamar Alexander (R-Tenn.) noted how a similar situation existed with another NNSA program, -- the construction of a uranium facility at Oak Ridge, Tenn., to replace one built in the 1940s for the first atomic bomb.

That Oak Ridge project's cost also ballooned, Alexander said. It started "at \$100 million, and next thing we know it's \$2 billion. . . . Then it's \$5 billion, and then it's \$6 billion, then it might be \$10 billion."

He said a "red team" appointed from several laboratories studied the project and in 90 days came back with "what looks like a perfectly obvious central solution." The growing cost related to building one huge, high-security building would be far higher than building two facilities -- one with lower security requirements -- that would cost less than \$6.5 billion, the report said.

Wednesday's hearing ended with Klotz agreeing to brief Alexander and Sen. Dianne Feinstein (D-Calif.) on a reassessment of the costs of the current MOX program so it could continue.

Meanwhile, across the Capitol, a House Armed Services subcommittee tentatively approved a provision that would require the administration to sharply increase production of new plutonium pits to 50 as a war reserve beginning in 2026. The administration has already put \$2.5 billion into the plutonium pit facility at Los Alamos National Laboratory.

It turns out 20 pits annually and is expected to reach 30 annually by 2026. The House panel's language would require greater pit production than what Los Alamos could provide and four years ago was projected to cost \$4.5 billion.

All this begs the question of why so many new plutonium pits are needed since current ones will last more than 60 years, and it's expected that warheads will be reduced in the coming decades.

With all these complaints about wasted spending in domestic programs that help the less fortunate, why aren't the excessive costs of nuclear weapons activities being debated in Congress?

U.S. Senators Want Shuttered Nuclear Plants to Comply with Emergency Rules

Global Security Newswire

May 2, 2014

[LINK](#)

A group of Senate Democrats is urging the U.S. Nuclear Regulatory Commission to stop exempting recently shuttered nuclear power plants from emergency-planning and security regulations.

Retired nuclear power plants in the United States still have significant

amounts of nuclear waste at their sites, and likely will for the foreseeable future, the senators note in a Friday letter to NRC Chairwoman Allison Macfarlane.

The nuclear commission has already exempted 10 such plants from emergency rules, the senators say, and it is expected to consider applications for similar exemptions from at least four additional sites in the near future.

"The meltdowns at Fukushima illustrated the need for such planning [requirements], with the Japanese government ordering evacuations out to 12 miles and the NRC and other countries recommending evacuation out to 50 miles, in part because of concern about Fukushima's spent nuclear fuel," the letter states.

"Similarly, the terrorist attacks of Sept. 11, 2001, led to new and strengthened security regulations, and a court decision and a [National Academies of Science] report both found that spent fuel pools could not be dismissed as potential targets for terrorist attacks," according to the missive.

Senator Barbara Boxer (D-Calif.), chairwoman of the Senate Environment and Public Works Committee, is one of the signatories to the Friday letter. Others include Senators Edward Markey (D-Mass.), Patrick Leahy (D-Vt.) and Kirsten Gillibrand (D-N.Y.). Senator Bernard Sanders (I-Vt.), who caucuses with Senate Democrats, also signed the letter.

The five senators note that the commission is currently in the process of finalizing a proposed "waste confidence" rule, in which the regulatory body declares it has confidence that nuclear waste from U.S. power plants will ultimately be disposed of safely, despite the Obama administration's cancellation of the controversial and long-delayed Yucca Mountain project in Nevada.

Legally, the commission must be able to declare such confidence in order for it to allow any nuclear power plants to operate. The commission has stalled licensing decisions for all new and existing plants until it is able to finalize the rule, a prior version of which was thrown out by a federal appellate court.

In their new letter, the senators note that in its latest proposal, the commission bases its declaration of waste confidence "in part on the assertion that emergency preparedness and security regulations remain in place during decommissioning." The lawmakers are concerned that, at the same time, the commission is forgoing those very regulations at numerous decommissioned sites.

Meanwhile, NRC staff is also recommending that the commission not require power plant operators to accelerate the transfer of nuclear waste from spent fuel pools into dry cask storage. Some experts argue dry cask storage is safer, and it would decrease the possibility of a catastrophic radioactive fire in the event of an accident or terrorist attack.

The letter identifies the recently shuttered San Onofre Nuclear Generating Station, located near San Diego, as one that the senators expect will soon be on the NRC docket for possible exemption from emergency-planning

requirements. The plant closed last year following a controversy in which Southern California Edison had initially sought to keep the facility running with defective parts.

Boxer earlier this year threatened to sue the Nuclear Regulatory Commission for withholding documents related to the San Onofre controversy.

The Friday letter also identifies the Kewaunee Power Station near Green Bay, Wis., the Crystal River Nuclear Power Plant near Tampa, Fla., and the Vermont Yankee Nuclear Power Station near Brattleboro, Vt., as the three other sites at which the Nuclear Regulatory Commission may soon consider exemptions.

Hanford Communities says 8 new Hanford tanks not prudent

Tri-City Herald
April 22, 2014

[LINK](#)

A coalition of Tri-City-area governments has called on Washington State Gov. Jay Inslee to drop the state's demand that eight more waste storage tanks be built at Hanford.

The project would unnecessarily divert money in a limited cleanup budget from a plan to start treating Hanford's radioactive and hazardous chemical waste as soon as possible, Hanford Communities said in a letter sent this week to the governor and state Attorney General Bob Ferguson.

Hanford Communities includes the cities of Kennewick, Richland and Pasco, Benton and Franklin Counties and the Port of Benton.

"The state's prescriptive and rigid stance on this issue sets a bad precedent in the collaborative relationship between the state and the federal government," the letter said.

The state's stance is that the Obama administration is obligated to request money for all Hanford cleanup that needs to be done, said Jane Hedges, the director of the state Department of Ecology's Nuclear Waste Program. If Congress cannot provide enough money, the state will take that into consideration.

But the assumption should not be made that enough money for all important cleanup work cannot be obtained, she said.

DOE has estimated the cost of building eight new storage tanks to nuclear standards at \$800 million. Union officials have called that estimate too high.

Last week the state of Washington and the Department of Energy each rejected the other's proposal to amend a court-enforced consent decree.

The state's proposal outlined a lengthy and detailed list of new deadlines and requirements, including a requirement that DOE build additional

double-shell capacity, including new tanks to hold four million gallons of waste in 2022 and tanks to hold four million gallons more by 2024.

Ferguson said he could take further action this week after DOE rejected the state's proposal.

Significant new storage capacity will be included as part of facilities DOE is proposing building to resolve technical issues at the vitrification plant, Hanford Communities pointed out.

DOE is proposing building an underground plant to prepare low activity radioactive waste for treatment at the vitrification plant's Low Activity Waste Facility as technical issues are being resolved at vit plant facilities that handle high-level radioactive waste.

A second new facility is proposed to blend, sample and mix waste before it is sent to parts of the vit plant with technical issues.

However, DOE does not have specific information about those facilities and the form and size of their tanks, Hedges said. But the state is willing to look at any storage options, she said.

Hanford Communities said in the letter that it understood the state's frustration at the lack of progress in developing a permanent solution for Hanford tank waste. Part of the issue is Congressional funding levels, it said.

"The state needs to realize that we are in a tight budget situation with competing needs within DOE and across the country," the letter said.

Funding for Hanford already has decreased to the point of concern, the letter said.

If money for new tanks were to be taken from the DOE Hanford Richland Operations Office, high risk cleanup projects would be delayed, the letter said.

The Richland Operations Office is responsible for all Hanford cleanup except waste in underground tanks.

Projects that could be at risk include the 618-10 and 618-11 Burial Ground, the Plutonium Finishing Plant and removal of cesium and strontium capsules from underwater storage, the letter said.

Part of the push to build more storage tanks comes from a leak discovered within the walls of double-shell Tank AY-102. The state has ordered work to start by Sept. 1 to pump waste from the tank, but DOE has filed an appeal with a state board.

In addition, Sen. Ron Wyden, D-Ore., has raised concerns about the condition of Hanford's 27 other double-shell tanks after reading evaluations of their construction.

But Hanford Communities said that integrity reports show the 27 other double-shell tanks are in relatively stable condition and there is strong confidence they would be able to contain leaks in their inner shells.

"In this instance, AY-102 did exactly as it was designed to do, contain leaks from its first shell," the letter said.

It is important that the state look at Hanford cleanup as a whole, not just at the tank work that falls under the consent decree, Hanford Communities said.

Like the Tri-City Development Council, Hanford Communities also believes that returning to court over the consent decree would harm Hanford cleanup, the letter said.

TRIDEC sent a letter to the governor and attorney general early last week, with broader concerns about the state's proposal than the eight new double-shell tanks.

After recent discussions with U.S. senators and representatives, both Republicans and Democrats, TRIDEC was convinced that the Hanford budget would not be increased to pay for new consent decree requirements.

Without that funding, the state's proposal could take away money from projects that pose a more immediate risk to the public and environment, TRIDEC said.

The state's intent is not to take money away from work that TRIDEC listed in its letter as important to complete, Hedges said. Those projects also are important to the state, she said.

The state could call this week for the next step under the consent decree, 40 days of negotiations. If negotiations are unsuccessful, the state could return to court and ask that DOE be required to follow the state's proposal.

mPower Pullback Stalls Small Nuclear

Forbes

April 28, 2014

[LINK](#)

Nuclear technology supplier Babcock & Wilcox (B&W) has slashed funding for its Generation mPower program, an effort to develop a small modular reactor (SMR) for power generation and other applications. The pullback represents a major blow to the development of SMRs, which have been hailed as the next step forward for the nuclear power industry.

B&W, which had a cost-sharing agreement with the U.S. Department of Energy (DOE) and a reactor construction contract with the Tennessee Valley Authority (TVA), has cut funding for the program from \$60 million to \$80 million per year to less than \$15 million, let go the head of the mPower unit, and will lay off up to 200 employees who worked in Tennessee and Virginia on the project. The TVA mPower reactors were to be built at the Clinch River site in northern Tennessee, once slated to be the home of the similarly ill-fated Clinch River Breeder Reactor, which itself was terminated in the 1980s after around \$8 billion in investment. Clinch River has become the place where nuclear power

innovation goes to die.

Smaller, Simpler, Safer

For nuclear power advocates who point out that nuclear is the only generation technology that can supply low-cost, zero-carbon baseload power, the demise of mPower is keenly disappointing. SMRs offer several advantages over traditional large-scale nuclear power: they could be manufactured in factories, assembled onsite, and arrayed in multiple-reactor configurations to scale up capacity incrementally. Small enough to be deployed in remote locations, they are nominally safer than big reactors because they can be built in sealed underground chambers.

With lower upfront capital costs and an easier path to licensing, SMRs should, in theory, offer a more attractive proposition for investors - which proved not to be the case with mPower.

In our report, Small Modular Reactors, Navigant Research developed two forecast scenarios for worldwide SMR capacity in 2030. Under the base scenario, total capacity would reach 4.6 GW in 2030; the conservative scenario projects 18.2 GW by the same year. Even the lower forecast seems optimistic now.

Dead End

All told, B&W, the DOE, and partners have spent around \$400 million on the mPower program. Another \$600 million was needed just to get the technology ready for application to the Nuclear Regulatory Commission for licensing.

mPower was done in by investor mistrust of nuclear power, low prices for natural gas in North America, the backlash from the Fukushima Daiichi disaster in Japan, and the difficulty of licensing unconventional nuclear technology in the United States. B&W said last year it would seek a majority investor in the project but was unable to secure a buyer. The company had also hoped to secure additional utility customers, but power utilities in the United States are focused on low-cost generation from coal and natural gas in an era of flattening demand for electricity.

B&W plans to continue low-level R&D on the mPower technology with a view to commercial deployment in the mid-2020s, said CEO James Ferland. But without a major shift in the business environment and in investor perceptions of the risks and rewards associated with nuclear power, that seems fanciful.

German nuclear waste could be shipped to Savannah River Site

The Augusta Chronicle

April 30, 2014

[LINK](#)

The federal government has entered into an agreement with Germany to evaluate the possibility of accepting shipments of German highly-radioactive nuclear waste at Savannah River Site.

The U.S. Department of Energy signed a "statement of intent" with German research agencies offering to evaluate accepting, processing and disposing of waste at SRS. No final decision has been made, according to SRS spokesman Jim Giusti.

"All potential work to support DOE's evaluation would be funded by the German government so the Statement of Intent is an important step forward," Giusti said in an email this week to SRS stakeholders.

Additional shipments of waste at SRS has drawn opposition from environmentalist Tom Clements, director of watchdog group SRS Watch. SRS already has its own challenges disposing of large amounts of high-level waste existing at the facility, he said.

"The proposal to import highly radioactive spent fuel from Germany to SRS is simply nuclear dumping dressed up as nuclear non-proliferation," Clements said. "Germany's challenging dilemma with what to do with its nuclear waste must not become a waste management problem for the Savannah River Site."

The graphite-based fuel for the German reactor contains U.S.-origin highly enriched uranium. Returning it to the U.S. would remove it from potential use in a nuclear weapon, Giusti said.

The energy department will "prepare appropriate analysis and consult with the public" as part of the National Environmental Policy Act before any decisions on accepting the waste are made, Giusti said.

Jury: 2007 LANL contract was unfair

Albuquerque Journal

May 7, 2014

[LINK](#)

A state court jury decided Tuesday that national lab manager Los Alamos National Security LLC and the new contractor selected for vendor management services, COMPA Industries, did not play fair during the contract negotiation process in 2007.

Jurors awarded \$3.64 million to Orion Technical Resources LLC for breach of implied contract and breach of the duty of good faith and fair dealing.

The jury heard three weeks of testimony and looked at mountains of documents in a trial before District Judge Beatrice Brickhouse, earning compliments from both sides for their attentiveness. Jurors frequently submitted their own written questions for witnesses to answer.

Orion filed its lawsuit in 2009 alleging that LANS, a prime contractor for the Department of Energy that manages the Los Alamos lab, conducted the federally funded bidding process, procurement and subsequent protest "using secret policies and procedures inimical to a fair and open bidding procedure."

A call to a LANS attorney at the Stelzner law firm was not returned.

In June 2007, LANS sought bids for vendor management services to handle non-technical aspects of lab operations such as administration, payroll and benefits for a five-year period with an option to renew for five more.

The contract was worth roughly \$395 million over the first five years and almost \$800 million over the decade, according to the lawsuit.

Orion is a New Mexico minority-owned small business that provided engineering, scientific, administrative and support staff to the lab from 2006 to 2009, employing over 80 employees. It closed its office after the contract went to COMPA.

The Orion lawsuit claimed that even though it followed every mandate laid out in the solicitation for bids, LANS acted arbitrarily and capriciously in awarding the bid to COMPA - a company Orion alleged did not meet the requirements.

Orion, COMPA and LaSER were the three bidders selected as finalists for the contract award, and were invited to make oral presentations and site visits.

LANS denied that it had departed from procedures in the plan governing how the subcontractor for vendor management services would be selected, or that it had discovered problems with the technology COMPA proposed but allowed COMPA to fix its proposal.

LANS also denied deviating from its customary practices in order to give the contract to COMPA.

Orion protested the contract award to COMPA and sought a permanent injunction to halt the award and have new bidding, but Brickhouse denied the request.

Brickhouse dismissed claims against the defendants in November 2010, but the New Mexico Court of Appeals reversed her ruling on the breach of implied contract claim while upholding her order about an injunction.

Orion attorney David Freedman said that although the case was complex, the issues came down to not being treated fairly, and the jury agreed.

DOE ranked No. 10 [organization using renewable energy]

Frank Munger's Atomic City Underground

April 23, 2014

[LINK](#)

The U.S. Environmental Protection Agency today released an updated list of the top 100 U.S. organizations using renewable energy, and the Department of Energy was ranked No. 10 (and was the only federal agency to make the top ten). The list was headed by Intel Corp., followed by Kohl's Department Stores and Microsoft Corp.

Here's the Green Power Partnership's top ten:

1. Intel Corporation (Santa Clara, Calif.)
2. Kohl's Department Stores (Menomonee Falls, Wis.)
3. Microsoft Corporation (Redmond, Wash.)
4. Whole Foods Market (Austin, Texas)
5. Google Inc. (Mountain View, Calif.)
6. Wal-Mart Stores, Inc. (Bentonville, Ark.)
7. Staples (Framingham, Mass.)
8. Apple Inc. (Cupertino, Calif.)
9. City of Houston, Texas
10. U.S. Department of Energy (Washington, D.C.)

