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The Honorable Ines Triay
Assistant Secretary for Environmental Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington D.C. 20585

Dear Dr. Triay:

The issue of bringing additional waste to the Hanford Site for disposal has been a contentious and divisive issue for the Northwest throughout the entire period of Hanford cleanup. The issue was greatly exacerbated in the late 1990s when the U.S. Department of Energy (DOE) considered and then selected Hanford, along with the Nevada Test Site, as a disposal site for potentially large volumes of low-level waste (LLW) and mixed low-level waste (MLLW) from throughout the DOE complex. DOE ratified that decision on February 25, 2000 with the issuance of a Record of Decision (ROD).

In October 1998, the Oregon Department of Energy had expressed concern with DOE's proposal to select Hanford to receive LLW and MLLW from other sites. In a letter to DOE Headquarters, we expressed the view that:

> "Hanford's vadose zone and groundwater are currently contaminated and much uncertainty associated with the type, extent, and movement of this contamination exists. Times of travel for contaminants in Hanford's vadose zone to down-gradient wells have been measured as short as seven to nine years…The presence of the Columbia River on the Hanford site connects all the downstream communities directly to events at Hanford and puts large populations in Oregon and Washington at risk. For this reason, it is imperative that DOE Richland's sole mission at Hanford be cleanup of existing wastes and contamination."

DOE disregarded this comment and comments by others who expressed similar concerns – that past waste disposal at Hanford was already causing environmental problems and would lead to greater problems in the future.

DOE took what it termed a "tiered approach" to its decision to select disposal sites. It first made broad Department-wide decisions about which sites would manage which wastes. DOE then followed these broad decisions with site-wide National Environmental Policy Act reviews.

DOE's decision to select Hanford prior to the site-wide analysis was based on unconvincing rationale. The "Basis for Decision" for the selection of Hanford, as generically explained in

the February 2000 ROD, was "low impacts to human health, operational flexibility, and relative implementation cost." The only "environmental safety benefit" that the ROD specifically mentioned for Hanford was that as an arid site, "evaporation rates exceed rainfall by approximately 10 to 1 or more." There was no acknowledgement of the fact that the vadose zone and groundwater were already widely contaminated and that the contamination concentrations were far above acceptable levels.

Hanford and the Nevada Test Site were acknowledged as the only two DOE sites that had MLLW disposal facilities already constructed. LLW disposal facilities at Hanford were also cited as having expansion capability that could dispose of a wide range of radionuclides. To summarize, Hanford was selected because it had disposal facilities, disposal capacity, and was located in a desert. There was no recognition of potential impacts to the soil, to the groundwater or most importantly to the Columbia River.

Potential site-specific impacts were finally assessed and documented with the release late last year of the draft Hanford Tank Closure and Waste Management Environmental Impact Statement (TC&WM EIS). This document clearly shows that the adverse impacts of disposing of additional off-site waste at Hanford, especially if it contains certain mobile and long-lived radionuclides, would be significant. The analysis in the draft TC&WM EIS shows that no matter where at Hanford DOE proposes to dispose of off-site waste, the impacts exceed standards and are unacceptable. Moreover, the impacts from Hanford-origin wastes in these same areas already exceed standards under the most aggressive cleanup considered, leaving no room for any additional impact from off-site wastes.

Therefore, given that the February 2000 ROD was contingent upon the assumption that the site-specific analysis would demonstrate that the impacts would not be significant, and the draft TC&WM EIS assessments show that they are very significant, the 2000 ROD should be immediately amended to withdraw Hanford as an acceptable disposal location for LLW and MLLW from throughout the DOE complex.

We recently pursued this issue through an unofficial inquiry to DOE Headquarters, and were told that because the draft TC&WM EIS was out for official comment, it would be inappropriate for Headquarters to engage in a separate discussion on a matter related to findings within the draft EIS. We understand that position.

However, the issuance of the February 2000 ROD was a Headquarters action, and we have already been told that the Hanford Site has no authority to revisit that decision. Therefore, we formally request this action by Headquarters as a part of the Waste Management Programmatic Environmental Impact Statement (WMPEIS). The serious problems with the draft TC&WM EIS will necessitate revision and release of a revised draft. DOE Headquarters can greatly simplify the work of the TC&WM EIS team by issuing a revised Record of Decision to the WMPEIS that removes Hanford from further consideration for LLW and MLLW disposal.

In addition, we believe that analyses within the draft TC&WM EIS also makes it clear that Hanford should be withdrawn from consideration as a disposal site for Greater Than Class C

waste, and Hanford should no longer be routinely considered as a reasonable alternative for other, future waste disposal missions.

With the exception of some very limited waste streams, DOE has been unable to use Hanford for disposal of complex-wide wastes since the 1990s, and has currently agreed to extend that moratorium to 2022. As a practical matter, DOE does not need Hanford for disposal of off-site waste now or after 2022. There are commercial options with the Energy Solutions and Waste Control Specialists sites in Utah and Texas, respectively, and DOE is pursuing licensing of a new MLLW disposal trench in Nevada.

Now that DOE's own analysis demonstrates the folly of bringing more waste to Hanford, DOE needs to stand behind its own analyses and once and for all eliminate Hanford from consideration for these and other future waste disposal missions.

Thank you for consideration of this request.

Sincerely,

Ken Niles
Nuclear Safety Division Administrator

c.c. Jane Hedges, Washington Department of Ecology
Dennis Faulk, U.S. Environmental Protection Agency
Dave Brockman, U.S. Department of Energy, Richland Field Office
Shirley Olinger, U.S. Department of Energy, Office of River Protection
Stuart Harris, Confederated Tribes of the Umatilla Indian Reservation
Russell Jim, Yakama Indian Nation
Gabriel Bohnee, Nez Perce Tribe
Susan Leckband, Hanford Advisory Board Chair
Max Power, Oregon Hanford Cleanup Board Chair