

Barbara Jarvis, Chair,
Oregon Hanford Cleanup Board

Recently, the Natural Resources Defense Council (NRDC) ran a half page advertisement in The Oregonian, urging people to call Oregon's U.S. Senators to express their opposition to an attempt to change the laws that govern the reclassification of high-level radioactive waste. As Chair of the Oregon Hanford Cleanup Board, which provides advice on Hanford cleanup to the Governor and Legislature, I believe Oregonians need more information on this important issue.

The Hanford Site has about 53 million gallons of highly radioactive and chemically hazardous waste stored in 177 underground storage tanks. At least 67 of these tanks have leaked. The Nuclear Waste Policy Act requires that this waste be disposed in a deep geologic repository. The U.S. Department of Energy (DOE) is pursuing opening a repository at Yucca Mountain in Nevada. DOE is also in the process of constructing huge treatment facilities to immobilize this waste as part of the Hanford cleanup.

Some waste will remain in the tanks after retrieval efforts are completed. For this waste to legally remain at Hanford, a process is needed to reclassify it. The Nuclear Waste Policy Act allows reclassification after the waste has been treated to remove the most highly radioactive constituents.

In 2002, the NRDC, the Yakama Nation and others filed suit, claiming that DOE's internal process to reclassify waste was inconsistent with the Nuclear Waste Policy Act. Oregon, Washington and two other states joined the litigation, concerned that DOE's process could result in dangerous waste being left at Hanford and other sites that should be in deep geologic disposal.

Last summer, a federal judge agreed that DOE's process violated the Nuclear Waste Policy Act. DOE claimed the judge's ruling puts some cleanup work at jeopardy and the only acceptable solution was to amend the Nuclear Waste Policy Act to give DOE authority to reclassify waste at their discretion. DOE found some sympathetic members of Congress, but the effort was eventually defeated late last year.

This year, DOE is holding back cleanup funds to force action by Congress. In DOE's cleanup budget request for fiscal year 2005 for Hanford and other sites, DOE held out \$350 million, contingent upon resolution of the issue to DOE's satisfaction. This strategy prompted South Carolina Senator Lindsay Graham to introduce an amendment to the Defense Authorization bill that would give DOE the change in law it is seeking – at least for the Savannah River Site in South Carolina. This action prompted the advertisement by the NRDC – which is concerned about the impact at Savannah River and on the potential precedent it might set for the other sites. The Senate is expected to take up the issue again in early June.

The Oregon Hanford Cleanup Board and the state's nuclear safety staff at the Oregon Department of Energy disagree with DOE's assertion that cleanup actions are jeopardized by the judge's ruling. Cleanup work at Hanford and the other sites can proceed. Allowing DOE unfettered discretion to reclassify high-level waste is troubling. It could result in highly radioactive waste being left at Hanford forever – posing a long-term risk to the Columbia River. Our desire is for DOE to engage all those involved in the litigation – including Oregon – in meaningful discussions to negotiate an acceptable process for reclassifying high-level waste.