



Los Alamos Study Group

Nuclear Disarmament • Environmental Protection • Social Justice • Economic Sustainability

June 28, 2011

Re: Part I, Comments on the Draft Supplemental Environmental Impact Statement (DSEIS) for the Chemistry and Metallurgy Research Replacement Nuclear Facility (CMRR-NF), DOE/EIS-0350-S1, April 29, 2011

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From: Greg Mello, Los Alamos Study Group (LASG)

Summary and Background

DOE and NNSA propose to construct a new building, the CMRR-NF¹, currently expected to cost \$4.7 to \$5.8 billion (B),² for the primary purpose of increasing the rate of manufacturing nuclear warhead cores (“pits”) at Los Alamos National Laboratory (LANL) in New Mexico.

¹ Comprehensive background on this facility is available at http://www.lasg.org/CMRR/open_page.htm.

The expected cost of this facility has increased more than tenfold since its conception.³ The required plutonium storage and handling capacity in this facility has increased from 900 grams in 2000 and 2001 (denoting a Hazard Category III facility) to 6,000 kg today.⁴

Our organization has recently provided to Congress extensive background on why this facility is not necessary, and especially not necessary now.⁵

What was described as a relatively simple building in a 2003 environmental impact statement (EIS) written under the National Environmental Policy Act (NEPA) for the CMRR project⁶ has subsequently become a very complex and expensive proposed project. It now has twice the original gross floor area, more than one hundred times the original quantity of concrete, a far longer construction and occupancy schedule (not ready for use until 2023), eight times the original electricity consumption (necessitating new or reworked transmission lines to Los Alamos County), and many other expansions.⁷

As a result of these unforeseen design complexities and expansions, the project currently lacks a final design concept. Two concepts are under consideration: a relatively shallowly-buried building, the foundation of which would be above a thick layer of unstable volcanic ash, and relatively deep one, founded below that unstable layer on welded tuff.

Of the \$787 million (M) appropriated for the CMRR project as a whole over fiscal years (FYs) 2002 through 2011, \$458 M has been for CMRR-NF.⁸

In the DSEIS and elsewhere, DOE and NNSA generally insist that the current CMRR-NF requirements, location, size, and timing cannot be changed. Very recently, however, NNSA Deputy Administrator for Defense Programs Don Cook recently warned that “As we go on, if the

² White House, “November 2010 Update to the National Defense Authorization Act of FY2010 Section 1251 Report; New START Treaty Framework and Nuclear Force Structure Plans,” http://www.lasg.org/CMRR/Sect1251_update_17Nov2010.pdf.

³ See table of changed value in Mello affidavit of January 14, 2011, paragraph 86, at http://www.lasg.org/CMRR/Litigation/Mello_aff3_14Jan2011.pdf. Earlier cost and completion date estimates (\$375 M, by FY2008) can be found in the “LANL Comprehensive Site Plan [CSP] 2001,” LAUR-01-1838, July 2001, p. 110, at http://www.complexttransformationspeis.com/RM_141%20-%20LANL%202001b.pdf. For completion date slippages, see references at Mello paragraph 86, *ibid*.

⁴ LANL, “Comprehensive Site Plan 2000, p. 33, Tab 2 of references to Mello prepared testimony of April 27, 2011, http://www.lasg.org/CMRR/Litigation/Mello_refs_27Apr2011.pdf. Also, LAUR-02-1786, September 2001, LANL “Ten-Year Comprehensive Site Plan,” Table II-2, p. 1, Study Group files.

⁵ LASG, May 23, 2011 memorandum to interested parties, “The [CMRR-NF at LANL] should not be built. Even if CMRR-NF were to be built eventually, it should be delayed now. Longer delay would bring greater net benefit – in dollars, program continuity, decreased management risk across the NNSA complex, and otherwise.” Available at http://www.lasg.org/CMRR/Mello_Reasons_to_Delay_CMRR-NF_22May2011.pdf.

⁶ At <http://www.gc.energy.gov/NEPA/finalEIS-0350.htm>.

⁷ Summarized in Mello affidavit of October 21, 2010 (to that date), http://www.lasg.org/CMRR/Litigation/Mello_aff1_21Oct2010.pdf. Subsequent court submittals and the CMRR-NF DSEIS contain further revelations, some of which are mentioned here and below in the main text.

⁸ From DOE congressional budget requests.

cost starts to get near the upper end [of the stated cost range], that will be a clear point for invitation to cut scope.”⁹

The House Appropriations Committee (HAC) has recommended \$100 million (M) less appropriation than the FY2012 request and no construction in FY2102, pending resolution of major seismic issues, revalidation of requirements, and a decision on whether the LANL management and operating (M&O) contractor is the appropriate entity to manage the project.

Project 04–D–125, Chemistry and Metallurgy Research Replacement (CMRR), Los Alamos National Laboratory.—The Committee recommends \$200,000,000, \$100,000,000 below the budget request. The Committee fully supports the Administration’s plans to modernize the infrastructure, but intends to closely review the funding requests for new investments to ensure those plans adhere to good project management practices. The latest funding profile provided to the Committee indicates that over half the funding requested for the Nuclear Facility would be used to start early construction activities. The recommendation will support the full request for design activities, but does not provide the additional funding to support early construction. The NNSA is not prepared to award that project milestone since it must first resolve major seismic issues with its design, complete its work to revalidate which capabilities are needed, and make a decision on its contracting and acquisition strategies.¹⁰

This \$100 million (M) cut is 90% of the Committee’s proposed cuts in NNSA construction, meaning the HAC is almost uniquely targeting CMRR-NF for cuts among all proposed NNSA construction. NNSA had requested \$270.1 M for CMRR-NF specifically, the balance of the requested \$300 M CMRR budget line to be allocated to completing the first CMRR building, the Radiological Laboratory, Utility, and Office Building (RLUOB).

In its introduction to its markup of the NNSA budget the HAC wrote, in a passage especially germane to NEPA compliance and the DSEIS:

It is incumbent upon the experts at the NNSA to provide a range of options which would meet defense requirements and to ensure that a range of alternatives are considered, taking into account the DOE resource implications of each alternative.¹¹

In his opening remarks Subcommittee Chairman Rodney Freylinghuysen (R-NJ) said the proposed bill would cut out from the Administration’s request for nuclear warheads

...hundreds of millions of dollars for construction projects that are not ready to move forward, capabilities that are secondary to the primary mission of keeping our stockpile ready, and yes, slush funds that the Administration has historically

⁹ Quoted by Todd Jacobsen, “NNSA Weapons Chief: UPF, CMRR-NF To Meet Budget, Or Risk Scope Cuts,” *Nuclear Weapons and Materials Monitor* of June 17, 2011.

¹⁰ FY2012 Energy and Water Bill, Full Committee Report, p. 131, at http://appropriations.house.gov/UploadedFiles/FY_2012_ENERGY_AND_WATER_FULL_COMMITTEE_REPO_RT.pdf.

¹¹ *Ibid*, p. 83.

used to address its needs. The recommendation before you eliminates these weaknesses and it is responsible.¹²

In late April DOE and NNSA produced a Draft Supplement to the 2003 CMRR EIS (DSEIS), which is the subject of these comments. Despite all the above concerns, the DSEIS examines no alternatives to the CMRR-NF, which it has already decided to build. Despite extensive prior communication and comment from many parties, these two agencies incorrectly and we believe illegally relegate NEPA to a footnote in the engineering design process for a predetermined agency decision to construct a building of certain precise capabilities, size, and requirements, in a precise location, at a precise time (now).

DOE and NNSA's failure to conduct a full analysis of alternatives to the CMRR-NF project as NEPA requires risks not just billions of dollars in excess spending but also the effective management of NNSA's nuclear weapons programs, and the safety of the agency's workers.

Comments on the April 29, 2011 CMRR-NF DSEIS

1. Please incorporate by reference all of Plaintiff LASG's pleadings, evidence submitted, and both actual and prepared testimony in Case No. CIV10-760 JH/ACT, LASG v. Department of Energy (DOE), NNSA, Steven Chu, and Thomas D'Agostino, which bear centrally on the process and content of this DSEIS.¹³ This includes sworn evidence and testimony regarding the need for, and alternatives to, the proposed CMRR-NF that were by submitted by me, Dr. Frank von Hippel, and Mr. Robert Peurifoy.¹⁴ Please include all supporting references.

¹² Quoted by Todd Jacobsen, "Budget Battle Heating Up Over House Approps Cuts To Weapons Program," *Nuclear Weapons and Materials Monitor* of June 17, 2011.

¹³ Available at http://www.lasg.org/CMRR/Litigation/CMRR-NF_litigation.html.

¹⁴ For reasonable alternatives to CMRR-NF see Mello affidavit of January 14, 2011, paragraphs 83-91, http://www.lasg.org/CMRR/Litigation/Mello_aff3_14Jan2011.pdf, and Mello, "The Proposed Chemistry and Metallurgy Research Replacement Nuclear Facility (CMRR-NF): New Realities Call for New Thinking," http://www.lasg.org/CMRR/CMRR_alternatives.pdf. All reasonable alternatives center on usage of the pit production equipment in PF-4, with support functions conducted within PF-4 and at the CMRR Radiological, Utility, and Office Building (RLUOB), and *if desired* also elsewhere, either at LANL or at other sites. The entire "front end" of pit manufacturing, either up to metal production or including casting, could be done at another site, e.g. the planned Pit Disassembly and Conversion Facility (PDCF), as modified, at the Savannah River Site (SRS). Mark Hart, Warren Wood, and David Olivas, "Plutonium Pit Manufacturing Unit Process Separation Options for Rapid Reconstitution: A Joint Position Paper of Lawrence Livermore National Laboratory and Los Alamos National Laboratory," LLNL, LANL, September 6, 1996, cited in Mello affidavit of Jan. 14, 2011, op. cit., at p. 37.

Rationalization of programs, floor space, vault space, and equipment within the existing plutonium facility (Building PF-4) will provide adequate MC capability if it does not already do so. Frank von Hippel prepared testimony of April 27, 2011, http://www.lasg.org/CMRR/Litigation/vonHippel_27Apr2011.pdf. Mello affidavit of January 14, 2011, op. cit., at paragraph 10, citing Tim George, LANL Nuclear Materials Technology Division Director, "Can Los Alamos Meet Its Future Nuclear Challenges? Balancing the Need to Expand Capabilities While Reducing Capacity," *Actinide Research Quarterly*, 1st Quarter 2001 at <http://arq.lanl.gov/source/orgs/nmt/nmtdo/AQarchive/01spring/editorial.html>, and citing Secretary of Energy Advisory Board (SEAB) Nuclear Weapons Complex Infrastructure Task Force, "Recommendations for

the Nuclear Weapons Complex of the Future," July 13, 2005, p. H-6, at footnote 11 in

2. Please incorporate by reference my scoping comments on this DSEIS of November 20, 2010, including my August 14, 2002 comments on the scope of the 2003 CMRR EIS and all supporting references.¹⁵
3. Please incorporate by reference the LASG memorandum of May 23, 2011, with all supporting evidence provided, entitled “The [CMRR-NF at LANL] should not be built. Even if CMRR-NF were to be built eventually, it should be delayed now. Longer delay would bring greater net benefit – in dollars, program continuity, decreased management risk across the NNSA complex, and otherwise.”¹⁶
4. As stated in the pleadings, evidence, and scoping comments above and particularly at sections E and F of my third affidavit (January 14, 2011)¹⁷, the SEIS process is irredeemably flawed and could never serve as a valid SEIS under NEPA and its implementing regulations (at 40 CFR 1500 et. seq. and 10 CFR 1021 et. seq.), under guidance prepared by the Council on Environmental Quality (CEQ) and DOE, or under any common-sense, logical approach to making decisions in which analysis of choices and their costs, benefits, and impacts actually precedes the decision involved. In the case of the SEIS process, the supposed analysis comes after the decision to construct CMRR-NF. This is illogical as well as illegal and renders the entire exercise one of futility and waste from the management and appropriations perspective, and one of deception as regards NNSA’s posture toward interested citizens, tribes, state and local governments, and other federal agencies.

As stated in sections E and F of my January 14, 2011 affidavit, after the SEIS scoping process had concluded but before the appearance of the DSEIS:

NNSA has been increasing its commitment to CMRR-NF since making the decision in 2004 to construct and operate it. Nearly all of the activities currently underway specifically advance and entrench defendants’ preferred alternative and no other. Thus, they are prejudicial action. These prejudicial actions include detailed design and the design, purchase, and installation at RLUOB of specialized equipment to support CMRR-NF. No objective EIS or SEIS could be written while project momentum continues and specific contractual commitments to it continue to be made, executed, and extended.

The purpose of NEPA analysis is to foster better federal decisions, not to analyze the impacts of decisions already made (40 CFR 1500.1). NEPA analysis is supposed to be done very early in the design process (40 CFR 1501.2), prior to formal alternative selection at CD-1, *i.e.*, when alternatives to the project are still being weighed.¹⁸ DOE guidance states that such interim commitments are normally not appropriate.¹⁹ NNSA claims its SEIS will help the agency choose

http://www.lasg.org/CMRR/Litigation/Mello_aff3_ref/Mello_Aff3_All_References.pdf.

¹⁵ Available at http://www.lasg.org/CMRR/CMRR-NF_SEIS_scoping_comments_Nov2010.html.

¹⁶ Available at http://www.lasg.org/CMRR/Mello_Reasons_to_Delay_CMRR-NF_22May2011.pdf.

¹⁷ Available at http://www.lasg.org/CMRR/Litigation/Mello_aff3_14Jan2011.pdf.

¹⁸ See DOE orders discussed at Mello Aff. #1, ¶¶66-69 and in this affidavit, ¶¶55, 71. See http://www.lasg.org/CMRR/Litigation/CMRR-NF_litigation.html.

¹⁹ DOE, “Guidance Regarding Actions That May Proceed During the National Environmental Policy Act (NEPA) Process: Interim Actions,” June 17, 2003.

between design details, but the issue is a choice between primary alternatives. The proposed alternatives in the SEIS NOI do not involve choices between design details.

The SEIS is being written because *none* of the original alternatives are reasonable any more. The 2003 EIS only considered constructing a CMRR in neighboring technical areas. Now the scale and scope of the project have markedly changed, dramatically changing the environmental impact analysis. Relevant new environmental information has come to light. New circumstances and scientific knowledge, erosive to the original purpose and need, have appeared. The project itself has exploded in cost and lengthened in schedule as the true nature of the proposed site has become internalized. Without a comprehensive treatment, all reasonable alternatives and their impacts cannot be evaluated. An EIS must “[r]igorously explore and objectively evaluate all reasonable alternatives” (40 CFR Sec. 1502.14). “The information [in an EIS] must be of high quality.” (40 CFR 1500.1). There is nothing left of the original EIS to “supplement,” and the attempt to do cannot meet NEPA standards. The very word “supplemental” signals an unbroken commitment to the project. To write a “supplemental” analysis of a project’s alternatives, when *one* alternative is the sole subject of such commitment, relegates the SEIS to *post-hoc* paperwork, contrary to NEPA’s intention and requirements.

The purpose and need of the original project require reexamination today because of new scientific knowledge (existing pits will far outlast the factory to produce them), new technical data from the stockpile management program (stockpile can be kept safe, secure, and reliable without pit production indefinitely), new stockpile realities (post-2003 stockpile current and planned reductions), and new policies (NPR prejudiced against pit production; rejection of RRW). There is no significant pit production authorized or planned. NNSA is explicitly and fully committed to one alternative as they themselves and numerous senior officials have said. We read it on the front pages of our newspapers,²⁰ extensively in the trade press, on the White House web site,²¹ and in the updated “Section 1251 Report.”²² The NOI and other materials provided so far contain too little factual material to provide any basis for informed comment. The scope of analysis presented in the October 1, 2010 Notice of Intent (NOI) was far too narrow and cursory. The current purpose and need were not examined. A very narrow suite of alternatives was offered, without any technical background to even indicate their possible feasibility. Two of the three alternatives are clearly infeasible and unsafe (build the rejected 2003 CMRR-NF; keep using CMR without upgrades).

²⁰ E.g. John Fleck, “Nuclear Spending Plan Up,” *Albuquerque Journal*, 11/ 19/10, <http://www.abqjournal.com/news/state/19232507888newsstate11-19-10.htm>.

²¹ White House, “Fact Sheet: An Enduring Commitment to the U.S. Nuclear Deterrent,” 11/17/10, <http://www.whitehouse.gov/the-press-office/2010/11/17/fact-sheet-enduring-commitment-us-nuclear-deterrent>

²² White House, “November 2010 Update to the National Defense Authorization Act of FY2010 Section 1251 Report: New START Treaty Framework and Nuclear Force Structure Plans” November 17, 2010, p. 6.

No secondary alternatives were even mentioned. “Business case” or “capacity” analyses are needed to support a full suite of alternatives.

NNSA is conducting its NEPA process separately from other design, feasibility and impact analyses it is doing.

The notice methods used by NNSA for the SEIS were inadequate. Plaintiff, for example, did not receive any notice from NNSA or DOE, meaning that DOE did not use its mailing lists of regional organizations and individuals long involved in DOE affairs.²³ [Sic – see the preceding footnote.] Although CMRR-NF is clearly an issue of national importance, and DOE maintains national lists of parties categorized by interest, no evidence has been provided that any such list was used. The cognizant staff members at the New Mexico Environment Department (NMED) who had commented on the 2003 EIS told us they never saw any formal notice of this SEIS.

No hearings in other relevant NNSA locations, even though alternatives may involve facilities at other sites including the Savannah River Site (SRS), Lawrence Livermore National Laboratory (LLNL), and the Idaho National Laboratory (INL). LANL was chosen as a pit production site based on estimate of total costs a factor of ten lower than today’s.²⁴ Given the huge cost increases, other sites which already have a plutonium infrastructure have clearly become reasonable alternatives, implying a need for proper notice and comment opportunities.

There were no actual scoping hearings. Providing computer terminals to type comments do not constitute a “hearing.” Neither is an impromptu forum, provided without notice, where only informal notes are taken, a hearing.

An objective NEPA analysis of CMRR-NF and its alternatives is impossible without certain prior actions by defendants:

NNSA and DOE have publicly expressed their commitment to the single CMRR-NF alternative currently being pursued based on the 2004 ROD and their own critical decision process. A NEPA-compliant EIS or SEIS for CMRR-NF requires that they formally rescind these.

Defendants must rescind Critical Decision 1, “Selection of Alternatives.”

Defendants must halt further investments in the CMRR-NF alternative currently being pursued, which only further entrench this alternative, reduce its schedule disadvantage to simpler alternatives, and prejudice any future decision. NEPA recognizes no post-decisional SEIS.

²³ This issue was also pointedly raised in some detail by the Pajarito Group of the Sierra Club. Subsequent to this testimony we found the relevant notice letter.

²⁴ Richard Geddes, CMRR SEIS scoping comments, October 27, 2010.

Defendants must undertake a searching review of the project's purpose and need. A great deal has changed, from stockpile size (much smaller) to known minimum pit life (much longer), to confidence in stockpile maintenance without pit replacement (now complete). In 1997, DOE said CMRR was unreasonable. In 2001, CMRR-NF plans did not include a Hazard Category II structure. In 2003, CMRR-NF plans had some 120,000 sq. ft. of nuclear laboratory space. A few years later, CMRR-NF plans had about 38,500 sq. ft. of nuclear laboratory space. Clearly DOE and NNSA have held many different concepts of what is essential in the last 14 years.

As preparation for an EIS, defendants must conduct business case analyses of the cost and feasibility of all reasonable alternatives, considering the infrastructure of the entire weapons complex as appropriate. No objective EIS can be written without this.

A full national scoping process that takes the newly clarified purpose and need and new business case and feasibility analyses into account is then required.

5. Additional fatal defects in the SEIS process became apparent with the publication of the DSEIS. Some examples:
 - a. The decision to build the preferred alternative (the 2010/2011 version of CMRR-NF, of whatever design variation) is not actually being reexamined.

Because NNSA decided in the 2004 ROD [Record of Decision] to build CMRR – as a necessary step in maintaining critical analytical chemistry [AC] and materials characterization [MC] capabilities at LANL – the SEIS is not intended to revisit that decision.²⁵

A SEIS is an EIS and must examine all reasonable alternatives to the proposed action, including primary alternatives, i.e. alternatives which do not build the project.

Both the HAC and NNSA Deputy Administrator Don Cook apparently believe alternatives to the CMRR-NF project may exist, as noted above.

- b. The DSEIS lacks a No Action Alternative. First, a No Action Alternative means taking no action, including not building the CMRR-NF. No such alternative is envisioned. Further, NNSA admits it's bogus no action alternative "would not be constructed," and so is not an alternative of *any* kind.

No Action Alternative (2004 CMRR-NF):...Based on new information learned since 2004, the 2004 CMRR CMRR-NF would not meet the standards for a Performance Category 3 (PC-3) [footnote omitted] structure as required to safely conduct the full suite of NNSA AC and MC work. Therefore, the 2004 CMRR-NF would not be constructed.²⁶

And:

²⁵ DSEIS Summary at v. See also at 14 ("...NNSA is not planning to revisit either the need for the CMRR-NF or locating the facility at another site...NNSA intends to proceed with the CMRR-NF planning process.")

²⁶ Ibid at 8.

The remaining alternative, to construct the 2004 CMRR-NF as it was described and analyzed in the 2003 *CMRR EIS* [sic: it was not analyzed there] and its associated ROD, the 2008 *LANL SWEIS*, the *Complex Transformation SPEIS* [sic: it was not analyzed there] and its associated ROD, and in this CMRR-NF SEIS as the No Action Alternative, does not meet NNSA's purpose and need and thus, would not be implemented.²⁷

c. The DSEIS does not seriously consider any primary project alternative. This represents a step back from even the short suite of alternatives proposed during the scoping process, which included at least one colorably reasonable alternative (along with the "pre-rejected" ones offered at the time and formally rejected by NNSA in the DSEIS).

i. The CMR Upgrade alternative originally proposed in SEIS scoping – the sole potentially realistic alternative to CMRR-NF that was offered there – was abandoned in the DSEIS.

...**Extensive Upgrades to the Existing CMR Building:** ... this action was not analyzed further as a reasonable alternative to meet NNSA's purpose and need for action in this CMRR-NF SEIS.²⁸

ii. The DSEIS considers however a patently unsafe alternative which would rely upon use of the existing CMR Building *without* major upgrades, and then (properly) rejects this same alternative.

This CMRR-NF SEIS also considers an alternative that would continue to rely upon the restricted use of the CMR Building without constructing the CMRR-NF even though...this would not meet NNSA's purpose and need for taking action.²⁹

This is certainly reasonable, since rejection of this alternative is the stated core justification for the CMRR-NF project.

iii. The DSEIS also rejects alternatives of building CMRR-NF at alternative sites at LANL, or at other locations.³⁰ It also rejects distributing the functions proposed for CMRR-NF to other LANL nuclear facilities.³¹

The rejection of any and all alternatives to CMRR-NF for detailed examination in the DSEIS is complete.

d. The rejection of all scoping comments that proposed alternatives to CMRR-NF bespeaks a defective SEIS process, as well as content. This is also another reason to suppose bad faith on the part of NNSA and its NEPA contractors in preparation of the DSEIS.

²⁷ Ibid at 9.

²⁸ Ibid at 20.

²⁹ Ibid at 14, 15.

³⁰ Ibid at 19.

³¹ Ibid at 20.

- e. Having eliminated from considerations all project alternatives in its SEIS, NNSA incorrectly construes NEPA as an aspect of the *engineering design process* for a predetermined agency decision that would construct a project of certain precise capabilities, size, and requirements in a precise location at a precise time.
- f. The DSEIS identifies additional project parameters and environmental impacts, not previously disclosed, that so grossly exceed those identified in the 2003 CMRR EIS that a *de novo* EIS involving new alternatives is warranted. For example:
 - i. Electricity usage during construction and operation would be 492 and 8.34 times, respectively, that predicted in the 2003 EIS.
 - ii. Water usage during construction and operation would be 6.7 and 1.5 times, respectively, that predicted in the 2003 EIS.

In fact,

When compared to the available site capacity, operation of the Modified CMRR-NF and RLUOB would require 12 percent of the available water, 27 percent of the available electricity...the peak electrical demand estimate of 26 megawatts [MW], when combined with the site-wide peak demand, would use all of the available capacity of the site.³²

- g. The DSEIS evinces an additional connected major federal action requiring its own NEPA analysis, namely how to supply all this proposed additional electricity.

Regardless of the decisions to be made regarding the CMRR-NF [i.e. which of two functionally- and spatially-identical versions CMRR-NF to build], adding a third transmission line and/or re-conductoring the existing two transmission lines are being studied by LANL to increase transmission line capacities up to 240 megawatts to provide additional capacity across the site.³³

This is far more electrical capacity than LANL (or the Los Alamos County electrical pool as a whole, including residential and commercial usage in Los Alamos), has ever needed, used, or previously analyzed under NEPA. Peak LANL demand was 70.9 MW in 2001 and 2003. The Expanded Operations Alternative in the LANL SWEIS projected peak loads of 124 MW for LANL and 144 MW for the Los Alamos power pool overall.³⁴

- 6. As a result of these fundamental defects of process and content, including the complete absence of detailed engineering feasibility studies which could support or reject reasonable alternatives as noted above and the transgressions of logic and law in which the DSEIS is offered, there is likely to be little value in offering detailed comments on this document. The DSEIS comes after NNSA's decision to construct CMRR-NF and until that order is reversed it cannot be viewed as a good-faith effort on NNSA's part.
- 7. Nevertheless we aim to do so. For the last two days, however, which were to be devoted to this task, we have been substantially diverted by dozens of calls from citizen constituents and

³² Ibid at 25.

³³ Ibid.

³⁴ DOE, *Final Site-wide EIS for Continued Operation of Los Alamos National Laboratory* (DOE/EIS-0380), pp. 2-67 and 3-98, at <http://www.doeal.gov/laso/NEPASWEIS.aspx>.

interviews with journalists seeking perspectives on the Las Conchas Fire. This fire has shut down LANL and the NNSA Los Alamos Site Office (LASO) for the past two days and has occasioned the evacuation of the Los Alamos townsite as a whole. We anticipate filing further comments later this week.

These conclude our comments today. More will follow shortly, hopefully more or less concurrent with resumption of work on the SEIS as the fire abates.

I trust the present huge forest fire on the very borders of LANL will remind us all that significant natural hazards are present at this site, which was selected less for its suitability for manufacturing than for its remoteness and (former) beauty.

Sincerely,

Greg Mello, for the Los Alamos Study Group