Request for Public Comment on the U.S. Department of Energy Interpretation of High-Level Radioactive Waste

Comment Period: Oct 10, 2018- Dec 10, 2018

Say What?
A step by-step-guide to creating a comment you can stand by.

1. What are you commenting on?

The U.S. Department of Energy has requested public comment on its interpretation of the definition of the statutory term “high level radioactive waste” (HLW) as set forth in the Atomic Energy Act of 1954 and the Nuclear Waste Policy Act of 1982. This interpretation seeks to designate new criteria by which a waste may be determined to be “non-high-level” (non-HLW), thereby allowing such waste to be disposed in a facility other than a deep geologic repository.

Nationally, hundreds of millions of gallons of HLW are stored in underground storage tanks, reactor sludges, cesium and strontium capsules, and potentially other sources such as waste disposed in cribs and trenches and wastes that leaked from the HLW tanks. Most of that is at the Hanford nuclear site in southeastern Washington State. The final remediation and disposal decisions for these wastes could be affected by how HLW is defined. The definition of high-level waste would also impact the design of the Waste Treatment Plant, because the primary function of the pretreatment facility is to separate high-level waste from Low Activity Waste (i.e., “non-HLW”) into separate disposal pathways.

DOE’s proposed new interpretation of HLW defines “non-HLW” as waste that meets the following criteria:

I. Does not exceed concentration limits for Class C low-level radioactive waste as set out in section 61.55 of title 10, Code of Federal Regulations; or
II. Does not require disposal in a deep geologic repository and meets the performance objectives of a disposal facility as demonstrated through a performance assessment conducted in accordance with applicable regulatory requirements.

Under DOE’s interpretation, waste meeting either of these criteria is non-HLW. In other words, it is significant what’s in the waste, not where the waste came from. This could allow DOE to dispose of nuclear waste in a near-surface facility that is currently required to be disposed of in a deep geologic repository.
Hanford Challenge does not support the DOE proposal to simply relabel high-level waste based on its own assessments. We believe that this redefinition could allow the DOE to abandon untreated high-level waste in shallow land burial at the Hanford site as opposed to removing, treating and disposing of these wastes in a manner that protects present and future generations. In short, this decision could turn Hanford into an unlicensed high-level waste repository, threatening our region for tens of thousands of years. Proponents of the proposal point out that the reasoning behind this proposal is to save the government $40 billion – which would be accomplished by not performing a cleanup of the most toxic and dangerous materials known to science.

Current law requires the DOE to remove, treat and dispose of these wastes in deep, geologic repositories. Stakeholder communities in the Pacific Northwest have demanded that Hanford’s high-level waste not be left in permanent disposal at Hanford. Yet this proposal would create a path forward for the DOE to abandon this untreated waste forever next to the Columbia River, at a site that is subject to earthquakes, volcanic activity and flooding.

This decision could impact the cleanup process and waste disposal on a much larger scale across the US. Hanford Challenge and other groups, including the Hanford Advisory Board are reviewing these documents to prepare comments to submit by December 10th. We have attached related information, and will be updating with further data and materials.

2. How will you submit your comments to DOE-RL? What are the options?
   By mail: Theresa Kliczewski, U.S. Department of Energy, Office of Environmental Management, Office of Waste and Materials Management (EM-4.2), 1000 Independence Avenue SW, Washington DC 20585
   By Email: HLWnotice@em.doe.gov

3. Is there a deadline?
   Yes, December 10, 2018.

4. Will there be public hearings?
   No, there are no public hearings planned.

5. What information is available to learn about the issue?
   • U.S. DOE Federal Register Notice that announced this proposal.
   • Atomic Energy Act of 1954
   • Summary of the Nuclear Waste Policy Act
   • Department of Energy’s Supplementary Information
   • Section 61.55 of title 10, Code of Federal Regulations
   • Sample Comments from Hanford Challenge

This Say What? Guide is funded through a grant from the WA State Dept. of Ecology. While these materials were reviewed for grant consistency, this does not necessarily constitute endorsement by Ecology.
6. **Given what you know at this point, are you ready to say something?**
   - **If yes, say it!** If no, look to examples for help (link to sample comments [here](#)). Contact Amrutham Babu at amruthamb@hanfordchallenge.org for resources.
   - You can comment more than once on different issues.