

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, February 04, 2020

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Vander Woude, Vice Chairman Amador, Representatives Anderson, Horman, Moon, Scott, Ehardt, Armstrong, Furniss, Hartgen, Lickley, Raybould, Smith, Chew, Ellis

**ABSENT/
EXCUSED:** Representative Anderst, Young, Mason

GUESTS: John Tippetts, DEQ; Darrell Early, Attorney General; Tom Kealey, Eric Forsell, DOC; Amanda Watson, AT&T; Ron Williams, W-B; Will Hart, ICUA

Chairman Vander Woude called the meeting to order at 1:33 p.m.

MOTION: **Rep. Hartgen** made a motion to approve the minutes of the January 28, 2020 meeting.

MOTION: **Rep. Smith** made a motion to correct the minutes. She was marked absent, but was in the meeting on January 28, 2020.

**AMMENDED
MOTION:** **Rep. Hartgen** made an amended motion to approve the minutes of the January 28, 2020 meeting with the following correction: **Rep. Smith** was present in the meeting. **Motion carried by voice vote.**

Darrell G. Early, Deputy Attorney General and Chief of the Natural Resources Division, and **Brian Wonderlich**, **Governor Little's** General Counsel, presented recent agreements between the State of Idaho and U.S. Department of Energy. Mr. Early stressed that the most significant provision of the previous settlement agreements is that it led to a prohibition on the receipt of spent nuclear fuel from commercial reactors at INL. DOE was in breach of two central provisions of the 1995 Settlement Agreement which led to the prohibition. They were not able to treat all remaining liquid nuclear high level waste in Idaho by turning it into a safer more manageable solid and were not able to remove transuranic waste from Idaho because of a shut down of the DOE plant in New Mexico. But now because the DOE has agreed in writing how it will cure each of those breaches, the state has agreed to allow the DOE to receive spent nuclear fuel at the INL for research purposes, in the 2019 Supplemental Agreement (see attachment 1). The agreement does not allow the DOE to bring in spent nuclear fuel for any purpose but research, it does not change the requirements from the 1995 Settlement Agreement for handling and removal of spent nuclear fuel, or increase the cap on the amount of nuclear waste that is brought into Idaho. Combined these agreements provide INL a strong future.

Mr. Wonderlich, shared information on the new agreement (see attachment 2) that was just announced on the operations of the Advanced Test Reactor (ATR). The new agreement will allow the ATR facility to continue operating its water-filled canal beyond 2023, so long as certain conditions are met. The provisions of the new agreement put timelines on the storage of spent fuel in the canal before placement into dry storage, requirements to remove the fuel from Idaho and create requirements for the DOE to provide the state with an annual account of the fuel in the ATR canal, and applicable timelines for the fuel to be put into dry storage and removed from Idaho. It also lays out remedies should DOE fail to satisfy the agreed-upon requirements. This agreement ensures that the cutting-edge nuclear

energy research at the ATR will continue and be done safely. Combined these agreements build a safe, strong, clean and vibrant future for INL.

The committee expressed appreciation for the work that has been done to support INL and the state of Idaho. In answer to the committees questions, **Mr. Wonderlich** explained that the initial shipment would be about 100 pounds of spent fuel. Whether more fuel comes into Idaho after the initial shipment will be up to the INL and DOE. The agreement demonstrates a desire by DOE and INL to do so.

Tom Kealey, Director of the Idaho Department of Commerce, gave an overview of the Broadband Task Force Recommendations. The broadband task force goals were to link rural Idaho to a global marketplace, help all communities increase speeds, give students and families the tools to succeed, connect health care and first responders, identify funding partnership models, and convene partners. The task force met four times throughout the state to take full inventory of the status of broadband across Idaho. They also held committee meetings throughout the process to examine specific topics and recommendations. Their recommendations are as follows: Idaho needs to update broadband plans, establish a state broadband office, consider state funding options, improve deployment efficiency by formalizing dig once and hang once policies, and engage on near term projects. Idaho is currently ranked 44th in the nation in broadband access, up from 48th. The broadband committee hopes in the future to engage Idaho legislators better, establish smaller regional working groups, focus on "high scoring" for federal grants and loans, and focus on a comprehensive "beta" project in under-served North Central Idaho.

In answering committees concerns about data gathering, **Mr. Kealey** stated that local communities and technology networks presented to the committee as they were gathering information. He explained that their objective was to support local communities, but still give them local autonomy to make decisions based on personal community needs. The Broadband Office would help look for shortfalls and with federal and state interfacing. They preferred to be the go between local communities and bigger entities when communities need help. **Mr. Kealey** confirmed that almost all K-12 schools have some form of high speed internet, along with libraries, hospitals and public safety. The short falls are in the rest of the isolated rural communities outside of those entities. They recognize that improvement needs to be made in the communities to help local business, education, telehealth, and citizens.

The committee questioned why the broadband office would be under the Department of Commerce if one of their goals was efficient installation of band lines. They thought it would fit better under the Department of Transportation who has experience coordinating multiple build and dig projects simultaneously. **Mr. Kealey** explained the Department of Transportation does not have the same focus to ensure schools, and hospitals are getting broadband, and they are better served under the Department of Commerce.

Doug Sayer, Chief Business Officer and **Guy Girard**, Chief Operating Officer of Premier presented to the committee ideas on how the state of Idaho can leverage the 1995 Settlement Agreement for their benefit. **Mr. Sayers** message today was to predict what the future holds and how to make decisions based on those possibilities. He described how during the Carter Administration it was decided that the United States didn't recycle or reprocess nuclear fuels. That decision was adopted despite the fact that other countries, including Allies, did not adopt the same policy. The challenge leaves is what to do with the fuels. The DOE had hard deadlines to meet with no place to ship the fuels. Premier believes that this next generation of reactors (Small Modular Reactors and Micro Reactors) is going to need fuel, and the assets for that fuel are at the INL with recycled fuels.

Mr. Girard is of the opinion that the Governor's settlement agreement is a cornerstone of the way an agreement ought to be done. He has seen bad agreements and states with no agreements and the consequences of both. Because he does not believe there will be a depository to send the waste to in his lifetime, it's important to find another solution. Mr. Girard thinks the state of Idaho should consider the possibility of non-aqueous spent fuel processing. Many of the heavy metals INL/DOE are holding are treated as trash, although they could be used as assets. There are 80,000 metric tons of spent nuclear fuel in this country, some of which is in Idaho.

Some committee members agreed there are unused assets. **Mr. Sayer** did confirm that Idaho has the technology to recycle, and that it could be done safely and cleanly. There are a certain number of fuels at the INL that are candidates for recycling. He suggested that it will be a challenging topic for legislatures to bring up since the original agreement was ratified by the voters, and he hopes this committee and the legislature can pursue recycling spent nuclear fuel in Idaho. In response to Mr. Sayer, a committee member asked to have an interim committee that studies recycling spent nuclear fuel and comes up with an analysis and specific recommendations for the legislature and the governmental role that can be pursued. The committee confirmed with **Mr. Early** that the settlement agreement does not restrict Idaho from reprocessing, but does clarify that if its not processed it has to leave Idaho. The deadline incentivizes the DOE into a path forward.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:09 p.m.

Representative Vander Woude
Chair

Maggie Price
Secretary