Office of the Governor

September 28, 2018

The Honorable Rick Perry
Secretary
Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585

Re: Proposal to Store South Carolina Plutonium at the Nevada National Security Site

Dear Secretary Perry:

On approximately August 28, 2018, the Department of Energy (DOE) notified Nevada of a proposal to transfer up to one metric ton of plutonium from DOE’s Savannah River Site in South Carolina for indefinite storage at the Nevada National Security Site (NNSS). As I expressed to you in a phone call on September 7, 2018, Nevada has significant concerns regarding this proposed transfer.

Since our conversation, staff from both our offices have engaged in follow up discussions regarding the proposal, and are coordinating a meeting of the working group that has previously discussed the uses and mission of NNSS. I am confident that the reengagement of this working group will help to ensure a cooperative process for future proposed actions involving NNSS.

While I appreciate these efforts, Nevada remains strongly opposed to the proposed storage of plutonium at the NNSS for many reasons, including but not limited to: DOE’s failure to develop a concrete plan and disposition schedule for this plutonium, DOE’s reliance on an incomplete environmental analysis, and the insufficient opportunity for public input from Nevada stakeholders on a new mission outside the scope of projects previously identified by DOE/National Nuclear Security Administration (NNSA) for the NNSS.

As we have discussed previously, Nevada is supportive of the primary NNSS missions, including ongoing research to maintain the nation’s nuclear stockpile readiness and the appropriate management and disposal of low-level radioactive waste. Nevada also supports development of enhanced research and national security missions at the NNSS, and we have engaged with NNSS leadership regarding these opportunities. Unfortunately, the proposal to indefinitely store plutonium in Nevada from the failed South Carolina project at the Savannah River Site is not consistent with these missions.
DOE's August 2018 Supplement Analysis for this action indicates that the duration of storage at NNSS is undefined and the timing for transport to Los Alamos for proposed plutonium pit production is not specified. DOE's analysis indicates that the transportation from NNSS will likely not take place for a period of years. The lack of a defined schedule does not give confidence that the material will be managed in a certain and timely manner. This lack of confidence is further magnified by DOE's repeated failures to process this material in South Carolina. Given that this material is ultimately destined for transport to Los Alamos, this proposal also unnecessarily adds thousands of miles to any proposed route.

In the Supplement Analysis, DOE incorrectly concludes that its previous National Environmental Policy Act (NEPA) documents adequately analyzed the proposed action. In making this determination, DOE inappropriately relied upon previous analyses and decisions, which did not include an analysis of the environmental impacts of the indefinite storage of up to one metric ton of plutonium at NNSS. In short, the Device Assembly Facility (DAF) at the NNSS is one of DOE's few Cat-1 Special Nuclear Material facilities intended to conduct sensitive nuclear security experiments, and should not be used as a high-priced storage facility for indefinitely housing plutonium that DOE has failed to properly manage.

Nevada's grave concern with this proposal is heightened further by recent DOE proposals to limit the oversight capabilities and scope of the Defense Nuclear Facilities Safety Board (DNFSB). The DNFSB plays a critical statutory role in providing communities adjacent to all DOE facilities the assurance that the safety of employees at DOE facilities and surrounding public remains DOE paramount priority. As such, we find DOE's recently issued Order 140.1 unacceptable. It is critical that the DNFSB maintain access to all information needed to provide independent analysis, advice and recommendations to ensure adequate protection of public health and safety at defense nuclear facilities, including NNSS.

Given these concerns, I respectfully request DOE to reconsider this proposed transfer. The State of Nevada is actively exploring all possible avenues for relief.

Sincere regards,

BRIAN SANDOVAL
Governor

Cc:
The Honorable Dean Heller
The Honorable Catherine Cortez Masto
The Honorable Dina Titus
The Honorable Mark Amodei
The Honorable Jacky Rosen
The Honorable Ruben Kihuen