

ONE HUNDRED ONE NORTH CARSON STREET
CARSON CITY, NEVADA 89701
OFFICE: (775) 684-5670
FAX No.: (775) 684-5683



555 EAST WASHINGTON AVENUE, SUITE 5100
LAS VEGAS, NEVADA 89101
OFFICE: (702) 486-2500
FAX No.: (702) 486-2505

Office of the Governor

February 6, 2019

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

Ms. Lisa E. Gordon-Hagerty
Under Secretary for Nuclear Security and NNSA Administrator
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Secretary Perry and Administrator Gordon-Hagerty:

I write to express my profound concern over recent revelations that the U.S. Department of Energy (DOE) and the National Nuclear Security Administration (NNSA) proceeded with shipment of one-half ton of weapons grade plutonium to the Nevada National Security Site (NNSS) without notifying my predecessor, Governor Brian Sandoval, or any member of Nevada's federal delegation. Because of your callous disregard for the State of Nevada and its citizenry, your actions have endangered our people and destroyed any semblance of trust DOE and NNSA may have developed with representatives of this State through participation in the Nevada-DOE Working Group, founded by a Memorandum of Understanding between Nevada and DOE in 2014 to address these specific types of issues.

As you are fully aware, the United States was founded upon the principle of federalism. I was elected by the people of Nevada to serve as the chief executive branch officer of the State of Nevada. While you have shown little regard for maxims of states' rights, it is nonetheless a bedrock concept of this country and a principle I demand that you respect. To this end, and to allow me to faithfully discharge my obligations to protect my State and its people, I ask that you provide full and complete answers to the following questions.

- What is the current overall capacity of the DAF for the purposes of storage or staging of nuclear material?
- What specific role does the DAF serve in the DOE/NNSA's plutonium disposition program?

- Has the DAF been used previously to store or stage weapons-grade plutonium for **defense** purposes?
 - If so, was this nuclear material stored or staged in “pit” or “non-pit” form?
 - If so, was this nuclear material utilized for other mission purposes within the DAF or elsewhere at NNSA?

- Has the DAF previously been used to store or stage weapons-grade plutonium for **disposition** purposes?
 - Was this nuclear material stored or staged in “pit” or “non-pit” form?
 - What was the quantity of this nuclear material?
 - For what duration was or is this nuclear material stored or staged?
 - What was the physical composition of the stored or staged nuclear material? For example, if it was not in “pit” form, what were the physical and radiological characteristics of the material?
 - Was any of this nuclear material utilized for other mission purposes within the DAF or elsewhere at NNSA? If so, how?

- Is the one-half ton of plutonium shipped to the DAF before November of 2018 part of the 34 metric tons of excess plutonium designated for disposal under the 2000 Plutonium Management and Disposition Agreement?

- Was the one-half ton of plutonium shipped to the DAF before November of 2018 part of the plutonium designated for processing in the Mixed Oxide Fuel Fabrication Facility (MOX) at DOE’s Savannah River Site in South Carolina?

- Will the one-half ton of plutonium material designated for storage at the Pantex facility in Texas be transferred to the DAF at NNSA?

- The United States Fourth Circuit Court of Appeals has also directed the DOE/NNSA to remove an additional six tons of plutonium from South Carolina before January 2022.
 - Is this six tons of nuclear material part of the 34 metric tons of excess plutonium designated for disposal under the 2000 Plutonium Management and Disposition Agreement?
 - Does DOE/NNSA intend to transfer and store this material at NNSA, either in the DAF or elsewhere?

- Regardless of space constraints, what other facilities in the DOE/NNSA complex can store the plutonium material shipped to the DAF before November of 2018?

- Regardless of space constraints, what other facilities in the DOE/NNSA complex can store the additional six tons of plutonium material the United States Fourth Circuit Court of Appeals has ordered DOE to remove from South Carolina by January 2022?

- What level of National Environmental Protection Act (NEPA) review does the DOE/NNSA plan to undertake regarding the six tons of plutonium material designated for removal by January 2022?
- Will the nuclear material currently stored at the DAF or intended for storage at the DAF be stored or staged in the same packaging as it was for shipping to the NNS?
- Will the nuclear material stored in the DAF be repackaged before it is eventually transported to Los Alamos National Laboratory or another facility?

I respectfully request responses to the above questions by February 19, 2019.

Cordially,



Governor Steve Sisolak