



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 4, 2019

The Honorable Paul Dabbar  
Office of Science  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Re: Department of Energy Interpretation of High Level Waste Definition in the Nuclear  
Waste Policy Act

Dear Undersecretary Dabbar:

Staff representatives from the U.S. Department of Energy (DOE) today communicated to the Washington State Department of Ecology (Ecology) and the Washington State Attorney General's Office your intention to publish a Federal Register Notice tomorrow, June 5, 2019, finalizing DOE's proposed interpretation of the Nuclear Waste Policy Act's definition of "high-level radioactive waste" (HLW) from last fall (83 FR 50909, October 10, 2018).

I am gravely concerned with DOE forging ahead with a new interpretation of HLW that does not comport with federal law, despite objections from Washington state and despite our continued efforts to find a mutually acceptable path forward on waste reclassification over the last several months with DOE staff, including Assistant Secretary Anne White.

I am surprised that DOE is considering taking unilateral action without consent or consultation with the affected states, especially as Washington has continued to offer a path forward that meets the needs of DOE, ensures a role for the state regulatory agency, and protects the environment and our communities.

I urge you and your team not to walk away from the negotiating table. DOE should continue to work collaboratively and in good faith with the State of Washington on a path forward that meets the needs of both the Administration and the State, rather than moving forward with this unilateral action that will effectively terminate negotiations and result in almost certain litigation.

Sincerely,

Maia D. Bellon  
Director

