

**STATE AND TRIBAL GOVERNMENT WORKING GROUP
SURVEY ON CLASSIFIED WASTE/MATERIAL STEWARDSHIP ACTIVITIES
OCTOBER 2001**

I. INTRODUCTION

The State and Tribal Government Working Group (STGWG) Stewardship Committee surveyed the group's members to determine if there was sufficient interest in pursuing issues related to the disposal of Classified Waste and its effect on the long-term stewardship of the disposal site. These issues as they pertained to the states of Nevada and Tennessee were explained in April 2001 e-mail to the group. The e-mail included the questions:

1. Is classified material and/or waste generated at your site?
2. Is classified material or waste disposed or stored on your site in a manner that would require long-term stewardship?

All responses to the questions were tabulated and presented at the May 2001 STGWG Meeting. Options for STGWG to consider in pursuing these issues were discussed at that time. A second survey was conducted in July 2001 with an expanded list of options and an opportunity to provide additional options for consideration.

II. DISCUSSION OF ISSUES

Nevada Issues

The Department of Energy's (DOE) National Nuclear Security Administration (NNSA) at the Nevada Test Site (NTS) is declaring that certain classified materials, which are buried and/or stored above ground, are retrievable assets. This position is being asserted by DOE even though these "classified materials" have no path forward in terms of final disposition. The State of Nevada contends that these materials are in fact waste, and if such waste (material) are defined as classified low-level, mixed low-level and/or Transuranic waste (material) it cannot be left in storage and/or disposed without a defined path forward that involves some form of state oversight. Moreover, if these wastes (materials) are left in the ground, they must be managed under a corrective action process and/or a waste disposal system subject to DOE orders and state oversight. Such process would allow for applications of long-term stewardship management strategies that are needed to protect future generations for inadvertent contamination.

Tennessee Issues

After Tennessee signed a Record of Decision (ROD) for the construction of a CERCLA disposal facility on the Oak Ridge Reservation DOE approached the state about using the facility to dispose of classified waste. Tennessee identified concerns about using the facility for classified waste disposal to DOE. These concerns centered on three primary areas:

1. There would be an increase in the long-term surveillance and maintenance costs of the facility due to the added requirements to manage classified wastes;
2. The possibility that classified waste from other sites would be directed toward disposal on the Oak Ridge Reservation given the limited disposal options for classified waste in the DOE complex;

3. The potential for Tennessee personnel not to be able to adequately perform their oversight responsibilities during the construction, operation, and maintenance of the facility due to security requirements for classified waste.

DOE addressed Tennessee's concerns in a satisfactory manner. The increased cost was minimal when compared to the savings from not shipping the classified waste off-site. DOE reiterated that all classified waste entering the facility must meet the requirements of the ROD; therefore, no out-of-state waste would be accepted at the facility. DOE indicated that monitoring and reporting data would not be classified. Cleared personnel from both the Environmental Protection Agency (EPA) and Tennessee would not be restricted in any of their oversight responsibilities during the construction, operation or surveillance and maintenance of the facility. A critical issue that remains is DOE's ability to maintain security and long-term stewardship records sufficient to meet public expectations.

Presently DOE Oak Ridge provides for classified information in their CERCLA Administrative Record by maintaining two separate records; one, complete with classified information, available to all with the appropriate level of security clearance; the second record, with the classified information blank, available to the public.

III. RESULTS OF INITIAL SURVEY

Ten replies were received in response to the questions:

1. Is classified material and/or waste generated at your site?
2. Is classified material or waste disposed or stored on your site in a manner that would require long-term stewardship?

The responses are shown on Table 1. Six of the responders indicated that classified material was generated at their site. Illinois indicated classified material was not an issue. The remaining responders were not sure of the definition of classified material or whether or not it was an issue. Of the six sites that generate classified material, five indicated that there were long-term stewardship issues involved with the disposal of the material. Texas indicated that classified material is "de-sanitized" to remove the security requirements prior to its disposal.

IV. OPTIONS FOR FUTURE EFFORT BY STGWW

Options for STGWW to consider in pursuing issues related to the disposal of classified waste and its impact on the long-term stewardship of the disposal site were discussed at the May 2001 STGWW Meeting. Three options considered were:

1. Continue to encourage DOE to share relevant information with the states and tribes;
2. Encourage DOE to "de-sanitize classified waste prior to disposal requiring long-term stewardship;
3. Include a mechanism for classified records in long-term stewardship records management plans.

Other options that were considered after the May 2001 STGWW Meeting are:

1. Research specific site information on available disposal areas and DOE requirements
2. Request DOE develop a comparative costs analysis for "de-sanitation" versus long-term stewardship

3. Ask DOE formally to respond to how classified waste is handled across the complex and why a discussion of the issue was not included in the NDAA Report?

V. RESULTS OF SECOND SURVEY

A second survey was conducted in July 2001. STGWG Members were asked to select one or more of the six options discussed above or provide other options for consideration in pursuing issues related to the disposal of classified waste and its impact on the long-term stewardship of the disposal site.

Responses to the second survey are shown on Table 2. Six replies were received. Of these, four responders selected one or more of the six options. The state of Missouri suggested that STGWG's preliminary survey results be compiled and provided to DOE with a request that DOE conduct their own survey regarding classified waste. Washington indicated that classified waste disposal was not currently an issue at Hanford.

VI. CONCLUSION

Following Missouri's suggestion, option six is to be made inclusive of the other five options and provided to DOE as a single request for information. DOE may, on the results of their survey, offer a path forward acceptable to STGWG. Otherwise STGWG will make recommendations for further actions based on DOE's findings.

TABLE 1
 SURVEY ON CLASSIFIED WASTE/MATERIAL LONG-TERM STEWARDSHIP (LTS) ACTIVITIES
 STATE AND TRIBAL GOVERNMENT WORKING GROUP
 MAY 17, 2001

TRIBE/STATE	IS CW/M GENERATED AT YOUR SITE?	WILL THE CW/M REQUIRE LTS?	NOTES
Nevada	Yes	Yes	Classified material appears permanently stored at the Nevada Test Site; DOE currently is unwilling to discuss future LTS plans.
Tennessee	Yes	Yes	Classified waste will be disposed in an on-site CERCLA disposal facility. Of critical issue is DOE's ability to maintain security and LTS records sufficient to meet public expectations
Kentucky	Yes	Yes	Classified material is an issue at the Paducah Gaseous Diffusion Plant and in burial grounds: Currently evaluating disposal cell which may handle classified material similarly to TN
Texas	Yes	No	Classified material is an issue at Pantex; Texas adopted the EPA Military Munitions rules which provide for de-sanitation of classified materials (so they cannot be recognized) and disposal as hazardous waste
Nez Perce	Unknown	Unknown	Not sure of definition of classified waste; Other waste sites at Hanford will require LTS
Colorado	Yes	Probably	One landfill at Rocky Flats received classified shapes; Current plan is closure in place. However, that remedy may be reconsidered due to lack of effectiveness
Illinois	Not an Issue	No	
Pueblo de San Ildefonso	Unknown	Unknown	DOE has not shared any information regarding classified waste at the Los Alamos National Laboratory.
New Mexico	Yes	Yes	Interested in pursuing LTS of disposed classified waste/material
Missouri	Yes	Highly likely	Classified waste/material is being generated at the Kansas City Plant; An existing landfill on site likely contains classified material.
Oregon	Unknown	Unknown	Not sure if classification is an issue at the Hanford Site

TABLE 2
 SECOND SURVEY ON CLASSIFIED WASTE/MATERIAL LONG-TERM STEWARDSHIP (LTS) ACTIVITIES
 STATE AND TRIBAL GOVERNMENT WORKING GROUP
 OCTOBER 4, 2001

TRIBE/STATE	Option*						Remarks
	1	2	3	4	5	6	
Pueblo of San Ildefonso	P	P	P	P			
Colorado	P					P	
Ohio		P				P	
Texas		P					
Missouri							Suggests preliminary survey results be compiled as an attachment for a letter to DOE from STGWS. Specifically request DOE conduct their own survey regarding disposal of classified waste. Provide a suitable timeframe (3 months) for DOE to conduct such a survey. Based upon results of that survey, additional information might be requested.
Washington							Classified waste disposal is currently not an issue at Hanford because, 1) Most Pu information has been declassified, 2.) Hanford did not design or manufacture final weapons or detonation components; Most of that type of material, if any was disposed prior to 1960. In the future, when DOE specifically identifies items as waste, the classification issue may crop up at Hanford.
Tennessee	P	P	P	P	P	P	Option six could be made inclusive of the other five options and provided to DOE as a single request for information.

Option 1	Continue to encourage DOE to share relevant information with States and Tribes;
Option 2	Encourage DOE to "de-sanitize" classified waste prior to disposal requiring LTS;
Option 3	Include a mechanism for classified records in LTS records management plans;
Option 4	Research specific site information on available disposal areas and DOE requirements;
Option 5	Request DOE develop a comparative costs analysis for "de-sanitation" versus LTS;
Option 6	Ask DOE formally to respond on how classified waste is handled across the complex and why a discussion of the issue was not included in the NDAA Report.

