

## **ECA Update April 5, 2016**

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ECA Executive Director Seth Kirshenberg

#### **ECA March Bulletin Now Available Online**

ECA Staff

#### **What You Need to Know About DOE This Month**

ECA Executive Director Seth Kirshenberg

ECA is starting to see movement on appropriations, legislation, and other important issues as the current Administration scrambles to get as much done as possible in its last few months.

Based on recent statements by congressional leadership, we have some hope here in DC of the full appropriations process being complete by September 30. More pragmatic observers, including ECA staff, remain skeptical – maybe it's from observing the process over the last decade, maybe it's because of recent proclamations from all political sides, or perhaps we just think that the new normal is continuing resolutions and last minute omnibus funding bills. Last year, the process stalled because many demanded an agreement to

## **Upcoming Events**

**April 2016**

**11**

**Consent-Based Siting  
Public Meeting  
Atlanta, GA**  
[Register online.](#)

**August 2016**

**9-10**

**Third Annual  
Intermountain  
Energy Summit  
Idaho Falls, ID**  
[Visit website.](#)

**September 2016**

**14-15**

**DOE National Cleanup  
Workshop**

avoid sequestration spending but that should not be a problem this year because of the agreement passed last fall.

Senate appropriators recently announced plans to complete their funding bills in April. The House has also started to move its bills. Despite this progress, a lot can and will happen between now and the end of September – it is an election year. The Senate and House are expected to move the Defense Authorization bill in April and May (during the DC peer exchange). More details on both issues are in the legislative update on page 6. So, now that we have congressional activities out of the way – some DOE issues for consideration:

**WIPP Restart** – WIPP is one of the top issues facing EM (and now NNSA as well). WIPP continues to recover slowly and will need to be able to accommodate a limited work-load before it can reach full operations again. WIPP remains one of the key lynchpins of the EM complex. We expect a restart by the end of this year and this issue will remain a major focus for a lot of member sites. We know that this is a top priority for EM leadership and we expect NNSA to announce soon their reliance on the repository if MOX is stalled. As a reminder, what happens at WIPP impacts a lot of the items listed below.

**MOX** – The Administration continues to propose the cancellation of MOX at the Savannah River Site (SRS). We don't think anyone expects the proposal to go anywhere, especially after the contentious hearing where Senator Lindsey Graham (R-SC) challenged Administrator Klotz on the closure. We expect MOX to receive funding this year and we will have to wait and see what the next Administration does with the facility.

**NNSA Modernization** – Nuclear weapons modernization continues to receive support from the Administration and Congress. Despite continued diplomatic efforts to rid the world of nuclear weapons, we expect modernization to continue apace because even the most idealist of senior Administration officials acknowledge the need for a nuclear arsenal at this

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time. The nuclear deterrent and the expertise of scientists and engineers at DOE sites remains a key issue across the weapons complex.

**Lab Modernization** – We see hope. This Administration has moved several projects out of the planning stage and is beginning to look at viable next steps. These steps will still need to be vetted by the Office of Management and Budget and seek financing from private markets – but there are several promising signals which may set the pace for much needed new infrastructural projects.

**Modernization Considerations** – In addition, given aging workforce concerns, we will have to focus on the people who will work for and with DOE in the future. Modernization efforts will require DOE and NNSA relationships to be properly leveraged and the Augustine-Mies Panel report and the report of the Commission to Review the Effectiveness of the National Energy Laboratories will carry a lot of weight.

**Waste Treatment Plant (WTP)** – WTP also continues to enjoy support from the Administration and Congress. This is the largest cleanup project at \$1 billion per year and continues to move forward, though we anticipate technical challenges will continue to pose a major challenge.

**Contracting** – DOE and NNSA have a lot of contracting challenges ahead. Some of the largest contracts in the country are being rebid or will be soon (see the chart is on page 8). Good contracts and strong partnerships with the private sector and local communities can only help DOE achieve success and meet deadlines. We will continue to raise our concerns with DOE leadership and look for ways to amplify our voice in the process.

**Proposed “Low-Level” Landfill in Oak Ridge** – DOE continues to push for the construction of a new nuclear waste landfill in Oak Ridge, Tennessee. For some reason, DOE is telling the community it does not have the right to formal oversight of the process and that there is no need to address real local impacts. The process seems to call into question whether DOE’s policy of

incorporating National Environmental Policy Act values into Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) processes is working. We are surprised that the Department has not reached out to broker a deal after its initial push and has not resolved these issues. We hope DOE steps back to think about its goals and remembers that long-term stewardship and the protection of human health is an engineering, science, and risk perception issue. The local community can only help if properly engaged.

**Startup and Commissioning of LAWPS, IWTF, and SWPF** – The

Department has a lot to do with the startup and commissioning of several complex and high-cost projects. The main projects that EM is focused on are the Low Activity Waste Pretreatment System (LAWPS) at Hanford, the Integrated Waste Treatment Unit (IWTF) designed to treat liquid radioactive waste at the Idaho Site, and the Salt Waste Processing Facility (SWPF) at SRS. LAWPS will allow DOE to begin feeding some of the low activity liquid waste directly to the Low Activity Waste Facility for vitrification. All of these projects will be high profile and complex activities at the sites and within EM. The startup and commissioning are critical projects that will require a lot of management.

**Consent-Based Siting** – Everyone is happy to see DOE rethinking how to address defense and commercial high-level nuclear waste. Although no one expects this Administration to make decisions on the matter – we have been so beaten down on the issue that we are now happy to see any progress – we do anticipate action from the next Administration. We expect this Administration to continue to reach out to potential host communities and hopefully provide some funds for local due diligence. DOE has requested \$25 million for this, although it is not clear whether this amount will be appropriated or how it will be distributed among potential host communities, tribes, or states that express interest. For more information on the meetings see [here](#).

**SMRs** – While no one was looking, the Small Modular Reactor (SMR) program is actually continuing to move forward. NuScale is signing up utilities, the Nuclear Regulatory Commission (NRC) is preparing to review the license application, and DOE continues to assist in funding licensing. We may just see SMRs producing power in the next decade. NRC is holding a meeting on SMRs in Oak Ridge on April 12.

**EM Management** – Get ready...it is coming again...time for a reorganization! Now this rumor has been floating around for the past several months and came to light more clearly in March. We are looking forward to an actual announcement in the next month. Next year, when the new Administration takes office, there is a 50/50 chance of yet another reorganization.

**Multi-Agency Sites** – The next Administration will have to deal with a major management issue at DOE: multi-agency sites. The structure has not and does not seem to work well. The idea is that one DOE agency manages the whole site while the other agency oversees their particular projects at the site (for example, NNSA can be the lead manager for a site with EM as tenant coordinating EM operations). This seems to work as well as one contractor managing two sites (something we don't want to see occur anywhere else). Communities keep pointing out the issues and the difficulties of having a two-headed or three-headed monster in the community. In fact, ECA communities organized a conference call in March and noted that DOE will continue to be challenged by issues of control and balance. We admit that this is really a site-by-site issue with some managers successfully accomplishing their missions. This is definitely a management issue for the next Administration.

**Yucca Mountain** – With all of the talk about consent-based siting you would think that the Administration has put Yucca behind it. We all know that Yucca is just as alive as it was 8 years ago. The issue continues to evade political consensus, but Yucca has strong congressional proponents and as Senator Harry Reid (D-NV) is retiring this year, there will surely be more to follow.

**Political Leaders at DOE** – When the Administration change, it will surely populate DOE with its own appointees. NNSA leadership may not change much, however. Despite recent hearings, most people on the Hill in both parties respect General Klotz. NNSA was set up to have some consistency across administrations. We expect Gen. Klotz to stay into the next Administration. All other offices with political leaders are likely to see a turnover in leadership.

**Secretary Moniz** – He deserves, and has received, accolades from both parties and by most outside people that watch DOE. This is an unusual and a welcome change from the past. Some people have said maybe he stays with a Democratic Administration. However, most say he leaves while he is still well-regarded (not easy to do in DC for a long time) and takes a leadership role in science and technology development.

**Manhattan Project Implementation** – NPS and DOE continue to work closely together to implement the new National Park. Each of the communities is also working closely with site offices and NPS and we expect some announcements by the end of the year. This program has made great strides and continues to be an important issue for the communities around Oak Ridge, Hanford, and Los Alamos Sites.

**DOE and State Regulatory Agreements** – We can't discuss environmental cleanup without also recognizing the role of states in regulatory oversight. The need for DOE to reach an agreement with its state partners remains critical. State agreements with DOE have been a key driver at EM since the program was created in the late 1980s. As a reminder, state lawsuits are what spurred DOE to move forward on many cleanup actions under FFCA, RCRA, and CERCLA. This is an issue that every Administration grapples with but one that can be resolved in the next year – if there is political will. EM has been reaching out to EPA and most states and we would like to see DOE make progress on the issue this year. We will continue to update this list and please provide us with any issues that you want us to track or highlight in the

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Bulletin. We look forward to seeing ECA members in May during our spring meeting. For more information, see the announcement below.

### **ECA March Bulletin Now Available Online**

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To continue reading the March 2016 Bulletin, click [here](#).

Top stories include:

- Moniz Expresses Support for Private Nuclear Storage
- What You Need to Know about DOE this Month
- ECA Announces Spring Peer Exchange
- Alexander Urges NNSA to Keep UPF “On Time and On Budget”

If there are any stories you'd like featured in next month's issue or important news you'd like to share, please feel free to contact [devon@energyca.org](mailto:devon@energyca.org).