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April 8, 2008

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

Re: Comments on DOE's Draft Complex Transformation Supplemental Programmatic Environmental Impact Statement (DOE/EIS-0236-S4)

Dear Mr. Wyka:

The Nevada Agency for Nuclear Projects provides the following comments on DOE/NNSA's Draft Complex Transformation Supplemental Programmatic Environmental Impact Statement (DSPEIS). The State of Nevada's December 15, 2006 *Comments on DOE's Notice of Intent (NOI) 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)* are herein incorporated by reference to the extent that they apply to the currently proposed Complex Transformation alternatives.

Nevada contends, as it did in its comments on the October 2006 NOI, that the Nevada Test Site (NTS) is an unsuitable location for consolidating plutonium and special nuclear materials (SNM) facilities under any of the alternatives evaluated in the DSPEIS. DOE/NNSA has appropriately recognized this fact by not proposing such uses for NTS in its Preferred Alternatives that are identified in the DSPEIS (section S.3.17).

Even though NTS is not considered a preferred alternative for consolidating plutonium and SNM facilities, the DSPEIS nevertheless fails to adequately address key concerns raised by Nevada in its December 2006 comments on the Complex 2030 NOI including, but not limited to, the fundamental problems with the NTS site itself, cumulative impacts associated with the proposed Yucca Mountain high-level radioactive waste repository program as well as current and future activities at NTS, the transportation of SNM both in Nevada and nationally, and the

proposed relocation of NNSA flight operations from the Tonopah Test Range to another Department of Defense (DoD) facility.

NTS is unsuitable for SNM facilities

- 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 DSPEIS should have considered that earthquakes of 7.0 or greater magnitude are possible in this area.
- At NTS, substantial surface and subsurface contamination left over from weapons testing activities already exists. 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 DSPEIS fails to Adequately Assess Cumulative Impacts

- The DSPEIS does an inadequate job of assessing cumulative impacts from other DOE/NNSA activities at NTS. Major low-level radioactive waste (LLW) and mixed waste (MLLW) operations at Areas 5 and 3 are expected to continue while the proposed Complex Transformation activities are in operation. Cumulative impacts associated with these NTS activities should have been comprehensively addressed in the DSPEIS.
- Currently, heavy volumes of LLW and MLLW are being shipped to the NTS from numerous generators throughout the Nuclear Weapons Complex. Planned shipments of large volumes of Spent Nuclear Fuel and High-Level Waste, along with plutonium and SNM associated with proposed Complex Transformation activities will cause cumulative impacts on state and national highways. The DSPEIS does not comprehensively assess such cumulative impacts.
- For more than 40 years, NTS 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 surface and subsurface contamination. 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. The DSPEIS should have thoroughly evaluated the cumulative impacts associated with any proposed Complex Transformation SNM facilities at NTS.
- If the Yucca Mountain project goes forward, at least 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. As such, Yucca Mountain 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 any proposed Complex Transformation facilities. Such impacts include potential stigmatizing effects of the proposed alternatives as well as transportation accidents or incidents associated with Complex Transformation operations.

- The DSPEIS should also have evaluated cumulative impacts from existing and future operations at the Nevada Test and Training Range (Nellis Range).

Inadequate Assessment of Plutonium and SNM Transportation Impacts

- The DSPEIS fails to contain an adequate route-specific analysis for each proposed plutonium center and consolidated SNM location that would allow risks and impacts to be compared among alternatives. Such analyses can be done without compromising the security aspects of the actual shipments, when and if they occur.
- Because truck transport is the only available option to a NTS facility¹, shipments of SNM would impact the heavily populated and congested Las Vegas Valley. The impacts of such shipments are not addressed in the DSPEIS.²

Relocation of Tonopah Test Range (TTR) Flight Test Operations

- The DSPEIS does not provide adequate information or analyses to justify a decision to relocate NNSA flight test operations from the TTR to White Sands or another DOE or DoD facility. In addition, the analysis of impacts to the economy of Nye County and the Tonopah area is wholly inadequate. Nevada again strongly urges DOE to adopt the “no action” alternative for this portion of Complex Transformation activities and retain existing operations and facilities at the TTR.

Consistency with Authorized Land Uses at NTS

- The DSPEIS also fails to address the issue of authorized land uses at NTS and whether consolidated SNM facilities at the Nevada site would be consistent with the mission of the NTS as authorized in the existing land withdrawal legislation for the site.

Past Problems With Plutonium and SNM Facilities

- The DSPEIS continues to ignore the fact that serious violations of environmental, health, and safety regulations and laws were still occurring at Rocky Flats as recently as the late 1980s, despite the fact that numerous technology upgrades were made to the Rocky Flats facility over the years. Unless management deficiencies are addressed and corrected, there is no reason to expect a plutonium processing facility elsewhere will have a better environmental and safety track record, regardless of the technology employed. The DSPEIS should have comprehensively and objectively addressed the pervasive management and oversight deficiencies at Rocky Flats and their contributions to the environmental contamination and safety violations that occurred at that facility.

¹ 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 Complex Transformation 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 SNM offers significant security advantages over highway transport.

² DSPEIS alternatives that use existing plutonium storage/fabrication facilities (i.e., Pantex in Texas or the Savannah River site in South Carolina) as sites for consolidated plutonium and SNM facilities offer significant logistic advantages, substantially decrease risks associated with transportation and handling, and reduce overall program costs.

Thank you for the opportunity to provide comments on the Draft Complex Transformation Supplemental Programmatic Environmental Impact Statement.

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 Gibbons
Nevada congressional delegation