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Comments on the Department of Energy's Plans to Prepare a Supplemental Environmental Impact Statement (SEIS) on the New Nuclear Bomb Plant – the "Modern Pit Facility"

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I hereby submit these comments on the Modern Pit Facility (MPF) for the official Supplemental Environmental Impact Statement (SEIS) scoping record.

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New Nuclear Bomb Plant – No Need Established by DOE

While it is clear that DOE officials have for the past many years had interest in a new factory to produce plutonium pits, or cores, for nuclear weapons, the timing of the current process to locate a new bomb factory is ill-timed, unsubstantiated and provocative. With the end of the Cold War, any perceived justification for nuclear weapons continues to erode. But, as the role of nuclear weapons becomes ever harder to defend, DOE planners have set out to develop nuclear weapons as a first-strike, counterproliferation weapon, such as the "Robust Earth Nuclear Penetrator," while still clinging to deterrence theory as a justification for such weapons.

The September 23, 2002 Federal Register Notice of Intent (NOI) on the Modern Pit Facility made clear that the goal of a new pit plant was to maintain "long-term, the nuclear deterrent that is the cornerstone of U.S. national security policy." Yet, the announcement failed to discuss just who would be deterred by construction of a facility with a "large pit production capacity" and how such a facility would serve security interests of either the United States or the global community. As old assumptions about security are falling by the wayside, DOE must publicly present solid policy and economic justification for this new facility; reliance on Cold War jargon and secret, non-public documents is insufficient to make the case.

If anything, there is less reason to build a new large-scale pit plant than when the "stockpile stewardship" EIS was completed in 1996 and the Los Alamos site-wide EIS was completed in 1999. No need for large-scale pit production was then established and since that time nothing has been produced by DOE which demonstrates any need for ramped up pit production capability and manufacturing "agility." Although the claim has been made that aging pits or other pit problems might develop, the NOI itself concedes that "no such problems have been identified," in spite of hugely expensive stockpile stewardship program established since Rocky Flats pit production ended in 1989. If vast resources poured into that program have not identified problems, then where is the justification for any new pit production?

Thus, the decision on "whether to proceed" with a new pit plant must be based on evidence of need and such has not been presented. If DOE anticipates a nuclear confrontation in the future or has plans to fight a nuclear war, then those arguments for the new pit plant should be presented. If DOE has plans for new nuclear weapons and thus "the flexibility to produce pits of a new design in a timely manner," then those new nuclear weapons plans must be revealed.

The NPT & New Weapons

The NOI is disturbingly clear – DOE seeks to have "long-term pit production capability" in place "necessary for long-term support of the stockpile." Thus, while decrying the uselessness of the pit plant now being built at Los Alamos, DOE is clearly establishing that a large-scale nuclear stockpile will be maintained far into the 21st century. DOE does not even now use rhetoric, as it did at the 1995 NPT Review Conference, that the U.S. intends to join with the international community in affirming a long-term goal of global nuclear disarmament.

In 1995, the U.S. affirmed its commitment to Article VI of the Nuclear Nonproliferation Treaty (NPT), which calls on signatory nations to negotiate in good faith "on a treaty on general and complete disarmament under strict and effective international control." Since that time, nothing has been done to show that the U.S. takes this treaty obligation seriously and is taking deliberate steps to comply.

Steps to construct a large-scale pit plant clearly affirm total lack of intention to honor the NPT. As this is the case, the U.S. is making a mockery of both that treaty and the commitment made by the U.S. to disarm. If the goal is now to affirm that no NPT obligations will be met and that the treaty has no value then shouldn't the U.S. should be honest and announce that it intends to withdraw from the NPT? North Korea announced such a withdrawal in 1993, though international outcry thwarted such a move. As is stipulated in Article X, a three-month advance notice to the Security Council is essentially all that is required to withdraw. Given the policy implications of construction of a new pit plant, then a consistent policy would seem to demand such an action. Rest assured, once it becomes clear to other NPT signatories that the U.S. is actively pursuing a new, large-scale, long-term nuclear bomb plant over and beyond the small pit factory now being built, then many questions about the U.S. commitment to the NPT will arise.

Failure to Release the "Screening Analysis"

The NOI states that the NNSA "has conducted a site screening analysis to assure that potential sites meet program requirements." Based on this document, the five sites were selected for consideration for the new bomb factory, yet this document has not been made available to all members of the public who need it in their analysis of the various sites being considered and in preparation of scoping comments. This document, and perhaps other documents prepared by the NNSA, has been made available to a selected part of the public. Such partial distribution of this key document reflects badly on DOE and its ability to properly carry out this process as stipulated under NEPA and to the litigants in the stockpile stewardship lawsuit.

Given the importance of this screening analysis to the scoping process, I request that this document be immediately made available to anyone who wants it. Holding this document from wider public availability will raise questions that DOE is somehow trying to skew scoping comments. Release of the document could also lead to more cogent comments and thus even assist DOE in preparation of the draft EIS.

In 1997, DOE conducted an analysis of various sites to host a new pit plant. That document, prepared by various DOE labs, entitled *Rapid Reconstruction of Pit Production Capacity: Systems Studies Assessment and Recommendations*, concluded that if one new facility were chosen that Savannah River Site (SRS) was the best choice and that if two facilities were chosen then SRS and Oak Ridge (Y-12) were the most likely choices. In order to compare the current analysis with the one made in 1997, I request that this document be made part of the scoping record. I further request that DOE include for the record more specific information as to why Y-12 has now been left off the list of potential sites, particularly given its high ranking in 1997.

Past Pit Plant Problems: Rocky Flats

In analyzing any new pit plant, the problems which arose at the previous facility at Rocky Flats must be discussed, with clear presentation as to how those problems will be resolved. I take it that in choosing the name for the new pit plant that DOE is attempting to demonstrate that a new, modern plant will not have problems such as we have seen at Rocky Flats – wide-spread soil contamination, plutonium fires, hold up of large quantities of plutonium in processing equipment, problems with packaging of stored plutonium, well-known security vulnerabilities, and illegal incineration of waste on-site.

In the early 1990s, after Rocky Flats was shut down after a series of controversial revelations, it was believed that DOE was looking for a new location for Rocky Flats operations. At that time, just as is the case now, DOE made a presentation that a new pit plant, in fact a whole new bomb complex, was needed to support U.S. nuclear weapons. Justification for proceeding with such a facility was proved invalid. Now, as then, it appears that DOE is couching the need for any new pit plant by referring to classified DOE documents prepared and presented with no input from the public. Proof of need, and not just based on DOE documents, including specific information on what type of

nuclear stockpile is envisaged, must be presented in a non-classified version in any draft EIS.

Much of the justification for operation of Rocky Flats during the Cold War proved not only false but also a threat to national security due to the threat of nuclear war which almost spiraled out of control. Secret arguments justifying the need for a new Rocky Flats simply will not meet requirements under the National Environmental Policy Act to establish need for any such proposed action. In addition to the American public, the United Nations, the Conference on Disarmament, other international fora will be looking for detailed justification as to why the U.S. is seeking to build a facility which, as the DOE-Savannah River Site stated in a 2001 document on waste management, would be capable of producing "war reserve certified pits."

Programmatic Connections: Pit Production and Weapons Plutonium "Disposition"

Given that SRS has been chosen for long-term plutonium storage, which has yet to be analyzed in an EIS, and is also the site for the troubled U.S.–Russia bilateral program to dispose of surplus weapons plutonium, connections between the pit production and plutonium disposition programs must be clearly spelled out in the EIS. There are plans to build at SRS a number of facilities for plutonium disposition which could have possible use to support the pit production mission. Those facilities include the MOX Fuel Fabrication Facility (MFFF), the Pit Disassembly and Conversion Facility (PDCF), the K-Area Material Storage facility (KAMS), and the facility to solidify high-alpha and uranium waste coming from the MOX plant. DOE has not yet acknowledged that such a waste solidification facility will be needed but both the Nuclear Regulatory Commission, which is going through a licensing process for the MFFF, and Duke Cogema Stone & Webster (DCS), which would build the MOX plant, have stated in writing that such a facility is needed.

It is unclear just how much plutonium will be stored in the KAMS facility and for how long. DOE has stated that storage containers in KAMS are designed for 50 years and that material would be stored there up to 20 years, but no in-depth NEPA analysis has been done on this storage and what would happen if the troubled MOX programs slows or does not go forward. Thus, storage of plutonium for pit production must be discussed in detail, including plans to use KAMS or build a new facility. As such a facility could have uses beyond support of pit production, those other missions and who will pay for them must be discussed.

Likewise, the MFFF plant could potentially have dual use in the front-end of the facility, where a PUREX-type process is planned for operation to remove gallium, americium and other contaminants. Due to the massive size of that facility, it is conceivable that it could also be used for purification of plutonium destined for new pits. This facility is planned to be licensed by the NRC and will be operated by a private contractor and so far no pit mission or non-MOX plutonium purification missions have been described for the plant. If a dual use is conceived for this facility, DOE must

discuss how the intricacies of regulation or monitoring by such bodies as the International Atomic Energy Agency (IAEA) would take place.

It is most curious that DOE refuses to acknowledge that a facility is planned to solidify liquid waste coming from the MFFF processing ("polishing") facility. At some point, the content of the waste pipes running from the NRC-regulated facility will become the responsibility of DOE, yet DOE has yet to make any presentation that such a waste management facility is needed. Likewise, no cost estimates or NEPA timelines for this waste solidification plant have been presented. As this facility would handle alpha waste, it potentially could handle similar wastes coming from a facility purifying plutonium for pit production. The MPF EIS must thus discuss any possible dual use for the waste solidification facility, how it will be regulated and who will pay for it.

The PDCF, if constructed, would take pits and disassemble them into their various constituents, readying the plutonium for use as MOX fuel or to be disposed of in another fashion, such as the option of immobilization in high-level waste, which DOE reaffirmed in July 2002 to be the cheaper disposition option. This facility, which will be dealing with classified shapes, could well have built into it some type of pit processing, assembly or recycling capability. Such a possibility must be discussed in the MPF EIS.

Pit Waste & the Waste Isolation Pilot Plant and SRS Tanks

It appears quite likely that any plutonium-contaminated waste streams associated with pit manufacture would be planned for transport to the Waste isolation Pilot Plant (WIPP) in New Mexico. DOE-SRS estimated in 2001 that the pit manufacturing process "would generate a maximum of approx. 33,600 gal./yr. of high level waste. It has not been determined if the high level waste would be treated as a part of [the SRS high-level waste management system] or be converted to a Waste Isolation Pilot Plant (WIPP) compatible disposal form."

The estimated volumes of radioactive and non-radioactive waste forms, including transuranic wastes, must be fully discussed in the MPF EIS. In particular, the processing of transuranic waste for shipment to WIPP and the ability of WIPP to accept the volume and content of such waste must be discussed.

If liquid waste is poured into the SRS waste tanks, the impact on waste tank management, vitrification in the Defense Waste Processing Facility (DWPF), and the relationship to management of other existing waste, including cumulative health and environmental impacts, must be discussed. Likewise, at other DOE sites being considered for the MPF, creation and cost of a large waste management infrastructure where there is now none must be discussed.

Conclusion

DOE has not established any need for the Modern Pit Facility. Particularly given that a pit facility is now being built at Los Alamos and given lack of justification for any

new large-scale facility, the "no action alternative" is the wisest choice from a policy, environmental and cost perspective. Both planning for and construction of a new pit plant will be internationally perceived as a provocative step designed to undermine the NPT and arms control and disarmament initiatives. Thus, the MPF must be rejected and planning for it halted.

I request that these comments be placed in the official EIS record, that all documents discussed in the EIS or used in its preparation be made publicly available and that I be added to any contact list for further information related to this process.

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