



IDAHO CLEANUP PROJECT

C I T I Z E N S A D V I S O R Y B O A R D

Meeting Minutes

March 28, 2018

List of Acronyms

| | | | |
|-------|--|------|-------------------------------|
| AMWTP | Advanced Mixed Waste Treatment Project | ICP | Idaho Cleanup Project |
| CAB | Citizens Advisory Board | INL | Idaho National Laboratory |
| DEQ | Department of Environmental Quality | ISA | Idaho Settlement Agreement |
| DOE | Department of Energy | NRC | Nuclear Regulatory Commission |
| EIS | Environmental Impact Statement | TRU | Transuranic waste |
| EPA | Environmental Protection Agency | WIPP | Waste Isolation Pilot Plant |

The Idaho Cleanup Project (ICP) Citizens Advisory Board (CAB) met via conference call to discuss a potential future mission for the Advanced Mixed Waste Treatment Project (AMWTP) on Wednesday, March 28, 2018.

Members Present

Josh Bartlome
Keith Branter
Brad Christensen
Marvin Fielding
Kristen Jensen
Trilby McAfee
Betsy McBride
Cathy Roemer

Members Not Present

Bob Bodell
Jim Huston
Talia Martin
Larry Schoen

Deputy Designated Federal Officer (DDFO), Federal Coordinator, and Liaisons Present

Brad Bugger, Federal Coordinator, DOE-ID
Fred Hughes, Program Manager, Fluor Idaho

Others Present

Erik Simpson, Fluor Idaho
Beatrice Brailsford, Snake River Alliance
Danielle Miller, DOE-ID
Tami Thatcher
Susan Bradley, DEQ
Ann Riedesel, Fluor Idaho
Rebecca Casper, Mayor of Idaho Falls
Andrea Gumm, Facilitator

Mark Brown, DOE-ID
Dana Kirkham, REDI
Marc Johnson
Brian English, DEQ Permitting
Jim Malmo, DOE-ID
Erik Simpson, Fluor Idaho
Monica Hansen, Butte County Economic Development
Jordan Davies, Staff

Opening Remarks

Facilitator Andrea Gumm began the meeting at 10:00 a.m. She reviewed the agenda and noted that the public comment period would be held immediately following opening remarks. She commented that over the course of the call, the CAB would discuss three recommendations developed by members of the Board regarding a potential future mission for AMWTP. The drafts are all available on the CAB website: energy.gov/em/icpcab/downloads/icp-cab-conference-call-materials-match-2018.

Brad Bugger (DOE-ID, CAB Federal Coordinator) thanked everyone for calling in. He recounted that the CAB had a spirited discussion about the future of AMWTP at the February 21 meeting, but was unable to reach consensus on a recommendation at that time. A decision was made during that meeting to continue the conversation via conference call. Bugger said it is his hope the Board will reach consensus, but if they are unable to do so, there is a provision in CAB procedures that allows for voting on recommendations. Bugger added that Jim Malmo, Assistant Manager for the Idaho Cleanup Project (ICP), was on the call and available to answer any questions the CAB members may have about AMWTP.

Public Comment Session

Beatrice Brailsford, Snake River Alliance, Pocatello, thanked the CAB for the opportunity to provide comment. She said she would go over some serious challenges and concerns that the plan for a future mission raises and then wrap up with the most important thing to consider.

Brailsford commented that a large wave of waste brought in from Hanford to be treated at AMWTP would undoubtedly violate the six-months in/six-months out requirement in the Idaho Settlement Agreement (ISA). This would primarily be an issue on the repository side, as the Waste Isolation Pilot Plant (WIPP) is now operating at a slower rate and will be unable to accept shipments quickly enough to keep up with the ISA requirement. Brailsford noted that the infrastructure at WIPP is also aging, causing accidents and problems to become more common over time. She asserted that waste brought in may very well be stranded. She said the question of who pays for the program is also very important as a lot of retrieval and packaging will be required on the Hanford side. Uncharacterized, untreated waste can only be shipped in Type B containers, which are also used to ship spent fuel. Changing shipping protocol is difficult.

Brailsford commented that bringing waste from Hanford to Idaho would stymie the very fine workforce at the Idaho National Laboratory (INL) from turning their attention to other cleanup work at the Site. Idaho has one of the best cleanup programs in the DOE complex, unsurprisingly because of the ISA. There are still issues though, such as the budget request from DOE for Fiscal Year 2019, which pushes Idaho's cleanup completion date out to 2060. INL is upstream from much of Southern Idaho, and the workforce at INL should continue to focus on cleaning up as much contamination in Idaho as promptly as they can. DOE should not bring in waste from other sites in a fashion that prevents continuing work on current waste.

Marc Johnson, former Chief of Staff and Press Secretary for Cecil Anders, commented that he lived in Boise for almost 40 years, and now resides in Manzanita, Oregon. He said that Brailsford made several of the points he was intending to make, but that he would respectfully say to the CAB that Idaho's objective should be the cleanup of INL and the appropriate transportation and disposal of waste material currently at INL to an appropriate disposal site. Other sites' problems should not become Idaho's.

Johnson added that it is important to understand and factor into the CAB's analysis, the essential role of the ISA: It provides leverage to compel appropriate behavior from DOE and force the Department to fulfill its commitments to Idaho. It is a matter of historical record that DOE has not always kept those commitments to Idaho. The leverage provided by the ISA is absolutely essential to making sure that a major federal agency honors its commitment to Idaho. Johnson said he has great concerns about the implications of WIPP-bound waste being processed in Idaho and then staying indefinitely. He respectfully urged the CAB to carefully

consider the implications of suggesting alternative changes to the ISA which would allow that to happen. He commented that he appreciated the opportunity to listen in on the call and provide comments.

Tami Thatcher, Idaho Falls, thanked the CAB members for their efforts. She reported that she had found a DOE Environmental Impact Statement (EIS) from 2008 examining transuranic (TRU) waste treatment to be brought to AMWTP. The EIS stated that Nuclear Regulatory Commission (NRC) transportation and ISA requirements would be met, and that there would be no new construction of facilities needed or new excavation at any DOE facility in Idaho. Thatcher asserted that at the last CAB meeting, DOE did an about-face and informed the board that NRC transportation requirements could not be met for some of these Hanford shipments, and that the ISA 6-months in/6-months out requirement must be exempted or have blanket removal.

Thatcher commented that DOE told the CAB that the Hanford streams involve large containers with large items that AMWTP is not designed to handle, but never explained how those items would be dealt with. She said she is suspicious that DOE would end up burying some of Hanford's waste in Idaho. She added that there was no explanation as to why DOE was so wrong in 2008, nor why they waited to mention these issues.

Thatcher observed that there is a backlog issue at WIPP, in part because the state of New Mexico strictly limits the amount of above-ground storage for TRU waste and the length of time it can be stored, and scrutinizes the safety requirements of such storage. She encouraged the CAB to ask why the State of Idaho does not do that, too, and said she worries Idaho will become an "any nuclear waste comes and stays" state. Thatcher commented that DOE has been very tardy on these disclosures, and has not worked toward progress that would prevent the loss or interruption of these AMWTP jobs, but it has aggressively and diligently worked to dismantle the ISA. The CAB must not participate, even unwittingly, in unraveling the ISA and failing to protect Idaho citizens and the environment. She suggested that if DOE wants to keep AMWTP running, they dig up more of the TRU waste buried in Idaho.

Dana Kirkham, Regional Economic Development for Eastern Idaho, thanked the CAB for their willingness to engage in this conversation. She said it is a critical time for AMWTP, and the time to kick the can down the road is long past. DOE has been talking about this for decades, and the deadline is finally here. Today, every level of government is currently engaged in this issue, but all of them are anxiously waiting to hear from the CAB. It is a great responsibility to lead and give clear direction on behalf of the citizens of Idaho. She thanked the CAB for taking that on. Kirkham encouraged the CAB to recommend a continuing mission for AMWTP for several reasons. It would:

1. Save a highly trained workforce that has been developed and trained in Idaho;
2. Save taxpayer dollars by utilizing a billion dollar facility with one-of-a-kind technology;
3. Utilize a facility proven to treat waste more safely and efficiently while reducing the footprint at WIPP; and
4. Serve the national mission to treat and dispose of Cold War era waste, which benefits every American citizen.

Kirkham acknowledged that there are challenges ahead, but said that until a decision to continue or not continue is made, these questions will remain unanswered. The clock is ticking. The CAB's recommendation really is the first step to some kind of closure. She wished the board members luck in making the very important decision in front of them.

Discussion of Draft Recommendations

Keith Branter (CAB Chair) asked the CAB members if they had reviewed all three draft recommendations. All seven participating members responded yes. Branter opened the discussion by asking if there was consensus on any one recommendation.

Betsy McBride (CAB Member) responded that she is pleased with Drafts 2 and 3, which aside from some small language differences, are the same.

Cathy Roemer (CAB Member) suggested that Branter provide a summary of each draft.

Branter commented that Draft 1 asserts the CAB's support for a continued mission, with the understanding that DOE will pursue resolution of the called-out challenges. Drafts 2 and 3 request additional information in order for the CAB members to determine whether they support or oppose a future mission. There is one paragraph difference between Drafts 2 and 3.

Branter commented that the question before the CAB really is whether it supports an extended mission, or needs additional information before making a decision either way. Branter said he believes the Board has enough information to endorse a future mission.

Roemer responded that she believed the CAB decided at their meeting in February that they would like additional information, including the business-case study. She said DOE indicated at the meeting that this information was inaccessible to the CAB, and asked if there had been any new developments.

Bugger responded that since the February meeting, he had checked on the availability of the study. The Department is still collecting information related to that study, so it is not available at this time.

Roemer asked if there is an outline. Bugger said no, not at this point. It is a business-case study that looks at whether it would save the Department money to bring waste to Idaho from other places, and identifies issues that must be addressed.

McBride referred to her February 2017 DOE CAB briefing and said they were told there would probably be a decision by the end of 2017. With things clogged up in Washington D.C., that decision has not been made, nor has the information been made available. McBride commented that the presentations the CAB has received have been useful in highlighting the issues that would have to be overcome, but the Environmental Protection Agency (EPA) has never weighed in on the issue. Additionally, Hanford has pushed treatment of their TRU waste out 10 years, so they are obviously not in a rush to get rid of it.

McBride said there is a huge pile of conversations and issues that the CAB hasn't heard the details of. What has been communicated is that at the end of this year, DOE is concerned about losing jobs. She said it is unclear to her why the CAB must make a decision right now, especially given the other delays and holes in information. She said she would like to hear how Hanford and the EPA feel about the proposal. DEQ has a few conditions that are not included in Draft 1. McBride concluded by saying the CAB is missing vital pieces of information.

Marvin Fielding (CAB Member) commented that all three drafts request DOE's study. He said he is in favor of recommending a continuing mission, recognizing that DOE must resolve the issues. In Draft 1, it is not a foregone conclusion that all issues will be resolved, but in making a recommendation, the CAB would be asking DOE to commit the resources to do the work to resolve those issues, whatever the timeframe.

McBride responded she is concerned that if the CAB recommends, without condition, future use of AMWTP, then the members of the CAB will be on public record as inviting Hanford's and other sites' waste in, which may not be able to be moved out of Idaho.

Josh Bartlome (CAB Member) said his recollection from the February meeting was that the CAB did not feel there was enough information to move forward with a recommendation. He said his feelings have not changed. He commented that the language in Draft 2 pulls from Drafts 1 and 3, and stated his preference for Draft 2. He said the CAB does not have a lot of information, and while the jobs aspect is an important piece, the board members should ask themselves about the ISA and environmental impacts. Bartlome said they must represent all aspects of the CAB, which is a very diverse group.

Roemer said she concurs with Bartlome and asserted that the conditions are important.

Brad Christensen (CAB Member) said the CAB does not lose anything by making a recommendation concurrently with asking that the issues be resolved. The recommendation will be weakened by not making that request.

Gumm commented that Bob Bodell (CAB Member) was unable to make the call, but provided a statement for participating members' consideration:

Hello CAB members,

I apologize for not being able to participate in discussions during the phone conference on March 28, 2018. I had commitments that made it impossible to do both.

In keeping with the action of the Chair, I am sending my thoughts for your consideration.

After thoroughly digesting the three drafts and notes that followed, I believe Draft 1 best expresses the urgency of continuing the mission of the AMWTP before the current mission ends. That is why, if I were there, I would vote to approve Draft 1.

It is my understanding that the reason to have a conference call was to expedite the discussion and be able to make a recommendation on continuing the mission.

It is true the CAB needs that information now. I don't think we are going to get it anytime soon. DOE needs to keep the CAB informed of pertinent information in order for the CAB to make recommendations without disagreeing on what the content could be.

I know that I have not offered any concrete feedback but take it as you will.

Thanks for your time,

Good luck in your deliberations.

Bob Bodell

Trilby McAfee (CAB Vice-Chair) commented that after reading the drafts, she prefers Draft 1. She said she supports recommending that DOE move forward with AMWTP, but said she thinks the CAB should be updated on the business-case study and any issues that arise.

Kristen Jensen (CAB Member) commented that she had been thinking about Malmo's presentation during the February meeting. It showed that no decision has been made, and that the study has not yet been finished. She asked if it is reasonable to expect that the CAB make a recommendation without information from the study.

Bugger commented that a straw poll based on the CAB members' comments would show that the participating members were split evenly, four and four. He added that Talia Martin (CAB Member) could not participate in the discussion because she had another commitment with the Tribal Council. Bugger said the CAB is at a crossroads, and suggested that some recommendation is better than no recommendation. It would be more valuable to the Department to hear something from the CAB, such as a request for information, than nothing.

Gumm encouraged the members to consider whether they could take pieces of one recommendation and put them in another.

Christensen agreed that it appears the CAB members are split between Drafts 1 and 2. He said that Draft 2 Paragraph 6 says, “The ICP CAB recommends DOE commit the resources necessary for a vigorous and fact-based and open consideration of the ongoing use of this unique and invaluable asset.” Christensen commented that he does not think DOE needs a recommendation that asks them to consider it. They are already considering it. In contrast, Draft 1 Paragraph 6 says, “The ICP CAB respectfully urges DOE to authorize DOE Idaho to act on these critical items in order to make it possible for AMWTP to continue to process waste from around the complex.” Draft 1 Paragraph 5 says something similar, “The ICP CAB recommends DOE commit the resources necessary to vigorously seek resolution to these issues and proceed with the future mission.” Christensen said Draft 1 encourages DOE to pursue resolution of these issues and proceed with the mission. He said he much prefers Draft 1 because it recommends that DOE do something it is not already doing.

Branter said it appears to him they are at impasse again.

Roemer referred to Bugger’s comment that some recommendation is better than no recommendation. She asked if the CAB could explain in the recommendation that it is an important enough issue that the participating members are split on what to do. The CAB members represent their communities, and that is an important part.

Bugger responded yes, that would be valuable to the Department. He added that there are certain things all three recommendations capture: The desire for more information and the expression to the Department that the CAB cares about this issue and would like more information. He encouraged the CAB to keep in mind that they are sending a recommendation to the Assistant Secretary for Environmental Management, placing a particular focus on this issue for that person, and requesting that they get back to you the CAB members to let them know what is going on. Those are the most valuable aspects of this exercise. Bugger reiterated that it is more important to say something than nothing at all.

Fielding said he prefers the stronger language in Draft 1, but for the sake of making a recommendation, could also support Draft 2. He commented that it is his understanding that DOE has not committed the resources yet to work through the issues. At least Draft 2 recommends that they do so.

Branter said he, too, could support Draft 2, based on Fielding’s comments.

Christensen said he looks at Draft 2 and does not see it as a recommendation to continue the mission. It merely says DOE should continue the study, which is the epitome of bureaucracy. Christensen said he read the Inspector General’s report from 2010, and the presentation and the CAB letter from 2014. This issue has been examined. If the CAB recommends that DOE continue to study, it may be better than nothing, but the board members handicap themselves. He said it is too late to keep studying. To pull away from Draft 1 weakens the CAB’s case.

Fielding asked Christensen if he would support Draft 2 if, in place of “commit the resources for a vigorous fact-based and open consideration...,” it said “commit the resources to resolve the issues.” Fielding said there are issues that must be resolved, and it is not a foregone conclusion that DOE will resolve those issues, but for now they need to commit the resources to try to resolve them.

McBride encouraged the CAB members to think about the end goal, too. Even if Idaho Attorney General Wasden had a different view of the ISA, and DOE could come up with a transportation package and get the state to waive the requirement for one-year in/one-year out, WIPP will still not be able to accept waste fast enough, especially if there is an infrastructure concern or there is another fire. McBride commented that Daryl Koch, Idaho Department of Environmental Quality (DEQ), told the CAB at the February meeting that DEQ was okay with waste being brought to Idaho for treatment at AMWTP in the past because there was a place to send it then. That is not necessarily the case anymore. Koch also said that DEQ will require DOE to meet the one year requirement and insist that they not divert cleanup resources from treating waste already

in Idaho. McBride said that for the CAB to make an open statement of support without reference to the conditions Koch delivered from the state is like jumping over its own state government.

Christensen asked if inclusion in Draft 1 of the issues detailed in Draft 2 would give more breath to the important issues that must be discussed.

Bartlome observed that the Board members were discussing two very different things. Draft 1 supports DOE proceeding with a future mission, while Draft 2 states that the Board needs more information before it can make that claim of support. Bartlome added that Draft 2 is gaining support. Perhaps DOE will provide enough information by the April 19 CAB meeting for the Board to revisit a recommendation of support. He concluded by saying that one of the CAB's responsibilities is to ensure the ISA is followed.

Christensen responded that Draft 1 does nothing to override the ISA and acknowledges the need for, and requests, additional information. He pointed out that Draft 1 is an "and" recommendation not an "if" recommendation. Draft 2 is not even an "if" recommendation.

Christensen commented that he could support Draft 2 if the terminology were revised to say, "We recommend that DOE resolve the issues and move forward with the future use of AMWTP." He said an "if" recommendation is weaker than an "and" recommendation. Resolving issues also includes delivery of information to the CAB. Christensen concluded by saying that the CAB did not commission the study, so it does not make sense to make its availability a contingency.

McBride asked Christensen if writing a letter that says "resolve the issues and move forward" is the same as saying "skip the ISA and go forward." She said it will be difficult to resolve the ISA, one of many issues, given what Koch said at the last meeting. He told the CAB that the waste had to leave the state within a year.

Roemer commented that she does not think it an issue for the CAB to offer a soft ultimatum to DOE, especially given its track record. She said taking a definite position is a good thing.

Gumm commented that it is clear the CAB members have not reached consensus. Based on the CAB's procedures, the group does understand that the preferred method of decision-making is consensus. Gumm called for a vote to see if the members want to vote on the drafts, or continue to try to reach consensus.

| Vote | Continue to try to reach consensus |
|------------------|---|
| Keith Branter | Kristen Jensen |
| Marvin Fielding | Betsy McBride |
| Trilby McAfee | |
| Brad Christensen | |
| Cathy Roemer | |
| Josh Bartlome | |

Gumm said a strong majority was in favor of voting on a recommendation.

McBride called for a vote on Draft 2.

| In support of Draft 2 | In opposition to Draft 2 |
|-----------------------|--------------------------|
| Marvin Fielding | Keith Branter |
| Betsy McBride | Trilby McAfee |
| Cathy Roemer | Brad Christensen |
| Kristen Jensen | |
| Josh Bartlome | |

Gumm reported that the vote was five in the affirmative to three in the negative. Draft 2 passed with majority vote after strong efforts to reach consensus.

Bugger commented that the bylaws do allow a provision for a dissenting opinion. He told Branter, Christensen, and McAfee that they have the option of offering a dissenting opinion if they choose to.

McAfee said she thought the CAB could reach consensus if they would add the last paragraph from Draft 1 (supporting a continued mission for AMWTP) to Draft 2.

Christensen agreed with McAfee.

Roemer commented that the members had voted to vote, and the vote should stand.

Bugger agreed with Roemer. The CAB had a vote to vote, and decided to vote. Despite attempts to reach consensus, the CAB was unable to do so. Therefore, they are wedded to what they have. He suggested that a dissenting opinion be included.

Branter agreed with Roemer and Bugger, and said the CAB needs to proceed with Draft 2.

Fielding commented that inclusion of a dissenting view representing a stronger opinion might send a good message to DOE.

Roemer encouraged those with the dissenting opinion to include it. She said the CAB members represent a very large area, and people know and recognize that. She commented that DOE would appreciate the information.

Gumm said a dissenting opinion would be drafted and attached to Draft 2 prior to submission.

Bugger commented that inclusion of a dissenting opinion is optional and asked Christensen, Branter, and McAfee if they wanted to include one.

Christensen responded that he is interested in providing a dissenting opinion, but thinks it will show that only a minority of the CAB wanted to move forward with a future mission.

Branter said they should send Draft 2 without a dissenting opinion.

McAfee commented that she does not believe inclusion of a dissenting opinion would strengthen their case. She agreed with Christensen and Branter that Draft 2 should be sent without one.

Bugger stated that Draft 2 would be submitted as drafted, with Branter as the signer for the CAB.

Reomer thanked Gumm for facilitating the conference call and Bugger for his input.

Gumm thanked everyone for their participation.

Bugger closed the meeting by saying that it reflects well on the CAB that the members were willing to invest their time and energy into this recommendation. He said he recognized that it was an emotional topic and that the CAB members were invested in it. The product they chose to send to DOE is a good one.

Conclusion

Bugger concluded the meeting.

Keith Branter, Chair
Idaho Cleanup Project Citizens Advisory Board