

ECA Update: October 2, 2015



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Agencies blast Hanford nuclear cleanup risk report
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Government agencies near Hanford do not like a new report advising congressional funding leaders on risk-based environmental cleanup at Department of Energy sites any more than Washington and Oregon state leaders do.

The report, by the Omnibus Risk Review Committee, was ordered in language accompanying the current DOE spending bill to analyze how effectively DOE considers and addresses risk at sites across the nation.

Instead, it appears to be based on cutting costs across national DOE cleanup sites and proposes cutting state and local input on cleanup decisions, critics have said.

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“The history of what the federal government has done to contaminate our natural resources and our vision for the future of our region should be the basis of the analysis,” said a letter from Hanford Communities, a coalition of local governments near Hanford.

The coalition includes Richland, Kennewick, Pasco, Benton and Franklin counties, and the Port of Benton.

“We are offended by a wholesale effort to homogenize the cleanup approach at very different (environmental management) sites across the country,” said the letter, sent to leaders of the House and Senate appropriations subcommittees on Energy and Water Development.

The Energy Communities Alliance, which represents local governments near DOE cleanup sites across the nation, has similar concerns.

Decisions on cleanup “are not academic exercises in our communities,” said the alliance’s letter to the same congressional leaders. “Unfortunately, the report’s recommendations do not address the role of communities in defining risk and instead marginalize locally elected government officials and communities affected by DOE.”

The report ignores federal law requiring DOE to work with state and local governments, the alliance said.

Hanford Communities agreed with comments made by the states of Oregon and Washington about Hanford cleanup in the report. Washington Gov. Jay Inslee and Oregon Gov. Kate Brown sent initial letters disagreeing with the report, and the Washington State Department of Ecology and the Oregon State Department of Energy followed up with more details.

The report criticized excavation of chromium-contaminated soil 85 feet deep to groundwater at Hanford. Once contamination enters the groundwater it flows underground toward the nearby Columbia River.

“The decision for remediation was driven by the cost effectiveness of the action when compared to the cost of contaminating a key drinking water and subsistence source for a large swath of the Pacific Northwest,” the states’ letter said.

By removing the source of the contamination to the groundwater, groundwater treatment plants will finish work several decades sooner, the states said. Salmon, which are particularly vulnerable to chromium, will be protected.

Hanford Communities criticized the report's look at waste held in tanks at different sites, including the 56 million gallons of high-level radioactive waste left from chemical processing of irradiated uranium fuel at Hanford to remove plutonium for weapons use.

The states said the report to Congress wrongly compares the challenges of treating Hanford tank waste with tank waste at Savannah River, S.C., and Oak Ridge, Tenn.

Waste in almost every Hanford tank "is unique, requiring a vastly more complex vitrification process than is necessary at other sites," the states' letter said.

Hanford also has far more tank waste than other DOE sites, requiring larger treatment facilities.

The report "greatly underestimates the challenges of Hanford's tank waste cleanup program," the states said.

Studies clearly show that treating Hanford tank waste with grout and steam reforming rather than vitrification, as suggested in the report, will not work for Hanford waste, Hanford Communities said.

Hanford Communities also is concerned about statements in the risk report that could disrupt continuity of cleanup. The report questioned why Hanford should receive consistently large budgets year after year.

Hanford cleanup is hazardous and requires a workforce with unique scientific and technical training and a focus on safety, Hanford Communities said.

"If funding is not consistent and stable, the workforce fluctuates," Hanford Communities said. "If a trained worker is laid off, all of their training departs with them. The next hire could be in training for months before even getting into the field."

Hanford Communities did find parts of the risk report it likes.

The group supports a change in the legal definition of high-level radioactive waste, which now is based on where the waste came from rather than the hazard it poses.

Hanford Communities also supports more flexibility for DOE site managers to adjust to emerging issues at their sites.

Infrastructure at sites such as Hanford is being used well past the time it is designed to last, the report said.. Hanford Communities agreed, pointing out that Hanford cleanup could continue for another 50 years. But it disagreed with the report's proposal for an engineering study of infrastructure, saying that what is needed is priority for infrastructure in funding decisions.

The states also agreed with some parts of the report, including more spending flexibility for site managers and giving the Environmental Protection Agency a role in formulating the administration's budget proposal for environmental cleanup. They also agree that a strong engineering capability should be built into the DOE cleanup organization.

Obama threatens veto of bill that approves MOX construction at Savannah River Site

Aiken Standard

October 2, 2015

[LINK](#)

Construction of the Savannah River Site's MOX facility has been authorized by the U.S. House, but the bill that funds the program will now have to make it through the Senate and an expected veto from President Obama.

The \$612 billion National Defense Authorization Act, largely known as the defense bill, was passed by the House on Thursday in a 270-156 vote. The majority of the votes came from Republicans, as only 36 Democrats supported the bill.

The bill seeks \$345 million for construction of the SRS Mixed Oxide Fuel Fabrication Facility, a key component of the nation's MOX program. The program is part of a nonproliferation agreement with Russia to dispose of 34 metric tons of weapons-grade plutonium.

U.S. Rep. Joe Wilson, R-S.C., referenced the program while celebrating the passage of the bill.

“I am grateful that this legislation funds the critical national security missions at the Savannah River Site, and allows for the continuation of its environmental cleanup mission,” Wilson said. “It also contains vital funding language supporting the construction of the Mixed Oxide Fuel Fabrication Facility.”

But a White House spokesperson told reporters earlier this week that Obama will veto the bill if it passes through the Senate – a feat that could happen as early as next week.

Though MOX has been highly controversial, Obama’s veto would center on the bill not adhering to budget caps. One example is the bill seeks an additional \$38.3 billion to fight wars.

After a House subcommittee passed the bill Tuesday, Wilson said he is disappointed that Obama has threatened to veto it.

“Peace through strength should be a bipartisan goal to protect American families during the Global War on Terrorism,” Wilson said.

While the tug-of-war continues, Congress and other MOX stakeholders are awaiting Part 2 of a congressionally-mandated report on alternatives to plutonium disposition.

Part 1 of the report surfaced in May and compared the MOX method of disposition to a downblending approach. The report concluded that MOX has a lifecycle cost of \$51 billion, compared to downblending’s cost of \$17 billion.

Part 2 will look at other alternatives and was projected to have a mid-September release.

A DOE spokesperson reported earlier this week that Part 2 of the study is “close to completion and will be released once it has been delivered to Congress.”

He added that the independent studies will be used to inform decisions on the disposition of surplus weapons-grade plutonium.

“DOE will continue to work with Congress on the path forward,” he said.

Andrus files FOIA lawsuit over INL waste shipment documents

Eye on Boise

September 29, 2015

[LINK](#)

Former Idaho Gov. Cecil Andrus filed a lawsuit against the U.S. Department of Energy today under the federal Freedom of Information Act, seeking to force the agency to release documents about proposed shipments of commercial spent nuclear fuel to the Idaho National Laboratory. "It is clear that the federal government is withholding information from the people of Idaho that will allow all of us to more completely assess what they have in mind in both the short and long term with regard to commercial spent fuel coming to Idaho," Andrus said. "I don't take legal action lightly, but I do believe the information that DOE has refused to provide is essential to protecting Idaho's environment as well as protecting the integrity of Gov. Batt's historic agreement."

Former Gov. Phil Batt negotiated a landmark agreement with the feds in 1995 requiring cleanup of nuclear waste stored in Idaho and restricting further shipments of waste to the state. The DOE is now seeking a waiver of the 1995 agreement to allow commercial spent fuel to be shipped to INL for research; Batt and Andrus have objected, and Idaho Attorney General Lawrence Wasden has taken the position that the waiver can't be granted until the DOE comes into compliance with the 1995 agreement, including starting to reprocess 900,000 gallons of liquid waste now stored in single-walled steel tanks over the Snake River Plain Aquifer. Those tanks have now been there for 60 years.

The state has granted the feds two past waivers of the 1995 agreement, both conditioned on compliance with the agreement's timetables; it's a court-ordered, voter-approved agreement.

Andrus filed a FOIA request for documents about the shipments, but said all he got were heavily redacted pages that consisted of information already made public, including newspaper accounts. He appealed, but his appeal was denied. The complaint says DOE has been "spinning the issue as a matter of supporting jobs at INL, rather than dealing with nuclear waste in Idaho." It also notes that the state's Leadership in Nuclear Energy, or LINE Commission, has been briefed on possible future research efforts at INL involving more than 20 metric tons of spent fuel.

Andrus said he believes DOE has formulated long-range plans to bring significantly larger amounts of commercial waste material to Idaho, turning Idaho into the nation's repository for the waste – something specifically prohibited by the Batt agreement.

"Without DOE leveling with Idaho about both near-term and longer range plans we simply have no ability to assess the wisdom of what they are planning for the state," Andrus said. "I suspect they know what they are planning will be very controversial and for that reason they want to keep it secret. That is simply unacceptable."

Andrus is a four-term Idaho governor and former U.S. Secretary of the Interior. His attorney in the FOIA lawsuit, Laird Lucas of Advocates for the West, said, ""The DOE has left us little choice but to ask the federal courts to enforce the law. A fundamental tenet of the American system of government is openness and transparency. The people have both a right and an obligation to know what their government is doing. That is why we feel it is so important to bring this information to light."

A spokesman for the U.S. Department of Energy said the agency doesn't comment on pending litigation.

Date set for Savannah River Site liquid waste contract hopefuls

Aiken Standard

September 30, 2015

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The Department of Energy has set a date for when it will host businesses and industries interested in competing for the Savannah River Site liquid waste contract.

The contract is currently held by Savannah River Remediation and will expire June 30, 2017.

DOE announced this week that its office of environmental management will host an Industry Day on Oct. 14 and 15 at the Doubletree Augusta Hilton Hotel, 2651 Perimeter Parkway, Augusta. Check-in will begin at 8 a.m. and the meeting will begin at 9 a.m.

DOE will host one-on-one sessions to obtain constructive input from interested firms regarding the liquid waste contract. The sessions are provided as an opportunity for interested parties to present their thoughts and suggestions on the contract, according to the Energy Department.

"The goal of this Industry Day event is to inform interested parties of the process that will be followed to procure the liquid waste

requirement, and to provide an overview of the major Elements of Scope,” the Department wrote.

The Industry Day presentations will provide a site overview and technical discussion of the major expectations for the anticipated liquid waste contract, also encouraging industry feedback to help the Department in developing an acquisition plan.

Industry day presentations will be available on the procurement website no later than Oct. 9.

In addition, DOE published a Request for Information last month, which seeks ideas and feedback from contractors and other interested parties regarding innovative approaches as well as insight into contracting options to achieve liquid waste goals. Responses are due by Oct 21.

All requests should be directed to the procurement mailbox at srsliquidwaste@emcbc.doe.gov.

Registration requests for each individual should include a name, company/organization represented, telephone number and email address.

For time sensitive questions, call the contracting officer, Aaron Deckard, at 513-246-0512, or email aaron.deckard@emcbc.doe.gov.

Sherrod Brown touts funding for D&D at Piketon

Portsmouth Daily Times

October 1, 2015

[LINK](#)

The United States Senate Appropriations Committee announced the short-term continuing resolution to fund the government through Dec. 11 will allow the Department of Energy to continue cleanup projects, including decontamination and decommissioning (D&D) operations at Piketon, U.S. Senator Sherrod Brown (OH-D) says the decision is welcome news to southern Ohio.

“It is good news for the Piketon community and workers at the plant that the Senate Appropriations Committee is doing right by workers at Piketon,” Brown said. “Continuing D&D operations at Piketon is vital to southeast Ohio’s economy and to local jobs. This flexibility will ensure that the plant can continue making progress on its cleanup efforts. I will continue to work with appropriators to

ensure that Piketon is fully funded come December.”

Since WARN notices were issued at the Piketon plant, Brown said he has continued his push to find funding for the project. Last month, the U.S. Department of Energy (DOE) – which oversees D&D projects – announced that a budget shortfall in fiscal year 2016 appropriations for the project at Piketon will result in layoffs at the facility. Brown immediately sent a letter to leaders of the Senate Appropriations Committee requesting that funds be appropriated to continue the current pace of D&D efforts at Portsmouth for the entire 2016 fiscal year – either through the direct appropriation of \$275 million or through another year-long budget anomaly.

Brown has also spoken to and written U.S. Secretary of Energy Ernest Moniz and Director of the White House Office of Management and Budget (OMB) Shaun Donovan urging continued investment in the decontamination and decommissioning of the Portsmouth Gaseous Diffusion Plant in Piketon.

In addition Brown has repeatedly called on the Obama Administration and Senate Appropriators to fully fund the continued operation of the American Centrifuge Project.

Congress clears legislation to avert a shutdown

Washington Post
September 30, 2015
[LINK](#)

Updated to reflect House vote

Congress on Wednesday approved a short-term spending bill that will prevent a government shutdown and fund federal agencies through mid-December.

Lawmakers didn't give themselves much time to spare with funding for the government set to run out at midnight. Attention now turns to December when House Republicans will have a new slate of leaders who are being urged by conservatives to take a more aggressive approach with President Obama over issues such as government spending and abortion, raising the possibility there will be another tense standoff that could lead to a shutdown.

The Senate passed the stop-gap funding bill earlier in the day on 78 to 20 vote and the House cleared it later in the afternoon on a 277 to 151 vote. Obama is expected to sign the legislation into law.

The bill would extend current spending levels through Dec. 11 and does not include language to cut off funding for Planned Parenthood, despite pressure from conservatives who have been heavily critical of the group after the recent release of videos by an anti-abortion group alleging it illegally sold fetus tissues for profit. Planned Parenthood strongly denies the charge and the debate over the issue shows no signs of going away.

Negotiations on a full-year appropriations package are expected to soon begin, with Senate Majority Leader Mitch McConnell (R-Ky.) pushing for a deal to set government spending levels for the next two fiscal years to avoid another messy funding fight next year ahead of the 2016 presidential and congressional elections.

“We’d like to settle the topline for both years so that next year we can have the regular appropriations process,” McConnell told reporters on Tuesday.

Democrats, including Senate Minority Leader Harry Reid (D-Nev.), have signaled they are open to negotiating spending targets for the next two years and they are pushing to wrap up the work quickly.

Many Democrats have said that they would like to negotiate with House Speaker John Boehner (R-Ohio) before he steps down at the end of October, worried that the leadership team elected after his departure will be far less willing to negotiate.

Boehner has said he would like to complete work on as many issues as possible before he leaves Congress and Democrats hope a larger deal on fiscal issues, which would also include increasing the debt limit, can be struck in the next few weeks.

“We have debt ceiling, we have Ex-Im bank which is already closed, we have, of course we’ve got to do something about funding the government after December 11th,” Reid said earlier this month. “It’s going to have to come very soon and I would hope that Boehner would make it easy on the people that are going to follow him and get it all done before he leaves.”

Wednesday’s House vote was an indication of how difficult the upcoming negotiations could be. The bill passed with the support of 186 Democrats and only 91 Republicans.

In addition, the vote on the funding bill was preceded by a vote to

strip Planned Parenthood of funding with the measure passing on a 241 to 185 vote. While the resolution is not expected to advance in the Senate, it serves as a warning that the issue will continue to play a part in the funding debate this fall.

Perhaps most closely watched on Wednesday was how those currently running for leadership posts cast their vote on the spending bill. Some conservatives had said they wanted to see candidates vote to sink the legislation.

House Majority Leader Kevin McCarthy (R-Calif.), the favorite to replace Boehner, voted for the legislation while his lone announced challenger, Rep. Daniel Webster (R-Fla.), voted no.

In the two man race for majority leader, Rep. Steve Scalise (R-La.), the current GOP whip, was a yes while Rep. Tom Price (R-Ga.) was a no.

Among the contenders for whip, Patrick McHenry (R-N.C.) voted yes while Pete Sessions (R-Texas) and Dennis Ross (R-Fla.) voted no.

As part of a broader budget deal, Republicans have insisted that any funding increases will have to be offset by spending cuts. That means negotiators will have to decide both on a top-line spending level that Republicans can accept and the offsetting cuts or other offsets that won't cause Democrats to balk.

The House and Senate Appropriations Committees will need about 30 days to finalize the details of any legislation once an agreement on a top-line number is reached, according to Sen. Barbara Mikulski (D-Md.), the top Democrat on the Senate Appropriations Committee.

“I challenge leadership to work with Speaker Boehner to enact a new topline budget deal by the end of October,” she said, “We can't let October brinksmanship become a Christmas crisis.”