



January 31, 2008

Mr. Carlos Salazar
U.S. General Services Administration
1500 East Bannister Road, Room 2191 (6PTA)
Kansas City, MO 64131

Via email to NNSA-KC@gsa.gov

Dear Mr. Salazar:

First of all, thank you, the General Services Administration (GSA) and the National Nuclear Security Administration (NNSA) for extending the comment period on the draft *Environmental Assessment for the Transformation of Facilities and Infrastructure for the Non-Nuclear Production Activities Conducted at the NNSA Kansas City Plant* (hereinafter the "KCP EA").

We submitted comments on the KCP EA on January 14,¹ the original due date, before we became aware of the official extension. Our first comment is that GSA/NNSA should have provided better advance notice of that extension, at a minimum to the parties that your agencies clearly knew were interested because they had submitted KCP EA "scoping" comments.

We contend that lack of advance notice is part and parcel of a pattern of failure to adequately notify the public. Further, we suspect this is because the Kansas City Plant has not been previously subject to serious national public scrutiny, which is now changing. Nevertheless, given the extension, we are submitting some narrowly focused additional comments. Please add these to the official public record.

GSA/NNSA's formal extension notice stated that the "review period for the Draft EA and other NEPA documents has been extended until Wednesday, January 31, 2008" for the new Kansas City Plant at "Kansas City, MI."² First, please notify us immediately if this means that GSA/NNSA intends to build a duplicate new Plant in Michigan, as oppose to just Missouri. This would clearly be a bombshell and change the whole ball game.

Second, Wednesday, January 31, 2008 simply doesn't exist. We are submitting our additional comments on Thursday, January 31, 2008. We therefore assume that we have met the designated deadline. If not, please inform us otherwise.

¹ See http://www.nukewatch.org/facts/nwd/NMWM_Comments_KCP_EA.pdf

² <http://www.eh.doe.gov/nepa/na/bbs08January17TransformationFacilDEANOA.htm> Underline added.

Our comments above are somewhat tongue-in-cheek since these two mistakes are no doubt typographical errors. However, the wrong state has now been listed twice in official government notices. This compels us to ask whether this is indicative of a sloppy rush job by GSA/NNSA to reach a previously foreordained conclusion that the new Kansas City Plant will be built and operated, period, the public be damned.

Please be advised that we take all National Environmental Policy Act (NEPA) requirements very seriously, in detail, including proper, timely, professional and accurate public notification. We assert that GSA and NNSA have failed in its professional and statutory duties thus far. We take extremely seriously the NEPA requirement that advance prejudicial actions by federal agencies should be strenuously avoided. We contend this has not been the case for the KCP EA, as outlined in our previously submitted comments.

Concerning our substantive additional comments, we became aware that the NNSA's Albuquerque Service Center has solicited the opinion of its own contractors as to how management contracts between sites could be consolidated for greater efficiencies and cost savings.³ If implemented, this could immediately impact the future of the Kansas City Plant. As indicated in the relevant URL address, the contractors' input was designated as "final," although apparently NNSA has yet to issue a final judgment.

A number of management contract schemes are advanced in that document, which could have near immediate impact on the Kansas City Plant. For example, Option A.2 proposes that the management contracts of KCP and the Sandia National Laboratories (SNL) be consolidated. Still, that option presumes two physically different sites. Option B.3 proposes to transfer tritium operations at the Savannah River Site to the combined KCP/SNL management contract. Option B.4 proposes to transfer "production operations and associated vendor qualification at SNL to the scope of the KCP contract."

Option C.2 "consider[s] moving this activity from a government owned facility to a government leased facility." In context, the proposed activity is to move the production of nonnuclear components for nuclear weapons entirely to the commercial sector, but only after a predetermined decision is made to build the new Kansas City Plant.

Perhaps the most important quote from this document is

- Timing: The current proposals for modernizing non-nuclear production activities in the Kansas City area would be completed in the 2010-2012 timeframe. After that, NNSA could reconsider the nature of its relationship with facility management and operations, review options for the contracting structure, and conduct additional refinement of its federal oversight and contract management structure. [Emphasis added.]

A number of questions then inevitably follow, which the final KCP EA should fully address:

³ "Contract Strategy for National Nuclear Security Administration Nuclear Weapons Complex - Request for Information," January 23, 2008, NNSA Service Center, Albuquerque, NM http://www.doeal.gov/mocontracts/docs/RequestForInformation/RFI-2_FINAL_1-23-08.pdf

- Has NNSA come clean with GSA as to what its final intentions are with the new Kansas City Plant?
- Is NNSA's whole scheme to finance the new Kansas City Plant through GSA ultimately designed to build and operate the new Plant while avoiding Congressional scrutiny, since therefore the new KCP won't be part of the NNSA's annual Congressional Budget Requests? Following that, could NNSA possibly turn around and change the fundamental nature of its owner's relationship to the new Plant?
- Since NNSA is actively considering the consolidation of contractor management contracts, including KCP and Sandia, why can't NNSA consider the actual physical consolidation of these two sites? In our view, that would clearly result in the greatest operational efficiencies, greatest savings to taxpayers, and enhance nuclear weapons complex security.
- However, NNSA has prejudicially ruled against that in advance. In our previously submitted comments we offered substantial testimony as to why NNSA's legal argument that KCP should not be included in its current proposal for nuclear weapons complex "transformation" is demonstrably false.⁴ NNSA and GSA have yet to convincingly disprove our argument, which the final KCP EA should do, if it can.

We strongly advise both the General Services Administration and the National Nuclear Security Administration to correct the deficiencies in the draft Kansas City Plant Environmental Assessment. We pointed this out in our previously submitted comments, and strongly reiterate it in these additional comments.

Thank you for consideration of our previously submitted and these additions. We look forward to the GSA/NNSA's responsive comments on public record.

- End of Added Comments -

Respectfully submitted,

Jay Coghlan,
Executive Director

⁴ In a very brief recap, NNSA argued that decisions made elsewhere in the nuclear weapons complex would not affect the Kansas City Plant. Nuclear Watch New Mexico has obtained KCP Ten-Year Site Plans under Freedom of Information Act litigation, and by KCP's own words can show that that assertion is false.