

**SOUTHWEST RESEARCH AND INFORMATION CENTER**

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Carolyn Huntoon
Acting Assistant Secretary for Environmental Management
EM-1
1000 Independence Ave., SW
Washington, DC 20585

VIA U.S. MAIL AND FAX (202) 586-7757

Dear Secretary Huntoon:

Southwest Research and Information Center (SRIC) is very concerned about the current status of classified shapes and parts at the Rocky Flats Environmental Technology Site (RFETS) and decisions regarding disposing of those materials at the Waste Isolation Pilot Plant (WIPP). We ask you to immediately investigate the situation, publicly clarify what decisions you have made or will make, and require that RFETS and other DOE sites and contractors follow DOE and regulatory requirements for those materials.

At best, it appears that classified shapes and parts are being packaged for shipment to WIPP without required approvals by you, the Carlsbad Field Office (CBFO), and the New Mexico Environment Department (NMED). At worst, prohibited items may have already been shipped to WIPP or RFETS intends to ship them to WIPP without following established DOE and regulatory procedures, thereby placing all WIPP operations in jeopardy.

Classified shapes and parts are being packaged at RFETS for shipment to WIPP

In its January 12, 2001, Rocky Flats weekly site report, the Defense Nuclear Facilities Safety Board (DNFSB) stated:

"Transuranic (TRU) Waste Management: For some time, RFETS has been advocating that TRU waste containing contaminated, classified parts and shapes be disposed at WIPP (see the May 26, 2000 site rep. report)
<"<http://www.dnfsb.gov/weekly/rf/2000/rf052600.PDF>"> This would provide substantial reduction in waste preparation/declassification efforts at RFETS (e.g., crushing and size reduction in a glovebox) thereby reducing worker exposure and other risks. Efforts by RFETS, WIPP and DOE Headquarters have resulted in recent approval of the security plan for shipment and disposal of TRU waste containing such classified parts/shapes at WIPP. RFETS is proceeding with packaging of such parts/shapes for disposal at WIPP.
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In addition to the telling the DNFSB that it is packaging classified shapes and parts for shipment to WIPP, RFETS officials are publicly stating the same thing. During a site visit on January 31, I was informed that an incident had occurred on December 6, which was discovered on December 28, in which a 55-gallon drum was loaded with 294 fissile gram equivalents, when the limit is 200 FGE. That drum contained classified parts for shipment to WIPP.

Decisions made about disposing of RFETS classified shapes and parts at WIPP

When NMED asked CBFO about that DNFSB report, CBFO responded that "no final decision has been made regarding the disposition of the items in question." CBFO also refused to provide to NMED the Security Plan because it is a "secure document." In a subsequent telephone conversation with a CBFO official, I was informed that CBFO was then unaware of the DNFSB weekly report and that you had not made a decision to dispose of any of the RFETS classified shapes and parts at WIPP. The CBFO official also said that if RFETS was packaging classified shapes and parts for shipment to WIPP it was doing so "at some risk" because CBFO had not approved any procedures for such an activity, nor, of course, had NMED. On the other hand, RFETS apparently believes that packaging classified shapes and parts for disposal at WIPP is approved or else it is knowingly violating DOE procedures and regulatory requirements.

Given the situation, it appears that some clear direction from you is required. In making any decisions and in overseeing their implementation, SRIC urges the following conditions.

1. Require full public disclosure of all information needed to ensure that waste characterization of classified shapes and parts fully meets Environmental Protection Agency (EPA) and NMED WIPP permit requirements. The public has been told for decades that there is no classified information regarding WIPP, including its activities and wastes. The WIPP Land Withdrawal Act (Public Law 102-579, Section 17(a)(1)), provides the State of New Mexico "with free and timely access to data relating to health, safety, or environmental issues at WIPP." Shipment to WIPP or disposal of classified shapes and parts certainly is related to health, safety, and the environment and information about such materials must be fully available.
2. Require that classified shapes and parts not be packaged until procedures have been approved by CBFO, EPA, and NMED. Prematurely packaging wastes will likely result in the drums having to be unpackaged and then repackaged following approved procedures, which thereby increases risks of worker exposures and the costs of handling the materials. Alternatively, asking that drums loaded prior to approval be allowed to be shipped to WIPP is unacceptable and likely illegal. You should also determine, and publicly disclose, whether classified shapes and parts have already been shipped to WIPP or how those drums that have been packaged will be stored and disposed.
3. Publicly disclose the results of your investigation into this matter, including identification of the reasons that RFETS acted without approval, why CBFO is uninformed about approvals if that is the case, and what remedial actions will be taken to correct the problems and to prevent future occurrences..

Thank you very much for your careful consideration of this matter. SRIC looks forward to your response, and we would be glad to discuss the matter in more detail with you or your staff.

Sincerely,



Don Hancock
Director, Nuclear Waste Safety Program

cc: Ines Triay, CBFO
Barbara Mazurowski, RFETS
Steve Zappe, NMED
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