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Mr. Jay Rose
U.S. Department of Energy /NNSA
1000 Independence Avenue, S. W.
Washington D.C. 20585

Re: State of Nevada Scoping Comments – Supplement to the Programmatic Environmental Impact Statement (EIS) on Stockpile Stewardship and Management For a Modern Pit Facility

Dear Mr. Rose

The State of Nevada has reviewed the scoping document prepared by the U. S. Department of Energy – National Nuclear Security Administration (DOE/NNSA) for the potential development of a Modern Pit Facility (MPF). According to the DOE/NNSA, the supplemental EIS is being prepared to decide whether to proceed with development of the MPF and if so, where to locate such a facility. The federal DOE sites being considered for the MPF include:

- The Nevada Test Site (NTS) near Las Vegas, Nevada;
- DOE's Pantex site near Amarillo, Texas;
- The Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico;
- The Los Alamos National Laboratory in Los Alamos, New Mexico; and
- DOE's Savannah River Site near Aiken, South Carolina

The State notes that the proposed MPF is intended to replace plutonium pit fabrication capabilities formerly located at DOE's Rocky Flats, Colorado facility. Given the serious problems, widespread contamination, and mismanagement that characterized these activities at Rocky Flats, the EIS must demonstrate convincingly that the environmental disaster that occurred at Rocky Flats cannot and will not happen at the new MPF, regardless of where the facility is ultimately located. Such a demonstration must include a description of new technology proposed for the MPF that will prevent

such contamination, why and how such technology differs from that employed at Rocky Flats, and the management “fixes” put in place as a result of the Rocky Flats experience.

General Comments:

Purpose and Need Statement: The EIS must make a convincing case, based on fact, that an expanded plutonium pit manufacturing capability is, in fact, necessary. For example, the forthcoming EIS should present evidence that a plutonium pit-aging phenomenon has been identified and is, in fact, problematic. The EIS should further clarify why there is a need to support expanded pit production over and above existing capabilities already implemented at the Los Alamos National Laboratory in New Mexico.

New Plutonium Pit Designs & Compliance with International Treaties: The EIS should present details about why the concept of “agility” i.e., the ability to change and expand pit production types and plutonium pit designs simultaneously, is needed. Additionally, the EIS should discuss existing treaty limitations concerning proliferation of nuclear materials/weapons and how development of the MPF will or will not jeopardize existing international agreements. We note the scoping document for the referenced EIS states that the MPF is needed to establish the capability to produce pits of a “new design” in a timely manner.

Plutonium Pit Life Cycle Management : The EIS should contain a general programmatic discussion about the life cycle management of existing plutonium pit inventories and how new pit production will fit into existing pit management and disposition systems. Such a discussion should disclose how and when pits are determined surplus and how DOE/NNSA is managing surplus plutonium in the nuclear weapons complex (i.e., at Pantex, at DOE’s Savannah River Site, and eventually at a federal repository). Since final disposition of surplus plutonium pits is slated for containment in spent MOX fuel and/or in high-level waste canisters, the EIS should include a discussion about the use of a federal repository for meeting non-proliferation goals for final disposition of surplus plutonium. Under the definition contained in the Nuclear Waste Policy Act of 1982, as amended, such material is prohibited from being disposed of at Yucca Mountain or any other repository developed under the NWPA.

Nuclear Stockpile Reliability & Testing Programs: The EIS must discuss existing nuclear stockpile stewardship programs for assessing reliability of the existing plutonium pits and nuclear weapons. This discussion should address why a new MPF is necessary, giving existing programs such as the National Ignition Facility, sub-critical testing conducted at the Nevada Test Site, etc.

MPF Site Selection – Screening Analysis: The scoping document indicates that a screening analysis has been applied to “assure that potential [candidate] sites meet program requirements.” The scoping document further notes that a variety of criteria were used to select the five candidate sites. However, no information was provided as to the way in which these criteria were applied. Since the screening analysis was **not** made available before scoping, state officials have no way to confirm if the screening criteria

are comprehensive, properly weighted, or sensitive to local issues and conditions at the selected candidate sites. Given this situation, the EIS must contain an appendix that fully documents the screening analysis, its application, and its results.

No Action Alternative: In terms of assessing the No Action Alternative, the EIS must present a credible analysis of the No Action Alternative including the “viability” of the No Action Alternative for meeting existing pit production requirements necessary to satisfy requirements of stockpile stewardship inventories.

EIS Proposed Action: In terms of the criteria for MPF site selection, DOE should link long-term plutonium pit management and storage with options for pit remanufacturing. This means that the proposed action presented in the EIS should be based on a decision that co-locates long-term storage with pit remanufacturing. We note that the Pantex plant is currently used for plutonium pit management and storage. Co-location of long-term pit storage and remanufacturing will reduce transportation risks to the public by reducing and/or eliminating the need to transport plutonium pits between DOE sites. Linking plutonium storage and remanufacturing functions will also diminish the socioeconomic impacts caused by risk and stigma issues typically associated with transporting nuclear materials and radioactive waste on public highways. In addition, co-location of pit storage and remanufacturing will enhance security considerations by reducing costs through centralization in one geographic area.

Analysis of Route-Specific Transportation Impacts: In preparing the EIS and involving the public along potential plutonium pit shipping routes, DOE needs to balance the public’s need to be adequately informed and to adequately participate in the EIS process with the obvious national security interests. The EIS must contain an adequate route-specific analysis for each proposed MPF location so that risks and impacts can be compared among alternatives. Such analyses can be done without, in any way, compromising the security aspects of the actual shipments, when and if they occur.

Cumulative Impacts: With respect to the potential Nevada site for the MPF (and other sites as well), the EIS must contain a thorough and comprehensive analysis of cumulative impacts. The Nevada Test Site (NTS) already receives massive amounts of low-level radioactive waste (LLW) from DOE sites around the country for disposal, and DOE is proposing to also dispose of mixed LLW at NTS. Radioactive contamination from over 900 weapons tests at NTS has resulted in significant subsurface contamination, the extent, movement, and implications of which DOE is only beginning to address. Last July, Congress authorized DOE to move ahead with plans for a repository for commercial spent fuel and high-level radioactive waste at Yucca Mountain, located on the western border of NTS. Such a facility would house at least 70,000 metric tons of spent fuel and high-level radioactive waste and would involve between 20,000 and 100,000 shipments of highly radioactive waste through Nevada to the site. DOE recently announced its intention to relocate the T-18 facility (and a significant amount of plutonium) from Los Alamos to NTS. The cumulative impacts of these and other DOE activities at NTS or in Nevada must be fully and comprehensively addressed in the EIS.

Accessibility to Hearings and Other Events: It is imperative that DOE hold future hearings and meetings related to the MPF EIS in locations that are easily accessible to the public and that all such hearings/meetings be properly and widely noticed. Locations such as the one used for the scoping meeting in Las Vegas (DOE's highly secure and difficult to access Nevada Operations Office) should be avoided. DOE should also assure that hearings/meetings are held not only in communities where potential MPF sites are located, but also along potential plutonium transportation routes. To assure that people are adequately informed, notices for hearings/meetings along transportation routes should clearly indicate that such communities could be impacted by radioactive materials shipments associated with the MPF project. Hearing and meeting notices should be disseminated widely and in media designed to reach as broad an audience as possible.

Lastly, it is recognized that in order to fully address some of the issues referenced above, DOE/NNSA may need to produce a classified section of the referenced EIS. In this regard, please be advised that State officials in Nevada have the appropriate clearances to conduct a classified EIS evaluation and must be afforded access to such classified portions of the EIS.

Thank you for considering these comments.

Sincerely,

Robert R. Loux
Executive Director

RRL/JS/JBW

cc: Michael Piper, State of Nevada – Washington Office
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