

March 2015

# ECA Bulletin

Local Concerns. National Impact



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## ECA CALLS ON DOE TO FOLLOW DOD’S LEAD TO ASSIST COMMUNITIES

On March 31, ECA Chair Chuck Smith sent a letter to Secretary Ernest Moniz urging the Energy Department to follow the Department of Defense’s (DOD) lead in supporting communities impacted by downsized federal activities. “ECA strongly believes that supporting healthy, economically diverse host sites is in the long-term interest of the DOE,” Smith said in the letter.

In 1961, DOD established the Office of Economic Adjustment (OEA) to support defense communities affected by various cutbacks in the defense sector.

Over the last year, OEA has awarded millions of dollars to states, local governments, and community organizations. This vital federal funding has gone to aid community colleges, grow local small business, help build and upgrade infrastructure, and diversify local economies.

Despite recent layoffs and anticipated budget shortfalls at energy sites across the country, DOE has not yet established a similar program to assist communities. DOE was authorized to administer

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## ECA FORMS DOE CONTRACTING GROUP

After years of expressing concerns with the unfortunate trajectory of DOE procurement practices, ECA communities have formed a committee to suggest improvements to the agency’s contracting process. ECA Members have been frustrated by DOE’s departure from successful business practices that led to the cleanup of sites like Rocky Flats towards an approach that has discouraged competition, discouraged local small business integration, and discouraged innovation. In

the next few years, contracts at most DOE sites may be re-competed (see the chart on page 16) and ECA hopes to engage DOE to improve the process.

While local communities’ issues and input are certain to be addressed by the committee, the priority is to ensure that DOE contracts are focused on completing the mission of the site more effectively. Both the host communities and DOE

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## Executive Committee



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## Legislative Update

This year's budget and appropriations process continues apace, though not without its controversies. Reminder: legislative sausage-making is not a very pretty process.

While congressional leaders have all but ruled out any notions of a "grand bargain" to end sequestration, they are open to finding methods to increase defense spending. Most defense spending is allocated to the base Pentagon budget and the contingency war funding account, many Department of Energy (DOE) activities compete for defense funds. Both chambers have increased defense spending above requested levels.

The House and Senate passed their individual versions of the budget for Fiscal Year (FY) 2016 at the end of last week before recessing for two weeks. They now face an April 15 deadline to reach an agreement and pass a single budget resolution that will guide appropriators as they allocate money to individual agencies. Individual appropriations

bills will be released and considered by Congress in the next six to eight weeks. Leaders hope to pass all twelve appropriations bills before the start of the fiscal year on October 1, a very daunting task. In the last five years total government funding has typically not been completed until about 90 days after the beginning of the fiscal year.

**ECA Peer Exchange:  
Advancing Nuclear Priorities  
Aiken County, South Carolina  
May 18-19, 2015**

For more information please contact  
Kara Colton at  
[kara.colton@energyca.org](mailto:kara.colton@energyca.org)

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## MAYOR CASPER HIGHLIGHTS SCIENCE MISSION RELATED TO SNF SHIPMENTES



In January, Idaho Governor "Butch" Otter and Energy Secretary Ernest Moniz reached an agreement allowing research quantities of spent nuclear fuel (SNF) to be shipped to the Idaho National Laboratory (INL). The agreement would allow for two shipments into the state in June 2015 and January 2016 to be used to examine the storage and recycling of fuels. These shipments have proven somewhat controversial as shipments of commercial SNF into the state are prohibited under the 1995 Settlement Agreement.

Elected officials have highlighted the need for the shipments, noting their use for research and

In the current competitive climate we cannot afford the outdated thinking that links our lab's research mission with the site's cleanup objectives.

acknowledging that INL has become a significant asset for the state. Idaho Falls Mayor Rebecca Casper wrote an editorial published in the *Idaho Statesman* and other local newspapers. She defends the opportunities INL has provided Eastern Idaho, argues that cleanup be managed prudently, and notes that scientific research at the lab should not be jeopardized.

"No one understands the need for cleanup to occur promptly better than the Eastern Idaho citizens who live and work at and around the site. Yet we all

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## RENEWED MOMENTUM TO ADDRESS NUCLEAR WASTE

### *Consent-Based Siting*

Earlier this month, Congresswoman Dina Titus (D), Congressman Joe Heck (R), and Senators Harry Reid (D) and Dean Heller (R) – all of whom represent Nevada–introduced the *Nuclear Waste Informed Consent Act*. The proposed legislation requires the Nuclear Regulatory Commission (NRC) to authorize construction of a nuclear waste repository only if the Secretary of Energy has secured written consent from the governor of the host state, impacted local governments, and affected Indian tribes. Similar language was included in the bipartisan *Nuclear Waste Administration Act of 2015*, described by Dianne Feinstein (D-CA) as “rooted in a consent-based process.”

A key provision in the new legislation would allow the Nuclear Waste Administration to create a separate waste facility for defense-only waste if the Energy Secretary determines it to be “necessary or appropriate.”

The other main provisions of the bill were included in previous iterations (*Nuclear Waste Administration Acts of 2012 and 2013*) and echo final recommendations issued by the Blue Ribbon Commission on America’s Nuclear Future in 2012 including:

- Development of a pilot interim storage facility with priority given to spent fuel from decommissioned nuclear power plants and emergency shipments from operating plants;
- Establishment of an independent agency to manage the nuclear waste program in place of DOE with an appointed administrator subject to Senate confirmation;

Proposed legislation requires the Nuclear Regulatory Commission (NRC) to authorize construction of a nuclear waste repository only if the Secretary of Energy has secured written consent from the governor of the host state, impacted local governments, and affected Indian tribes.

- Linkage between storage facilities and development of a repository – after 10 years new storage facilities can be sited only if at least one site has been selected as a potential location for a permanent repository;
- Creation of a new working capital fund in the U.S. Treasury for fees collected from utilities that can be accessed without further appropriation (funds already in the Nuclear Waste Fund will remain subject to appropriation).

According to Senator Alexander, “...we need to end the stalemate over what to do with our country’s nuclear waste by finding a way to create both temporary

and permanent storage sites that would complement other solutions. This legislation...would do that by allowing state and local governments to compete for these facilities and the good-paying jobs that come with them.” In addition, Senator Cantwell thanked her colleagues for acknowledging the nation’s defense waste as “an important priority.”

The House of Representatives is expected to release its own bill regarding nuclear waste storage and disposal – including Yucca Mountain – soon.

### *Department of Energy Report on Separate Disposal of Defense High-Level Radioactive Waste*

On the same day that the *Nuclear Waste Administration Act of 2015* was introduced, the Administration authorized DOE to begin the process of developing a repository for disposal of some DOE-managed high-level waste (HLW). Secretary of Energy Ernest Moniz announced the Administration’s new path at a briefing at the Bipartisan Policy Center. He also outlined DOE’s *Report on Separate Disposal of Defense High-Level*

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**Legislative Update**

***Moving Forward on Defense Nuclear Waste***

On March 24, the Administration authorized DOE to move forward with planning for a separate repository for high-level radioactive waste resulting from *defense* atomic energy activities. *The Nuclear Waste Administration Act of 2015* also directs the Secretary of Energy to revisit a decision to commingle defense waste with commercial spent fuel.

Secretary Moniz announced the path forward would include the following components – 1) development of plans for a separate defense-only repository; 2) development of a consent-based siting process for both a defense-only repository and consolidated interim storage for commercial spent fuel; and 3) moving forward with planning for interim storage, consistent with the Administration’s Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level. More on that can be found on page 3.

A fact sheet on this development can be found [here](#), the report [here](#), and a blog post from Principal Deputy Assistant Secretary for the Office of Nuclear Energy John Kotek can be found [here](#).

***Nuclear Waste Legislation Introduced***

March saw renewed momentum to create a path forward for managing and disposing of the nation’s nuclear waste. Debate continued on Yucca Mountain, support for consent-based siting was highlighted and, the Senate Energy and Natural Resources introduced new bipartisan legislation.

On March 24, Senate energy leaders introduced the *Nuclear Waste Administration Act of 2015*. The bipartisan legislation is designed to “safeguard and permanently dispose of the nation’s stockpiles of spent nuclear fuel” according to a press release. It is sponsored by Sens. Lisa Murkowski (R-AK), Maria Cantwell (D-WA), Lamar Alexander (R-TN), and Dianne Feinstein (D-CA). The senators are the Chairmen and Ranking Members of the Senate Energy and Natural Resources Committee and the

Senate Energy and Water Appropriations Subcommittee.

***DOE Budget Hearings***

As is normal this time of year in DC, Secretary Ernest Moniz, National Nuclear Security Administrator (NNSA) Frank Klotz, and other high-ranking DOE officials have been testifying before Congress on the budget request just about every week since early February. Members of Congress have praised various aspects of the request since then. South Carolina Congressman Joe Wilson, for example, applauded the budget proposal for Savannah River’s Mixed Oxide (MOX) Fuel Fabrication Facility according to Derrek Asberry of the *Aiken Standard*.

“This facility is our country’s only means to honor the U.S.-Russia Plutonium Disposition Agreement,” Wilson said. “Without this facility, we will default on our nonproliferation agreement with Russia to dispose of 34 metric tons of weapons grade plutonium and the material that could be reprocessed into green fuel for reactors.”

Expected Appropriations and NDAA Process	
April 13	Congress returns from Spring Recess
April 15	Deadline for Congress to Pass a Budget Resolution
Mid-late April	House Energy and Water Appropriations Subcommittee spending bill markup
Week of April 20	House Armed Services subcommittees markup their portions of the NDAA
April 29	Full House Armed Services markup of NDAA
May	Senate begins consideration of NDAA
Week of May 11	Full House considers NDAA
June	Senate Energy and Water Appropriations Subcommittee spending bill markup
June-July	Full Senate considers NDAA
June-July	Both chambers consider appropriations bills
October 1	Fiscal Year 2016 Begins

## MANHATTAN PROJECT NATIONAL HISTORICAL PARK IMPLEMENTATION – DC OFFICIALS VISITING SITES

Representatives from the Department of Interior, the National Park Service, and DOE visited Oak Ridge, Tennessee on March 25 and 26, their first trip to the three sites that will one day make up the Manhattan Project National Historical Park. Visits to Hanford and Los Alamos will take place in April and June, respectively.

Oak Ridge Mayor Warren Gooch welcomed the officials to a community open house on March 26.

“We are honored to host our distinguished visitors as they travel to Oak Ridge to see first-hand the assets we have to offer,” said Mayor Gooch. “The open house will provide an opportunity for our community to meet and interact with the planning team as they begin implementation of this innovative three-site national park.”



According to *The Oak Ridger*, Oak Ridge Councilman Chuck Hope said the city has begun thinking about how the park would operate given the challenges of ongoing Department of Energy operations.

“We have pushed a hub-and-spoke design,” Hope said, with the hub near the American Museum of Science and Energy or the Civic Center, and the

spokes including the former K-25 Site and other locations throughout the community.

ECA members are holding regular coordination calls to share information about the ongoing work in their communities to implement the Park, discuss in-person meetings, Park implementation funding, critical issues that should be included in the Memorandum of Understanding, and other issues. If you would like to participate in the meeting, please contact Devon Hill at [Devon@energyca.org](mailto:Devon@energyca.org).



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### Legislative Update

During a March 25 hearing before Senate Appropriations, Senator Lamar Alexander (R-TN) discussed waste repository options beyond Yucca Mountain. He specifically outlined the pilot site proposed by the Blue Ribbon Commission, a pending legislative proposal, and the Waste Control Specialists’ recent proposals for a private consolidated storage site.

“In terms of timing, it’s pretty clear ... that moving towards a pilot-scale storage facility is the thing that we can bring on the fastest—six to eight years, perhaps,” Moniz said during the hearing. He also called Waste Control Specialist proposal “very interesting” and said DOE wanted to learn more about it.

### National Defense Authorization

The next major piece of legislation that ECA will be following will be the National Defense Authorization Act (NDAA) for FY2016. This month, House Armed Services Committee Chair Mac Thornberry (R-TX) announced his intention to consider the NDAA during the last two weeks of April. He hopes to have the bill considered by the entire House the week of May 13. The full Senate has typically passed its version of the bill in June. The NDAA has been passed every year since 1961 and authorizes spending for many of the DOE programs that affect ECA communities. In recent years final passage of the NDAA has been delayed until December, three months into the fiscal year for which it authorizes spending.

## NNSA RELEASES STOCKPILE STEWARDSHIP PLAN

This year's Stewardship Plan, according to Secretary Moniz, outlines two areas of DOE's infrastructure modernization plans, namely its Plutonium and Uranium Strategies. The modernization plans would support a reduced stockpile while insuring "a responsive infrastructure."

The Plutonium Strategy will allow war-reserve-quantity production of 30 plutonium pits per year by FY2026 and 50 to 80 pits by 2030. These pits are a critical component of nuclear weapons – they essentially act as the trigger for the rest of the weapon. Last year's NDAA requires increased pit production which has been at a virtual standstill since the end of the Cold War. The Uranium Strategy would allow DOE to recapitalize enriched uranium operations that currently reside in outdated facilities.

The Strategy outlines the roles National Security Laboratories (Lawrence Livermore, Los Alamos, and Sandia), production facilities (Pantex, Savannah River, Y-12, and the National Security Campus), and the Nevada National Security Site play in stockpile production and management.

The Stockpile Stewardship and Management Plan can be read [here](#).

The NNSA budget will be devoted to stockpile life extension programs and recapitalization of critical plutonium and uranium capabilities.

Further, for the sixth consecutive year, the NNSA has requested an increase for Weapons Activities. This year's request is nearly \$900 million more than what was enacted last year. According to NNSA, much of that 11.2 percent increase "will be devoted to stockpile life extension programs and recapitalization of critical plutonium and uranium capabilities."

During a Senate Energy and Water Appropriations Subcommittee hearing this month, appropriators acknowledged that tough spending decisions would have to be made soon. "Governing is about setting priorities, and we are going to have to make some hard decisions this year to make sure the highest priorities are funded," Sen. Alexander said.

Sen. Feinstein expressed concern that the requested spending increase "really portends some danger for the nuclear program." The Congressional Budget Office estimates that the costs to maintain and modernize nuclear forces over the next decade would be \$348 billion. Frank Kendall, the Defense Department's top acquisition's official and Nuclear Weapons Council Chairman said that starting in 2021, the cost of modernizing nuclear forces may become difficult to afford.

## HANFORD LANDFILL REACHES MILESTONE

DOE and its contractors have disposed of 17 million tons of contaminated materials at the Environmental Restoration Disposal Facility (ERDF) since operations began in 1996.

"Reaching 17 million tons of material disposed at ERDF shows the excellent cleanup work being done at the Hanford Site," says Mark French, Federal Project Director for DOE Richland Operations Office.

The majority of waste at ERDF comes from the 220-square mile River Corridor. It consists mainly of soil contaminated by Hanford's nine plutonium

production reactors which operated from 1943-1987. ERDF also receives cleanup waste from other Hanford contractors.

ERDF is managed by Washington Closure Hanford as part of the River Corridor Closure Project – DOE's largest environmental cleanup closure project. The landfill is the largest disposal facility in the DOE cleanup complex. It covers 107 acres at the base of the disposal trench – roughly the same area as 52 football fields – and currently has a capacity of 18 million tons. The facility was designed to be expanded as needed.

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## ECA Calls On DOE To Follow DOD's Lead To Assist Communities

this type of program more than two decades ago but funding waned and the agency has not requested money for it in recent years. DOE needs to

reestablish this type of program to aid its community partners and ensure their economies do not decline when energy activities are reduced.

“This support will be mutually beneficial, allowing communities to better develop and diversify so they can be stronger and better hosts for local DOE operations,” the letter said.

## NNSA: UPF ON TIME AND ON BUDGET

At a Senate Energy and Water Appropriations Subcommittee hearing this month, NNSA head Lt. Gen. Frank Klotz said that the Uranium Processing Facility planned for the Y-12 National Security Complex was on track to be completed by 2015 within the \$6.5 billion budget cap, according to the *Nuclear Security and Deterrence Monitor*.

“It’s still our intent to be on track to have this work done and be out of Building 9212, which as you know is the oldest facility that we have there, by 2025 at a cap of \$6.5 billion,” Klotz said.

The subcommittee, led by Chairman Lamar Alexander (R-TN) and Ranking Member Diane Feinstein (D-CA), called the hearing to examine the NNSA’s budget request. NNSA is currently responsible for three of the largest construction projects in the federal government: the Uranium Processing Facility in Tennessee; the MOX Fuel Fabrication Facility in South Carolina; and the Plutonium Facility in New Mexico.

Frank Klotz said that the Uranium Processing Facility planned for the Y-12 National Security Complex was on track to be completed by 2015 within the \$6.5 billion budget cap.

Combined, the projects could cost as much as \$20 billion dollars to build. Senators Alexander and Feinstein have focused much of their oversight on UPF because of cost increases. During his opening

statement, Sen. Alexander noted that he and Sen. Feinstein called for construction to begin only once 90 percent of the design had been achieved. He also said the Red Team review of UPF “may be a model for how to keep these kinds

of projects on time and on budget.”

Klotz said UPF will reach the 90 percent design complete point in Fiscal Year 2017. Frank Munger reported on his blog, *Atomic City Underground*, that the UPF federal project director says the design is currently about 50 percent completed. Site preparation work has been completed and a project to establish site infrastructure and services is expected to begin soon and be completed by mid-2018.



Check out Daughters of Hanford, a project that highlights women’s perspectives of the Hanford nuclear site. The project offers a cross-section of politicians, leaders, and environmental cleanup advocates - all women who were part of history and the future talent putting their minds on the nuclear site’s toughest problems. More information [here](#).

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## Renewed Momentum to Address Nuclear Waste

*Radioactive Waste.* The new report examines how circumstances have changed since 1985 – when the decision was made to dispose of DOE-managed HLW and spent nuclear fuel (SNF) together with commercial nuclear waste – leading to the decision to now pursue a separate repository for DOE’s HLW.

The key developments included in DOE’s report are:

- The large delay in the availability of a repository;
- The “evolution” to a phased, adaptive and consent-based approach to repository siting;
- The absence of new defense HLW generation that has resulted in a homogeneous and known volume of waste requiring disposal;
- New environmental cleanup obligations and compliance agreements between DOE, states, and US Environmental Protection Agency establishing milestones and potentially creating financial liability if the terms are not met.

From there DOE analyzed six statutory factors as part of their determination:

1. Cost efficiency
2. Health and Safety
3. Regulation
4. Transportation
5. Public Acceptability
6. National Security

Ultimately, DOE concluded that a defense HLW repository could be designed, sited, and opened more quickly and cost-effectively. As a result, there will be many applicable lessons learned for

subsequent repositories including how to do consent-based siting, transportation and infrastructure planning, and how to build trust and public acceptability.

In regards to health and safety, both a defense HLW-only repository and a repository where defense and commercial waste are disposed of together must be licensed by the NRC. However, if a defense HLW repository can be sited and operating sooner, it would eliminate the need for active human control and maintenance at various DOE sites. A separate defense HLW repository would help DOE fulfill its regulatory obligations and provide a basis for EPA and NRC to update applicable regulations.

As Secretary Moniz explained, the Administration’s path forward will include three components – 1) development of plans for a separate defense-only repository; 2) development of a consent-based siting process for both a defense-only repository and

consolidated interim storage for commercial spent fuel; and 3) moving forward with planning for interim storage, consistent with the Administration’s Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste.

The Department will use its existing authority, as provided under the Atomic Energy Act of 1954 and “implicitly recognized” in the Nuclear Waste Policy Act, to begin to move forward with each of these components.

### *Yucca Mountain*

Even as new strategies are introduced, there is still Yucca Mountain to consider. This month, Representative John Shimkus (R-IL), Chairman of the House Energy and Commerce Subcommittee on the Environment and the Economy, announced plans to visit Yucca Mountain and issued an invitation to his colleagues. Nevada Representative Crescent Hardy (R-NV) and Mark Amodei (R-NV) have both said they will join the tour. Representative Hardy, who represents Nye County

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Even as new strategies are introduced, there is still Yucca Mountain to consider.

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## SNF Shipments Prove Controversial

understand that speed is not the driving factor,” Mayor Casper said in the editorial. “[The former governor’s] unexpected announcement puts at risk the very nature of the work that our nation’s lead nuclear laboratory is commissioned to do - which is scientific research. In the current competitive climate we cannot afford the outdated thinking that links our lab’s research mission with the site’s cleanup objectives.”

Gov. Otter approved the shipments provided DOE provides an enforceable time frame for coming back into compliance with the Settlement Agreement.

“Clean up under the terms of the agreement, including removal of ALL materials by 2035, remains our first priority, but it is not our only priority. Continuing the valuable research at the Lab with its world-class facilities and people is the future and one we should all work towards,” Gov. Otter said in a statement.

Two former Idaho governors who were instrumental in setting up the 1995 Settlement Agreement have

threatened to sue DOE if it moves forward with SNF shipments. Congressman Mike Simpson disagreed with their desire to “return to an ugly, contentious, and unproductive era of fighting with the DOE instead of maintaining a more constructive and beneficial partnership.”

“It’s important to note that INL isn’t just a world leader in nuclear energy research,” Simpson said in a statement. “Its internationally-significant missions include national and homeland security, renewable and alternative energy, grid protection, cutting edge chemistry, securing nuclear materials across the globe, and much, much more. The lab employs thousands of Idahoans directly and is responsible indirectly for the careers of tens of thousands more. And it’s a strong partner with our state’s universities – a partnership that benefits all Idahoans.

Gov. Otter’s press release can be found [here](#).

Mayor Casper’s editorial is online [here](#) and can be read on page 10.

Congressman Simpson’s statement can be found [here](#).



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## Renewed Momentum to Address Nuclear Waste

where Yucca Mountain is located, wrote in an editorial in *The Las Vegas Review-Journal* arguing it is time for an “honest conversation” about the pros, cons, and potential investments that Nevada could negotiate if it allowed the Yucca process to proceed.

The tour is scheduled for April 9, 2015 during the congressional recess.

Finally, the NRC continues to analyze Yucca Mountain, announcing in the *Federal Register* that they will prepare a supplement to the DOE’s environmental impact statement (EIS) on the proposed geologic repository. The NRC found that the EIS that DOE submitted in 2008 did not adequately address all of the repository-related effects on groundwater, or from surface discharges of groundwater. The supplement will describe a

key aquifer at the site and look at potential for contaminants to reach it. NRC expects to release a draft supplement for public comment in late summer.

Links for consideration:

The *Nuclear Waste Informed Consent Act* (H.R. 1364/S. 691) can be found [here](#).

The *Presidential Memorandum - Disposal of Defense High-Level Radioactive Waste in a Separate Repository* can be found [here](#).

The DOE Article: *Moving Forward to Address Nuclear Waste Storage and Disposal* can be found [here](#).

The *FACT SHEET: The Path Forward on Nuclear Waste Disposal* can be found [here](#).

NRC Press Release: NRC Staff to Prepare Supplement to Yucca Mountain Environmental Impact Statement can be found [here](#) and the Federal Register notice is [here](#).

## MAYOR CASPER'S EDITORIAL IN DEFENSE OF INL AND SNF SHIPMENTS

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As mayor of the city which host the Idaho National Laboratory and which, like most of Eastern Idaho, enjoys the fruits of good relationships with DOE officials, laboratory personnel and responsible contractors, I offer comment about Thursday's press release from former Governors Batt and Andrus.

No one understands the need for clean-up to occur promptly better than the Eastern Idaho citizens who live and work at and around the site. Yet we all understand that speed is not the driving factor. This process needs to be managed properly and that means giving all due attention to current safety standards, updated risk assessments, present-day facts, modern technology and today's political and economic climate.

Also of importance is the need to proceed with an abundance of concern for the many Idahoans who earn a living at the site. In today's economy it is simply imprudent to risk jobs and opportunity for our citizens—and in the name of what? Haste?

We cannot be cavalier about this. While we owe much to these former governors for getting us to a position of strength today, now it is time for current elected officials to run with the ball. Indeed, it is we who now are accountable for service that is in the best interest of the state and local communities.

Thursday's unexpected announcement puts at risk the very nature of the work that our nation's lead nuclear laboratory is commissioned to do—which is scientific research. In the current competitive climate we cannot afford the outdated thinking that links our Lab's research mission with the site's clean-up objectives. What comes to mind is the old adage about cutting off one's nose ...

And then factor in that the push to allow research quantities of spent fuel into Idaho has been public for some time. There were numerous discussion in the press in 2011—all without significant public outcry. As a Commission Member to the Governor's Leadership in Nuclear Energy (LINE2.0) Commission, I have participated in many public discussions and myself have referred to the information at [LINE.GOV](http://LINE.GOV) where the issue has been discussed and posted for all to see.

I emphasize the need for informed dialog as we chart the state's nuclear path forward. There simply is no room for hyperbole. I invite those who truly care to be informed to come to our city and see firsthand how safely this work will be done and how research fuel will be stored. Come tour the INL—especially if it has been a while since you have been here. Register at [www.inl.gov](http://www.inl.gov).

I believe in the good solid science that drives the work out on the desert. I support a reasoned approach to problem-solving. How we proceed now will deeply affect and define this region. It will surely impact our state. It will shape our nation. It could change the world.

Rebecca Casper  
Mayor, City of Idaho Falls

## WIPP UPDATE – CARLSBAD LEADERS WEIGHING IN ON FINES

The City of Carlsbad, Eddy County, and the Carlsbad Chamber of Commerce are weighing in on the fines issued by the New Mexico Environment Department (NMED) on the DOE last fall. A resolution, sent to Governor Susana Martinez and Secretary Moniz, asks the state and DOE to resolve their dispute related to the compliance order issued after investigating the causes of the February 2014 incidents according *Current-Arbus News* and the *Albuquerque Journal*.

The “WIPP Resolution” acknowledges that NMED has the right to fine the federal government and says DOE should not subtract funds from site budgets to pay the fines.

The “WIPP Resolution” acknowledges that NMED has the right to fine the federal government and says DOE should not subtract funds from site budgets to pay the fines. This would “[take] money away from cleanup activities in the community most impacted by DOE’s violation of the law,” the resolution states. It also says fines should not be used as a revenue-enhancing vehicle but should be used solely “to improve the status and safety of the WIPP project.”

Settlement discussions have been underway since NMED issued a compliance order requiring DOE to pay \$36.6 million for permit violations at Los Alamos National Laboratory and \$17.7 million for permit violations at the Waste Isolation Pilot Plant. The fines are related to failings DOE has largely admitted to in its own investigation reports.

In January, DOE called the fines “arbitrary” and challenged the state’s ability to fine the federal government. A hearing is scheduled for July.

NMED Secretary Ryan Flynn warned that an additional \$100 million in fines for permit violations at LANL are being considered. Nonetheless, Flynn has described ongoing negotiations as “productive.”

At a March 24 Senate Appropriations hearing, Secretary Moniz reiterated that he believed getting WIPP back online was job one.

“Bringing this facility back online is a very high priority and we believe we are on schedule to resume operations in about a year,” he said.

During a separate speech, Moniz mentioned that reaching full operations at the site may take more time, however.

“It will take almost certainly at least two years to get into full-scale operation as we have to address and implement new ventilation systems,” Moniz said. “I cannot say how high a priority it is to get WIPP reopened and operating. In general terms, it is critical for everything we do in geologic disposal of nuclear materials.”



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### ECA Forms DOE Contracting Group

have a stake in ensuring cleanup obligations are being met, but DOE must do more to ensure local small businesses are supported and the entire process is attractive to Tier 1 engineering firms so as to encourage competitiveness and creativity.

DOE must also do more to ensure contracts reflect the importance of contractors engaging with their host communities. Recent RFPs, like the one for the Idaho cleanup contract, have decoupled vital decisions from local knowledge, insights, and sensitivity to community needs. The Idaho

contracting process has really opened the eyes of all local governments and there is ongoing unease among host communities. The committee will soon write a letter to Secretary Moniz to make him aware of the issues it hopes to address. In the coming months, the contracting group hopes to complete a series of recommendations that can be presented to DOE leadership to improve future contract awards.

ECA will continue to update its members on the progress of the contracting committee and as always if any ECA members want to participate on the committee, please contact Kara Colton at [kara@energyca.org](mailto:kara@energyca.org).

## IDAHO REACHES CLEANUP AGREEMENT WITH DOE

This month, the Idaho Department of Environmental Quality (DEQ) reached an agreement with the DOE that resolves violations of state hazardous waste laws for missing a cleanup deadline. DOE was required to have some 900,000 gallons of liquid radioactive waste removed from its Idaho site by December 31, 2014, but informed the state days earlier that it would miss the deadline. DEQ announced it would fine the DOE \$3,600 per day for missing the deadline.

Under the terms of the agreement, DOE will develop a new schedule by April 3 to remove the tanks from service no later than December 2018. DOE has also agreed to pay a civil penalty of \$648,000. This would be the second extension of the cleanup deadline which was originally set for the end of 2012 in accordance with a 1992 consent order.

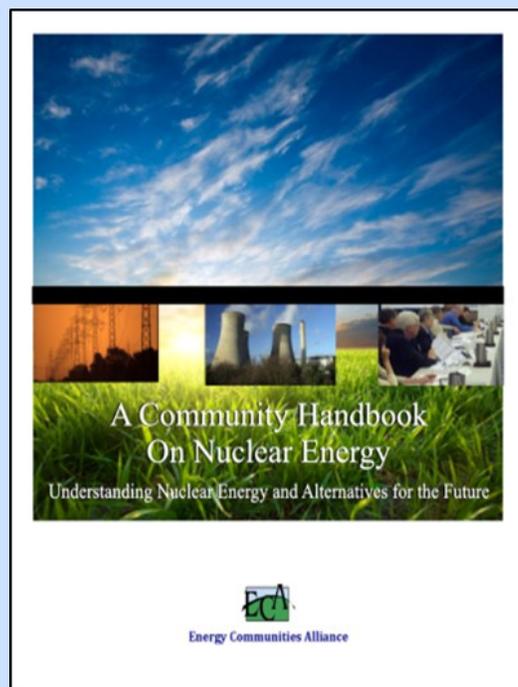
DOE has built a facility to treat the waste, the Integrated Waste Treatment Unit (ITWU), at a cost of more than \$500 million but it is still undergoing testing. In a December letter to Idaho Governor Otter, Secretary Ernest Moniz said that to date 73 of the 84 acceptance test criteria had been met.



According to the *Idaho Statesman*, if DOE fails to meet any deadline DEQ will require penalties of \$1,200 for each violation for each non-empty tank for each day in noncompliance. Penalties would rise to \$2,000 for each violation after 180 days. If DOE determines ITWU will not work, it has agreed to pay \$2 million.

### NEWLY RELEASED AND UPDATED:

A Community Handbook on Nuclear Energy: Understanding Nuclear Energy and Alternatives for the Future



To receive your free copy, please send an e-mail to [sharon.worley@energyca.org](mailto:sharon.worley@energyca.org)

## GOVERNMENT ACCOUNTABILITY OFFICE REPORTS

### *Department of Energy's Contract Management for the National Nuclear Security Administration and Office of Environmental Management*

DOE relies primarily on contractors to carry out its diverse missions and operate its laboratories and other facilities. Approximately 90 percent of DOE's budget is spent on contracts and large capital asset projects. GAO found that EM and NNSA have had difficulty staying within the cost estimates of their major projects. The full GAO report can be found [here](#).

- GAO designated DOE's contract management as a high-risk area in 1990 because DOE's record of inadequate management and oversight of contractors has left the department vulnerable to fraud, waste, abuse, and mismanagement.
- In January 2009, GAO narrowed the focus of its high-risk designation to the Office of Environmental Management (EM) and the National Nuclear Security Administration (NNSA). Together, these two programs accounted for almost 63 percent of DOE's fiscal year 2015 discretionary funding of more than \$26 billion.
- In February 2013, GAO further narrowed the focus of the high-risk designation to EM and NNSA's major contracts and projects, those with an estimated cost of \$750 million or more, to acknowledge progress made in managing projects with an estimated cost of less than \$750 million. GAO's 2013 assessment found that DOE satisfied 3 of the 5 criteria needed for removal from the High Risk List.
- This year, GAO did not observe similar progress in DOE's management of major projects. EM and NNSA struggled to stay within cost and schedule estimates for most of their major projects. DOE's removal from the High Risk List will require meeting all five of GAO's long-established criteria.

### *Nuclear Waste: DOE Needs to Improve Cost Estimates for Transuranic Waste Projects at Los Alamos*

NNSA's project to remove transuranic (TRU) waste—primarily discarded equipment and soils contaminated with certain radioactive material—at Los Alamos National Laboratory (LANL) did not meet its cost estimates. By revising the estimate to include the current understanding of project conditions, including the uncertainty at WIPP, NNSA program managers can, for example, more accurately identify cost overruns. The full GAO report can be found [here](#).

At the end of FY 2014, NNSA had spent about \$931 million on the project, exceeding its 2006 estimate of \$729 million by \$202 million. Under current plans, the project is also expected to exceed its 2009 estimate.

NNSA did not meet its cost estimates, in part, because they were based on aggressive funding assumptions designed to meet the completion dates agreed to in a 2005 cleanup agreement, which the DOE did not fully fund.

- At the time of GAO's review, NNSA was developing a new project completion cost estimate of about \$1.6 billion, with completion projected for October 2022. NNSA had not revised the project's cost estimate since 2009 because the agency was reluctant to approve an estimate with a completion date that conflicted with the 2005 cleanup agreement.
- NNSA's new estimate may not reflect current conditions—partly because of uncertainty created by funding and the indefinite suspension of shipments of TRU waste to the permanent repository at DOE's Waste Isolation Pilot Plant (WIPP) after a radioactive release closed WIPP in February 2014.

*(Continued on page 14)*

(Continued from page 13)

## Government Accountability Office Reports

### *National Nuclear Security Administration: Reports on the Benefits and Costs of Competing Management and Operating Contracts Need to Be Clearer and More Complete*

NNSA's report to Congress on the competition of the consolidated management and operating (M&O) contract for its Pantex Plant in Texas and Y-12 National Security Complex (Y-12) in Tennessee includes information on all the statutorily required topics but does not clearly or completely describe expected benefits and costs. GAO recommends that NNSA enhance the clarity and completeness of its future reports. The full GAO report can be found [here](#).

- In January 2013, NNSA awarded a \$22 billion consolidated M&O contract for its Pantex and Y-12 sites, which NNSA stated will enhance mission performance and reduce costs.
- The FY2013 NDAA requires NNSA to report to Congress on the costs and benefits of the contract competition following the award of an M&O contract. NNSA's report is to address the expected cost savings, competition costs, any disruption or delay in mission activities or deliverables, and any benefits to mission performance or operations resulting from the competition. The act also requires GAO to review and report on NNSA's report.
- This report assesses the extent to which NNSA's report addressed each required topic and the clarity and completeness of the information provided. GAO interviewed NNSA officials and reviewed NNSA's statutory reporting

requirements, the agency's report and supporting documentation, and federal guides and standards relevant to presenting benefits and costs.

### *DOE Facilities: Better Prioritization and Life Cycle Cost Analysis Would Improve Disposition Planning*

NNSA has identified 83 facilities at six of its eight sites for transfer to EM for disposition, and the condition of NNSA's facilities awaiting transfer continues to degrade. NNSA plans to transfer all 83 facilities to EM over the next 25 years. Twenty-seven of them are still operational but are expected to become nonoperational in the next 25 years, and 56 are nonoperational now. GAO recommends that EM integrate into one prioritized list that all NNSA facilities that meet EM's transfer requirements. The full GAO report can be found [here](#).

In 2009, EM agreed to accept 14 NNSA facilities when it had funds available to begin decontamination and decommissioning. Six years later, none of these facilities have been transferred, and EM officials said they may not be able to accept these or other NNSA facilities until at least 2030 due to budget uncertainties and other priorities.

Meanwhile, as NNSA maintains contaminated nonoperational facilities, the facilities' condition continues to worsen, resulting in increased costs to maintain them, and NNSA documents show that some facilities will require significant additional maintenance to prevent the spread of contamination. For example, the Alpha-5 facility at NNSA's Y-12 National Security Complex in Tennessee has degraded to the extent that site officials now detect contaminants, such as mercury, in areas where they were not detected 2 years earlier, and additional funds are needed to repair its failing roof.



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](http://www.manhattanprojectvoices.org).

## CONTRACTS OUT FOR BID

<p><b>Idaho Cleanup Project Core Contract</b></p> <p><i>Status:</i> RFP issued March 13, 2015; proposals due May 12, 2015</p> <p>For more information, click <a href="#">here</a>.</p>	<p>DOE is seeking a contractor to safely accomplish as much of the remaining EM's cleanup mission at the Idaho Site as possible within available funding while meeting regulatory and legal requirements. The contract will apply performance-based contracting approaches and techniques. The Idaho Clean Project Core Contract (ICP-Core) will require the Contractor to perform all work specified in the contract and to determine the specific methods of accomplishing the work. In the performance of this contract, the Contractor shall support and implement actions to achieve the Department's environmental clean-up goals. Contract-specific actions will be established, incentivized, monitored, evaluated, and verified in accordance with the terms and conditions of this contract.</p>
<p><b>Los Alamos National Laboratory Legacy Completion Cleanup Project (Request for Information)</b></p> <p><i>Status:</i> No RFP has been issued</p> <p>For more information, click <a href="#">here</a> and <a href="#">here</a>.</p>	<p>EM is currently in the acquisition planning phase for potential upcoming new procurement(s) for legacy cleanup projects at the Los Alamos National Laboratory (LANL) hereafter referred to as “Los Alamos Legacy Cleanup Completion Project (LCCP) – Post Fiscal Year 2016 Contract(s). Since its inception in 1943 as part of the Manhattan Project, LANL’s primary mission has been nuclear weapons research and development. The LANL EM Program mission is to safely secure and to achieve cleanup and risk reduction of legacy material, facilities, and waste sites at LANL in support of DOE’s Strategic Plan to safely complete the environmental remediation of legacy and active sites while protecting human health and the environment. Since October 1, 1988, the programs that characterize and remediate contaminants in the environment, decontaminate and decommission (D&amp;D) process-contaminated facilities, and manage and dispose of legacy transuranic (TRU) waste have been funded by DOE EM.</p>
<p><b>Waste Treatment Services</b></p> <p><i>Status:</i> RFP issued March 3, 2015; proposals due April 7, 2015</p> <p>For more information, click <a href="#">here</a>.</p>	<p>DOE is seeking contractor(s) to receive, handle, and treat Low Level Waste (LLW) and Mixed Low Level Waste (MLLW). These wastes may also include liquid and solid Toxic Substances Control Act (TSCA) regulated waste e.g., polychlorinated biphenyls (PCBs), asbestos, etc. Also DOE seeks, under this requirement, services such as: Treatment Storage Disposal Facility (TSDF) Authorized Release for Directed Disposal including Bulk Survey for Release (BSFR), Restricted and Unrestricted Recycling/Reuse, Low Activity Waste (LAW) Services, Ancillary Services, and support in establishing authorized release limits. Waste material to be treated originates from Federal facilities and is derived from operational processes, clean-up, and remediation activities. This service supports the EM mission of safely completing the cleanup of the environmental legacy brought about from five decades of nuclear weapons development and government-sponsored nuclear energy research.</p>

## DOE/NNSA FACILITY MANAGEMENT CONTRACTS

Facility	Owner	Contractor	Award Date	End Date	Options/Award Term	Ultimate Potential Expiration Date	Contract
SLAC National Accelerator Laboratory (SLAC)	SC	Stanford University DE-AC03-76SF00515	1/25/1981	9/30/2017		9/30/2017	M&O
Pacific Northwest National Laboratory (PNNL)	SC	Battelle Memorial Institute DE-AC05-76RL01830	12/30/2002	9/30/2017		9/30/2017	M&O
Brookhaven National Laboratory (BNL)	SC	Brookhaven Science Associates, LLC DE-SC0012704	12/22/2014	1/4/2020	5 years Base Award; Additional 15 years Award Term available	1/4/2035	M&O
Oak Ridge National Laboratory (ORNL)	SC	U T Battelle LLC DE-AC05-00OR22725	10/18/1999	3/31/2015	5 year Extension	3/31/2020	M&O
Savannah River Site (SRS)	EM	Savannah River Nuclear Solutions LLC (SRNS) DE-AC09-08SR22470	1/10/2008	9/30/2016	5 year option period available out to 7/31/2018 (first 38 months of Option Period have been exercised)	7/31/2018	M&O
National Renewable Energy Laboratory (NREL)	EERE	Alliance for Sustainable Energy (ASE) DE-AC36-08GO28308	7/29/2008	5/30/2015	One 40 month period remaining	9/30/2018	M&O
Princeton Plasma Physics Laboratory (PPPL)	SC	The Trustees of Princeton University DE-AC02-09CH11466	4/1/2009	3/31/2018	5 years Award Term Earned/No additional Award Term available	3/31/2019	M&O
Idaho National Laboratory (INL)	NE	Battelle Energy Alliance LLC DE-AC07-05ID14517	11/9/2004	9/30/2019		9/30/2019	M&O
Lawrence Berkeley National Laboratory (LBNL)	SC	The Regents of the University Of California DE-AC02-05CH11231	4/19/2005	5/31/2015	11 years Award Term Earned/additional 4 years Award Term available	5/31/2025	M&O
Thomas Jefferson National Accelerator Facility (TJNAF)	SC	Jefferson Science Associates LLC DE-AC05-06OR23177	4/14/2006	5/31/2016	9 years Award Term Earned/Additional 5 years Award Term Available, 1 year of Award Term lost	5/31/2025	M&O
Argonne National Laboratory (ANL)	SC	UChicago Argonne LLC DE-AC02-06CH11357	7/31/2006	9/30/2016	9 years Award Term Earned/additional 6 years Award Term available	9/30/2026	M&O
Ames National Laboratory (Ames)	SC	Iowa State University DE-AC02-07CH11358	12/4/2006	12/31/2016	9 years Award Term Earned/additional 6 years Award Term available	12/31/2026	M&O
Fermi National Accelerator Center (Fermi/FNAL)	SC	Fermi Research Alliance LLC DE-AC01-07CH11359	11/1/2006	12/31/2016	9 years Award Term Earned/additional 6 years Award Term available	12/31/2026	M&O
Lawrence Livermore National Laboratory (LLNL)	NNSA	Lawrence Livermore National Security, LLC DE-AC52-07NA27344	5/9/2007	9/30/2018	4 years Award Term earned/ additional 9 years Award Term available	9/30/2027	M&O
Los Alamos National Laboratory (LANL)	NNSA	Los Alamos National Security LLC DE-AC52-06NA25396	12/21/2005	9/30/2018	5 years Award Term Earned/ 8 years Award Term available	9/30/2026	M&O
Sandia National Laboratories (Sandia/SNL)	NNSA	Sandia Corporation DE-AC04-94AL85000	9/30/2003	4/30/2016		4/30/2016	M&O
Strategic Petroleum Reserve Office (SPRO)	FE	Fluor Federal Petroleum Operations DE-FE0011020	4/1/2014	3/31/2019	One 5 year Option Period	3/31/2024	M&O
Waste Isolation Pilot Plant (WIPP)	EM	Nuclear Waste Partnership LLC DE-EM0001971	4/20/2012	9/30/2017	5 year Option Period	9/30/2022	M&O
NNSA Production Office, Pantex and Y-12 Security Complex	NNSA	Consolidated Nuclear Security LLC DE-NA0001942	3/3/2014	6/30/2019	5 Year base period (Transition to 6/30/14)		M&O
Bettis/Knolls Atomic Power Laboratory	NNSA	Bechtel Marine Propulsion DE-NR0000031	9/18/2008	9/30/2018		9/30/2018	M&O

**DOE/NNSA FACILITY MANAGEMENT CONTRACTS (CONTINUED)**

Facility	Owner	Contractor	Award Date	End Date	Options/Award Term	Ultimate Potential Expiration Date	Contract
Nevada Test Site	NNSA	National Security Technologies LLC DE-AC52-06NA25946	3/28/2006	9/30/2016		9/30/2016	M&O
Kansas City Plant	NNSA	Honeywell International Inc DE-NA0000622	10/1/2010	9/30/2015		9/30/2015	M&O
Idaho Cleanup Project	EM	CH2M-WG Idaho LLC DE-AC07-05ID14516	3/23/2005	9/30/2015		9/30/2015	Site Cleanup
Paducah Remediation	EM	LATA Environmental Services of Kentucky DE-AC30-10CC40020	4/22/2010	7/25/2015		7/25/2015	Site Cleanup
River Corridor Closure (Hanford)	EM	Washington Closure Hanford LLC DE-AC06-05RL14655	3/23/2005	9/30/2015		9/30/2015	Site Cleanup
West Valley Demonstration Project	EM	CH2M Hill B&W West Valley LLC DE-EM0001529	7/1/2011	4/8/2019		4/8/2019	Site Cleanup
Tank Operations Contract (ORP)	EM	Washington River Protection Solutions LLC DE-AC27-08RV14800	5/29/2008	9/30/2016	2 year Option	9/30/2018	Site Cleanup
Plateau Remediation Contract (Hanford)	EM	CH2M Hill Plateau Remediation LLC DE-AC06-08RL14788	6/19/2008	9/30/2018		9/30/2018	Site Cleanup
Mission Support Contract (Hanford)	EM	Mission Support Alliance LLC DE-AC06-09RL14728	4/28/2009	5/25/2017	2 year option available to 5/25/2019	5/25/2019	Site Cleanup
East Tennessee Technology Park (OR)	EM	URS/CH2M Oak Ridge LLC DE-SC0004645	4/29/2011	7/31/2016	4 year Option	7/31/2020	Site Cleanup
Portsmouth Decontamination & Decommissioning	EM	Fluor-B&W-Portsmouth LLC DE-AC30-10CC40017	8/16/2010	3/28/2016	5 year Option Period	3/28/2021	Site Cleanup
Portsmouth Facility Support Services	EM	Wastren EnergX Mission Support LLC DE-CI0000004	12/22/2009	7/25/2015		7/25/2015	Site Management
Paducah Infrastructure	EM	Swift & Staley Mechanical Contractors DE-AC30-10CC40021	11/5/2009	3/15/2015		3/15/2015	Site Management
Advanced Mixed Waste Treatment Plant (INEEL)	EM	Idaho Treatment Group LLC DE-AC07-09ID14813	5/27/2011	9/30/2015		9/30/2015	Site Cleanup/Facility Operations
Savannah River Liquid Waste Disposition (Liquid Waste)	EM	Savannah River Remediation LLC (SRR) DE-AC09-09SR22505	7/1/2009	6/30/2015	2 year Option Period	6/30/2017	Environmental Management
	<b>KEY</b>	<b><i>Bold Italic = FFRDC</i></b>	Blue = FFRDC M&O	Orange = M&O non-FFRDC	Aqua = Site Management Contracts	Green = Site Cleanup	

# 2015 Congressional Calendar

- Senate in session
- Both chambers in session
- Both chambers in recess
- Federal holiday

## April

M	T	W	T	F
		1	2	3 Good Friday & Passover Begins
6	7	8	9	10 Passover Ends (4/11)
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

## May

M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25 Memorial Day	26	27	28	29

## June

M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

## July

M	T	W	T	F
		1	2	3 Independence Day (Federal holiday)
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

## August

M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

## September

M	T	W	T	F
	1	2	3	4
7 Labor Day	8	9	10	11
14	15 Rosh Hashanah ends (begins 9/13)	16	17	18
21	22 Yom Kippur begins	23 Yom Kippur Ends	24	25
28	29	30		

## October

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

## November

M	T	W	T	F
2	3	4	5	6
9	10	11 Veterans Day	12	13
16	17	18	19	20
23	24	25	26 Thanksgiving	27
30				

## December

M	T	W	T	F
	1	2	3	4
7 Hanukkah begins (12/6)	8	9	10	11
14 Hanukkah ends	15	16	17	18
21	22	23	24	25 Christmas Day
28	29	30	31	

**ECA Peer Exchange:  
Manhattan National Historical Park Implementation  
Los Alamos County, New Mexico  
July 16-17, 2015**

For more information please contact

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# 2015 Calendar of Events



Week of April 13	Both chambers consider final budget resolution
April 15	Deadline for Budget Resolution to Pass Congress
April 16	NNSA reports to Congress on cost estimates for MOX options
Week of April 20	House Armed Services subcommittees markup their portions of the NDAA
April 29	Full House Armed Services markup of NDAA
Late April-May	House Energy and Water Appropriations Subcommittee spending bill markup
May	Senate begins consideration of NDAA
Week of May 11	Full House considers NDAA
<b>May 18-19</b>	<b>ECA Peer Exchange: Advancing Nuclear Priorities in Aiken County, South Carolina (See page 2 for details)</b>
June	Senate Energy and Water Appropriations Subcommittee spending bill markup
June	Full Senate considers NDAA
June/July	Both chambers consider appropriations bills (likely to run through September)
<b>July 16-17</b>	<b>ECA Peer Exchange: Manhattan Project National Historical Park in Los Alamos County, New Mexico. (See page 18 for more details)</b>
October 1	Start of Fiscal Year 2016
<b>November-December</b>	<b>DOE Intergovernmental Meeting</b>



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