

May 29, 2008

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Dear NEPA Document Manager,

I am writing the below comments on the Draft Supplement Analysis for the 1996 Nevada Test Site Wide Environmental Impact Statement. Below, I have organized my general comments themed in a chronological fashion, starting with the year 1996.

My first concern is in regard to the availability of the 1996 Nevada Test Site Environmental Impact Statement, which I will refer to below as simply the '1996 NTS EIS.' I understand that, per NEPA, the DOE must make and does make this document accessible to the public in a variety of means. However, I have found, in the year 2008, that the NTS EIS is hard to locate. My local federal depository, located in a public university library, for instance, has the latest paperbound EIS for all of the other major DOE nuclear sites except the NTS. Similarly, the 1996 NTS EIS is not available in its full version online on the www.nv.doe.gov domain whereas the most recent EIS's for other DOE nuclear sites are accessible in full online. I did locate a PDF file of the entire Volume 1 of the 1996 NTS EIS that is uploaded to the server of the Office of Civilian Radioactive Waste Management, however the link to that PDF is buried on a web page that discusses Yucca Mountain. Also, the DOE's dedicated NEPA Web Site (<http://www.eh.doe.gov/nepa>) has a HTML version of Volume 1 however all of the tables and figures are dead-links.

Although I do understand that the public and stakeholders can request NTS-related NEPA compliance documents for mail delivery and that the NTS EIS was sent to various stakeholders and is available in public reading facilities and public libraries in the immediate vicinity of the NTS, I believe that such a critically important document should be made even more accessible to the public. The 1996 NTS EIS is a document that is pertinent and critical to the health and other concerns of millions of Americans from coast to coast, not limited to the concerns of persons and entities in the Intermountain West or selected stakeholders. I feel the DOE can learn much from our nation's librarians and make this critical and pertinent document available for access in a variety of methods in the ways librarians do for their local constituencies. To do the opposite, and make a document poorly accessible as if it were a rare and infrequently referenced or

read book, sends a message to the public that that document isn't and shouldn't be of value to them. For whatever reason print copies of the EIS for the NTS are not readily found in federal depositories, there appears to be no rationale for not providing an online version. When pressed for shelf-space, university and public librarians subscribe to digitized-book services and provide their patrons with relevant online links to the full online content, if available.

With such a tremendous operating budget and staff, I would think that over the past 12 years – since 1996 - the DOE might have considered the courteous gesture of providing the public with a searchable, digitized, online 1996 NTS EIS of all three volumes containing full tables and figures. The DOE should have considered the added step of even splitting up an online, full NTS EIS document into file segments much smaller than 86MB (the size of the PDF of Vol. 1) that can be downloaded – in sections - by persons with internet dial-up connections. There is a lot that the DOE could have done and still can do as a courteous gesture to the public that it hasn't done in the spirit of NEPA. As a result the public has poor access to this critical document. There is an inconsistency when the DOE publishes a sensibly sized, and pdf-searchable, 210-page Draft SA yet there is no easy access to the very document it refers to: the 1996 NTS EIS. Why isn't it online in a full-version format?

In 1998, the DOE decided to end the EPA's independent oversight and drastically reduce monitoring practices under the Routine Radiological Environmental Monitoring Plan (RREMP) for the Nevada Test Site (NTS) and surrounding regions. The RREMP was drafted and implemented without the consent, the consensus or the consultation of the monitoring program's most important stakeholders, the EPA and the public. The EPA stated in a September 1998 letter that the RREMP was not a consensus document, that the EPA was not included in the final decision-making for the design of the plan, the agency did not endorse use of its (EPA) seal on documents that were modified from Technical Design Basis Document Working Group consensus documents, and furthermore stated in no uncertain terms its objections to this plan which it said incorporated little of EPA's comments and input and did not represent the position of EPA Region 9. The public, likewise, was not informed about the drafting of this document nor were their comments solicited nor did they have any role in the approval of the plan. The public's 'right to know' of this important decision and their right to have input in this decision which would affect their health and lives were both violated.

The RREMP has effected a drastic reduction in the various activities of the ongoing radiological monitoring for the NTS and surrounding regions that continues to be a cause for concern for the monitoring program's stakeholders. The Draft SA does not address these stakeholders' ongoing concerns regarding the cuts in monitoring and the lack of independent oversight. As a public citizen I have numerous concerns, which I list below: that the removal of the EPA from oversight of the monitoring program therefore means that DOE data cannot be independently verified and this is still a disturbing fact when considering that the DOE and its predecessor agencies have dramatically violated the public trust in the past; the monitoring program is administered by a DOE-picked contractor and this is a poor choice because when faced with a mistake or accident that

would damage the public image of the DOE and its contractor the best interests of the public will not be guaranteed as it would have been under EPA oversight; the cost savings by reducing types of monitoring while simultaneously removing (funding for) EPA involvement in that monitoring (testing down-gradient wells, vegetation, milk, wild-game, etc...) including the shutting-down of CEMP monitoring stations in Utah are and will never be worth the damage done by a real radiological event that is not properly monitored; the CEMP monitoring stations aren't equipped with the proper equipment to effectively serve their purpose and protect the public - these stations lack the real-time ability to detect alpha- and beta- radiation; also there is no independent oversight of radiation monitoring data collection and data manipulation and also access to air filters to verify (independently) the regular analyses that are generated; more CEMP stations need to be opened and re-opened in areas, including northern Utah, that are located in environmental pathways of maximum predicted ground level concentrations where radionuclides might be released from NTS and Off-Site events and take into account the growing threat of Western wildfires stemming from global warming; the ability of the RREMP emergency countermeasures and CEMP operators to adequately respond to all foreseeable accidents, including tornados and the increasing incidence of forest fires at the NTS, needs to be seriously examined; finally there exist many obscurities between public display and the ways radiation data is recorded, stored, processed, manipulated and troubleshooted within the CEMP monitoring network (e.g., CEMP summarizes gamma radiation data for each 10 minute period by averaging all values during that interval yet this fact is not well documented on the website of DOE or its contractor – the Desert Research Institute).

Currently, there is tremendous population and construction growth happening throughout Southern Utah and Southern Nevada and the threat of migration of radionuclides via groundwater or windstorms to off-site areas is more vital than it was even in 1996. Real concerns to these populations regarding current environmental radiation monitoring include: How will the public know when plutonium-dust particles from Area 13 or other safety-test areas that regularly get picked up by winds or resuspended from fire cross into their areas? How will the public know if any of the more than one hundred million Curies of radioactivity released into NTS subsurface areas will end up in their (offsite) wells that are no longer being sampled? Or if the public's livestock will be affected?

Also, the inadequacies of current monitoring have manifested themselves recently – and this isn't addressed in the Draft SA - during the Milford Flat Fire event. If the CEMP network were better equipped to provide radiological alpha data to distinguish radon from other radionuclides, or real-time alpha- and beta-radiation detection and real-time gamma spectrometric capability, the public would not have had to wait many weeks before a final determination could be made about what specific radionuclides were being resuspended by the fires.

The decision making process for the 1998 RREMP was not open to public scrutiny nor were the environmental consequences caused by this action considered per NEPA. Neither the 2002 SA nor the 2008 Draft SA address these monitoring cuts and impacts on and the concerns from public citizens affected. These issues can only be addressed

through a new Site-Wide EIS or a similar process that will include the public in stakeholder-review of the RREMP.

In 2002, the DOE, in its Draft SA, announced a new Work-For-Others program with the Defense Threat Reduction Agency (DTRA) for its Hard Target Defeat Program (formerly called Hard Target Defeat Tunnel Program) that would consist of '6-8 dynamic tests per year' in Areas 12 and 16. The DOE's claim that these DTRA activities are bounded by the 1996 NTS EIS is erroneous. The DOE contends that it meets NEPA requirements by using a protocol that involves having DTRA submit a test plan, along with a NEPA checklist, for each test that describes the environmental impacts of each test and any required mitigation measures that is reviewed by the NNSA/NV NEPA Compliance Officer to determine if an EA needs to be prepared or the test can be excluded from further NEPA review. It appears that each and every DTRA test - with the exception of the cancelled Tunnel Target Defeat Program 'Divine Strake' test - was categorically excluded from further NEPA review.

The 2008 draft SA states that the Hard Target Defeat Program (HTDP) is 'inactive other than tests of small air-dropped munitions against tunnel targets' and mentions testing has occurred in Areas 12 and 16 of the NTS. Given the nature of the soils at Area 16 and the potential for environmental impacts from surface testing, it is alarming that there is no further discussion in the Draft SA or a legitimate case made for NEPA-adherence. The DTRA's HTDP is not bounded by analysis in the 1996 NTS EIS and therefore no test under the program should be eligible to be 'categorically excluded' from NEPA review. The NEPA checklist protocol outlined in Appendix A ('Public Comments and Responses') in the DOE's 2002 SA deprives the public of the protections guaranteed under NEPA. The DOE was never required, per NEPA, to choose and consider alternatives to the DTRA's HTDP, including a 'no action' alternative. The program also was never evaluated for potential environmental impacts in order to determine any, if at all, 'significant' impact on the environment. (Information about the fallout patterns from various 1950's tests, including Smoky, Turk, Shasta, Kepler, Galileo and Coulomb B, that crossed into Area 16 should be highly relevant to environmental analysis of DTRA's surface testing in that Area. Yet, no such analysis has been provided.) Of greatest import, the DOE has failed to provide the public with notice, proper information, opportunities to participate and also comment provisions in the decision-making process for the program. The DOE should initiate preparation of a new site-wide NTS EIS to properly address the impacts of the DTRA HTDP.

When the year 2005 passed, the 1996 NTS EIS's scope relating to the frequency and time-frame of 'stockpile stewardship' experiments effectively expired. The 1996 NTS EIS stated that from 1996 to 2005 'only about four' subcritical experiments would be conducted per year and an upper-limit estimate for 'stockpile stewardship' experiments was 'over 100 per year,' or 1,100 such experiments over the time period. The 2008 draft SA states that 'current specifications for explosives testing remain the same as those in the NTS EIS.' The public was involved in shaping the NTS EIS for stated timeframes for stockpile stewardship experiments not extending beyond 2005. Also, the public was involved in shaping the *rate* of testing over that timeframe and it is unclear if a new NTS

subcritical testing activity discussed in the 2008 draft SA - use of a large-bore powder gun to fire large projectiles into 'fixed special nuclear material targets' - will result in subcritical testing rate increases [from the 1996 estimate of 'up to four [subcritical] experiments' per year]. The Draft SA therefore does not specify if the number of subcritical experiments will increase due to the addition of powder-gun tests to the Emplacement Hole Subcritical Experiments program. A new EIS is needed to re-evaluate the necessity, and frequency, of all 'stockpile stewardship' experiments going forward since the public should have been involved in this decision-making process when the year 2005 passed.

The DOE should also re-address the many controversies of subcritical experiments as they relate to the CTBT. There is still continuing widespread controversy that these subcritical tests violate the CTBT in spirit and also undermine U.S. non-proliferation efforts. I believe that subcritical tests are a threat to global peace and security and have played a key factor in provoking non-nuclear nations to begin nuclear testing programs. Permanently stopping subcritical testing and increasing transparency and access to ongoing stockpile stewardship experiments would reduce international mistrust over the actual nuclear yields and purpose of ongoing U.S. testing and would make this world a more peaceful and safer one.

In 2008, the environmental baseline conditions for the NTS and its environs are much different than they were in 1996. Models, studies, analyses, photos, accounts, interviews, and other source data used to compile the 1996 NTS EIS are no longer applicable to the environmental conditions and overall geographic scenario in 2008 in southern Utah and Nevada.

The need for readdressing environmental baselines applies to manmade and natural forces such as re-distribution of radionuclides from conventional explosives testing at the NTS and also from natural re-suspension - including forest fires, wind, and water (eg, aquifers, colloids) since 1996. Wildfires within the boundaries of the Nevada Test Site - and prescribed burns outside the boundaries - have re-dispersed radioactive particles from atomic testing and dispersal experiments throughout the NTS and Off-Site over the past decade. Also, since 1996, a DOE team discovered (in 1998) that plutonium particles traveled almost one mile from the site of a 1968 underground nuclear test on water molecules called colloids - the plutonium migrated on these colloids a distance of 1.3 kilometers in 30 years, much faster than expected. The finding has demonstrated that radionuclides, including plutonium, can make their way into soils and groundwater, carried by these colloids, and once in groundwater these radioactive colloids may be carried into populated areas beyond the NTS. This finding alone merits a serious re-assessment of baseline conditions at the NTS.

The manmade activity of subcritical testing since 1996 has resulted in below-surface contamination and these experiments need to be re-assessed for environmental impacts. The environmental impacts of these tests were articulated in 1996 - the estimate was that 'approximately 2,314 m³ (81,700 ft³) would be disturbed each year in association with the conduct of up to four experiments' - however a new environmental baseline needs to

be established since new subcritical exercises (e.g. powder gun testing) are now being introduced for future use and the changes in frequency of subcritical testing is unclear. The 2008 Draft SA describes the new subcritical testing activity of using a large-bore powder gun to fire large projectiles into 'fixed special nuclear material targets.' The addition of powder-gun subcritical testing is not bounded by the 1996 NTS EIS for geologic and environmental impacts. Also the Draft SA articulates that MORE plutonium and other radioactive materials than in the past will be used. The Draft SA mentions the tests will 'potentially use larger quantities' of nuclear material than in the past yet that amount is unknown for persons without access to classified NTS documents. The Draft SA only states that the quantity will not exceed limits stated in classified Appendix J of the 1996 NTS EIS.

Also, in 2008, there is no valid reason why classified information regarding 1950s and 1960s hydronuclear tests should remain hidden from the public. This data is essential for NTS stakeholders to assess and provide their input regarding a first-ever contamination cleanup plan at NTS for these hydronuclear test areas.

The same applies to Area 13. The quantity of pounds/kilograms of plutonium used in this experiment perhaps is a sensitive bit of information, however the extent of widespread contamination resulting from the safety test dubbed 'Project 57' is very relevant to the health concerns of downwinders. The trajectory of the plume from Project 57 is not learnable, nor is information about where the plutonium from that test went off-site. If the estimate of the National Research Council of about 9 pounds or about 252 curies per weapon is correct, then the estimate of 46 curies at Area 13 (aka Complex 13) represents about one-fifth of the plutonium that was originally dispersed. Why does the Draft SA leave out such questions as: where did all of this plutonium go? Have areas in Utah and Nevada that were affected by the 1950s safety tests been sampled? What were the associated health impacts from safety tests? How much Pu239 drifts offsite from Area 13 each year? Where are studies that analyze radionuclide movement from Area 13 to offsite areas from high winds? Where does plutonium drift offsite and what is the risk and how is it or will it be detected/monitored by CEMP? How much will cleanup at Area 13 cost and what will be the methods and when will full remediation of the soils occur? What were the effects of resuspension from previous cleanup attempts at Area 13 from raking, irrigating and plowing and other resuspension-mitigating measures? And why won't the DOE, at the very least, put a concrete slab over the whole area? Finally, when were the collection dates that coincided with the 1977 and 1996 NTS EIS contamination maps of Area 13?

The Draft SA doesn't lay out a clear environmental restoration strategy for remediation of contaminated soils at Area 13. Nor does it address the environmental impacts of ongoing surface explosive testing on the Nellis Air Force Range, which received safety test fallout. A March 2008 article by the Las Vegas Review Journal mentioned that the FBI was conducting ANFO explosions - in amounts of up to 250 pounds of ANFO - on various objects. I did not see a reference in the Draft SA that addresses the potential of plutonium-laden soils (from Project 57) being resuspended by air to downwind

communities by these types of testing activities at Nellis or other areas under the DOE's Work-For-Others Program.

On the topic of conventional explosives testing, I am also concerned that, despite the DTRA's assurances in legal documents to the contrary, the Pentagon has plans for the 'confirmatory experiments' mentioned in its February 2007 press release for small-scale surface explosions related to the Tunnel Target Defeat ACTD at NTS Areas 12 or 16. This testing activity will not be bounded by the 1996 NTS EIS and I am concerned that DTRA will 'categorically exclude' this testing from any NEPA review and it should not be excluded because of the fallout impacts of tests including Shot Coulomb B that contaminated Area 16 - where DTRA testing occurs.

If you or your staff have any questions about my specific and general comments, please contact me by mail at the address provided at the top of this letter.

Sincerely,

Andrew Kishner