

# Nuclear Energy Advisory Committee (NEAC) Meeting

Luke Branscum, Designated Federal Officer

February 16, 2023



U.S. DEPARTMENT OF  
**ENERGY**



# Ethics Presentation

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## **Service on Advisory Committee**

- **Appointment as Special Government Employee (SGE)**
- **Federal ethics rules apply to SGEs**
  - **Includes service on advisory committees**

# Fourteen Principles of Ethical Conduct for Federal Employees

1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as permitted by the Standards of Ethical Conduct, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.

8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all financial obligations, especially those such as Federal, State, or local taxes that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in the Standards of Ethical Conduct. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.



# Basic Ethics Rules

- **Ethics Principles:**
  - **Public service is a public trust**
  - **May not have conflicting financial interests**
  - **Avoid even the appearance of impropriety**



# Overview

- **Financial Conflicts of Interest**  
(18 U.S.C. 208)
- **Relationship Conflicts**  
(5 C.F.R. 2635.502)
- **Representation Restrictions**  
(18 U.S.C. 203 & 205)
- **Misuse of Position**
- **Gifts**



# Financial Conflicts

## 18 U.S.C. 208

- **Prohibits involvement in a particular matter in which you, or spouse or dependent child has a financial interest:**
  - An employee is disqualified
  - from participating personally and substantially
  - in any particular matter in which
  - the employee, or anyone whose interests are imputed to the employee, has a financial interest,
  - if the particular matter will have a direct and predictable effect on that interest.



# Imputed Interests

- **Spouse**
- **Minor Child**
- **General Partner**
- **Organization which the individual serves as officer, director, trustee, general partner or employee**
- **Person or organization which the employee is negotiating or has an arrangement for prospective employment**





# ***Definition-Particular Matter***

- **Particular matter -- includes a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, or investigation. Generally, does not include rulemaking, formulation of general policy, standards or objectives, or other matters of general application.**
- **But does include legislation and policymaking focused on a discrete and identifiable class of persons.**



# Particular Matter Summary

- **Deliberations, decisions, or actions that are focused upon the interests of:**
  - Specific persons or entities (EX: contract, grant, agreement)
  - Identifiable class of persons or entities
- **NOT focused on:**
  - Broad policy options or considerations



# Relationship Conflicts

5 C.F.R. 2635.502

- Appearance of inability to remain impartial due to relationship
- **“Covered relationships”**
  - Employer of spouse or dependent child
  - Member of your household or a close relative
  - Former employer of last 12 months
  - Business relationship
  - Org you actively participate in
  - Person you seek business relationship with
- Reasonable person with knowledge standard



# Conflict of Interest

- **What should you do?**
  - **Recuse yourself**
  - **Inform your committee manager**
  - **Seek ethics advice**
  - **Exemptions**
    - **Below \$15K**
    - **Employment Interests (w/out stock interest)**



# Financial Disclosure

## Requirement:

- **Annually file Financial Disclosure Report**

## Purpose:

- **Identify potential conflicts of interest**
- **Ensure integrity of Committee work**



# **Representation Restrictions**

## **18 U.S.C. 203 & 205**

- **Prohibits representational activities before the Government.**
- **Regarding matters you are involved in as an SGE.**
- **Does Not prohibit contact regarding matters outside of committee's business.**



# Misuse of Position

## **Do Not:**

- **Use your Public Office for private gain**
- **Use or disclose non-public information**



# Receipt of Gifts

- **Follow the Basic Rule:**
- **DO NOT solicit/accept gifts from any prohibited source; or if given because of your Advisory Committee position.**
- **Exceptions**
  - **Outside business activities**
  - **Personal relationships**
  - **\$20/\$50 rule**



# **Gift Defined**

**Anything of value, including:**

- **Cash**
- **Tangible items**
- **Services**
- **Entertainment, hospitality, gratuity, or favor**
- **Training, travel, transportation, lodging and meals**
- **A discount, loan, or forbearance (forgiveness) of a loan,**

**Offered as a result of your official position**



# Summary

- **No conflicting financial interests**
- **Avoid “appearance” issues**
- **Recuse when there is a conflict**
- **Seek ethics advice**



**QUESTIONS?**

# Opening Remarks

Deputy Secretary of Energy, David Turk

William D. Magwood, IV, Chair



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# Office of Nuclear Energy Update

Assistant Secretary Katy Huff



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# **Nuclear Infrastructure Overview**

**Nuclear Energy Advisory Committee Meeting**

**February 16, 2023**

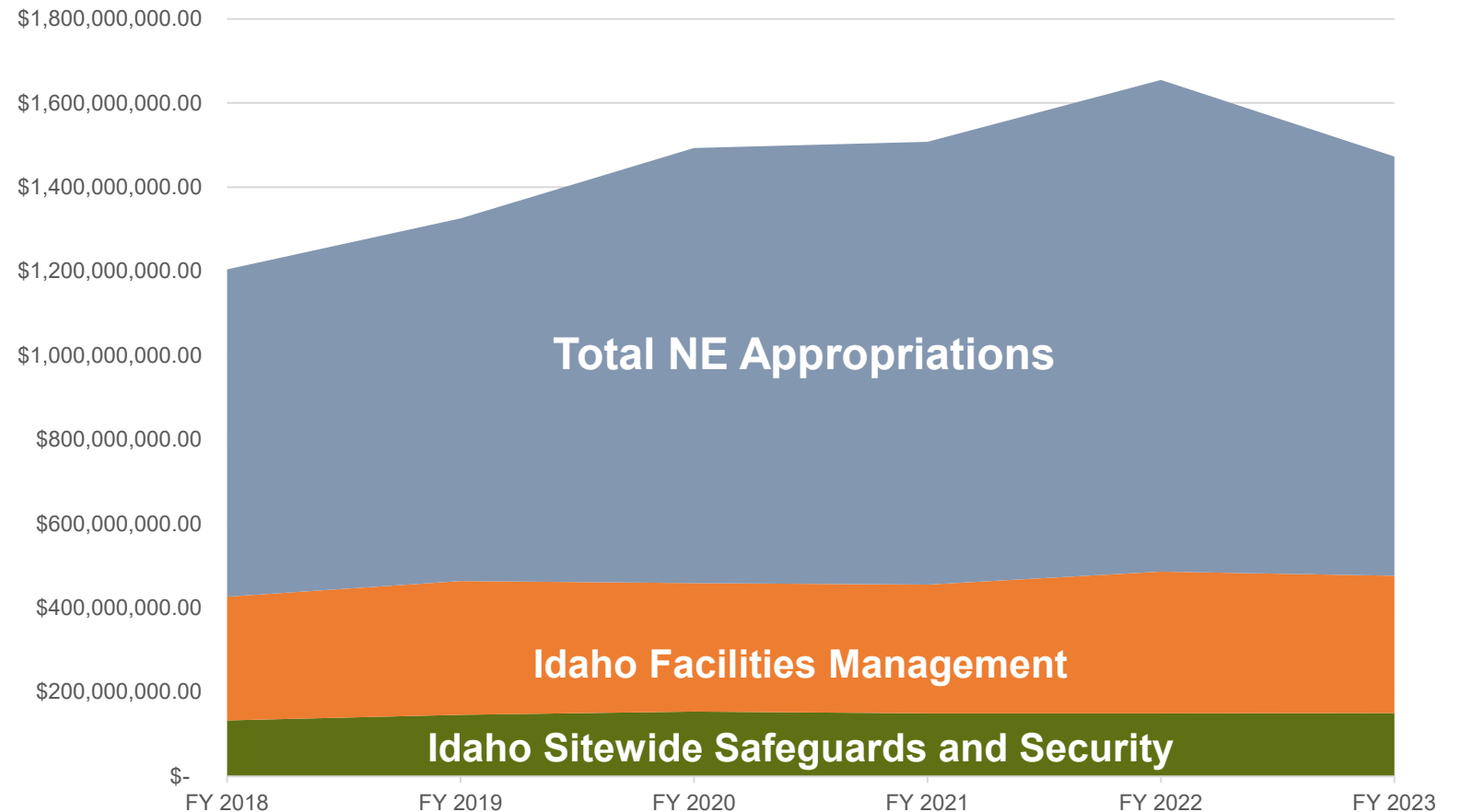
# NE Infrastructure Approach

- NE leverages nuclear research and development (R&D) infrastructure to achieve its missions
  - Fundamental R&D conducted at university, international, and industry facilities
  - Applied R&D, including high-hazard work, conducted at DOE-owned facilities
- NE is the DOE-designated program responsible for maintaining and operating nuclear R&D capabilities at the Idaho National Laboratory (INL)
  - Receives Congressional appropriations for key irradiation, examination and demonstration capabilities
  - Appropriations reflect the investments required to maintain and refurbish aging infrastructure that is in high demand by NE and DOE R&D programs
- NE-owned infrastructure investments closely linked to R&D needs
  - Existing infrastructure and capabilities used to the maximum extent practical
  - New construction only considered as a last option to close identified gaps

**Infrastructure approach provides maximum access for NE programs**

# Budget Appropriation from FY 2018 – FY 2023

- Base capabilities at INL funded through Idaho Facilities Management and Idaho Sitewide Safeguards and Security Programs
- NE R&D programs fund use of non-INL facilities and new capability development within their allocations





# NE Infrastructure at Idaho National Laboratory

569,135 Acres  
889 Square Miles

- Public Highways
- Main Site Roads
- Primary INL Campus Important to NE and other Mission Accomplishment
- Presently EM Owned and Operated
- Supporting INL Multi-Program Missions

0 2 4 6 8  
Scale in miles



20-56259-01

**298** DOE owned buildings & trailers

**27** Contractor leased buildings & trailers

**25** Nuclear Facilities  
Haz Cat I Adv. Test Reactor  
Haz Cat II  
Haz Cat III

**44** Radiological Facilities

**4** Operating Reactors



5,224 Staff & Subcontractors  
FY20 Business Volume, \$1.49B

**3.2B** \$

RPV

**3.3M** SQ FT

Gross

- 3** Fire Stations
- 1** Landfill
- 1** Museum



**40**

Miles primary roads /  
125 total



**17.5**

Miles railroad for  
shipping nuclear fuel

**7**

Substations with interfaces  
to 2 power providers

**112**

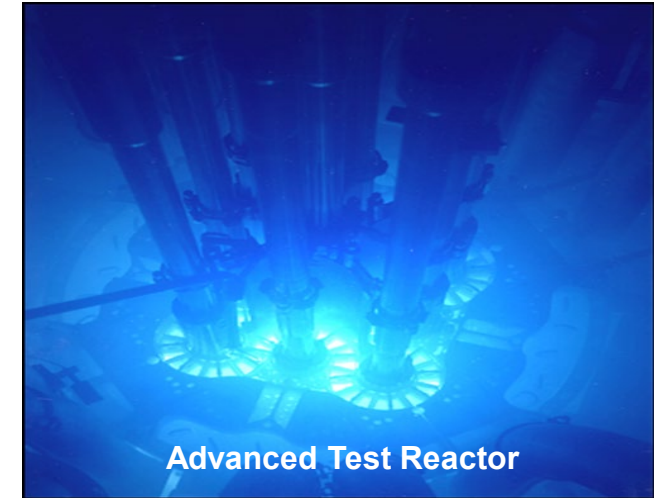
Miles high-voltage  
transmission lines



Average Age of NE owned facilities is ~35 years

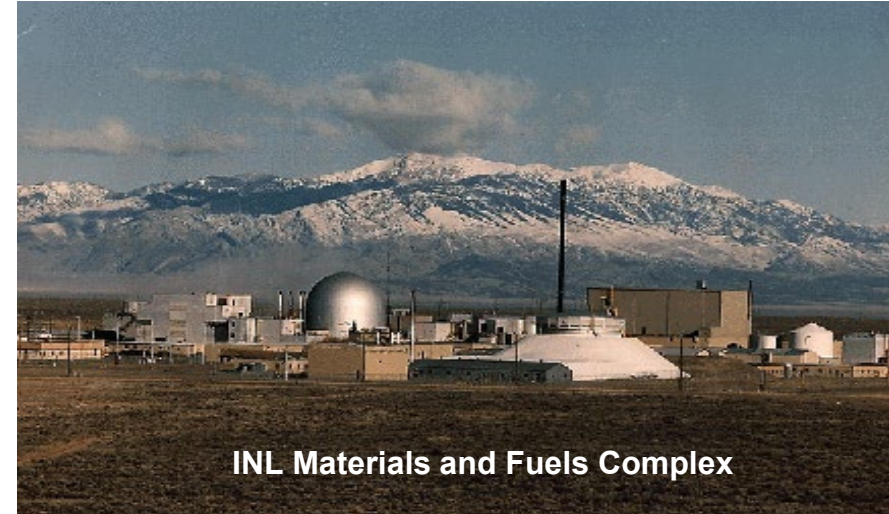
# NE - Major Irradiation Capabilities

- **Advanced Test Reactor (ATR)**
  - 250 MW light water thermal test reactor
  - most versatile thermal test reactor with the capability to adjust conditions to accommodate various environments
  - includes ATR Critical reactor
- **Transient Reactor Test (TREAT) Facility**
  - 120-kW steady state, air-cooled, thermal-spectrum test reactor
  - conducts transient testing of nuclear fuels and materials
- **Neutron Radiography Reactor (NRAD)**
  - 300 kW TRIGA reactor
  - provides non-destructive capability for post-irradiation examination of nuclear fuel and materials



# NE Major Materials and Fuels Capabilities

- Post Irradiation Examination (PIE)
- Hot Cells
- Analytical Chemistry
- Fuel Fabrication
- Waste Treatment and Management
- Material Characterization and Advanced PIE
- Radiochemistry



INL Materials and Fuels Complex



Sample Preparation Laboratory (in progress)



Hot Fuels Examination Facility Hot Cell

# INL Infrastructure Evolution Continues

## Fiscal Year 2024-2027

- Identifying major capability gaps to enable future research missions
- Modernizing infrastructure for research – advanced reactors demonstrations, advanced fuels development, and post irradiation examination
- Investing in supporting systems, such as power grid, water and air systems, HVAC, cool roofs, to meet clean energy and sustainability goals

## Fiscal Year 2028-2048

- Addressing major capability gaps to enable research missions
  - Irradiation Capabilities
  - Transient Testing Capabilities
  - Fuels R&D
  - Reactor Test Beds

# Questions

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*Office of*  
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# Break

Return: 10:20 AM



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# Infrastructure Discussion



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# CONSENT-BASED SITING

# FOR FEDERAL CONSOLIDATED INTERIM STORAGE

Dr. Kimberly Petry, Office of Spent Fuel and Waste Disposition NE-8



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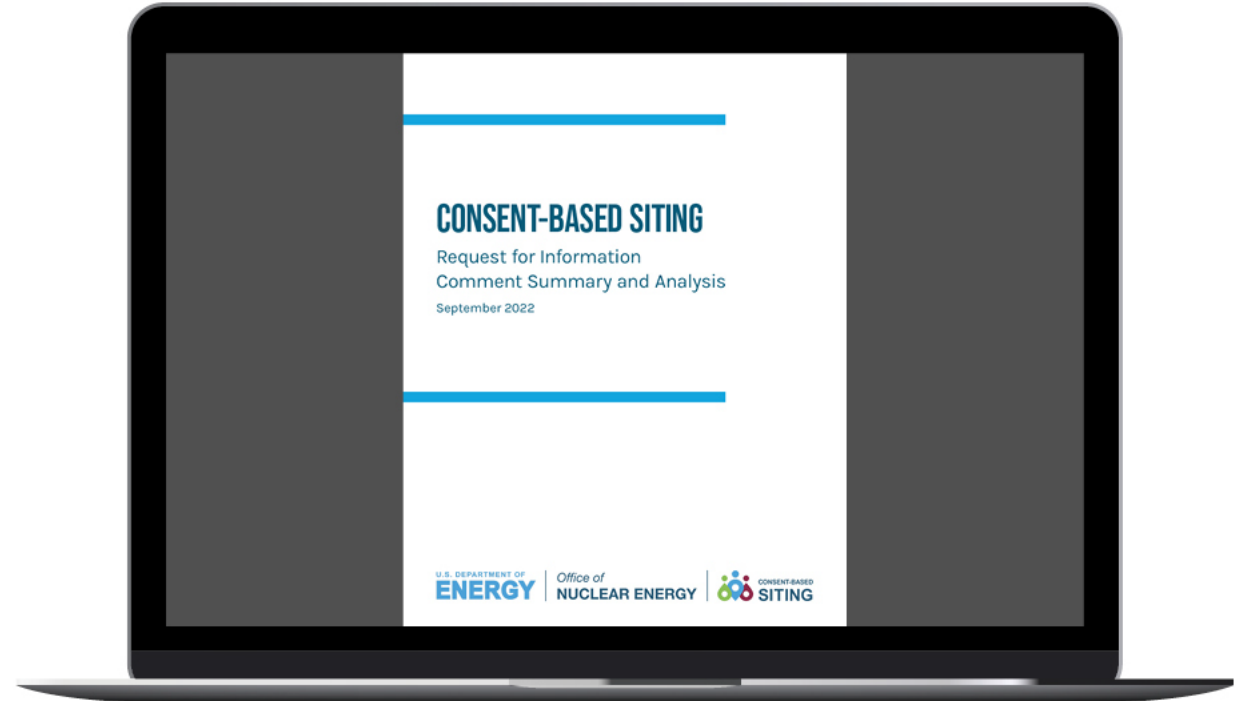
Office of  
**NUCLEAR ENERGY**





# PUBLIC FEEDBACK – Update – Analysis Report Issued

- Request for information on using consent-based siting to identify sites for interim storage of spent nuclear fuel issued Dec 2021
- DOE received 225 submissions from a wide variety of commenters:
  - Tribes, State, local governments, NGOs, industry, members of academia, general public
- The Comment Summary and Analysis Report is now available at [energy.gov/consentbasedsiting](https://energy.gov/consentbasedsiting)
  - Also includes comments received on the 2017 Draft Consent-Based Siting Process



# CONSENT-BASED SITING: FUNDING OPPORTUNITY ANNOUNCEMENT

## KEY FACTS

- \$26 million in funds to be awarded; 6-16 awards; period of performance is 18-24 months
  - FOA application was extended to Jan 31, 2023 per multiple requests
  - Funding amount was increased from \$16 million with the FY23 Appropriations
- Eligible awardees include:
  - Higher-education institutions (colleges, universities, and other institutions of higher learning)
  - Tribal, State, and local governments (municipalities, towns, cities, and counties)
  - Community foundations
  - Non-governmental organizations (trade associations, 501(c)(3) organizations, and other public groups)
- Geographically and institutionally diverse awardees
  - Across the continental United States

## BUILDS CAPACITY FOR FUTURE ENGAGEMENT

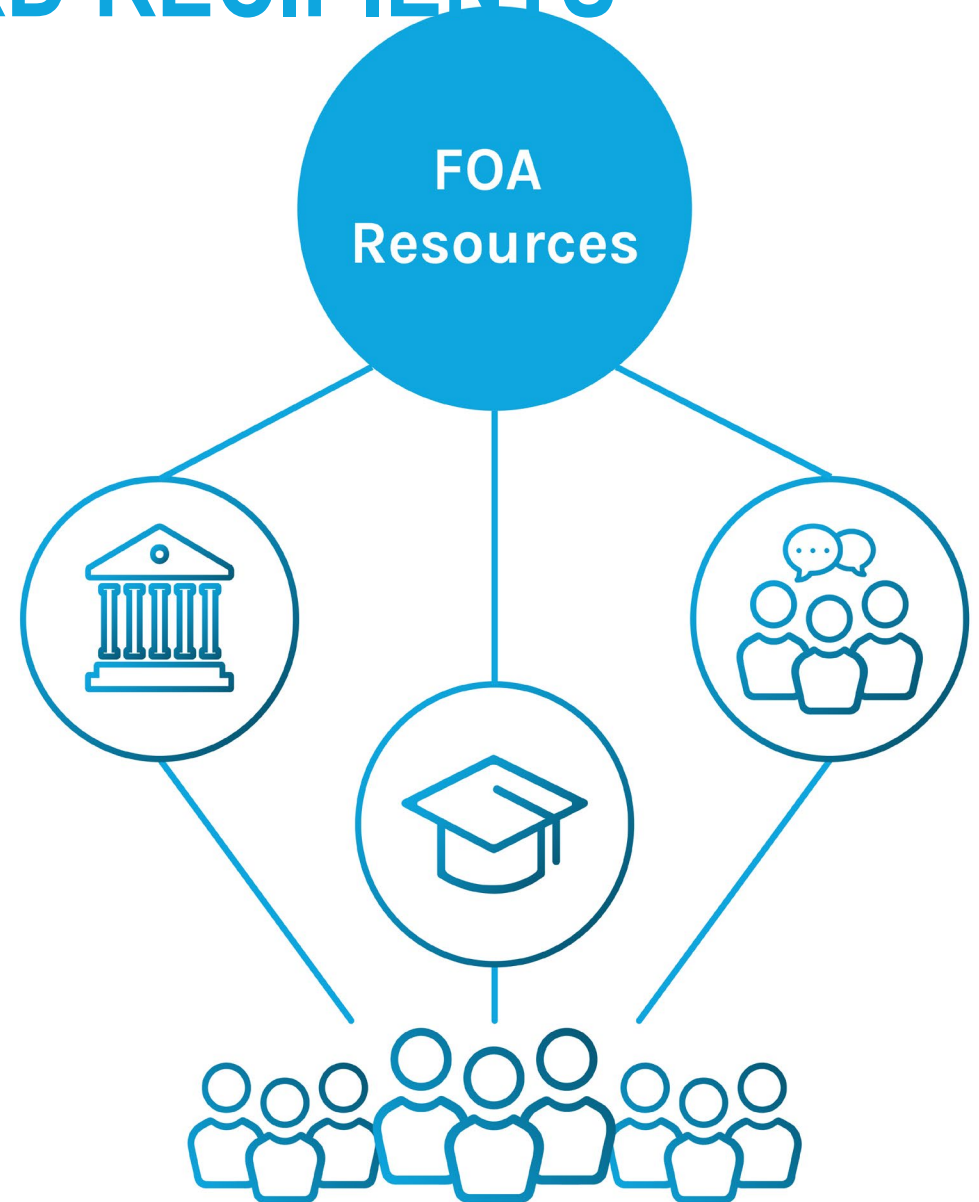
- Establishes a community of practice
- Strengthens involvement and mutual learning aimed at building trust
- Ensures commitment to environmental justice



# FUNDING OPPORTUNITY AWARD RECIPIENTS

## WILL REPRESENT CONSENT-BASED SITING CONSORTIA

- Award recipient is a hub for community engagement and resources
- Reduce barriers for participation
- Increase outreach (multiplication factor)
- Allow for greater community engagement
- Allow for cohort development/capacity



# FUNDING OPPORTUNITY TASKS

- Three main tasks are centered around consent-based siting and the role a federal consolidated interim storage facility may have in a community



# PUBLIC FEEDBACK INFORMING NEXT STEPS IN CONSENT-BASED SITING

1

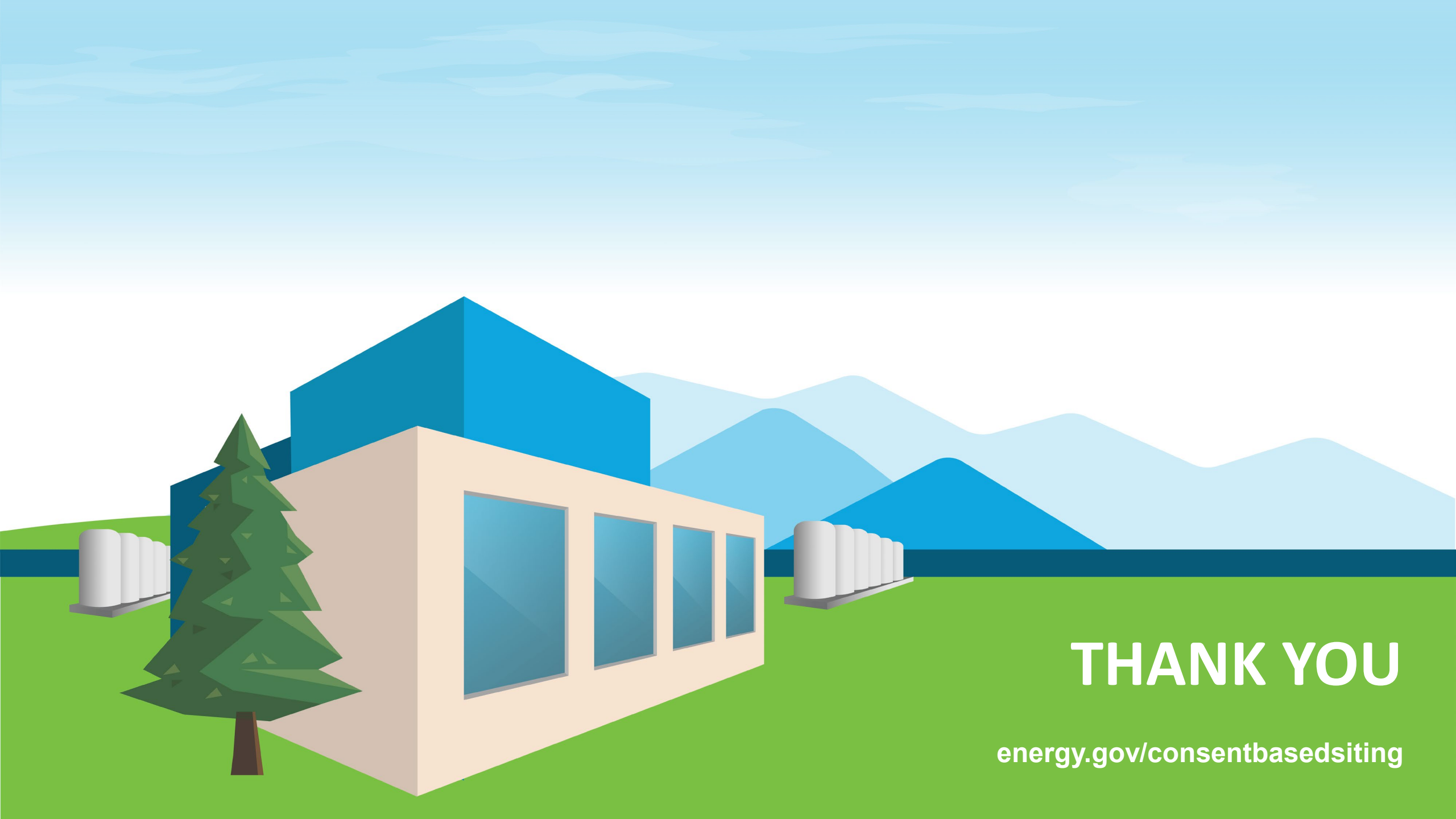
Further developing  
consent-based  
siting process

2

Awarding cooperative  
agreements for  
interested groups and  
communities to learn  
more

3

Clarifying DOE's  
broader strategy for  
an integrated waste  
management  
system



**THANK YOU**

[energy.gov/consentbasedsiting](https://energy.gov/consentbasedsiting)

# Consent-based Siting Discussion



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# Lunch

Return: 1:20 PM



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# Workforce of the Future Discussion



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# Break

Return: 2:30 PM



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# International Engagement Discussion



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# Public Comment



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# Closing Remarks

Assistant Secretary Katy Huff

William D. Magwood, IV, Chair



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