



# Los Alamos Study Group

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## Letter to the LASG Friends

### Update on activities regarding the CMRR (Chemistry and Metallurgy Research Replacement) Nuclear Facility

August 31, 2010

Dear Study Group donors and friends –

I've wanted to write for some time, and there's a great deal to say. This note will be simple, however, so as not to distract from its basic messages. Which, in brief, are:

- We are grateful for your support and for the opportunity to work with you, should you choose to do so;
- We crave your active solidarity in our work – financial and otherwise;
- We can suggest some specific powerful, transformative things you can do;
- We continue to offer pragmatic, and not merely symbolic, opportunities to catalyze real reform in U.S. nuclear weapons policy – and now, due to the enormous scale of the new nuclear weapons commitments being pursued by the federal government in New Mexico, the course of social, economic, and political development in our state; and

Without more deeply-committed citizens, working full-time or nearly full-time, acting radically and rooted conservatively, the fairly near future will be far bleaker – unimaginably bleaker – than it needs to be.

By the way, letters like this one to our donors and friends, unlike the more general *Bulletins* (e.g. [#97](#), pdf), don't go to our broad email list. We don't post them on our web site. We would prefer that you don't forward them lightly. They're for you! Knowledge and commitment are mutually interrelated, and best when in balance; true knowledge (as opposed to information) is simply inaccessible outside human and moral commitment. Seemingly-easy electronic communications like this one can undercut more vital, face-to-face relationships, separating more than uniting; that's a big risk for all of us. Without personal commitment and experience, knowledge becomes mere information, or perhaps just entertainment. That's not very satisfying, or helpful. More information or entertainment is not what we need.

When I last wrote to you on July 5<sup>th</sup>, we had just sent a [letter](#) (pdf) to the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA), expressing our intent to sue these agencies over the lack of an applicable environmental impact statement (EIS) for their proposed [\\$4 billion plutonium warhead core \("pit"\) factory](#) at Los Alamos National Laboratory (LANL). If DOE and NNSA made a commitment to write an EIS, and halted investments in the project in the meantime, litigation over the proposed Nuclear Facility could be avoided.

NNSA wrote back on July 30<sup>th</sup>, acknowledging that there had been "changes" in the project and saying NNSA was now conducting an internal study as to whether a new EIS might be necessary.

Well, the time for effectively-secret internal review passed some time ago, when the magnitude of the design changes that would be needed to try to make the facility safe and secure became clear. Those design changes have dramatically increased expected costs and environmental impacts and made other alternatives very reasonable. Meanwhile the main mission of the building – making large-scale pit production at LANL possible – has evaporated for the time being.

Therefore we filed a [complaint](#) (pdf) in the Federal District Court of New Mexico on August 16<sup>th</sup>. Judge Bruce Black will hear the case unless he is challenged by defendants.

Press coverage (linked on the [main CMRR page](#) by date) has been quite accurate and good. The trade press articles, widely read and seriously considered on Capitol Hill, have been especially detailed and are very useful to citizens and local government – see the articles in [Energy Daily](#) (pdf) and in [Nuclear Weapons and Materials Monitor](#) (pdf), both reproduced by permission. There have been good regional op-eds as well (accessed from the same [main CMRR page](#)). More are on the way. *What about one from you, printed in a newspaper near you, read on your local radio station, or added to a blog?*

On the legal front, we are preparing further submittals, while awaiting NNSA's answer to our complaint, due 30 days after receiving our complaint. Politically, we have been very active in both Washington and New Mexico. New doors are opening and our existing contacts remain very strong.

However, there is a lot of political force behind the Nuclear Facility. Obama and Biden have both lobbied Congress personally for their proposed nuclear weapons funding increase, most of which is directed at new infrastructure, centrally including the proposed Nuclear Facility. That increase looks virtually certain to pass Congress for the coming fiscal year, although a Continuing Resolution will likely come first, extending the current fiscal year's funding into the next. It may come with conditions, however.

NNSA has told the Senate that the proposed new LANL Nuclear Facility is its highest infrastructure priority. This is because NNSA needs the facility to produce "replacement," i.e. new, warheads in 2022, the target start-up date for full-scale production. Obama said his administration would not produce such warheads, but he will be long gone by the time production is slated to begin. What's important to NNSA is to build the factory now.

At the same time there are quite a few influential and knowledgeable people inside and outside government who believe this project is either in trouble, or unnecessary, or too big, or some combination of these. The project may have *political* momentum, but it's dogged by serious technical, managerial, and fiscal problems – pesky facts – that are not going away any time soon.

With these fact-based problems in mind, I would like to emphasize that this lawsuit, and all the rest of our activities, are not meant as some sort of symbolic protest. We aim to win and we have a good chance of doing so.

By "winning" I don't mean just winning this lawsuit, but also winning in the sense of catalyzing major changes in nuclear weapons policy. We have nowhere near the political power to *force* such changes, but we might help *catalyze* them. Cooperating causes are required – such as federal fiscal problems (present, and growing) and competing federal budget priorities (present, but so far inadequately voiced). There are serious national security crises developing from novel directions, e.g. extreme weather, economic decline and associated declining influence, financial instability, and diminishing oil supplies. The future won't be pretty, either for the nuclear weapons complex or for us. Some of the bad news has a thick silver lining, if we can bear it. (That's a subject for another note.)

The question is not whether the U.S. will abandon its nuclear-armed empire. That will end, and the Nuclear Facility, if ever built, will be closed or abandoned. The key questions are rather when this will happen and how – whether by active, conscious choice, or by default or collapse – and what our own roles will be in this and the other aspects of the great crisis of humanity and the biosphere that is now upon us.

The CMRR Nuclear Facility is very important all by itself, but for us in New Mexico as well as for all those concerned with nuclear and security policy, it is a real symbol for larger processes and larger realities. It's about whether we wake up to our life-threatening predicament and take bold and effective action, or we don't.

Functionally, it's a clear pivot – no CMRR Nuclear Facility, no all-new warheads. Its enormous cost and scale make it much more than that, however. For New Mexicans, it would be the biggest public project not just underway, but *conceivable*, in the state for the next decade or more. This is the decade of decision, when we have to decide whether we want to survive or not.

Surprisingly enough, our most effective opposition – those working against us – in the matter of the CMRR Nuclear Facility is coming from liberal foundations, arms controllers, and Democratic Party leadership. Quietly, without telling you, all the prominent organizations in the arms control field support construction of the CMRR-NF. There is essentially no opposition in liberal DC circles – none I know of – to any item on Obama's aggressive nuclear weapons agenda.

Fortunately the influence of these groups is limited and does not alter the basic facts of the situation.

### [How you can help stop the proposed Nuclear Facility](#)

#### [a. Give](#)

In [Bulletin #97](#) (pdf) we emphasized one simple thing you could do to help this month: *make a donation* to the Study Group, and *write on the check* (or, designate in [the on-line donation field](#)) "to help stop construction and operation of the CMRR Nuclear Facility" or words to that effect. Everyone getting this letter should have received that Bulletin.

To those of you who have responded already, and to those of you are already regular donors, *thank you*. We have been deeply moved and encouraged by your contributions, including your recent ones. You are making our work possible, and giving it wings.

[It would be very helpful to receive responses from more of you at this time.](#) Many of you receiving this note are working people or retirees on fixed, modest incomes who, like us, are more or less badly squeezed by our economic decline. [Others of you are more financially secure. whatever that means these days. I am writing to you. especially.](#)

Many relatively wealthy people *are* poorer, or *feel* poorer, than in the recent past for a variety of sound reasons. Regardless of our bank balance, it's an accurate assessment of our common situation. We are *all* poorer and we are *all* very much less secure. The beauty of the world, and the consciousness in it, are very much threatened. The decline and fall is beginning to bite. *That's not a reason to pull back.* It's a reason to step forward. It's *why* we would very much like to work with you.

Give us a hearing. Invite us over. Vet our knowledge and program with your friends. I think you will be pleasantly surprised.

The financial appeal of Bulletin #97 was designed not just to raise money (very important to our success!) but also to reinforce the legally-cognizable links between you and us as regards this facility. While we don't think NNSA would want to embarrass itself by challenging the notion that we represent our members and supporters (of whom thousands have formally expressed themselves regarding pit production and the CMRR), stranger things have happened.

Some of you who are regular donors have dropped us a note saying words to the effect of "Yes, please consider my donation applicable to helping stop the CMRR Nuclear Facility." This works too. And we like to hear from you, period.

Besides mailing a check or contributing [on-line](#) there are many other ways to contribute financially. [Please contact Trish by email](#), or phone 505-265-1200 if you are interested in any of the following:

- Becoming a sustaining donor – contribute a designated amount every month;
- Establishing a challenge grant or matching fund;
- Contributing shares of stock; or
- Remembering the Los Alamos Study Group in your will or estate plans.

#### [b. Learn](#)

We continue to suggest that folks who want to help begin by reading the [legal complaint](#) (pdf) and learning about the proposed CMRR-NF from our web page. You might make a list of your questions. Questions are far more important, and far more alive and fertile, than answers. In any case, knowledge about the issue is the foundation for all effective work on it.

#### [c. Convene](#)

Again, we suggest that folks – here we mostly mean folks in the Rio Grande region – write or call if you want to get more involved. If you organize a small group of your friends, or get us on the agenda of an existing organization, we will meet with you and others. Together, we can answer some questions and pose others. For the truly "live" questions, the ones that matter most, we ourselves – you, me, and our friends – are going to be the answers. Not somebody else.

#### [d. If you live near Los Alamos, work with local governments to request an EIS and study of alternatives](#)

The direct effects of construction and operation of the proposed CMRR Nuclear Facility would extend to several New Mexico counties, including Los Alamos, Sandoval, Santa Fe, Rio Arriba, Bernalillo, and Taos. It is safe to say that essentially none of the people in the governments of those counties, and the local jurisdictions within them, know much if anything about the project. They may have

questions. The existence of an active NEPA lawsuit gives potential legal (evidentiary) weight, to their questions. And of course they have political influence.

We all know some of these elected officials. We want you to talk to them about the proposed Nuclear Facility. This will require homework on your part (see "learn" above)!

There are many possible positive outcomes from such conversations, not limited to issues surrounding CMRR-NF. An elected or managerial official could put their questions about the impacts of this facility in a letter to the NNSA. They might request an EIS, which would be very helpful.

Asking for an environmental analysis is not the same as opposing the project. It is a very reasonable and modest request. It does not imply any views whatsoever regarding nuclear weapons, or about environmental protection vs. jobs, or about any other political matter. It does not imply any opinion for or against the project. It is just a request for basic information and analysis that should have been provided as a matter of law to these officials to help them *form* views about the project, and better serve their constituents. What has happened is that DOE and NNSA have approached NEPA "compliance" in such a way as to *cover up* the nature and impacts of the project, not *reveal* them.

If a local jurisdiction as a governing body – a city, or unincorporated town or village – were to request an EIS for the nuclear facility, so much the better.

It would also be helpful if elected representatives asked for a current business study of alternatives to the proposed Nuclear Facility. There isn't one.

At the end of this message you will find a letter we are sending to at least some local governments, along with a sample letter of the sort local government officials might send to the NNSA requesting an EIS. Please feel free to adapt these as required.

e. [If you do not live near Los Alamos, ask your congressperson and senators to request an EIS and study of alternatives](#)

If you do not live near Los Alamos, please ask your congressperson and your senators to request an applicable EIS for the proposed CMRR Nuclear Facility, along with a study of alternatives and a cessation of further investments in the facility until these studies are prepared.

f. [Write, blog, speak](#)

As mentioned before, writing and speaking about this project in guest editorials, blogs, and radio programs would be very helpful.

To get started, visit our website and check out the special section devoted to the CMRR issue. Educate yourself and write factual articles and letters based on that information. Make certain you have your facts straight. You have our permission to use what information you find there, but please give the Study Group credit in your article or letter. You can let everyone know that the Study Group is fighting this monstrosity and ask them to join us. Your individual voice can have a major impact and reach a wide range of people: state legislators, city and county councilors, business and community leaders – and, directly or indirectly, those who make decisions about this project.

Be encouraged: to successfully complete a project of this magnitude and complexity requires the willing and skilled participation of hundreds of people.

g. [Build business and organizational support](#)

There are many businesses and organizations in New Mexico that share your dissatisfaction as to the decisions being made concerning our state and its future – whether the federal money coming into the state is spent on nuclear weapons and the military industrial complex or invested in a more sustainable future. If the political will is there, they *are* fungible. Try approaching your friends and contacts in business and other organizations and ask them to join you in writing a letter in support of our work to stop the CMRR Nuclear Facility. And if they also donate toward this effort, that would be even better.

h. [Earn academic credits as an intern – or just be one](#)

Interested in activism, defense policy, human security, and nuclear disarmament? Motivated individuals who are either college seniors or graduate students are encouraged to apply to participate in an engaging hands-on learning experience. Arrange academic credit through your educational institution, learn, and gain real-world experience you can get very few other places. Please call for more information! Enthusiasm can partially substitute for skills.

i. [Other actions you can take](#)

This short list does not come close to exhausting the ways you can help halt new warhead production and help turn around U.S. nuclear weapons policy. It doesn't include most of what we ourselves are actually doing, for example.

There are many useful "freelance" things to do but I encourage you to think about them seriously and avoid aiming for the merely symbolic. In a time when there is [widespread cooptation of nuclear issues](#), "actions" which are merely symbolic aren't really symbolic of much anymore. Such actions seldom if ever build into anything grounded or useful, and they don't prefigure a better world because, being merely symbolic, they cut the link between cause (the action) and effect (change in policy). Merely symbolic actions usually damage our collective ability to discern what is real from what is not.

If you want to work with us in some way not listed here, or just happen to be in the neighborhood, call or write and let's see if we can arrange a cup of tea here at the "World Headquarters."

Best wishes to all,

Greg, Trish, and the gang

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**Change this letter to make it your own and tailor it for the persons you are addressing. Right now it's a letter from the Study Group to local government officials.**

***Change as needed, and as you wish, please.***

[date]

[address]

Dear [elected official or government leader],

Our organization, the Los Alamos Study Group, filed a complaint against the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA), an agency within DOE, on August 16, 2010 in federal District Court in Albuquerque to halt further investment in a \$4 billion underground plutonium facility proposed for Los Alamos National Laboratory (LANL), pending completion of an applicable environmental impact statement (EIS).

The Study Group is being represented by Thomas Hnasko of the Hinkle, Hensley, Shanor and Martin law firm.

If built, this facility would be the most expensive government project ever built in New Mexico by far, except for the interstate highways. Its primary purpose is to increase production capacity for new plutonium warhead cores ("pits").

It's called the "Nuclear Facility" of the Chemistry and Metallurgy Research Replacement (CMRR) project. It's by far the biggest part of that project, representing about 90% of expected costs. The first CMRR lab, office, and utility building was recently completed.

In 2003 NNSA wrote an EIS outlining plans for a much smaller and quite different facility that would cost only one-tenth as much as today's, use one-fiftieth as much concrete, take one-fourth the time to build, and be ready a decade sooner. This different project would have entailed far fewer environmental impacts across the region.

Sometime in the past seven years NNSA changed the project dramatically without telling anyone, and without any analysis of alternatives to the new aggrandized project, its design, or its proposed construction methods.

The project now includes:

- A new planned excavated depth of 125 feet and replacement of a 50 foot layer of volcanic ash beneath the proposed building with 225,000 cubic yards of concrete and/or grout, vs. an original depth of at most 50 feet;
- Vastly larger quantities of structural steel (now more than 15,000 tons) and concrete (now 347,000 cubic yards);
- Greatly increased acreage to be affected, now involving many LANL technical areas;
- Greatly increased climate-altering greenhouse gas emissions, including more than 100,000 tons of carbon dioxide from concrete production alone;
- Anywhere from 20,000 to 110,000 heavy truck trips on regional and lab roads just for concrete ingredients and disposal;
- A decade-long construction schedule;



- Multiple new project elements including a warehouse, electrical substation, temporary worker housing, worksite shelter(s), traffic modifications, road relocation or closure, truck inspection facility, temporary facilities for displaced workers; and possibly temporary housing;
- Various “connected actions” – at least eight other major nearby construction projects with cumulative impacts
- A variety of unknown road and traffic modifications and traffic impacts in multiple counties, including closure of Pajarito Road within LANL for two years; and
- Generation of up to 400,000 cubic yards of excavation spoils, which are to be dumped on existing nuclear waste sites (material disposal areas “C” and “G”) in lieu of removing the shallow-buried waste.

The traffic from heavy trucks and other deliveries may be of interest to public officials in Los Alamos, Santa Fe, and Rio Arriba counties. Bernalillo and Sandoval counties will also be affected. Primary aggregate sources lie in Rio Arriba, including within the City of Espanola, in Santa Fe, and in Sandoval counties. Traffic impacts are very sensitive to design choices that affect the quantities of materials needed.

We ourselves do not value nuclear weapons and believe them to be a dangerous burden to society. Yet speaking just technically and managerially, from two decades of professional involvement, we do not believe this project is helpful, let alone necessary, to maintain today’s nuclear arsenal indefinitely to existing high standards of safety, security, and reliability. The building’s primary purpose – to expand manufacturing capacity for pits in new warheads – will instead undermine technical confidence in the warheads, waste resources, and introduce new risks and safety problems. Its huge cost sets back various LANL safety improvements.

In spite of its enormous price tag, construction of the Nuclear Facility would create only an average of 450 craft jobs over a 10-year period. The building would be built to nuclear industry standards, which requires special certifications for some crafts, so some workers would move here temporarily to help build this facility, then leave.

At the end of this facility’s useful life it would be contaminated, and would very likely be closed in place as a permanent hazard, being too large to break up, transport, and dispose of elsewhere.

Over its life this building is expected to generate millions of pounds of radioactive and hazardous chemical wastes. Hopefully, there would be only minor accidents. A major accident could be catastrophic to the region.

Our Complaint, a good summary of the factual and legal issues, is available along with a great deal of other information at [http://www.lasg.org/CMRR/open\\_page.htm](http://www.lasg.org/CMRR/open_page.htm). Press clippings can be found there as well. The [Energy Daily article](#) (pdf) is perhaps the best single broad independent overview at this time.

The National Environmental Policy Act (NEPA) requires that local governments be offered notice, review, and comment opportunities regarding this facility. The facility described to county and city governments in 2003 is not the same facility as is being proposed today.

You probably have a number of questions about this huge project and what it might mean for your city or county, for good or ill. The purpose of the EIS we don’t have is to answer those questions. [We urge you to write NNSA requesting an EIS, including a public process for determining the scope of alternatives to be considered. We have included a sample letter.](#)

Some of you, after careful consideration, may wish to consider becoming plaintiffs in this lawsuit. We are open to discussing this possibility. We can also try to answer your questions about how the proposed Nuclear Facility project may affect your community, but we will not have all the answers. A good EIS would have most of them.

Congress could authorize and fund construction of this project later this year or early next.

Plaintiffs in this lawsuit will not incur legal costs. The Hinkle law firm has agreed to take this lawsuit on a pro bono basis with the chance of recovering legal fees under the Equal Access to Justice Act, should we be successful. We ourselves are primarily supported by donations from the interested public.

Please call us at our Albuquerque office (505-265-1200) to discuss these matters in more detail or to suggest a time to meet.

Sincerely,

[signed]

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The following is a sample letter that local government officials might send to the NNSA requesting an EIS. ***They are welcome to change as needed.***

[date]

The Honorable Dr. Steven Chu, Secretary  
Department of Energy  
1000 Independence Ave SW  
Washington, DC 20585

Dear Secretary Chu –

I am writing to express my concern about possible environmental impacts, and the lack of analysis and public discussion of impacts, from the proposed “Nuclear Facility” at Los Alamos National Laboratory (LANL). The Nuclear Facility is part of the Chemistry and Metallurgy Research Replacement (CMRR) project.

This proposed semi-underground facility for storing, handling, and processing plutonium would have a big impact on the region. It's one of the largest government projects ever built in New Mexico – and it has no applicable Environmental Impact Statement (EIS).

The multi-billion dollar project appears to have quietly grown through recent years to the point where local officials like me are almost completely in the dark about it.

The project has been delayed for some years already. I understand that there isn't even a preliminary design or projected cost at present. It seems premature to proceed without these. So isn't this a good time to thoroughly and publicly check for better alternatives which may have become available, during the long period when the cost and impacts of this one have grown so much?

Many circumstances surrounding this project have changed since it was proposed. It may not even be needed. It may not be worth the cost. Quicker, safer, and cheaper alternatives may exist.

I therefore respectfully request that the Department of Energy (DOE) prepare a new EIS for the CMRR Nuclear Facility and its alternatives, pursuant to the National Environmental Policy Act (NEPA) and its implementing regulations. It's important to me that this EIS is preceded by the required scoping process, so that my constituents and I, and other governmental agencies, tribes, and independent technical experts, can fully participate in the development and discussion of project alternatives and scope of analysis.

It is just as important to stop obligating funds while this analysis is going on. If DOE doesn't stop, what would be the point of conducting an analysis?

As you are aware, NEPA requires federal agencies to fully to provide notice and comment opportunities to local governments regarding proposed major federal actions, including allowing them help vet alternatives, and including analysis of the direct, indirect, and cumulative impacts upon the human environment. None of this has happened.

I want to help DOE reach a sound decision on the proposed Nuclear Facility. A new EIS, with scoping, will facilitate public participation and lead to a better decision.

Sincerely,

[local government leader]

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[\[back to top\]](#)