



## STATE OF WASHINGTON

January 7, 2019

Anne Marie White  
Assistant Secretary for Environmental Management  
United States Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

**RE: State of Washington Comments on U.S. Department of Energy's Proposed Interpretation of the Term "High Level Radioactive Waste" in the Nuclear Waste Policy Act (83 FR 50909)**

Dear Assistant Secretary White:

We write in strong opposition to the U.S. Department of Energy's (DOE) proposal to change the interpretation of "high level waste." We urge you to abandon this proposal and instead engage directly with states, like Washington, that house DOE Environmental Management facilities on any issues of waste reclassification or treatment. DOE's proposal could have dramatic implications for cleanup of the Hanford Nuclear Reservation near Tri-Cities, Washington. Our communities deserve to be heard on this dangerous idea.

Washington currently holds sixty percent of the nation's high level waste with 56 million gallons stored in 177 underground storage tanks at Hanford. DOE has a responsibility to Washington communities and tribes to cleanup their nuclear site in the safest way possible. We have strong concerns with any proposal that will allow DOE to unilaterally reclassify high level waste to low level waste without input or consent from those most impacted.

DOE has signed onto a legally binding federal facilities compliance order (the Tri-Party Agreement) and a consent decree in federal court, both of which commit them to a plan for how the high level waste at Hanford will be managed, treated and disposed. That plan was developed over the past two decades with input from the Nuclear Regulatory Commission and the Washington State Department of Ecology, and requires pretreating and then vitrifying the waste. This is the only path that the science indicates will adequately protect Washington residents and resources over the long term.

Yet, we have heard DOE officials indicate that the new high level waste interpretation is a way to change current cleanup plans in order to reduce costs. At Hanford, this can only mean one thing: a cleanup that provides less protection for workers and nearby residents from the harmful chemicals and long-lived radionuclides in Hanford's high level waste. This will inevitably involve DOE proposals to leave waste in tanks and walk away, leaving the Columbia River and

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the surrounding community with unacceptable levels of risk. Any cleanup less robust than the one DOE committed to in the Tri-Party Agreement and the consent decree will be unacceptable to the State of Washington.

We urge you to abandon the current proposal to alter the longstanding interpretation of the term "high level waste." Washington stands ready to engage with you in a meaningful dialogue, but will oppose this kind of broad-based unilateral attempt to change the landscape of nuclear cleanup and threaten our communities.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Inslee".

JAY INSLEE  
Washington State Governor

A handwritten signature in blue ink, appearing to read "Bob Ferguson".

BOB FERGUSON  
Washington State Attorney General