

Mr. Branter:

Thank you for the Idaho Cleanup Project (ICP) Citizens Advisory Board's (CAB) recommendations and associated white paper regarding the Department of Energy's (DOE) proposed high-level radioactive waste (HLW) interpretation. As you may be aware, DOE held a public comment period on the HLW interpretation, which closed on January 9, 2019. Since then, DOE has been considering public comments received, and that process remains ongoing. DOE appreciates the perspectives offered by the ICP CAB. Here are our responses to the ICP CAB's recommendations:

ICP CAB Recommendation 1: Expand the mission of the Waste Isolation Pilot Plant (WIPP).

DOE Response: The WIPP Land Withdrawal Act directs that only transuranic waste materials generated by atomic energy defense activities can be disposed of at WIPP. At this time, DOE is not considering proposing an expansion of the WIPP Land Withdrawal Act that would allow WIPP to accept other types of radioactive waste. Regarding the potential disposition of tank waste, as the ICP CAB correctly noted, the WIPP Hazardous Waste Facility Permit prohibits tank waste (including sodium-bearing waste [SBW]) from being disposed of at WIPP. DOE requested the New Mexico Environment Department to resume processing the permit modification request to modify the excluded waste prohibition. No specific regulatory actions (e.g., public hearings, etc.) have been scheduled on the permit modification request.

ICP CAB Recommendation 2: Move forward with WIR [Waste-Incidental-to-Reprocessing] for Sodium-Bearing Waste (SBW).

DOE Response: DOE is committed to the safe and timely disposition of SBW in accordance with the 1995 Idaho Settlement Agreement. DOE's current focus is on the safe startup of the Integrated Waste Treatment Unit Facility. At this time, DOE has not made any decisions on classification of SBW. DOE will continue its current practice of managing all its reprocessing wastes as if they were HLW unless and until a specific waste is determined to be another category based on detailed technical assessments of its characteristics and an evaluation of potential disposal pathways.

ICP CAB Recommendation 3: DOE Headquarters provide the ICP CAB with a briefing and provide its "Evaluation of Classification of Certain Defense Nuclear Waste" draft report as directed by Congress.

DOE Response: A draft of *The Report to Congress on the Evaluation of Classification of Certain Defense Nuclear Waste*, as required by Section 3139 of the National Defense Authorization Act for Fiscal Year 2018, is undergoing internal governmental review. DOE will make the Report to Congress available to the public after it has been finalized and submitted to Congress.

ICP CAB Recommendation 4: DOE conduct public meetings in Idaho to discuss its future plans for disposition of Idaho's HLW streams.

DOE Response: DOE values public engagement on its environmental cleanup activities and will consider appropriate methods and timing for public outreach on future site-specific HLW disposition plans. As stated in DOE's *Federal Register* Notice on the HLW interpretation, at this time, DOE is not making – and has not made – any decisions on the disposal of any particular waste stream. Any waste classification or disposal decisions will be based among other things, on appropriate interactions with affected stakeholders, including the Idaho Cleanup Project Citizens Advisory Board, and regulators.

ICP CAB Recommendation 5: DOE immediately determine whether Yucca Mountain, on a scientific and engineering basis, shall be a long-term permanent repository for a variety of DOE and commercially generated nuclear waste. If it is a viable option, complete the Nuclear Regulatory Commission licensing process. If Yucca Mountain is not a viable option, DOE needs to assess all alternatives in addition to WIPP for a permanent long-term repository.

DOE Response: Pursuit of a deep geologic repository at Yucca Mountain and DOE's HLW interpretation are not mutually exclusive efforts, and DOE believes it is necessary and appropriate to pursue both. Yucca Mountain is the only site that can legally be considered for the disposal of HLW, and the Administration has requested funding from Congress to restart the Yucca Mountain licensing proceeding. The Department's interpretation of what is not HLW does not affect the need for, or the Department's commitment to, a deep geologic repository at Yucca Mountain for the disposal of HLW.

ICP CAB Recommendation 6: The ICP CAB recommends that DOE engage with State of Idaho concerning the Idaho National Laboratory's SNF and HLW streams.

DOE Response: DOE values its relationship with the State of Idaho and is committed to continuing to work closely with representatives from the State on the disposition of the Idaho National Laboratory's SNF and reprocessing waste streams.

If you have any questions, please contact me at (208) 526-3811, or Brad Bugger of my staff at (208) 526-0833.

Jack Zimmerman, Manager, Idaho Cleanup Project