

August 14, 2002

Ms. Elizabeth Withers, EIS Document Manager
U.S. Department of Energy (DOE), National Nuclear Security Administration (NNSA)
Office of Los Alamos Site Operations (OLASO)
528 35th Street
Los Alamos, NM 87544

Re: Comments regarding the scope of the Environmental Impact Statement (EIS) for the proposed Chemistry and Metallurgy Research (CMR) Building Replacement (CMRR) Project (CMRRP) at Los Alamos National Laboratory (LANL) (the “CMRRP EIS”)

Dear Elizabeth –

I won't be able to attend the public scoping meetings regarding this project, and herewith transmit a few suggestions for the scope of the EIS analysis.

I hope you are well and enjoying your work.

Please consider these suggestions.

1. The CMRRP is expected to play a central role in a number of proposed missions at LANL. This means that the danger of segmentation of analysis is particularly acute. Also, an unusual number of related or connected actions are involved. Referring to their informal titles, I urge you to look carefully at the Stockpile Stewardship and Management Programmatic Environmental Impact Statement (SSM PEIS), as well as the LANL Site-Wide Environmental Impact Statement (LANL SWEIS), to the unfinished EIS regarding the potential relocation of functions now located at LANL's TA-18, the EIS for construction and operation of the Dual-Axis Radiographic Hydrotest (DARHT) Facility, and the Environmental Assessment (EA) for the CMR Upgrades project. Some of these documents may need revision in light of the missions proposed for the CMRR project. For example, the SSM PEIS said that the CMR Building would not be involved in the pit production mission. If the CMRRP is to be involved in that mission – apparent it is, from your public notice – then the mission of the new building greatly exceeds the mission of the CMR Building as regards pit production. It also appears that the CMRRP is to that degree already misnamed. In any case its impacts cannot be compared with those resulting from activities which have once, which do now, or which might someday after other federal actions, take place in the CMR Building.
2. Please recall that the pit production components of the NNSA's mission lie under a binding settlement agreement made with this organization and others in the U.S. District Court in Washington, D.C., and I urge you to be very sure that your proposal does not violate any aspects of that agreement.
3. The mission of the CMRRP includes activities which LANL has stated will be part of the Advanced Hydrotest Facility (AHF). There is no environmental analysis of this program as a

whole, and so it is being analyzed in a piecemeal fashion, where it is analyzed at all. What capacity of contained dynamic testing support will the CMRR building provide, together with exactly which level of pit production support, together with exactly what other programs, to exactly what level of activity in each?

4. It's important to compare impacts of actual programs (existing and proposed), not "capabilities." "Capabilities" have been a way in which DOE has created "wiggle-room;" and comprise a theory of NEPA which removes the specificity of real analysis in favor of a so-called bounding analysis, known and later even admitted to be false at the time in some cases, which is used to obscure segmentation, changes of program, etc. Environmental analysis based on "capability" is usually an exercise in make-believe and deception.
5. Be sure and note that the CMR building is not now fully functional, and has not been for some time. So what is being replaced is *part* of the CMR building, or really the programs now housed in those functional portions of the CMR building. The new facility, while likely to be smaller in some respects, may be functionally much "bigger." The CMRRP is, as far as we can tell here, a very significant expansion of lab programs – not of programs that LANL has aspired to have, perhaps, but of programs LANL actually has.
6. Fissile material storage considerations have taken on new salience since 9/11/01, although accident and sabotage scenarios have always been germane. Don't forget both. What will be the fissile material storage upper limits for TA-55 and for the Pajarito Canyon complex, including TA-18, under all these alternatives? What will be the typical inventories? It is important that inventories (expected average and maximum possible), not the calculated impacts of selected events, be available, without disclosure of the actual storage locations or revealing specific security features, because of the heated controversy surrounding DOE/NNSA's physical security at these sites. Public trust is now extremely low in this regard. Will the design basis threat be increased realistically from its present low level?
7. Will Pajarito Road remain open? Or will this project entail the permanent closure of Pajarito Road? Will you analyze security failure contingencies for both scenarios?
8. We believe the waste management impacts of this facility lie afoul of other legal requirements, and we also believe they do not meet the test of common sense. LANL is now, we believe, illegally disposing of solid (radioactive) waste at its TA-54, Area G landfill, which is also the expected destination of the low-level nuclear waste (LLW) streams from all CMRR project alternatives, along with any PCB and asbestos wastes. We believe this waste disposal may not meet DOE Order 435.1 requirements governing the disposal of LLW, and have provided basic elements of our analysis to DOE and DOE's LANL contractor, which so far have provided no technical rebuttal. So the questions arises whether you are going to assume waste disposal pathways which are themselves illegal and/or unsafe? Given this unsavory situation, we believe the CMRR EIS should contain a *de novo*, thorough analysis of long-term waste disposal at LANL, one which does not discount future generations (or the traditions of past generations, for that matter, some of whom are buried near the proposed site) and one that does not assume any institutional control over the site beyond its first 100 years. This analysis would begin with a thorough discussion of the precise waste forms, and the quantity of each to be expected from this project, and their expected disposition, and

place the waste contribution of this building in context with that of other programs and facilities. In this regard, top DOE managers have told me that the analysis presented in the LANL SWEIS is wrong and was intentionally overstated. You cannot present or refer to these prior analyses, unless you wish to perpetuate these reported errors.

9. Reasonably foreseeable accident conditions include loss of containment accidents (including total loss of containment) for contained firing vessels containing plutonium isotopes and high explosives. Reasonably foreseeable events now also include the intentional crash of a large passenger airplane with a full load of jet fuel. Analysis must also include the possibility of serious sabotage in the facility itself, which has occurred at LANL in the past two decades at the TA-55 facility (Upon information and belief, an employee apparently intentionally turned on a hydrogen gas spigot in the earlier Bush administration, which was reported in the press circa late 1991.)
10. The issue of classification must be far more carefully treated than usual in this document. In the relatively recent past, DOE/NNSA has chosen neither to confirm nor deny the very existence of programs which have very significant environmental impacts, programs which LANL has said (in the Comprehensive Site Plan 2000) require three-fourths of the floor space of the existing PF-4 building, which are apparently to take place in the CMRR as well. The boundary of classification should not be placed within the legitimate sphere of democratic debate, but should lie in the details which could, if they became public, could harm our security. The classification of high-risk activities, or activities with relatively high environmental impacts, is itself a security threat.
11. Our understanding of the alternatives you propose is this:
 - a. The preferred alternative: build the CMR replacement complex at TA-55, and
 - i. demolish the CMR building, or
 - ii. use the CMR building for other purposes after appropriate repairs and light upgrades.
 - b. Build a similar complex of buildings at another nearby “greenfield” site, and
 - i. demolish the CMR building, or
 - ii. use the CMR building for other purposes after appropriate repairs and light upgrades.
 - c. Build a smaller new complex at TA-55, and also use portions of the existing CMR building, with minimum structural and systems upgrades and repairs.
 - d. Build a smaller new complex at the “greenfield” site nearby, and also use portions of the existing CMR building, with minimum structural and systems upgrades and repairs.
 - e. “No action:” continue to use the existing CMR building, with minimal repairs and upgrades, and accept the same capability as today, i.e. less than the preferred alternative.

Is this correct? What is missing is a very careful inventory of exactly what missions now take place in the CMR Building. You should prepare a list of such missions by space usage for various kinds of space. You can even say, “classified mission A, x square feet of Category Y space” if it is truly necessary to hide the nature of a particular mission (we doubt that it is). But we should know what is being replaced. Likewise, we need to see the detailed mission need for the new facility, and for the particular SCALE of the new facility, which is partly what concerns us. It may be that the new facility could be built in stages, which might be more prudent for any number of reasons, especially if you don’t have a clear idea of exactly what you need to do in

this building and why you need to do it here and now. Please understand that failure to provide a detailed justification probably means you don't have one. Poor vetting of mission need is typically an extremely weak part of DOE EIS analysis, and of the analysis that precedes these documents, and it is substantially why DOE actually finishes and ends up using less than half of its major system acquisitions.

11. What is going to be the physical and functional relationship between this project and other buildings at the site? One example is the old Nuclear Materials Storage Facility, located more-or-less near or at the proposed construction site.

12. Don't forget to include the decontamination and decommissioning of the CMRR Building in the calculation of its impacts. You will of course figure in the total life cycle environmental costs, waste production, etc.

These are some of the issues you need to include in the scope of your analysis – not all by any means. You have identified others already, which have not been included in their entirety here, and others will occur to all parties before beginning the analysis.

Elizabeth, our country spends more than \$6 billion each year on nuclear weapons, by far the most potent and destructive kind of weapon of mass destruction (WMD). What this is doing to us as a nation, as a culture, and as a civilization is as imponderable as it is terrifying.

You may know that it costs, in this country, less than \$100,000 to save a life, either by investing in highway improvements (chosen because there is a lot of actual data), cancer screening, kidney dialysis (again, relatively good numbers are available in these fields – they are not necessarily the most efficient life-saving investments, about which I make no further judgments here). Using \$6.3 billion, the expected investment by the DOE next year – and ignoring the other \$20 billion or more spent annually on aspects of nuclear war – I get an opportunity cost of 173 lives per day.

In a month, this easily adds to more people than the number of those who perished in the terrorist attacks of September 11, 2001. Were the Pentagon portion of the U.S. WMD bill included, the 9/11 threshold would be surpassed in a week. Now, I know it is a bit simplistic, but it does seem to me (using these numbers as a surrogate for a much more complex analysis, not presented here) that we are killing far more people with projects like this than we ever could “protect” with them, whatever on earth that could mean. It thus seems to me that the entire framework of analysis you are overseeing is for this and many other reasons quite fallacious, a kind of fraud. It further seems to me that the proper response to that fraud is not cynicism, but rebellion, and I have written this letter in part to say just this.

Dear reader, whoever you are, I am sure there must be a way you can help make it difficult for our country to build this project and thus further the genuinely evil intent it is meant to serve, and I hope you will find it. “My country, right or wrong. If right, kept right. If wrong, set right.”

Sincerely,

Greg Mello