APPENDIX E
SUMMARY OF PUBLIC SCOPING COMMENTS

E.1 PUBLIC SCOPING PROCESS

As a preliminary step in the development of an environmental impact statement (EIS), regulations established by the Council on Environmental Quality (40 CFR 1501.7) and the U.S. Department of Energy (DOE) require "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." The purpose of this scoping process is: (1) to inform the public about a proposed action and the alternatives being considered, and (2) to identify and/or clarify issues that are relevant to the EIS by soliciting public comments.

On September 23, 2002, the National Nuclear Security Administration (NNSA), a separately organized agency within DOE, published a Notice of Intent (NOI) in the *Federal Register* announcing its intent to prepare a *Supplemental Programmatic Environmental Impact Statement on Stockpile Stewardship and Management for a Modern Pit Facility* (67 FR 59577). During the *National Environmental Policy Act* (NEPA) process, there are opportunities for public involvement (see Figure E.1–1). The NOI listed the issues initially identified by DOE for evaluation in the EIS. Public citizens, civic leaders, and other interested parties were invited to comment on these issues and to suggest additional issues that should be considered in the EIS. The NOI informed the public that comments on the proposed action could be communicated via U.S. mail, via electronic mail, a fax line, or in person at public meetings to be held near the alternative location sites.

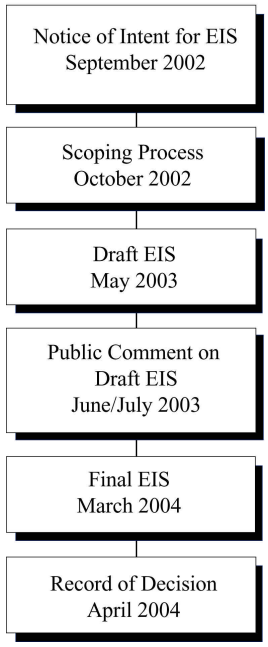

Figure E.1–1. NEPA Process

Public meetings were held near each of the five alternative location sites and DOE Headquarters: (1) Pantex Site on October 8, 2002, in Amarillo, Texas; (2) Carlsbad Site on October 10, 2002 in Carlsbad, New Mexico; (3) U.S. Department of Energy, on October 15, 2002 in Washington, DC; (4) Nevada Test Site (NTS) on October 17, 2002 in Las Vegas, Nevada; (5) Los Alamos Site on October 24, 2002 in Los Alamos, New Mexico; and (6) Savannah River Site (SRS) on October 29, 2002 in North Augusta, South Carolina (see Figure E.1–2).

As a result of previous experience and positive responses from attendees of other DOE NEPA public meetings and hearings, DOE chose an interactive format for the scoping meetings. Each meeting began with a presentation by a DOE representative who explained the background, purpose and need for the proposed Modern Pit Facility (MPF), the alternatives and NEPA and EIS process. Afterwards, the floor was opened to questions, comments, and concerns from the

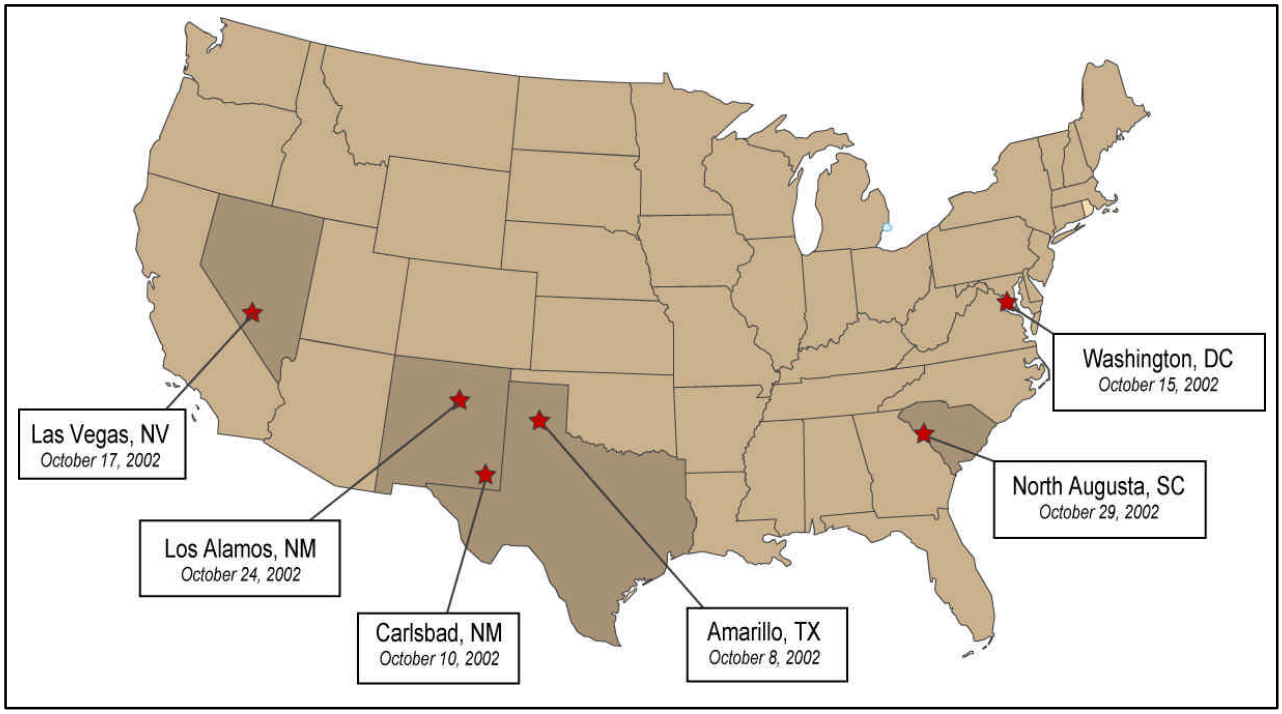

Figure E.1–2. Public Scoping Meeting Locations and Dates

audience. DOE representatives were available to respond to questions and comments as needed. The proceedings and formal comments raised at each meeting were recorded verbatim, and a transcript for each meeting was produced. The public was also encouraged to submit written or verbal comments during the meetings or to submit comments via letters (U.S. mail or electronic mail), or fax line, until the end of the scoping period.

It should be noted that, for EIS public scoping purposes, a comment is defined as a single opinion concerning a specific issue. An individual commentor's public statement may contain several such comments. Most of the verbal and written public statements submitted during the EIS scoping period contained multiple comments on various specific issues. These issues are summarized in the following section.

E.2 SCOPING PROCESS RESULTS

Nearly 1,600 comments were received from individuals, interested groups, and Federal, state, and local officials during the public scoping period, including approximately 480 oral comments made during the public meetings. The remainder of the comments (1,106) was submitted at the public meetings in written form, or submitted via U.S. mail, e-mail, or fax over the entire scoping period. Some commentors who spoke at the public meetings also prepared written statements that were later submitted during or after the meetings. Where this occurred, each comment provided by an individual commentor in both oral and written form was counted as a single comment.

Many of the oral and written comments questioned the need for the MPF. In particular, commentors questioned why the facility was needed since the NOI stated that no problems that

would require pit replacements had been found to date. Commentors also quoted several previous DOE documents and DOE and other government officials who stated that both the nuclear and nonnuclear parts of pits in the stockpile were stable and reliable into the foreseeable future.

Other commentors cited a number of studies done by both DOE and independent researchers that demonstrated the stability of plutonium, a main component of a pit, over time; thus commentors felt that until conclusive evidence on pit aging is established, a MPF is not necessary.

Several commentors dismissed the need for the proposed action by stating that the Plutonium Facility, Building 4 (PF-4), the current interim production plutonium machining facility at the Los Alamos Site, analyzed in the 1996 *Final Programmatic Environmental Impact Statement for Stockpile Stewardship and Management* (DOE 1996c) for production of up to 80 pits per year, already met the needs of pit refurbishment for the nuclear stockpile. Many commentors also felt that the NOI statement that "…DOE has been without the capability to produce plutonium pits…" is alarmist and false, considering PF-4.

Many commentors raised the issue of international treaties and decisions, particularly the Nuclear Nonproliferation Treaty, the Strategic Offensive Nuclear Reduction Treaty (Moscow Treaty), the Comprehensive Test Ban Treaty, and International Court of Justice Decision, July 1996 opinion, questioning whether a MPF would break international law. Commentors specifically stated that since the United States had agreed, under the Moscow Treaty, to reduce its number of nuclear weapons to approximately 1,700-2,200, the PF-4 was more than sufficient to meet pit refurbishment needs, thus a MPF would not be necessary. Furthermore, commentors wanted clarity on why "agility," defined in the NOI as the ability to change and expand pit production types and plutonium pit designs simultaneously, was necessary at all considering the United States had committed, under the Moscow Treaty, to reduce its number of weapons.

Other issues raised regarding need included questions on why the several thousand pits in reserve at the Pantex Plant could not be used to replace any potentially deteriorating pits in the active nuclear stockpile. Others questioned why a MPF was necessary at all since DOE had created the Stockpile Stewardship Program to monitor the nuclear stockpile. They went on to question that if the MPF was built, why would it be necessary to have both the Stockpile Stewardship Program and a MPF.

A significant number of commentors also expressed concern about the costs associated with building the MPF. Commentors wanted to see the full costs associated with each phase of the MPF: design, construction, operation, transportation of materials, waste handling and final disposition of waste, security, decommissioning, destruction and return of land to its original condition.

Several commentors expressed concern about environmental, health and safety risks associated with the MPF, particularly the transportation of pit materials and waste across the Nation's highways. DOE representatives were urged to thoroughly evaluate the potential consequences of the Proposed Action on local wildlife, water resources, air quality, the potential for accidents and their consequences, and the health and safety of residents near a prospective site and along transportation routes. Commentors suggested that the EIS quantify all radionuclide and chemical

emissions associated with the MPF Alternative. Many were concerned that a MPF would not avoid the waste and contamination problems of the old pit facility at the Rocky Flats Plant, which ceased operations in 1989.

Many commentors also expressed concern about the safety and security of the MPF from terrorist actions both from on the ground and from the sky and wanted to know what measures DOE would implement to prevent such actions.

Many commentors expressed support for the No Action Alternative. More than seventy of the comments received were part of a write-in postcard campaign objecting to nuclear weapons. A number of commentors expressed support for the MPF. Other commentors also expressed favor or opposition to the MPF Alternative, reasons for which included security, cost, and workforce advantage.

The transcripts of the six public scoping meetings and all other public comments and materials submitted during the public scoping period were logged, categorized, analyzed, put up on the MPF EIS website (http://www.mpfeis.com), and placed in the Administrative Record.

E.3 COMMENT DISPOSITION AND ISSUE IDENTIFICATION

Comments received during the scoping period were systematically reviewed by DOE. Where possible, comments on similar or related topics were grouped under comment issue categories as a means of summarizing the comments. The comment issue categories were used to identify specific issues of public concern. After the issues were identified, they were evaluated to determine whether they fell within or outside the scope of the EIS. Some issues were found to be already "in scope," among the EIS issues initially identified by DOE for inclusion in the EIS. Table E.3-1 lists these issues along with where the issues are addressed in the EIS.

During the scoping process, DOE received many comments that were judged to be beyond the scope of the MPF EIS. The purpose and scope of the MPF EIS are only to evaluate the potential environmental impacts associated with the proposed siting of a MPF at one of five potential DOE sites, the TA-55 Upgrade Alternative at Los Alamos Site to expand pit production capacity, or the No Action Alternative. Comments judged to be beyond the scope of the EIS included: (1) new weapons development activities; (2) concerns regarding current U.S. foreign policy and national security matters; (3) concerns about the handling of waste and spread of contamination at DOE facilities in the past; and (4) concerns about cost and schedule overruns. Detailed design safety questions not covered in this MPF EIS would be covered in the site-specific tiered-EIS.

Table E.3-1. Issues Included in the EIS (In Scope)

Issues	EIS References
Address the possibility that the MPF would put the U.S. in violation of international laws and treaties.	Chapter 2
Address/review the possibility of having pits made for the U.S. in other nations (e.g., England).	Chapter 3
Address if LANL has the necessary acreage for the MPF.	Chapter 5
Include the long term disposition impacts on land use.	Chapter 5
Address the direction of the prevailing winds at all the alternative sites, specifying if the winds are in the direction of population centers.	Chapter 5
Address the potential for radioactive and non-radioactive air emissions from the MPF.	Chapter 5
Address the potential hurricanes and tornadoes pose to the MPF at each of the five alternative sites.	Chapter 4
Address each site's susceptibility to earthquakes and damage potential.	Chapter 4
Address the potential for the MPF to contaminate the high-yield agricultural lands in the Texas Panhandle and farmland in South Carolina and Georgia.	Chapter 5
Address the potential for the MPF to contaminate both surface and groundwater at all five alternative sites, particularly the movement of plutonium through groundwater.	Chapter 5
Address the potential for the MPF, if sited at the Pantex Site, to contaminate the Ogalla Aquifer (which extends from South Dakota to Texas).	Chapter 5
Address the water needs of the MPF, highlighting whether the current water supply, with the addition of the MPF, would be sufficient to meet both DOE's and the local communities' water needs.	Chapter 5
Address the potential of contamination in groundwater to leak to the rivers and Atlantic Ocean at SRS.	Chapter 4
Address the potential for contaminates in wastewater released from the LANL site to reach the ravines in the valleys below the site where organic farms are located.	Chapter 4
Address the affect of construction and operation of the MPF on Federal and state-listed endangered species and the actions taken to prevent harm as required under the *Endangered Species Act.*	Chapter 5
Due to its isolation from agricultural, urban or industrial activities for the last 50 years, SRS has one of the most biologically diverse suites of regional habitats in the Atlantic and Gulf Coastal Plain. Address how these habitats would be protected if the MPF were to be sited at SRS.	Chapter 5
Discuss all actions DOE would take to protect migratory birds, nests and eggs under the *Migratory Bird Treaty Act.*	Chapter 5
Discuss all actions DOE would take to protect wetlands and floodplains under Executive Orders 11988, 11990 and section 404 of the *Clean Water Act.*	Chapter 5

Table E.3-1. Issues Included in the EIS (In Scope) *(continued)*

Issues	EIS References
Include the epidemiological distribution of cancer, birth defects, infant mortality and other health related effects on the employees and local population at the five alternative sites and project any change with the siting of the MPF at those sites.	Chapter 5, all Human Health and Safety sections; Appendix B
Include a review of occupational and public safety measures to avoid potential criticality incidents; discuss all safety and oversight measures to be taken to avoid a nuclear criticality incident.	Chapter 5; Appendix C
Discuss the potential use of the aqueous process for the MPF.	Chapter 3; Appendix A
Discuss/address the health effects on workers and the local population if an accident or other incident were to occur either during the transportation of materials or at the MPF.	Chapter 5; Appendices C and D
Address the potential impacts on the MPF and its safety from the possible loss of electric power.	Chapter 5; Appendix c
Discuss the potential for airplanes to crash into the MPF.	Classified Appendix
Discuss how as low as reasonably achievable procedures would be implemented at the MPF.	Chapter 5,
Discuss the potential and consequences of a pit explosion.	Chapter 5; Appendix C
Include Rio Arriba County, New Mexico (near Los Alamos Site) in the analysis on environmental justice.	Chapter 5
Include a discussion on number of minorities living near SRS.	Chapter 5
Address/discuss all materials (radioactive, nonradioactive, and waste) to be the transported and the potential accidents that could occur during transportation.	Chapter 5; Appendices C and D
Discuss the potential of an avalanche or rock slide on materials transported on narrow, mountainous, two-lane highways within the State of Nevada (because the state does not have a north-south interstate highway or a interstate highway connecting the state's two largest cities).	Chapter 5; Appendix D
Considering the high number of Driving While Intoxicated offenses in the State of New Mexico, and past traffic accidents involving DOE transported materials, discuss the measures DOE would take to avoid such accidents in the future.	Chapter 5; Appendix D
Address/discuss all safety and security measures that would be put in place for transporting plutonium pits and related pit parts between DOE sites.	Chapter 5; Appendix D
Address the safety of the TRUPACT shipment containers, which DOE has confirmed, emits radiation within a 5-mile radius (without accidents) as the shipments pass through towns.	Chapter 5; Appendix D
Discuss the routes of the transported materials (so citizens along those routes can be fully informed).	Chapter 5; Appendix D
Address/discuss the lifecycle of all waste streams, including storage and ultimate disposition.	Chapter 5
Address/discuss all permits that would be required for waste disposition	Chapter 5; Chapter 6
Address/discuss the accelerated closure of the WIPP facility, which would be closed either before or soon after the MPF, begins operation and where the waste WIPP is currently taking would then be disposed.	Chapter 6

Table E.3-1. Issues Included in the EIS (In Scope) *(continued)*

Issues	EIS References
Discuss the cumulative impacts on human health and the environment from waste streams and contamination already at each of the sites and with the addition of the MPF.	Section 5.8
Discuss all aspects of decommissioning and deconstructing the MPF once its useful life is finished; discuss how the land to be used for the MPF would be returned to its original condition.	Section 5.7
Discuss whether the amount of waste that would be generated at the MPF is similar to the amount that was generated at Rocky Flats.	Chapter 3; Chapter 5
Address safeguard and security measures to be put in place to protect the MPF and shipments of materials to and from the MPF from different types of terrorist attacks (e.g., from the air, from the ground).	Classified Appendix
Address/discuss the potential consequences of a terrorist attack on the MPF to the communities downwind and downstream from the site and the measures DOE would put in place to mitigate those consequences.	Classified Appendix
Address/discuss all applicable Federal and state laws and regulations that DOE would have to follow to build the MPF.	Chapter 6
Address the limitations on land use under *WIPP Land Withdrawal Act* and the U.S. Environmental Protection Agency's role and responsibilities under the Act.	Chapter 6
Address/discuss the role of all other governmental agencies involved with the MPF project.	Chapters 5 and 6
Discuss a number of studies done by both DOE and independent researchers on the stability of plutonium over time.	Chapter 2
Address MPF's potential need for a waste solidification facility; the NRC has stated that the Mixed Oxide Fuel Fabrication Facility (MOX), using similar materials to MPF, would need such a facility.	Chapter 3
Address what would happen to pits if they are shipped to the selected site, but the MPF project is halted. Discuss the long-term storage plans for pits.	Chapter 3
MPF at the Los Alamos Site: Address in the EIS any integration of the CMRR and PF-4 with MPF.	Chapter 3
MPF at SRS - MOX Facility: Address/Review restrictions on use of the MOX plant at SRS for a pit mission, including constraints of the U.S.-Russian plutonium disposition agreement and international agreements on control of "dual-use" civilian military equipment. Address availability of MOX plant for MPF use after MOX mission has ended and NRC licensing terminated. Address any correlations between the failure of the MOX missions and pit production plans. Address dual-use controls and safeguards established by International Atomic Energy Agency, Nuclear Suppliers Group and Zangger Committee when discussing all possible overlaps between MOX and pit programs.	Chapter 3
MPF at SRS - Other Facilities: Address/review the viability of using other facilities at SRS in support of or in conjunction with the MPF: Pit Disassembly and Conversion Facility (PDCF), K Area Materials Storage.	Chapter 3

Table E.3-1. Issues Included in the EIS (In Scope) *(continued)*

Issues	EIS References
Address/review the ability of the Kansas City Plant and Oak Ridge to make nonnuclear parts for pit production.	Chapter 3; Appendix A
Include the site screening report in the EIS so the public can review the how DOE has already evaluated and eliminated potential sites for the MPF.	Appendix G
Address/discuss the reasons for eliminating the Y-12 National Security Complex (Y-12) as the MPF site. A 1997 DOE Report, "Rapid Reconstruction of Pit Production Capacity: Systems Studies and Recommendations" stated that "a combined SRS/Y-12 site is the technically superior multi-site option for the MPF." Address/discuss how Y-12's traditional mission of fabricating highly enriched uranium components may intersect with pit production.	Chapter 3; Appendix G
Discuss the additional energy use needed for the MPF and the additional environmental impacts due to increased power generation.	Chapter 5
Address the reliability of HEPA filters in preventing plutonium transport: specifically their reliability in case of a fire, during a nuclear criticality event, the potential of alpha recoil of plutonium through HEPA filters, and vaporized plutonium.	Chapter 5
Discuss how DOE would prevent at the MPF the types of accidents that occurred at the pit production facility at Rocky Flats, including new technology to be used to prevent accidents and contamination.	Chapter 3
Discuss the exposure pathways that would occur if a rain storm occurred during the release of contaminates via air (radiological and non-radiological) and the potential health affects on the population exposed.	Chapter 5
Discuss recent studies that have shown that continuous low levels of radiation exposure over a specific area are much more damaging than previously believed (see studies by Dr. Bertell); address/discuss radiation's cumulative effect, commonly called the Petcau effect.	Chapter 5; Appendix B
Address the potential risk of exposure to contamination and the exposure pathways to individuals and communities that would be downwind and downstream from the MPF, particularly children, pregnant women and senior citizens who are especially susceptible.	Chapter 5; Appendix B