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Mr. Theodore A. Wyka
Complex 2030 SEIS Document Manager
Office of Transformation
U.S. Department of Energy, NA-10.1
1000 Independence Avenue, S. W.
Washington D.C. 20585

Re: State of Nevada Comments on DOE's Notice of Intent to Prepare a Supplement to the Stockpile Stewardship and Management Programmatic Environmental Impact Statement – Complex 2030 (Federal Register, Vol. 71, No. 202, October 19, 2006, p. 61731 – 61736)

Dear Mr. Wyka:

The State of Nevada has reviewed DOE's Notice of Intent (NOI) to Prepare a Supplement to the Stockpile Stewardship and Management Programmatic Environmental Impact Statement – Complex 2030 that was published in the Federal Register on October 19, 2006 and offers the following comments.

Proposed Consolidated Plutonium Center and Special Nuclear Material Consolidation

The NOI contains insufficient explanation as to why the five sites were selected as candidates for the consolidated plutonium center and Special Nuclear Material (SNM) consolidation. Only general, vague information is provided as to the criteria that were used or how the criteria were applied. Since no screening analysis was made available in conjunction with the NOI, 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 SEIS must contain an appendix that fully documents the screening analysis, its application, and its results.

That being said, the State of Nevada contends that the Nevada Test Site (NTS) is an unsuitable location for the proposed consolidated plutonium center or for the consolidation of Category I/II Special Nuclear Material, and including NTS as an alternative for siting such facilities in the NOI is unjustified. Locating such facilities at NTS significantly complicates the

transportation components of the Complex 2030 program. It would require shipping existing plutonium pits from the Pantex facility and SNM from other locations to NTS. Because truck transport is the only available option to a NTS facility, such shipments would likely impact the heavily populated and congested Las Vegas Valley. Options that would use an existing plutonium storage/fabrication facility (i.e., Pantex in Texas or the Savannah River site in South Carolina) as a site for the consolidated plutonium center would seem to offer significant logistic advantages, substantially decrease risks associated with transportation and handling, and reduce overall program costs.

The fact that NTS lacks rail access and is some 100 miles distant from the nearest main line railroad further complicates transportation considerably. It would seem logical that strong preference be given to consolidated plutonium center sites with adequate rail access, since rail transportation can substantially reduce risks and limit the public's exposure to and contact with radioactive materials shipments. In addition, rail transport of special nuclear materials offers significant security advantages over highway transport.

Because of other contemporaneous NTS operations and the possible transportation of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) associated with the proposed Yucca Mountain repository program, shipments of Complex 2030-related radioactive materials will pose unacceptable risks and impacts on Nevada highways and in Nevada communities. Currently, heavy volumes of low-level waste (LLW) are being shipped to the NTS from numerous generators throughout the Nuclear Weapons Complex. Planned shipments of large volumes of mixed low-level waste (MLLW), SNF and HLW, along with plutonium and SNM associated with the consolidated plutonium center and other Complex 2030 activities will cause cumulative impacts on state highways. The proposed SEIS must comprehensively assess such cumulative impacts.

The Yucca Mountain project will have significant, pervasive, and long-lasting impacts on Nevada and on communities throughout Nevada – impacts that will unavoidably interact with and exacerbate impacts from the proposed consolidated plutonium center and associated Complex 2030 SNM consolidation. Such impacts include potential stigmatizing effects of the proposed action (or transportation accidents or incidents associated with Complex 2030 operations) on the State or the contribution that Complex 2030 activities would make to stigma impacts associated with the Yucca Mountain program.

Cumulative impacts from existing and future operations at the Nevada Test and Training Range (Nellis Range) must also be thoroughly addresses in the SEIS.

At the NTS, major LLW and MLLW operations at Areas 5 and 3 are expected to continue while the proposed Complex 2030 activities are in operation. Cumulative impacts associated with these NTS activities must be comprehensively addressed in the SEIS.

At NTS, substantial surface and subsurface contamination left over from weapons testing activities already exists. There is continuing concern about the adequacy of DOE's existing groundwater monitoring program at NTS and the ability of DOE to accurately characterize the extent of radiological contamination in the groundwater and determine the direction and rate of migration. Even a small additional increment in radiological contamination, especially groundwater contamination that may be associated with the proposed plutonium processing and storage operations, is unacceptable.

The NTS is located in an area of major seismic risk. In the last 20 years, there have been over 620 earthquakes in and around the NTS, the largest a 5.6 magnitude in 1992. The SEIS must comprehensively assess the seismic risk at NTS and evaluate how Complex 2030 facilities at NTS can be designed and constructed to prevent damage and radiological releases in the event of a major seismic event at the site. The SEIS must consider that earthquakes of 7.0 or greater magnitude are possible in this area. The implications of such an event for facility construction and operations (including materials handling, storage, transportation, etc.) are significant and should, of themselves, cause NTS to be eliminated as a site for plutonium operations and SNM consolidation.

The proposed consolidated plutonium center is also inconsistent with the weapons testing, research and development mission of the NTS as authorized in the existing land withdrawal for the site. The proposed SEIS must assess the proposed action in terms of consistency with the land withdrawal status of the NTS.

Nevada is also concerned that past problems with plutonium processing facilities could afflict any new facility, whether at NTS or elsewhere. The NOI ignores the fact that serious violations of environmental, health, and safety regulations and laws were still occurring at Rocky as recently as the late 1980s, despite the fact that numerous technology upgrades were made to the Rocky Flats facility over the years. Technology is only as good as the management system that operates it. The SEIS must comprehensively and honestly address the pervasive management and oversight deficiencies at Rocky Flats and their contributions to the environmental contamination and safety violations that occurred. Unless management deficiencies are addressed and corrected, there is no reason to expect a plutonium processing facility will have a better environmental and safety track record, regardless of the technology employed. If, as in the past, conditions are permitted to develop where mission, cost and schedule imperatives routinely override environmental, safety and related concerns (as happened repeatedly at Rocky Flats and at most other DOE weapons facilities), history is bound to repeat itself. DOE's track record in this regard at almost all of its facilities is atrocious, and nothing to date demonstrates that DOE has learned the management, oversight, and 'cultural' lessons of the past.

In summary, the proposed consolidated plutonium center and SNM consolidation represents an unwarranted imposition on Nevada. Should these Complex 2030 facilities and activities be located at NTS, it would represent yet another imposition on a state that has already shouldered more than its share of the burden for the nation's nuclear activities – both nuclear weapons-related and commercial.

For more than 40 years, the Nevada Test Site and at least two other locations in Nevada outside the NTS were used for above and below ground nuclear weapons tests, resulting in a legacy of massive surface and subsurface contamination that even today is not adequately understood. Groundwater contamination just from existing radioactive materials left over from weapons tests is massive, has the potential to migrate off-site, and will persist over an extremely long time period (i.e., hundreds, even thousands, of years). Health effects from the weapons testing era are still occurring. Existing groundwater contamination caused by nuclear testing beneath the NTS covers some 300 square miles.

Sub-critical tests involving radioactive materials continue at NTS to the present time and will for the foreseeable future, while millions of cubic feet of low-level and mixed low-level waste from DOE facilities around the country have been and are slated to be disposed of at NTS.

In 2002, Congress, over Nevada's strong objection, voted to approve the location of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain on the

western border of the NTS. If the Yucca Mountain project goes forward, upwards of 70,000 metric tons of highly radioactive waste (a figure that could reach 120,000 MTU or more under credible alternative scenarios) would be transported to Nevada from around the country, resulting in tens of thousands of shipments over a period spanning four decades.

The potential environmental contamination and cumulative risks from all of these nuclear activities will impact Nevada and Nevadans for generations to come. The inclusion of the NTS as a candidate site for the proposed consolidated plutonium center and other Complex 2030 SNM consolidation adds another risky and potentially environmentally harmful nuclear facility to the mix.

The State of Nevada strongly objects to the location of the proposed consolidated plutonium center or other SNM consolidation activities at the Nevada Test Site. The many deficiencies of the Nevada site should have caused NTS to be disqualified as a potential site before the NOI was issued and calls into question the legitimacy of the process that led to the identification of candidate sites in the Notice of Intent. Consequently, Nevada urges DOE to eliminate NTS as a possible site for these facilities/activities and not consider NTS as part of the proposed action in the SEIS.

Relocation of Tonopah Test Range (TTR) Flight Test Operations

The State of Nevada strongly objects to the proposal in the NOI to relocate NNSA flight test operations from the Tonopah Test Range to another DOE or DOD facility. The SEIS must thoroughly assess the impacts of such action to the economy of Nye County and the Tonopah area work force. Nevada strongly urges DOE to adopt the “no action” alternative for this portion of Complex 2030 activities and retain existing operations and facilities at the TTR. Also, the NOI provides no information on the screening process that resulted in NTS and White Sands Missile Range being selected as potential alternatives to the TTR for NNSA flight test operations.

Purpose and Need Statement

The SEIS must make a convincing case, based on transparent fact, that an expanded plutonium pit manufacturing capability is, in fact, necessary. For example, the forthcoming SEIS should present evidence that a plutonium pit-aging phenomenon has been identified and is, in fact, problematic. The SEIS 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 and Compliance with International Treaties

The SEIS should present details about why the ability to change and expand pit production types and plutonium pit designs simultaneously, is needed. Additionally, the SEIS should discuss existing treaty limitations concerning proliferation of nuclear materials/weapons and how development of the consolidated plutonium center will or will not jeopardize existing international agreements.

Plutonium Pit Life Cycle Management

The SEIS 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 SEIS 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 and Testing Programs

The SEIS 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 consolidated plutonium center is necessary, giving existing programs such as the National Ignition Facility, sub-critical testing conducted at the Nevada Test Site, etc.

No Action Alternative

In terms of assessing the No Action Alternative, the SEIS 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.

Analysis of Route-Specific Transportation Impacts

In preparing the SEIS and involving the public along potential plutonium and SNM shipping routes, DOE needs to balance the public's need to be adequately informed and to adequately participate in the SEIS process with the obvious national security interests. The SEIS must contain an adequate route-specific analysis for each proposed plutonium center and consolidated SNM 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.

Accessibility to Hearings and Other Events

It is imperative that DOE hold future hearings and meetings related to the SEIS in locations that are easily accessible to the public and that all such hearings/meetings be properly and widely noticed. Locations such as 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 consolidated plutonium center and SNM sites are located, but also along potential plutonium and SNM 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 Complex 2030 project. Hearings and meeting notices should be disseminated widely and in media designed to reach as broad an audience as possible.

Review of Classified Information

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 SEIS. In this regard, please be advised that State officials in Nevada have the appropriate clearances to conduct a classified SEIS evaluation and must be afforded access to such classified portions of the SEIS.

Thank you for the opportunity to provide comments on the NOI.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Loux". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Robert R. Loux
Executive Director

RRL/cs

cc Governor Guinn
Nevada congressional delegation