

Opinion/Editorial

New Environmental Impact Statement Urgently Needed for Los Alamos Nuclear Facility

Opinion

by Myra Maher and Astrid Webster

Jemez Springs stands in a very powerful position with respect to a much-needed Environmental Impact Statement (EIS) for the new Chemistry and Metallurgy Research Replacement-Nuclear Facility (CMRR-NF) at Los Alamos National Lab. The Santa Fe City Council and Santa Fe County Commission have passed a joint resolution calling for a new EIS, a letter of request from Peñasco, as well as Governor Madalena of Jemez Pueblo, asking for a new study to reflect the scope of the project as it has evolved.

Myra Maher, a village resident and real estate broker, spoke from her professional experience regarding the first sale of a brownfield site in New Mexico at December's Jemez Springs Village Council Meeting, saying that the size and cost of the project had increased by a factor of ten. That and the previous EIS being seven years old, and relating to both the previous size and cost, rendered it invalid. Our concern, she said, is for those who work in the facility as well as those who live in the surrounding areas and the environmental impact on the surrounds.

Astrid Webster, who frequently visits the area but lives in Albuquerque, attended the meeting at the request of the Los Alamos Study Group, expressed equal concern for the natural environment on which many area residents depend for their food, incomes and recreation. Her comments echoed Trustee John Merhege who expressed concern for the fragility of nearby forest land, the proliferation of sacred sites and the inconsistency of environmental protections enforced in the area.

Webster agrees that protecting the forest and watershed from hunting, fishing, grazing and recreating were neither as damaging nor as great a threat as the ongoing neglect of good woodland management principles, a growing problem in the Jemez Mountains. Enforcement of the National Environmental Policy Act (NEPA) is desperately needed,

resulting in a new EIS. Although the CMRR-NF is still in the design process, being only 45% complete, some excavation has been done.

The explosive rise in both size and cost of this building has been called NIFing by Roger Logan, who worked for the lab at Los Alamos (LANL) and Lawrence Livermore (LLNL), after the National Ignition Facility (NIF) at LLNL. NIFing is a process by which an initially low-cost project rises exponentially once Congress has committed to supporting it. Bob Peurifoy who worked at Sandia National Labs for 39 years and retired as a vice president called the CMRR "madness." "They've fallen down the rabbit hole," he said. "They don't understand accountability to the taxpayer." (John Fleck, *Albuquerque Journal*, Dec. 5, 2010)

A lawsuit filed this past August by the Los Alamos Study Group under the direction of Greg Mello, who first dealt with environmental concerns at LANL as an employee of the New Mexico Environment Department, is intended to force the Department of Energy to initiate a new EIS on the grounds that a seven-year-old EIS for the original project is insufficient. (lasg.org)

The project, despite LANL's insistence that the building is a replacement for an existing building, is instead a project unlike anything that now exists at LANL. The first toe in the door was in the 1990s when the original building was renovated for over a million dollars. Then in 2003, a request was made for three buildings to be completed in three years. The current project has a 2014 completion date and a price tag that has increased tenfold, to between \$3.7 billion and \$5.8 billion. With less than half of the design complete, there has been roughly a 29-fold increase in structural concrete and steel, and the hole it will fill has grown from 50 to 125 feet deep because the tuff beneath the site could send the entire site into the valley in the event of an earthquake of a magnitude which is

(continued on next page)

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The Santa Fe New Mexican (New Mexico)

March 8, 2011 Tuesday

OUR VIEW; AMID OIL-PRICE RISES, HOPE FOR ALTERNATIVES

SECTION: EDITORIALS; Pg. A-11

LENGTH: 572 words

Once again, an international oil crisis, real or contrived: It's pegged to Middle East unrest, and its effects not only on supplies from Libya and perhaps Bahrain and Iran, but also to what might or might not happen to Suez Canal traffic.

New Mexicans are feeling it in \$3.50-a-gallon gasoline prices, prompting Sen. Jeff Bingaman, chairman of the Senate Energy and Natural Resources Committee, to talk of tapping our nation's strategic oil reserves. Other politicians fell back on battle cries against dependence on foreign oil.

But little by little, we're seeing signs that someday we might not be dependent on anyone's oil: Plug-in-to-charge electric cars are coming off some manufacturers' assembly lines -- powered, for now, by fossil fuel-burning generators. While their limited range and questions about long-term reliability bring remarks like the get-a-horse calls of a century ago, electricians offer hopeful notions that they'll go mainstream. Already there's concern that they've got to be made noisier so people will know they're coming ...

The big challenge will be batteries -- which also are the main obstacle to wind and solar power replacing the smoggy oil- and coal-fired kind.

In Sunday's New Mexican, Don Peterson and Bill Stratton of the pro-nuclear Los Alamos Education Group (not to be confused with the anti-nuclear Los Alamos Study Group), noted that, without massive electricity-storage capability, renewable energy won't replace fossil fuel and nuclear generation.

Nuclear, we think, is worth pursuing -- especially if the near-eternal hazard of nuclear waste can be overcome. Fossil fuels would be better saved for their many manufacturing applications; for now, though, we need them as combustibles, and we will until someone comes up with battery and capacitor technology for storing current.

And someone is doing it -- or at least starting to: Over in California, Pacific Gas & Electric is putting in a high-efficiency battery near one of its photovoltaic solar plants. Later this year, the utility company expects to combine the two in an experiment at storing electricity during low-use hours and releasing it when demand is higher. The batteries also might allow smoother flow of solar power at cloudy times.

At Los Alamos and Sandia national laboratories, meanwhile, scientists are trying to come up with powerful long-lasting batteries and capacitors as well as new generations of solar panels -- and, in partnership with General Motors, hydrogen-powered fuel cells.

They've got their work cut out for them, but our labs' potential is enormous. We'll be following their efforts, and the progress over at PG&E, with great interest. So, too, will executives at Public Service Company of New Mexico: They're only months away from putting solar farms on line in several parts of the state.

This isn't just a public-relations stunt from PNM: The company, government-nudged, is investing heavily in wind and solar generation, even as it clings -- with good reason, for now anyway -- to coal-fired steam generators. If -- more likely when -- electrical storage comes of age, renewables will be off and running. It won't be without environmental and economic issues

of their own, but they'll help our future world avoid the crisis that would come with over-dependence on finite fuel sources.

Today's troubles on the energy-supply front are only a preview of coming events -- so we wish the energy-experimenters well ...

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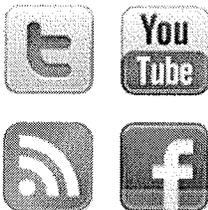
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Thanks to Fukushima Light Shed on U.S. Nuclear Facility Located on a Volcano

By Russ Wellen, March 22, 2011

The light shining on the safety of nuclear energy as a result of the Japanese nuclear crisis has been of such powerful wattage that it's even flushing safety issues with nuclear weapons labs and manufacturing facilities out of hiding. Roger Snodgrass reports for the *Santa Fe New Mexican*.

On Friday, President Barack Obama asked the independent Nuclear Regulatory Commission to review the safety of American nuclear power plants. . . . At Los Alamos National Laboratory, nuclear safety issues have been complicated with seismic concerns, as geological studies have uncovered an increasingly precarious underground structure.

Los Alamos, of course, is the national lab in New Mexico created for the Manhattan Project, which developed the atomic bomb. Still a work in progress after all these years, the Chemistry and Metallurgy Research Replacement (CMRR) facility is being built to the tune of a cool \$4.3 billion. That's six times the cost (adjusted for inflation) of the division of the Manhattan Project that was based in Los Alamos.

The CMRR will be used to increase the capacity to produce plutonium "pits," which is where a nuclear weapon's chain reaction occurs. If that doesn't sound like disarmament, you're right. Funding for the project by the Obama administration was intended, in part, to win Republican votes for the ratification of New START. But, in terms of pure disarmament, it not only cancels out New START, it ensures the health of the nuclear-industrial complex for many years.

Snodgrass writes:

Everet Beckner . . . formerly a high-ranking official in the National Nuclear Security Administration during the Bush administration, called Friday for a pause in the design work underway [at the CMRR. He said] "the earthquake event in Japan was outside the current window of expectations because it was larger than a thousand-year event. . . . Maybe that isn't enough of a margin."

Turns out that at

. . . Los Alamos National Laboratory [LANL], nuclear safety issues have been complicated with seismic concerns, as geological studies have uncovered an increasingly precarious underground structure. . . . in the late 1990s [faults

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were] found to run near and even beneath some LANL nuclear facilities. . . .
A survey found a number of LANL buildings to be at considerable risk of earthquake-induced collapse.

But this information

. . . was not immediately applied to building siting and design "When they set up Los Alamos initially, they didn't care about these things. They were looking for an isolated site," said [Greg] Mello [of the Los Alamos Study Group], who has studied seismic issues at the lab since 1996. . . . "Since then, many people have questioned the wisdom of putting a plutonium processing facility and now a nuclear pit manufacturing facility on the side of a volcano."

In fact, when it comes to locating such facilities on the side of a volcano in an area prone to seismic activity, there's no wisdom whatsoever to question.

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LOS ALAMOS STUDY GROUP



U.S. District Court to hear CMRR case

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Los Alamos Monitor

U.S. District Court to hear CMRR case

By John Severance

Wednesday, April 13, 2011 at 12:54 pm (Updated: April 13, 2:15 pm)

Two weeks from today, Greg Mello of the Los Alamos Study Group and his lawyers will be in a U.S. District Court room in Albuquerque.

At 9 a.m. on April 27, Judge Judith Herrera will be hearing arguments from the Los Alamos Study Group and the Department of Energy.

According to court documents, the complaint seeks a declaratory judgment and mandatory injunction requiring DOE to comply with the National Environmental Policy Act of 1969 (NEPA), by preparing an environmental impact statement (EIS) regarding the proposed Nuclear Facility at Los Alamos and its many subprojects.

The complaint also seeks an injunction to prohibit all further investment in the Nuclear Facility, including all detailed design, construction, and obligation of funds, until an EIS is prepared.

Mello was in Santa Fe Tuesday night giving a presentation on the proposed Chemistry and Metallurgy Research Replacement Facility.

"I can't say too much about it," Mello said of the upcoming hearing. "We are working on our presentation to the court. The judge is giving a four-hour slot for both sides so we are summarizing our case for two hours.

"The bare bones of the case are very simple. The NNSA is implementing a CMRR nuclear facility without an applicable environment impact statement. It is a very simple idea and it is a very simple law." In October, DOE and NNSA lawyers filed a motion to dismiss.

They argued that the NNSA already had completed and extensive environmental review of the proposed CMRR. The review culminated in a November 2003 EIS and on Feb. 12, 2004, there was a Record of Decision (ROD) that approved construction.

According to court documents, "Since the 2004 ROD, new developments and information have necessitated modifications in the designed of the proposed CMRR. But for NEPA purposes, the need for the proposed CMRR project have not changed, nor has the scope of operations to be carried out in the proposed CMRR.

Given to the design modifications, NNSA will conduct further environmental review and then prepare a supplemental EIS (SEIS). After public scoping meetings and a 45-day public comment period, the NNSA will prepare a ROD.

A judge declined the motion to dismiss [sic: has not ruled on it] and the two sides have gone back and forth in court since then.



LOS ALAMOS STUDY GROUP



Hearing set to challenge LANL CMRR-NF

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Associated Press

Hearing set in challenge to Los Alamos building

By *SUE MAJOR HOLMES*, 04.15.11, 03:47 PM EDT

ALBUQUERQUE, N.M. -- A watchdog group is going to court in its attempt to halt a multibillion-dollar plutonium building at Los Alamos National Laboratory until the government does an environmental study.

The Los Alamos Study Group wants a preliminary injunction to prohibit all further funding of the Chemical and Metallurgy Research Replacement Nuclear Facility.

U.S. District Judge Judith Herrera will hear arguments from the organization and the U.S. Department of Energy on April 27 in Albuquerque.

The group's lawsuit, filed last August, alleges the Energy Department and its National Nuclear Security Administration violated the National Environmental Policy Act by preparing to build the facility without a new environmental impact statement.

The project consists of two buildings. The first, a radiological laboratory and office building, is finished. Construction has not begun on the nuclear facility.

The DOE says the new building is necessary because the current 60-year-old structure is outmoded. Lawyers for the agencies have argued the lawsuit should be dismissed. That motion is pending.

The study group, however, contends the building's design was changed without notice, and that the nuclear facility now bears little resemblance to the initial proposal.

There's no exact cost figure for the nuclear facility, but a 2008 Senate report estimated it at \$2.6 billion [\$3.7 - 5.8 billion], more than five times the initial estimate. A final design is being worked out.

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LANL's Earthquake Study 'A Big Deal'

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Saturday, April 16, 2011

LANL's Earthquake Study 'A Big Deal'

Journal Staff Report

A new study of potential damage from an earthquake to a Los Alamos National Laboratory plutonium facility shows "that a large earthquake that might occur in north-central New Mexico every 2,500 years could cause significant damage to some parts of the facility," the lab announced Friday.

"Everyone at Los Alamos is committed to the safety of our workforce, our facilities, and the community we call home," Bob McQuinn, associate director for nuclear and high hazard operations, said in a statement released by the lab.

"While the latest calculations revealed some new areas to improve, we will quickly incorporate those into our ongoing facility improvement activities. As we develop our plan to strengthen the structure, we will tackle those physical updates that provide the largest contributions to facility safety first."

Los Alamos sits atop mesas laced with faults, making seismic risk a safety issue.

Friday's announcement said LANL's Seismic Analysis of Facilities and Evaluation of Risk (SAFER) Project has been conducting a multiyear analysis of the seismic design loads on every existing facility at the site.

Friday, the lab "self-reported" to the National Nuclear Security Administration a new preliminary analysis of the structural load capacities at Plutonium Facility-4 at LANL's Technical Area 55.

TA-55 is about a mile from the Laboratory's main technical area and administrative hub and covers about four acres. The TA-55 complex began operations in 1978 and is comprised of several buildings, including the 150,000-square-foot PF-4 plutonium processing facility.

PF-4 is used for plutonium manufacturing, stockpile surveillance, plutonium disposition, plutonium heat source fabrication for deep-space NASA missions, and a variety of nuclear materials research and development programs.

Greg Mello, of the LANL watchdog group Los Alamos Study Group, said in an email that the new study "is a big deal." He said he recently spoke to a senior NNSA official "who offered the opinion that PF-4 would 'never' meet modern seismic and safety requirements."

The new analysis incorporates new geological data and sophisticated computer modeling. In addition to citing the potential for significant quake damage to PF-4, the analysis "identified areas of the facility that if strengthened could increase its seismic response capability and would reduce the potential impact on the facility even under worst-case seismic conditions," the lab said.

"A comprehensive seismic hazard analysis has been under way for several years to provide a better

understanding of the stresses on the PF-4 structure and how it might react during any seismic event," the lab said.

LANL already has started upgrades to the fire suppression system, air handling and filtration systems and storage infrastructure.

Seismic safety has been a point of discussion as plans have moved forward in recent years for a new, multi-billion dollar plutonium complex at Los Alamos. In February, an official with the Defense Nuclear Safety Board questioned whether the federal government was backing away from safety commitments intended to prevent plutonium from leaking in the event of an earthquake or fire.

In December, federal safety auditors praised steps taken by LANL to reduce risks from a worst-case earthquake fire scenario at the aging Chemistry and Metallurgy Research Building, which the new project would replace.

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The Taos News (New Mexico)

April 21, 2011 Thursday

LANL RESOLUTION BOMBS BEFORE TAOS COUNTY COMMISSION

BYLINE: J.R. LOGAN

SECTION: NEWS; Pg. A-3

LENGTH: 750 words

By J.R. Logan

The Taos News

A resolution requesting a new and full environment impact statement for a proposed multibillion dollar chemical facility at Los Alamos National Laboratory failed to go to a vote before the Taos County Commission, Tuesday (April 19).

Commissioner Dan Barrone moved for passage of the resolution, but the motion failed to garner a second from commissioners Andrew Chá vez and Nicklos Jaramillo.

Commissioners Joe Mike Durá n and Larry Sá nchez were not present.

Several members of the community filled the commission chambers to show their support of the resolution. Several jeered at the commission after the resolution did not go to a vote, and some stormed out of the chambers after not being allowed to speak.

The town of Taos, the city of Santa Fe and Santa Fe County have passed similar resolutions asking for a new environmental impact statement.

Los Alamos Labs has long been working to secure funding for its Chemical and Metallurgy Research Replacement project (CMRR), which includes a radiological lab and a separate nuclear facility.

At a presentation before the county commission Feb. 22, spokesmen for the lab said the new facility would provide for a "safe, secure and effective nuclear arsenal." Opponents argued that the new building was a sugarcoated "bomb factory."

An environmental impact statement was originally issued in 2003 for the facility, and LANL has been preparing a supplemental statement -- with comment from the public -- that is due to be released.

Critics argue that the size and scope of the project have changed dramatically and warrant a brand new study. In 2002, the cost of the facility was estimated to be around \$500 million. The latest estimates put the cost between \$3.7 and \$5.8 billion.

During the meeting Tuesday, Taos resident Francine Lindberg was the only member of the public to address the commission regarding the resolution.

"Our concern is that this project is moving forward with an (environmental impact statement) that was completed over seven years ago, and the size of the project has increased 30-fold in that time," Lindberg said.

Lindberg also suggested that "reasonable alternatives" to the nuclear facility, such as funding for a vocational/technical

facility, should be considered.

Lindberg has been consulting with the **Los Alamos Study Group** -- a watchdog organization that has asked a federal judge for an injunction that would freeze funding for the facility until a full environmental impact statement is completed. Arguments in that case are to be heard April 27 in Albuquerque.

At Tuesday's meeting, commissioner Andrew Chá vez asked Lindberg if she thought a resolution from Taos Count would persuade the federal government to conduct another environmental impact statement.

Chá vez also said the labs provide jobs for people across the region. Chá vez has two sons who work at the lab -- a fact he brought up at a presentation in February.

Lindberg responded that it was up to local leaders to stand up for what's good for the community as a whole and define the future of the state.

"What we need is our leaders to help us make that leap forward to something new -- a new vision for New Mexicans and New Mexico, and what is possible here," Lindberg said.

At Tuesday's meeting, Commissioner Jaramillo said he was hesitant to approve the resolution because it made statements that he could not verify. The language of the resolution was prepared by Lindberg and members of her group, and was edited by county staff.

The resolution passed by the town of Taos in January included similar information.

Part of the resolution reads: "Our community is within the impact area of the proposed \$4.5 billion plutonium processing plant (known as the CMRR Nuclear Facility) at Los Alamos National Laboratory (LANL) we therefore have serious concerns regarding adverse effects on the quality of our air, soil, water and the health, welfare and well-being of our citizenry."

After agreeing with Chá vez that the labs provide local jobs, Barrone moved to pass the resolution.

Chá vez, acting as chairman, repeatedly asked for a second. Several members of the audience shouted "Second," but neither commissioner Chá vez nor Jaramillo seconded the motion.

After the meeting, Lindberg said she was disappointed by the failure of the resolution, but she said she and other like-minded residents would continue to work for its passage.

"Educating our local leaders about the needs of the community happens slowly," she said.

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SANTA FE NEW MEXICAN.com

Officials back Los Alamos National Laboratory building design in environmental analysis

By Roger Snodgrass | For The New Mexican

4/22/2011

Federal officials overseeing Los Alamos National Laboratory released a draft environmental analysis of its plans for a new nuclear facility late Friday.

The document prepared by the National Nuclear Security Administration revised an outdated plan for the high-hazard facility that has been in the works for more than a decade. The building is considered pivotal to development of the next generation of nuclear weapons.

The Chemistry and Metallurgy Research Replacement facility would serve in part as a replacement for a 550,000 square-foot, 60 year-old radiological chemistry building. But the new nuclear facility is also central to developing a long-term capability for storing, handling and processing plutonium materials used in manufacturing and refurbishing nuclear warheads.

The document analyzed four alternatives, including one "no action" scenario. But the new supplemental environmental impact statement acknowledges that the facility as it was previously envisioned could not meet current safety standards. Two other options examined the less favored possibility of not building the nuclear facility but keeping the existing infrastructure or upgrading it to last another 30 years.

The preferred option under the new plan backs the project as it is being designed by LANL with the blessing of Congress and the Obama administration. But it also includes additional measures considered necessary for safety.

A new seismic study completed in 2007 contributed to the decision to rework the design.

The new facility carries a provisional price tag estimated in the \$3.7 billion to \$5.8 billion range. The estimated cost at the lower end represents a tenfold increase over the original estimate.

The new building in either of the new configurations at 344,000 square feet of floor space will be larger than the last version. In one dimension, 42 feet of extra space is prescribed for additional safety systems and equipment, including more fire suppression equipment and the electrical units needed to keep it running under extreme conditions.

Some of the increase in space can be attributed to thicker walls and other features called into play by current concerns related to earthquakes and other safety issues.

Not everyone is likely to be convinced by the new construction options. Earlier this month, the Defense Nuclear Facilities Safety Board wrote a letter to NNSA, raising questions about adequacy of a computer program, SASSI ("System for the Analysis of Soil-Structure Interaction") which is commonly used by DOE planners for seismic analysis in high-hazard nuclear facilities like what is proposed at LANL. The board's stated concern was that "these issues could lead to erroneous conclusions that affect safety-related structural and equipment design."

Nuclear Watch New Mexico criticized NNSA for releasing their proposal on Good Friday and Earth Day. The Los Alamos Study Group, meanwhile, will proceed with its legal challenge on Wednesday in the U.S. District Court in Albuquerque as it seeks a halt to all project planning pending further analysis.

Asked about the timing of the release, Tony Chiri of the NNSA regional office said, "It just worked out that way. We worked every day this week to get ready and managed to get it out a week ahead of the start of the public comment period."

The 45-day public comment period begins with a formal publication in the Federal Register, which has been arranged for April 29.

Public hearings will be held next month in Los Alamos, Española and Santa Fe.

Visit nnsa.energy.gov/nepa/cmrrseis for the full supplemental analysis.



LOS ALAMOS STUDY GROUP



NNSA issues impact statement in advance of court challenge

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Los Alamos Monitor

NNSA issues impact statement in advance of court challenge

The Los Alamos Study Group wants a preliminary injunction to prohibit further funding of the CMRR. There is a hearing Wednesday in Albuquerque

By John Severance

Saturday, April 23, 2011 at 7:24 pm *(Updated: April 24, 5:11 am)*

Late Friday afternoon, the National Nuclear Security Administration (NNSA) made available online the Draft Supplemental Environmental Impact Statement (SEIS) for the Nuclear Facility portion of the Chemistry and Metallurgy Research Replacement (CMRR) Project at Los Alamos National Laboratory.

"The NNSA is committed to carrying out our national security missions in a safe, secure and environmentally responsible manner," DOE spokeswoman Toni Chiri said. "The CMRR project is an important part of our effort to invest in the future, build a 21st century nuclear security enterprise, implement the President's nuclear security agenda, and improve the way NNSA does business.

"The mission-critical capabilities provided by CMRR will support the full range of nuclear security missions, including everything from stockpile stewardship to non-proliferation to counter-terrorism."

An Environmental Impact Statement was completed in 2003, LANL adopted an updated site-wide seismic analysis standard in 2007 and we are now issuing the Draft Supplemental Environmental Impact Statement for public comment as part of effort to ensure that we are fulfilling our commitment to the community we call home," she said.

The release of the statement comes five days before the Department of Energy and NNSA will be in an Albuquerque courtroom to battle the Los Alamos Study Group.

The study group wants a preliminary injunction to prohibit all further funding of the Chemical and Metallurgy Research Replacement Nuclear Facility.

U.S. District Judge Judith Herrera will hear arguments from both sides Wednesday in Albuquerque. The group's lawsuit, filed last August, alleges the Energy Department and its National Nuclear Security Administration violated the National Environmental Policy Act by preparing to build the facility without a new environmental impact statement.

The DOE contends that the new building is necessary because the current 60-year-old structure is outmoded. Lawyers for the agencies have argued the lawsuit should be dismissed. That motion is pending.

The study group, however, argues that the building's design was changed without notice, and that the nuclear facility now bears little resemblance to the initial proposal.

"The purpose of the EIS is to provide some semblance of the National Environmental Policy Act process to the

court," said Greg Mello, who heads the study group. "It doesn't really do that. It freely admits that the decision to build a nuclear facility is not being revisited. So what's the point? The heart of any EIS is the analysis of alternatives but if there aren't any then there is no real EIS."

The CMRR would replace the 60-year-old Chemistry and Metallurgy Research Building used for analytical chemistry and materials characterization critical to NNSA national security missions requiring nuclear materials handling, processing and fabrication including stockpile management, nonproliferation and counterterrorism. DOE spokeswoman Toni Chiri was asked Saturday about the timing of the release of the SEIS in regard to the upcoming hearing on Wednesday.

"The notice of availability will be published next Friday but we wanted to make this available a week ahead of time," she said. "We had to get all the documents on the website and the letters in the mail. It is a five-day week and there is only so much you can do in a day."

The CMRR project was the subject of a 2003 Final Environmental Impact Statement. The Record of Decision to construct the two-building replacement facility came in 2004.

The Draft SEIS analyzes three alternatives: •No Action Alternative: Construct and operate a new CMRR-NF at Technical Area 55, adjacent to RLUOB, as analyzed in the 2003 CMRR EIS and selected in the associated 2004 Record of Decision. •Modified CMRR-NF Alternative: Construct and operate a new CMRR-NF at TA-55, adjacent to RLUOB, with certain design and construction modifications and additional support activities. The design modifications address seismic safety, infrastructure enhancements, nuclear safety-basis requirements, and sustainable design principles. This alternative, which is NNSA's preferred alternative, has two construction options, a Deep Excavation Option and a Shallow Excavation Option. No preferred construction option has been identified. •Continued Use of CMR Building Alternative: NNSA would not construct a replacement facility to house the capabilities planned for the CMRR-NF, but instead would continue to perform operations in the CMR Building at Technical Area 3, with normal maintenance and component replacements at the level needed to sustain programmatic operations for as long as feasible.

The complete draft SEIS is available by clicking here <<http://nnsa.energy.gov/nepa/cmrrseis>> . Public hearings are scheduled May 24 from 5 to 9 p.m. at the Holiday Inn Express, 60 Entrada Dr., in Los Alamos; May 25 from 5 to 9 p.m. at the Santa Claran Hotel, 464 N. Riverside Dr., in Española and May 26 from 5 to 9 p.m. at Santa Fe Community College, 6401 S. Richards Ave., in Santa Fe.

"We are just following the process and we will see where it takes us," Chiri said. "We added a modified alternative and added a deep and shallow excavation option."

Mello, meanwhile said the NNSA's draft SEIS is "surprisingly bad because it does not actually consider any alternatives to the project — as it freely admits. At the same time, it says it offers two "alternatives," both of which the agency has previously offered and all parties agree, are unsafe and unrealistic. The analysis of alternatives, as the law says, is the "heart" of the NEPA process.

"It really sets a new low, even for DOE."



LOS ALAMOS STUDY GROUP



NNSA defends decision to stay course on
CMRR-NF, Apr 29, 2011

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Volume 15 No. 18

April 29, 2011

NNSA DEFENDS DECISION TO STAY THE COURSE ON CMRR-NF

A long-awaited National Nuclear Security Administration draft environmental analysis calls for sticking with the agency's proposal to build a new Chemistry and Metallurgy Research Replacement-Nuclear Facility at Los Alamos National Laboratory. The draft Supplemental Environmental Impact Statement (SEIS), released after close of business on Friday, April 22, calls as expected for continued work to build the multi-billion-dollar facility, arguing that other alternatives considered do not meet mission and nuclear safety needs. The 344,000-square foot concrete complex would be far more massive than a plan approved in the early 2000s, a nod to the increased seismic risks at Los Alamos that have been identified in the years since. "Enhanced safety requirements and updated seismic information have caused NNSA to re-evaluate the design concept of the ... the CMRR-NF," according to the study. "The proposed Modified CMRR-NF design concept would result in a more structurally sound building."

The new SEIS was released a few days before the NNSA appeared in federal court in Albuquerque to defend itself against charges that its environmental analysis of the project is inadequate. The Los Alamos Study Group, a New Mexico-based activist group, sued last summer, arguing that vast changes in the project rendered a 2003 analysis under the National Environmental Policy Act inadequate. Attorney Tom Hnasko, representing the Study Group, argued in the April 27 hearing for a preliminary injunction that would halt work on CMRR-NF, including ongoing design activities and security upgrades related to the facility. Hnasko compared the NNSA NEPA compliance with a federal agency that performs an environmental impact statement to build a small regional water retention structure and then decides to use it to authorize building the Hoover Dam. "You cannot commit to a project while the NEPA analysis is incomplete," Hnasko told the court.

Record of Decision to Precede Construction

In response, NNSA counsel Andrew Smith argued that the case did not even belong before the court because a new SEIS is in preparation and construction will not commence until that review process is completed and a new "Record of Decision" is issued on the project. Princeton arms control scholar Frank von Hippel, testifying on behalf of the Study Group, argued that the need for CMRR-NF has become less urgent in the years since the project was launched, citing a report by the JASON Defense Advisory Group, a panel of independent government experts, that plutonium pits in U.S. nuclear weapons could last 100 years or more. The court discussion was continued to May 2, when federal officials will be given a chance to offer their rebuttal to the Study Group's case.

SEIS Details

The SEIS considered and discarded a number of alternatives to continuing with CMRR-NF:

- A “no action” alternative, which would have continued with the original early 2000s design. Such an approach would not meet seismic nuclear safety standards, according to the SEIS;
- Continued use of the 60-year-old CMR building, where plutonium analytical chemistry is done at Los Alamos today. Safety concerns in the aging facility rendered that option inadequate, according to the SEIS. Upgrading the old facility also was determined to be technically infeasible and not studied in detail, the draft analysis said;
- The possibility of locating the operations at a site other than Los Alamos was ruled out, based on previous review under the Complex Transformation process; and
- Other sites at Los Alamos also were not analyzed in detail because they had been ruled out in the previous environmental analysis done for the project.

One of the biggest changes between the early 2000s-era CMRR-NF and the current design is the massive amount of concrete to be used to harden the structure against earthquake damage - 150,000 cubic yards compared to 3,194 cubic yards in the original design. The SEIS makes clear that NNSA is still wrestling with the best way to build the new structure, with “deep excavation” and “shallow excavation” options currently on the table to deal with seismic stresses.

— *From staff reports (reprinted with permission)*

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69 of 1000 DOCUMENTS

Environment and Energy Daily

May 2, 2011 Monday

NUCLEAR: Senate appropriators to discuss security funding

SECTION: IN THE SENATE Vol. 10 No. 9

LENGTH: 589 words

Hannah Northey, E&E reporter

U.S. regulators overseeing the country's nuclear weapons stockpile will head to Capitol Hill this week to defend the president's fiscal 2012 budget request, money crucial to buttressing the government's nuclear nonproliferation efforts.

National Nuclear Security Administration Administrator Thomas D'Agostino will appear before Senate appropriators Wednesday to press the agency's need for increased funding in fiscal 2012 to secure nuclear material abroad and enhance research capabilities in the United States.

D'Agostino told lawmakers last month that any substantial cuts to the agency's 2011 budget would force NNSA to squeeze 2012 funds to meet key nonproliferation goals. But Congress OK'd a bipartisan pact last month that supports the bulk of the president's fiscal 2011 request of \$11.2 billion for NNSA.

D'Agostino is now up to bat before the Senate Subcommittee on Energy and Water Development to defend the president's 2012 budget request of \$11.8 billion, including \$7.6 billion for weapons activities. The boost represents an 8.9 percent increase from the 2011 request to would allow the agency to ramp up research facilities and potentially attract incoming nuclear security experts to work for the federal government.

The 2012 budget request seeks resources to secure vulnerable nuclear material around the world within four years. The president is asking for \$2.5 billion in fiscal 2012 and \$14.2 billion over the next five years to reduce the global nuclear threat by detecting, securing, safeguarding, disposing of and controlling nuclear and radiological material, NNSA said.

Obama announced in April 2009 in Prague that the United States would seek to secure all "vulnerable nuclear materials" within four years, reduce the nation's nuclear weapons stockpile and support the eventual elimination of nuclear weapons in the world (Greenwire, April 6, 2009).

Obama's long-term goals include safeguarding unsecured radioactive materials on black markets through better detection of the materials while in transit, and he has consistently emphasized the importance of U.S.-Russia collaboration. In March, NNSA agreed to extend a bilateral program under which the agency works with Russian officials to enhance nuclear security regulations, inspection and training capabilities in Russia (E&ENews PM, March 24, 2011).

The president's 2012 funding request would also facilitate continued work at the nation's nuclear laboratories and the uranium processing facility at the Y-12 National Security Complex in Oak Ridge, Tennessee.

The budget request would also fund construction of a chemistry and metallurgy research replacement facility at the Los Alamos National Laboratory in New Mexico, a project that would replace portions of the aging chemical and metallurgy facility there. The project has drawn the ire of the Los Alamos Study Group, a nuclear watchdog group asking a federal judge in New Mexico to halt the project, which the group says is too expensive, could have negative environmental impacts and should be scrutinized more closely.

Obama is also asking for \$1.1 billion for NNSA's naval reactors program, an increase of 7.8 percent from the 2011 request. NNSA would use the money to continue design work on the OHIO class submarine replacement, modernize the infrastructure

for the naval reactors program and refuel the land-based prototype reactor in upstate New York.

Schedule: The hearing is Wednesday, May 4, at 2:30 p.m. in 192 Dirksen.

Witness: NNSA Administrator Thomas D'Agostino.

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Fate of LANL building rests in judge's hands

Group: Analysis doesn't reflect facility's environmental harm

By Roger Snodgrass | For The New Mexican

5/2/2011

ALBUQUERQUE — National security met environmental protection in a crossfire Monday, as a federal legal team wrapped up its defense on behalf of the largest construction project in New Mexico history, aside from the interstate highway system.

When the hearing began Wednesday in federal court, attorneys for the Los Alamos Study Group, a nonprofit public-interest organization, presented their case for stopping all work on a \$4 billion to \$6 billion proposed Chemistry and Metallurgy Research Replacement Nuclear Facility at Los Alamos National Laboratory while a new environmental impact statement is prepared.

The group's argument centered on the National Environmental Policy Act, which establishes a framework for federal environmental planning and protection that the group contends the government has not met.

"We can all agree that some sort of NEPA process is going on presently," said Santa Fe attorney Tom Hnasko, "but (a federal agency) cannot implement a federal project while a NEPA process is going on."

Andrew Smith, a trial lawyer in the Office of the United States Attorney for the District of New Mexico, representing the National Nuclear Security Administration, argued the NEPA process under way is an extension of several previous environmental studies that led to a formal record of decision in 2004 to build the nuclear facility.

"That (2004 record of decision) is still in effect," Smith said. "The statute of limitations has been exhausted and cannot be challenged."

He argued that as design work on the building progressed, new information came up that needed to be incorporated in the plans for the building.

Sharp upward projections in the construction cost estimates, a result of protecting the building against the possibility of a 7.3 magnitude earthquake, were followed by the plaintiffs' notice of the pending legal complaint. Shortly after that, NNSA decided to pursue a new draft supplement under the NEPA process, saying it had been in the works before the notice. The supplement was released last week and is scheduled for a public comment period, working toward a new record of decision.

Under a legal principle known as "the ripeness doctrine," Smith said, the challenge is premature until a public process results in a new formal decision.

Judge Judith C. Herrera asked, "How does that process square with what the plaintiff says, that the supplemental analysis is basically a sham process, and that the options on the table are pre-ordained and aimed at a particular result?"

"They have constantly changed the design," Smith said, noting the project has incorporated a number of recommendations from the Defense Nuclear Facility Safety Board, which had a congressional mandate to certify the safety of the seismic issues in construction.

"They're not locked into any alternative," Smith said. "It's the opposite of a sham."

Smith said his clients, the Department of Energy and the National Nuclear Security Administration, "have committed to a final design, but the Nuclear Facility will not continue into final design or construction until a new ROD has been completed."

"I didn't use the word 'sham,' but I will adopt the term, because it is one," Hnasko said.

"Are they committed?" he asked. "Yes, they said it today. The injunction should be granted on that basis alone."

Herrera asked him if there were any remedies short of the court's involvement.

"They cannot go back without the court's involvement," Hnasko said.

Smith cited a number of legal precedents for requiring very stringent standards to prove the government is acting in bad faith. He found a number of parallels with a 2008 Supreme Court decision, *Winter v. Natural Resources Defense Council*, that sided with Naval sonar use in Southern California despite its effects on whales and dolphins, because "national security is so much more important that the 'balance of harms' is easily found in favor of the national security issue."

Hnasko reminded the court that the nuclear facility had grown to 12-and-a-half stories underground.

"It has more concrete than Elephant Butte and more steel than the Eiffel Tower," he said.

"I have a lot of things to review," Herrera said. "I will take the matter under advisement."



LOS ALAMOS STUDY GROUP



Nuclear Policy: Foes in NM plutonium lab await judge's decision

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May 3, 2011

Hannah Northey, E&E reporter

A nuclear watchdog is suing the federal government to halt development of a proposed, multibillion-dollar plutonium facility in New Mexico that the activist group says has been poorly studied and would be built in an unsafe location.

The Los Alamos Study Group is suing the Energy Department and the National Nuclear Security Administration in the U.S. District Court for the District of New Mexico. The court wrapped up a second day of hearings on the case yesterday and both sides are now awaiting a decision.

NNSA, a semiautonomous agency within DOE that oversees the country's nuclear weapons complex, says it wants to design a new chemical and metallurgy research lab to replace an aging facility at the Los Alamos National Lab about two miles south of Los Alamos in northern New Mexico.

But NNSA has not conducted the proper environmental analyses and is undermining the environmental legal process by moving forward with the project, which could cost more than \$4 billion, the Los Alamos Study Group said.

More importantly, the facility -- a lab that will store, handle and process several tons of plutonium -- would sit atop "poorly consolidated" volcanic ash that could exacerbate any seismic activity in a major earthquake, said Greg Mello, the group's executive director. The layer of volcanic ash begins at a depth of 75 feet below the building, according to the lawsuit.

"Even if it weren't for our lawsuit, they have some serious problems," Mello said. "This is not a very practical project and as we told the courtroom ... the environmental impacts that we're talking about are also first and foremost impacts on national security programs at the Los Alamos National Laboratory."

In the late 1990s, NNSA determined that upgrades to the existing nuclear facility would be time-consuming and just marginally effective and that a long-term solution was needed to ensure the agency could continue performing activities to test nuclear materials.

The lab was built in the early 1950s to conduct chemical and metallurgical research to support the maintenance of nuclear weapons, nonproliferation, dismantlement and counterterrorism programs.

In 2003, NNSA issued an initial environmental impact statement (EIS) for constructing the replacement nuclear facility to create a more structurally sound space for conducting experiments.

But in 2007, the government published an updated probabilistic seismic hazard assessment that, according to Los Alamos Study Group's lawsuit, "increased significantly" seismic risk at the nuclear facility, finding that earthquakes up of a magnitude of 7.3 are believed possible.

NNSA changed the building's design to incorporate the new seismic information, which increased the footprint of the project and facilitated the need for a new supplemental EIS because the project had undergone substantial

changes, the agency said.

The agency published the supplemental draft EIS in the *Federal Register* on April 16, and is taking public comment through June 13. The new analysis complies with the National Environmental Policy Act of 1969, NNSA said.

NNSA's preferred alternative is to proceed with construction of the replacement facility. It is considering altering construction plans to address seismic concerns.

But the Los Alamos Study Group said the project has fundamentally changed over the years and requires a new environmental review to comply with NEPA and that the government is required to consider alternatives to the project.

"This new information has had far-reaching consequences for the nature of the proposed nuclear facility project and its expected environmental impacts, particularly given the adverse engineering properties of the earth beneath the proposed facility," the group said.

Mello said the case reflects poorly on the Obama administration because the government is trying to move forward with the nuclear weapons program while ignoring and undermining NEPA.

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No Decision Yet in CMRR Lawsuit

A Special Bulletin from the *Nuclear Weapons & Materials Monitor*

May 5, 2011

NO DECISION YET IN CMRR LAWSUIT. A second day of arguments in an Albuquerque federal court about Los Alamos National Laboratory's Chemistry and Metallurgy Research Replacement-Nuclear Facility ended without a decision, as both sides in the case took jabs at the other during three hours of deliberations. But the most interesting exchange came from federal Judge Judith C. Herrera, who explored the Los Alamos Study Group's argument that the NNSA has side-stepped National Environmental Policy Act rules and moved forward with the project despite drastic changes. Rather than complete a full environmental analysis, the NNSA has opted to update the 2003 Environmental Impact Statement for the facility with a supplement analysis and plans to issue a new Record of Decision later this year, but the Study Group and its lawyer has argued that the agency hasn't seriously considered other options aside from building the multi-billion-dollar facility and is seeking an injunction to halt work on the project. "How does that process square with what the plaintiff says, the fact that the supplement is basically a sham process, that the options on the table are pre-ordained or aimed at a particular result?" Herrera asked Justice Department lawyer Andrew Smith, who was arguing the case for the NNSA.

Smith noted progressive changes and input from the Defense Nuclear Facilities Safety Board and the inclusion of a deep or shallow option for excavation of the facility. However, Study Group lawyer Tom Hnasko called NNSA's latest draft Supplemental Environmental Impact Statement a choice between "digging a hole or digging a deeper hole," and he cautioned that the NEPA process required more than proposing "design variations to your chosen alternative." Herrera didn't indicate when she will decide on the injunction, but court watchers say a written decision could come within 10 to 20 days. "I have a number of things to review," Herrera said. "I will take the matter under advisement."

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LOS ALAMOS STUDY GROUP

No Decision on CMRR-NF as Gov't, Activist Group Duke it out in Court, May 7, 2011



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Volume 15 No. 19

May 7, 2011

NO DECISION ON CMRR-NF AS GOV'T, ACTIVIST GROUP DUKE IT OUT IN COURT

Lawyers for the federal government and an anti-nuclear activist group seeking to halt construction on Los Alamos National Laboratory's Chemistry and Metallurgy Research Replacement-Nuclear Facility continued to trade jabs during a second day of arguments this week in an Albuquerque federal courtroom, but the arguments ended without a true conclusion. Likewise, there remains no clear timetable for a decision from federal Judge Judith C. Herrera. Herrera ended the May 2 hearing by saying she would "take the matter under advisement" after Justice Department lawyer Andrew Smith and Tom Hnasko, a lawyer for the Los Alamos Study Group, completed their arguments.

Herrera may decide to grant a motion by the Study Group for a temporary injunction under the National Environmental Policy Act. The Study Group has argued that the agency hasn't seriously considered options other than building the multi-billion-dollar facility in the Supplemental Environmental Impact Statement it is currently performing as an update to a 2003 analysis. The group's push for an injunction would halt construction and design work on the project and quash related projects that might prejudice the choice of locations and alternatives for the final piece of the project. The facility, with its estimated price tag between \$3.7 and \$5.8 billion, has a \$300 million budget in Fiscal Year 2011 for work on the final design. The preliminary construction phase is expected to start later in 2011 but the building would not be ready for occupancy until 2022.

Gov't: SEIS Should Suffice

Alternatively, Herrera can find for the defendants, the National Nuclear Security Administration and the Department of Energy. Smith has called for a summary dismissal of the lawsuit. Citing a new draft analysis that was released last week, Smith argued that a supplemental environmental evaluation is underway. The draft SEIS is intended to validate the project, and it incorporates new seismic and safety information that has altered the scope and scale of the nuclear facility, according to the officials, but not the purpose for which facility was originally authorized in 2004. The statute of limitations has expired for appealing that decision, Smith argued, and the time is not "ripe" to challenge the process while a new Record of Decision has yet to be finalized.

Hnasko argued in his opening declaration that the laboratory has made "irretrievable commitments" to the nuclear facility, which is why they are unable to consider alternatives that might serve the purpose more efficiently. In his concluding rebuttal, he said some kind of NEPA process was indeed going on. But he said it was "irrelevant," because no credible alternatives had been analyzed, and even the alternative of renovating the old Chemistry and Metallurgy Research facility with major upgrades was barely examined. "They are going forward with one project and they're going to paper it over with a Supplemental Environmental Impact Statement," he said. "We have no Record of Decision for this project, and until we get that ROD you have to stop."

Group Blasts Lack of Choice

Smith suggested that once a new ROD is issued, it could be subject to litigation. "When the new ROD comes out, the plaintiffs can challenge it then," Smith said. "All of that will be ripe for judicial review." He dismissed the plaintiff's complaints about large changes in the scale and cost of the nuclear facility proposed for storing, handling and processing weapons-related plutonium. Smith likened the process to if someone had found an error on his draft tax form. "But I haven't filed my tax return yet, so I haven't violated anything," he said, citing legal precedents to insist that the injuries had to be substantial and the burden of proof for questioning the government's intentions in a NEPA case was stringent.

Smith also noted that progressive changes and input from the Defense Nuclear Facilities Safety Board on the seismic requirements for the facility had forced some changes, and he said the NNSA was currently exploring deep or shallow option for excavation of the facility. However, Hnasko called NNSA's latest draft Supplemental Environmental Impact Statement a choice between "digging a hole or digging a deeper hole," and he cautioned that the NEPA process required more than proposing "design variations to your chosen alternative." Herrera may have hinted at a compromise when she asked Hnasko if there was not a remedy short of the court's involvement. But Hnasko said, "They cannot go back without the court's intervention." Court watchers said a written decision could come within another week or two.

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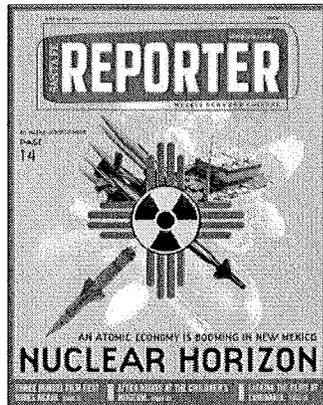
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Nuclear Horizon

An atomic economy is booming in New Mexico.

Alexa Schirtzinger



On April 27, Greg Mello--a tall, intense man whose natural state is vague dishevelment--was in court, watching his witness annihilate (at least in Mello's view) the US Department of Energy's case.

Mello is the Harvard-educated co-founder and executive director of the Los Alamos Study Group, a nuclear disarmament advocacy organization based in Albuquerque, but with a concerted focus on the activities of Los Alamos National Laboratory. Last year, LASG sued to stop the construction of the Chemistry and Metallurgy Research Replacement (CMRR) project, a new facility at LANL designed to process--and possibly produce--plutonium-based nuclear warheads.

On this particular Wednesday, Mello's lawyer had called Frank von Hippel, a nuclear physicist and Princeton professor, to testify against the facility--essentially a costly, heavily fortified nuclear warhead processing facility situated over a geologic fault zone (see sidebar: "Price Point").

In his prepared testimony, Von Hippel argued the need for new warheads "has vanished"; the earthquake hazard is now "much larger" than previously thought; the last full environmental assessment of the project--completed eight years ago--is insufficient for a project whose cost has swollen from \$350 million to more than \$3 billion.

All of this, Von Hippel says, amounts to a more fundamental question: Does New Mexico really need to be researching and building new nuclear weapons?

Mello doesn't think so--but says the political momentum isn't on his side.

New Mexico is viewed as a place with a compliant government, where nuclear contractors can get federal money, Mello explains. "There's no private sector demand for most of this stuff, and a great deal of it could never be licensed or permitted."

Even so, the CMRR facility--along with its budget--has expanded virtually unheeded since it was first proposed in 1999.

"It's terrifying," Mello says. "It's frightening for New Mexico, both in itself and because of what it's not: renewable energy; investment in our housing and building stock, our infrastructure, our schools. A very tiny group of people have captured an outsize amount of attention from a political elite and are setting far too much of our agenda."

Within Santa Fe, Mello's view is relatively common. At the LASG meetings and study sessions he hosts in the basement of a local church, attendees are routinely knowledgeable to the point of expertise. And in addition to various environmental protection and renewable energy groups, Santa Fe also hosts two other nuclear disarmament organizations, Concerned Citizens for Nuclear Safety and Nuclear Watch of New Mexico.

Southern New Mexico, though, is a different story. There, lawmakers and academics extol the virtues not only of nuclear research and development, but they also court uranium processing plants and waste disposal facilities with gusto--and, in some cases, financial incentives.

In fact, the morning of Von Hippel's testimony, a collection of public officials, scientists and executives had gathered in a conference room in Hobbs, some 350 miles south of Santa Fe. They were discussing New Mexico's future as a focal point for the new nuclear age, in which economies rely increasingly on nuclear power and entire processing industries spring up around the "uranium fuel cycle," which begins with mining and ends with waste disposal. Every stage of that process can be monetized--and nearly every stage has commercial operations in New Mexico.

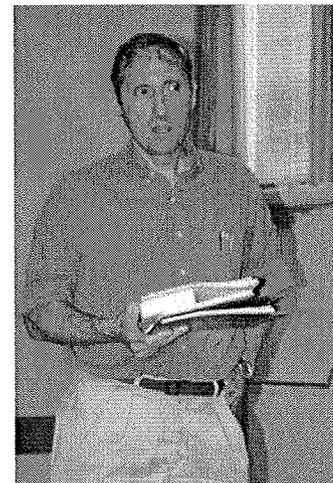
The state currently has a stake in a lot of aspects of this cycle--the mining, the enrichment, the storage, Mat Lueras, vice president for corporate development at Uranium Resources Inc., a mining outfit that owns 183,000 acres of uranium mineral rights in New Mexico, tells SFR. Because of that, Lueras says, URI has "seen widespread local and state support from New Mexico politicians" for its efforts to restart uranium mining.

To Daniel Fine, a research associate at New Mexico Tech and at the Center for Energy Policy in Hobbs, such enthusiasm is simply an acknowledgment of the inevitable.

"Nuclear energy, worldwide and in the United States, has a very strong future," Fine says. "Twenty percent of our electricity is nuclear. There's potential planning for 50 percent more."

In Fine's view, New Mexico's role in that future remains to be determined. But given what's already here, and the gradual buildup of a nuclear fuel cycle complex in the state's southeastern counties, a nuclear future may indeed be unavoidable. Take the beginning of the fuel cycle, for instance.

"New Mexico," Fine says, "is the Saudi Arabia of uranium."



Greg Mello of Los Alamos Study Group is challenging the lab's new plutonium facility.

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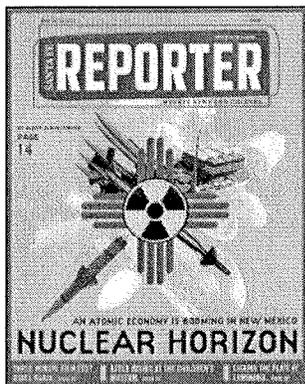
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the point of expertise. And in addition to various environmental protection and renewable energy groups, Santa Fe also hosts two other nuclear disarmament organizations, Concerned Citizens for Nuclear Safety and Nuclear Watch of New Mexico.

Southern New Mexico, though, is a different story. There, lawmakers and academics extol the virtues not only of nuclear research and development, but they also court uranium processing plants and waste disposal facilities with gusto--and, in some cases, financial incentives.

In fact, the morning of Von Hippel's testimony, a collection of public officials, scientists and executives had gathered in a conference room in Hobbs, some 350 miles south of Santa Fe. They were discussing New Mexico's future as a focal point for the new nuclear age, in which economies rely increasingly on nuclear power and entire processing industries spring up around the "uranium fuel cycle," which begins with mining and ends with waste disposal. Every stage of that process can be monetized--and nearly every stage has commercial operations in New Mexico.

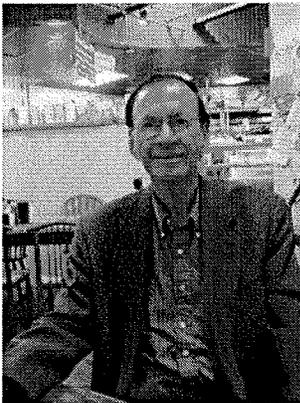
"The state currently has a stake in a lot of aspects of this cycle--the mining, the enrichment, the storage," Mat Lueras, vice president for corporate development at Uranium Resources Inc., a mining outfit that owns 183,000 acres of uranium mineral rights in New Mexico, tells SFR. Because of that, Lueras says, URI has "seen widespread local and state support from New Mexico politicians" for its efforts to restart uranium mining.

To Daniel Fine, a research associate at New Mexico Tech and at the Center for Energy Policy in Hobbs, such enthusiasm is simply an acknowledgment of the inevitable.

"Nuclear energy, worldwide and in the United States, has a very strong future," Fine says. "Twenty percent of our electricity is nuclear. There's potential planning for 50 percent more."

In Fine's view, New Mexico's role in that future remains to be determined. But given what's already here, and the gradual buildup of a nuclear fuel cycle complex in the state's southeastern counties, a nuclear future may indeed be unavoidable. Take the beginning of the fuel cycle, for instance.

"New Mexico," Fine says, "is the Saudi Arabia of uranium."



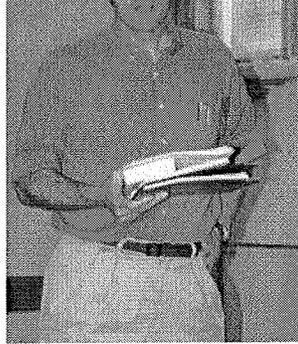
Daniel Fine of New Mexico Tech predicts a bright future for nuclear energy.

New Mexico had its first exposure to the nuclear industry in 1943, with the founding of Los Alamos National Laboratory. Two years later, near Alamogordo, LANL scientists conducted the Trinity test with a prototype of the atomic bombs that, less than a month later, would raze Hiroshima and Nagasaki. Sandia National Laboratories, the Albuquerque lab charged with turning LANL's nuclear weapons concepts into deployable missiles, was founded in 1949.

While the labs were located near northern New Mexico's population centers, less populous areas of the state became nuclear hubs in their own right. In southern New Mexico, a huge swath of desert scrubland became the White Sands Proving Grounds--now the White Sands Missile Range--for nuclear weapons testing. In far western New Mexico, on the outskirts of the

Navajo Nation, uranium mines sprang up in the 1950s.

Since the US government promised to buy all mined uranium, it was good business, and northwest New Mexico's mining industry boomed for close to two decades with relatively little oversight. But in the 1970s, reports of elevated levels of radon, a radioactive element that can cause cancer, began to surface--and so began what Fine



Greg Mello of Los Alamos Study Group is challenging the lab's new plutonium facility.

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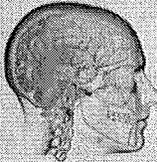
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DADDY NEEDS A DRINK



calls "the sad chapter" of widespread radioactive contamination from New Mexico's uranium mines.

"[Uranium] mining, from the 1950s to the early 1970s, was very high risk, and the methods then did expose uranium miners to radioactivity," Fine says.

In 1979, conditions worsened considerably: A dam belonging to United Nuclear Corp. broke, spilling more than 1,000 tons of contaminated tailings into the Rio Puerco, a tributary of the Rio Grande. By 1990, the last of New Mexico's uranium mines had closed.

Enter URI, which since 1977 had been buying up old uranium mines. With a lengthy permitting process and a court challenge behind it, Lueras says URI plans to restart mining activity in New Mexico as soon as 2013.

According to Lueras, the nation--if not the world--demands it.

Even if the US doesn't expand its nuclear power profile--which consists of 104 operational reactors--only approximately 10 percent of US uranium needs are supplied domestically. A treaty that provides for additional enriched uranium from Russia is set to expire in 2013--meaning many companies, like URI, are banking on expanding domestic demand for both raw and enriched uranium.

"We can be a US producer, producing US uranium for use in US commercial reactors," Lueras says. "We see a strong market out there."

Demand is also growing as other nations--China, India, South Africa--build up their nuclear power portfolios.

"We have the largest supply of uranium in the country," Lueras says: more than 101 million pounds of proven uranium reserves, with potential for up to 600 million pounds in the Grants mineral belt alone.

At uranium's current price, approximately \$56 per pound, that's \$5.7 billion in potential income for URI--not to mention, Fine notes, royalties for the state.

"Very ironic that New Mexico is sitting on probably the ninth-largest deposit of uranium in the world--and the United States imports its uranium," Fine says. "If we are dependent on foreign oil, we are even more dependent on foreign uranium."

Still, to local residents, the market potential isn't worth the risk.

"They talk about jobs--BS!" former uranium miner Larry King says. King serves on the board of Eastern Navajo Diné Against Uranium Mining, an organization dedicated to stopping URI in its tracks (see sidebar, "Miner Issue").

Editor's note: Click here for updated information on uranium cleanup efforts in northwestern New Mexico.

After uranium is mined, it must be transported to a conversion facility, where it is transformed into a purified, liquid form. (The US has only one such facility, run by defense contractor Honeywell International in Metropolis, Ill.)

The converted uranium is then ship-ped to an enrichment facility--which is where URENCO, a multinational enrichment company, comes in.

URENCO's new enrichment plant in southern New Mexico, which began operations in June 2010, is the first such facility to be licensed in the US in 30 years.

URENCO Communications Manager Don Johnson says the delay in certifying new enrichment plants was likely due to the partial meltdown of a nuclear power plant at Three Mile Island in Pennsylvania in 1979.

"After Three Mile Island, I think there was a sense of concern that slowed things down," Johnson tells SFR. "A combination of things, including the cost of capital and some other issues, combined to present an environment that maybe wasn't as conducive to nuclear power as we feel like we have gotten to in the last few years."

Despite such risks, southeastern New Mexico is the poster child for the nuclear industry's new acceptance--a fact URENCO learned when, in 2002, it was searching for a place to build an enrichment facility in the US.

"URENCO was trying to locate first in Louisiana, and then in Tennessee, [and] they were meeting resistance in Tennessee," New Mexico state Sen. Carroll Leavell, R-Eddy, says. So Leavell contacted the company and suggested southeastern New Mexico--specifically, Eunice, a tiny town just 5 1/2 miles from the

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Compared to the push back the company experienced elsewhere, southern New Mexico was a breeze.

"It was amazing, the lack of resistance in New Mexico," Leavell says. "I'll never forget: Whenever we had the groundbreaking, URENCO had anticipated an organized protest at the scene," he says. "They had considerable security. I was with the [president of the company] the night before, and he was very concerned about security, and I said, 'I don't think what you're expecting is going to happen.'"

When they arrived the next day at the site--"nothing but mesquite and sand" back then, Leavell says--they found some 200 people. Every single one of them was there to support the project.

"If there was any protesters that day," Leavell says, "they certainly did not make themselves known."

Johnson says URENCO makes a concerted effort to be a "good corporate citizen" by sending its employees out to volunteer in surrounding areas and by making "significant donations" in local communities.

For other companies, however, the reverse is true.

International Isotopes, a company currently building a plant near Hobbs to provide the fourth phase of the uranium fuel cycle, received incentives from southeast New Mexico governments to locate there.

"There [were] quite a few incentives put together in a financial package--tax incentives and the opportunity to participate in the local economic development act, where the state can transfer properties," International Isotopes (INIS) CEO Steve Laflin tells SFR.

"The last thing in the world I wanted to do was build a project where we were not going to be strongly welcomed," Laflin says.

The INIS plant, located just 20 miles from URENCO's enrichment facility, uses the by-products of enrichment to create gases that can be used in solar cells, lubricants and pharmaceutical products.

"We are the solution," Laflin tells SFR. "We are taking material that otherwise would be a waste and dealing with that--and we're doing it in a way that's safe and highly sensitive to the environment."

Laflin says INIS submitted an application to process uranium to the NRC in 2009 and anticipates approval later this year. By 2012, Laflin says, INIS should be in the construction phase of a \$125 million processing plant.

Any risks, Laflin says, lie mostly in the chemical processes INIS uses, not in the uranium.

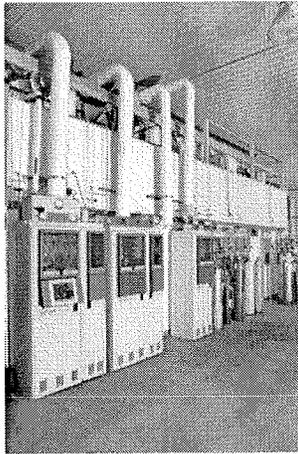
"This is much more of a chemical manufacturing facility than anything else," Laflin says. "There's no question fluoride products are toxic and reactive, but there's very well-established safety processes."

The only phase of the uranium fuel cycle that's missing in New Mexico is nuclear power generation--but The Babcock & Wilcox Co., another multinational corporation that builds small, modular nuclear reactors, is scoping out possibilities. (B&W is also one of the contractors in charge of running LANL.)

B&W Public Relations Manager Jud Simmons writes, in an email to SFR, that although the company has not received any offers of incentives from New Mexico public officials, it "continues to seek opportunities in the state and in other parts of the world where the reactor would be a good fit."

Small modular reactors, Fine says, are cheaper--they cost about \$500 million, rather than the \$10 billion required for a conventional reactor--safer and use less water than the large, water-cooled reactors used in places like Japan.

"We had a recent phenomenally cold three-day period in New Mexico, [and] we lost gas service," Fine says. "The whole system that failed was based on natural gas,



International Isotopes is pioneering a method of marketing enriched uranium byproducts.
Credits: Courtesy of International Isotopes.

pipelines, so forth. But the reliance on an additional, low-risk source of energy would've been a small nuclear modular reactor, contained underground, and it would be impervious to a temperature like that."

The final stage of the nuclear fuel cycle is the one that perhaps generates the most resistance: storing radioactive waste.

In New Mexico, the Waste Isolation Pilot Plant, a DOE project to store radioactive waste underground in natural geologic salt dome formations near Carlsbad, went online in 1999--but only after several years of permitting negotiations and public hearings.

Because of federal budget cuts, however, WIPP is currently shedding some of the vaunted jobs it has provided to the Carlsbad area. The City of Carlsbad, which normally receives WIPP-related infrastructure funding from DOE, voted in May to return \$3.5 million with the hope of preventing further job cuts at the facility.

Donavan Mager, the manager of strategic communications for Washington TRU Solutions, which contracts with the DOE to manage operations at WIPP, says the plant is seeking to preserve jobs by expanding its mandate to accept other types of hazardous waste material. Achieving the DOE's goal of processing 90 percent of all US transuranic waste by 2015, Mager says, will mean a need for fewer employees.

Despite a solid safety record, though, WIPP still generates questions and concerns even from observers living hundreds of miles away.

"Just because you buried it in a hole in the ground doesn't mean it's gone away," Nuclear Watch of New Mexico Operations Director Scott Kovac tells SFR. "It still exists. It can't hurt anybody for 100 years or 1,000 years--but eventually it's going to get out."

Not far from WIPP, a privately owned Texas waste facility has engendered sharp criticism from nearby residents. Waste Control Services' storage site accepts low-level radioactive waste--but its location close to the New Mexico border and overlying the vital Ogallala Aquifer has environmental groups incensed. (Lately, a war of information has broken out between a public relations firm hired by WCS and Public Citizen, a nonprofit consumer advocacy organization; read their opposing briefs at SFRReporter.com.)

But activists aren't the only ones with doubts about nuclear energy. Particularly in the face of catastrophes, such as the recent earthquake, tsunami and nuclear reactor crisis in Japan, Fine says the general public can quickly grow wary of nuclear energy.

To Fine, though, such fears are based on emotion, not reason.

"The public understandably fears radioactivity--not nuclear energy," Fine says, "not the science and technology of manufacturing energy that's atomic-based. The fear is the radioactivity."

Jonathan Block, a staff attorney at the New Mexico Environmental Law Center who once worked for the Union of Concerned Scientists and has spent decades litigating nuclear issues, counters that most stages of the uranium fuel cycle are plagued with complications not least because the NRC is reputedly cozy with industry representatives.

In January 2010, for instance, an accident at URENCO's German enrichment facility resulted in a worker's exposure to radiation, followed by protests calling for the plant's closure. The Honeywell conversion plant in Illinois has been plagued by labor issues related to workers' health and, in March, was fined \$11.8 million for illegally storing radioactive waste on-site. The New York Times recently reported that problems at nuclear power plants, such as leaking pipes and earthquake risks, have been ignored by NRC officials.

But seemingly routine safety issues often don't attract much attention, Block notes.

"Because it's not a sexy news story, it's been out of the news until there's a giant blowup," Block says. "But in between Three Mile Island and Chernobyl and Fukushima, there are all kinds of almost-accidents."

And though proponents such as Leavell say they're pleased with local facilities' safety records, Block remains skeptical.

"Enrichment technology has problems," Block says. "The fact that they don't exist now doesn't mean that they're not going to exist at some point in the process."

Why does the US persist, then, in funding costly, potentially risky reactors and enrichment plants? Why do national lab budgets remain untouched, even as Congress seeks to eliminate funding for low-budget, high-yield line items such as public broadcasting?

"The reason," Block says, "is nuclear weapons production. Without a nuclear industry geared up to produce nuclear reactors, you don't have the [ability] to make nuclear weapons." He pauses. "The dirty side of 'atoms for peace'"--a term coined by President Dwight D Eisenhower in 1953--"is atoms for war." **SFR**

Price Point

In 1999, when US Sen. Jeff Bingaman, D-NM, first proposed a new facility to research nuclear weapons and plutonium at Los Alamos National Laboratory, he asked for \$5 million from the US Department of Defense.

Today, the White House estimates the cost of the Chemistry and Metallurgy Research Replacement (CMRR) facility at \$3-6 billion. Originally designed to process less than 1 kilogram of plutonium--still enough for the 1,550 nuclear warheads allowed under international treaties, and sufficient to warrant serious safety measures--more recent estimates put the amount of plutonium at a whopping 6,000 kilograms.

Though activists report that the primary focus of the new facility will be to manufacture new plutonium "pits"--essentially the core material for nuclear warheads [news, July 21, 2010: "It's the Pits"]--US Sen. Tom Udall, D-NM, tells SFR that's not the case.

"The characterization that this facility is creating new nuclear warheads is misplaced," Udall says. "What we're talking about here is a 50- to 60-year-old facility that sits on a fault--and with the continued work that we're going to have at the labs, should we have an updated, new facility?"

Los Alamos Study Group Executive Director Greg Mello agrees that the facility CMRR is designed to replace is antiquated.

"Even if we were to get rid of all our nukes tomorrow--which we would like--they still need a plutonium facility to use during that process," Mello says. "But it has to be safe."

Mello says the proposed nuclear facility is rife with seismic dangers and fire risks that weren't identified when the US Department of Energy, which runs the lab, first performed its original environmental impact statement in 2003. In his lawsuit, Mello contends that the agency must perform a new environmental assessment since the facility has expanded significantly in scope and cost.

And despite congressional talk of belt-tightening, the CMRR got a pass in this year's budget negotiations.

"It's been shielded in terms of what's happened in the current budget situation because there was bipartisan agreement on it," Udall explains. "People said, 'We need to modernize our infrastructure; we need to make sure the stockpile's safe.'"

Udall says he doesn't have the expertise to weigh in on the asserted need for such upgrades.

"I support what bipartisan presidents have said in the past, that we ought to be working toward a world that is free of nuclear weapons," Udall says. But, he adds, "I think the agreement that has been reached is a good thing for the national security of the country."

To New Mexico Environmental Law Center Staff Attorney Jonathan Block, the national security argument simply obscures the close relationship between politicians and the nuclear industry.

"We had a president who came in and was telling people he was critical of [nuclear weapons programs], and he would be looking at alternatives, and by the time he'd been in office for less than two years, he was turned around," Block says. "He's now a nuclear advocate. And the reason is that it's hard to be independent and safety-conscious when the people who write the checks are the industry that you control."

Indeed, nuclear contractors are generous when it comes to campaign contributions. In the past two years alone, US Rep. Ben Ray Lujan, D-NM, has received \$8,000 in contributions from Bechtel, a LANL contractor, and another \$11,000 from nuclear contractor Honeywell International.

Mello says contractor such as Los Alamos National Security (LANS), a consortium of defense and nuclear industry contractors, including Bechtel, responsible for running the lab are a large part of the problem.

"The lack of accountability and corporate arrogance generates safety problems and allows the private interests to swamp the public interest," Mello says. "For LANS, a more expensive project is simply a more profitable project."

LANL will hold a series of hearings on environmental impact statements related to the new CMRR facility on May 23-26, with the May 26 hearing from 5-9 pm at Santa Fe Community College. For more information, visit nnsa.energy.gov/nepa/cmrrseis.

Miner Issue

Larry J King has been fighting uranium for decades.

In the late 1970s and early 1980s, King spent seven years underground, mining uranium. Five years ago--long after United Nuclear Corp., the mining company King worked for, shuttered its mines and left the state--King began having respiratory problems associated with exposure to radioactive elements.

Now a board member of Eastern Navajo Diné Against Uranium Mining, King has a new fight: to keep Uranium Resources Inc. from reopening a slew of uranium mines in northwest New Mexico.

Mat Lueras, URI's vice president for corporate development, says the methods URI will use to recover uranium are different, and safety standards are higher than they were 30 years ago.

"We've come a long way in understanding the technology, the impact that mining has to the environment and the communities," Lueras says. "And that's what we fully address before we go into any of these projects."

But King isn't buying.

"It's all garbage when they say it's modern technology, that it's safe," he says. According to Eric Jantz, a staff attorney at the New Mexico Environmental Law Center, under the method in question, known as in situ recovery, no aquifer has ever been successfully remediated to pre-mining levels.

"Families from South Texas [where ISR mining has been conducted in the past] came up here to forewarn the community not to believe what the company's saying," King recalls. "They were given the same lies, that [URI] would clean up the aquifer--and thus far they've contaminated the aquifer and cannot return it."

With Jantz' help, King and other concerned citizens sued the Nuclear Regulatory Commission, the agency charged with overseeing the nuclear industry, to stop it from issuing a mining permit to URI on the grounds that allowing mining in northwestern New Mexico would further contaminate already damaged aquifers. The suit failed on appeal in federal court, and the Supreme Court subsequently declined to hear it [news, March 17, 2010: "Brave Nuke World"].

Currently, the plaintiffs are hoping to convince the Inter-American Commission on Human Rights to weigh in "because of the number of the human rights violations that are the result of the NRC license," Jantz says.

At least some of the former miners' concerns are being heard, though: On April 12, three New Mexico Democrats Sen. Tom Udall, Sen. Jeff Bingaman and Rep. Ben Ray Luján--introduced a bipartisan bill to expand restitution for miners and local residents in communities harmed by uranium contamination.

Jantz says the measure is meaningful--but for King, who lives close to one of the mines, it still doesn't make the contamination disappear.

"Sometimes I just feel like, 'When is this going to end?'" King says. "When is [URI] going to hear the people and say, 'OK, we're not going to [mine there]?' It just really pisses me off."

8-12 is the minimum number of years before New Mexico could deploy the nation's first small modular nuclear reactor, according to New Mexico Tech research associate Daniel Fine.

2 is the total number of employees mining outfit Uranium Resources Inc. currently employs in New Mexico.

\$14.8 million is the amount David M Cote, the CEO of Honeywell International, earned in 2010.

\$11.8 million is the amount Honeywell paid in fines earlier this year for illegally storing radioactive waste on-site at its Illinois uranium conversion facility.

\$11,000 is the amount Honeywell has contributed to US Rep. Ben Ray Luján's campaign committee, People for Ben, since 2009.

MAP: Nuclear New Mexico



View Nuclear New Mexico in a larger map

TIMELINE: Nuclear New Mexico

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Farmington Daily Times (New Mexico)

May 23, 2011 Monday

Judge throws out case over Los Alamos nuclear plan [6:30 p.m.]

SECTION: NEWS; Breaking

LENGTH: 398 words

ALBUQUERQUE (AP) A federal judge on Monday threw out a lawsuit that sought to halt development of a \$5.8 billion plutonium laboratory at Los Alamos National Laboratory, saying a new environmental analysis and planned hearings should be adequate to address new concerns about earthquake dangers.

Critics, however, said they would boycott the public hearings, claiming construction of the lab is already a done deal.

"The public record is replete with Administration statements saying it is not going to reconsider its commitment to this project," Greg Mello of the watchdog Los Alamos Study Group in an email about why the group wouldn't attend public hearings.

Mello and other critics of the lab sued to halt development of the nuclear facility last year, alleging the Department of Energy and the National Nuclear Security Administration violated federal law by failing to do an environmental impact statement after changing the design for project to address seismic and other safety concerns.

The National Nuclear Security Administration released the environmental analysis last month, but critics alleged it was done in response to its lawsuit and to back up a decision that was already made.

Even before the ruling, they had called for a boycott of the four public hearings being held on the matter around the state this week.

"We have called for citizens to use real democratic means to reform the NNSA in regard to this giant project, and not indulge themselves yet again in a manipulated politics of spectacle," Mello said.

U.S. District Judge Judith Herrera ruled against the lab's critics, saying NNSA should not be required to "start over from scratch when they encounter new information that results in design challenges."

Mello said he was disappointed by the ruling but that it was too soon to know if the groups would take further action. The first public hearing was scheduled Monday night in Albuquerque.

Others were scheduled later this week in Santa Fe, Espanola and Los Alamos.

At issue is the nuclear facility portion of the Chemistry and Metallurgy Research Replacement project, known as CMRR, which would replace a 60-year-old building that has been declared seismically unsafe.

The proposal has been lingering for years, and the NNSA now wants to change the building's design to address earthquake dangers and make other improvements, although no final design has been selected.

LOAD-DATE: May 24, 2011



LOS ALAMOS STUDY GROUP

LANL Facility a Costly Sham, Peter Neils Op-Ed



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LANL Facility a Costly Sham

By Peter Neils, President, Los Alamos Study Group,
Sun, May 22, 2011

The Department of Energy and the semi-autonomous agency under it that manages the nuclear weapons program, the National Nuclear Security Administration, are in the process of building the most costly single construction project in New Mexico's history, the Chemical and Metallurgy Research Replacement — Nuclear Facility at Los Alamos National Laboratory.

In 2003 it conducted an environmental impact statement for the project. At that time they estimated its cost at \$350 [\$600] million, including a smaller support building.

Since then the cost has ballooned to upward of \$6 billion for just the nuclear facility with final design not completed, so it is likely to go higher still.

Its potential environmental impacts have grown commensurately with the cost, now impacting at least three times the surface area on Pajarito Mesa, requiring 55 [100] times the original amount of concrete (350,000 [371,000] cubic yards), and 27 [30] times as much structural steel (15,000 [18,000] tons), and an excavation 125 feet deep. The Los Alamos Study Group believes that the project now bears so little resemblance to the one scoped in 2003 that the original environmental impact statement is no longer applicable.

We have filed a lawsuit under the National Environmental Policy Act to compel the NNSA to comply with the act and initiate a new impact statement. In response to our lawsuit, NNSA has conducted a supplemental environmental impact statement. We regard this as an evasion of its responsibility under the National Environmental Policy Act and have testified accordingly before a federal judge in an effort to halt work on the project until the merits of our complaint are reviewed.

Without an applicable environmental impact statement, roughly a half a million dollars a day is still being spent on this project.

Hearings to gather public comments on the draft supplemental environmental impact statement will be conducted in the next week at several locations in New Mexico. We believe that the appropriate response from concerned citizens should be a boycott of these proceedings.

Various citizen groups are organizing turnouts for these hearings, representing to their constituencies that testifying during the public comment period that they do not want this facility to be built will somehow affect what the NNSA is doing.

First, nothing could be further from the truth. If their opposition to the project is the substance of their testimony, it will have no effect on the project. Second, their participation contributes credibility to NNSA's effort to use this sham to satisfy its obligations under the National Environmental Policy Act.

Citizens are evidently sufficiently disempowered that they will grasp at any straw to convey their sentiments to our government, even when informed that the venue is inappropriate, or that their participation may be used to validate what amounts to a type of fraud.

In this case the supplemental environmental impact statement, and those who support it, is also undermining an attempt to compel the NNSA to start over and conduct a new environmental impact statement. A fresh environmental impact statement could, and we believe would, result in the NNSA and Congress concluding that a more environmentally benign and less costly alternative would do the job. That will not happen if the supplemental environmental impact statement is the last environmental review of the project.

Only if our lawsuit is successful, or Congress has a change of heart, will the NNSA be required to start over and take a hard look at all practical alternatives, many of which we believe could satisfy the proposed mission of this building.

Anyone who believes in good governance, whatever their political persuasion, should desire this outcome in order to halt what has become a massive waste of taxpayers' money. The supplemental environmental impact statement has been carefully managed to rubber-stamp what is already under way.

We hope concerned citizens carefully consider their participation in the NNSA's attempt to do an administrative side step around its responsibility and lawful obligation.

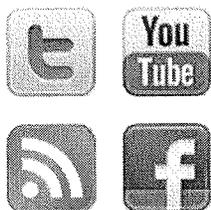
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Raise Your Hand if You Think the Expansion of Our Nuclear-Industrial Complex Escapes Iran

By Russ Wellen, May 23, 2011

Focal Points has frequently featured posts about the distinctly Soviet era-sounding Chemistry and Metallurgy Research Replacement Facility. The CMRR-NF, as it's known, is a project at the Los Alamos National Laboratory of such mind-numbing expense that it boggles the mind (doggles the boon?).

A watchdog association called the Los Alamos Study Group (LASG) has been spearheading efforts to stop the CMRR-NF in its tracks. Permit me to excerpt an April 25 post that I blurbed: "Nuclear watchdogs take to the courtroom to halt the manufacture of a new facility to build the part that makes nuclear weapons explode."

Forces Opposed to Dangerous, Extravagant Nuke Project Get Day in Court

If you're not a regular reader, you may be surprised to learn the federal government seeks to ram through a new nuclear facility that's intolerable on a number of counts.

1. Its intended purpose is to build plutonium pits -- the living, breathing heart of a nuclear weapons, where the chain reaction occurs. In other words, mad science at its most extreme.
2. Its projected cost is greater than all the work done on the Manhattan Project in New Mexico during World War II.
3. The land the building will occupy is seismically, uh, challenged (subject to seismic shocks twice as great as those experienced at Fukushima).

At the time the New Mexico nuclear watchdog group, the Los Alamos Study Group, was about to present its long-gestating lawsuit against the NNSA and the Department of Energy. In a recent LASG newsletter, Executive Director Greg Mello explains.

At 9:00 am Wednesday April 27th, in the Brazos Courtroom . . . of the Federal Courthouse . . . Albuquerque, the Honorable Judge Judith Herrera will hear arguments from the [LASG] and the federal defendants -- the Department of Energy . . . and the [NNSA] over whether final design of the CMRR-NF . . . should be halted pending analysis of alternatives to the project.

The two opposing motions:

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... whether a) to throw out [LASG's] lawsuit ... or b) temporarily pause the project ... in order to give the court the opportunity to hear evidence on the [LASG's] contention that the project cannot proceed without a valid, new environmental impact statement [EIS] [to address, primarily, the seismic risk].

Hearing held, the LASG is cautiously optimistic. Noted nuclear physicist Frank von Hippel, who, during Perestroika, helped sell the Russians on monitoring and verification (as chronicled in David Hoffman's Pulitzer Prize-winning *The Dead Hand*), testified. LASG's lawyer asked von Hippel why he thought a new study of alternatives to the CMRR-NF was called? In part, he replied:

The need for large-scale pit production has vanished. In 2003, the [NNSA] was arguing that the [United States] needed the capability to produce 125 to 450 pits per year by 2020 to replace the pits in the US weapon stockpile that would be 30 to 40 years old by then. ... But, in 2006, we learned that US pits were so well made that, according to a Congressionally-mandated review of Los Alamos and Livermore studies on pit aging, "Most primary types have credible minimum lifetimes in excess of 100 years as regards aging of plutonium." [Besides, although] the Los Alamos and Livermore National Laboratories have been lobbying to develop and manufacture new-design "reliable replacement warheads," and the Bush Administration supported the idea, Congress refused in 2007 to fund the program.

Also the updated U.S. Nuclear Posture Review Report mandates that

In any decision to [develop] warhead LEPs [Life Extension Programs], the United States will give strong preference to options for refurbishment or reuse. ... the preferred strategy is to reuse existing pits where necessary, or simply refurbish the balance of the warhead. ... As of the end of Fiscal Year 2009, the total size of the U.S. warhead stockpile was about 5,000 warheads. ... and about 14,000 pits recovered from [decommissioned] warheads ... were in storage at the Pantex warhead assembly/disassembly facility in Amarillo.

In other words

There will be no shortage of pits to reuse.

Hope those concerned that the United States would run out of these infernal little internal destruction machines will rest easy now.

Also testifying was executive director Mello. When asked by LASG's lawyer about the CMRR-NF's estimated cost, he responded.

In November 2010, the White House estimated the budget at "\$3.7 to 5.8 billion." Defendants recently pushed back the projected date of a reliable cost estimate to 2015.

In fact (emphasis added)

In its submissions to Congress, *NNSA is just writing "TBD" in the future cost and schedule columns.*

Echoing von Hippel (or vice versa; not sure who testified first), Mello explained that the Department of Energy's science advisory group, which is referred to as JASON

... reviewed research done at LANL and Livermore on pit life. JASON concurred with these labs that most U.S. pits would last for a century or more. There are also extra pits for almost every kind of warhead, thousands

in all, and these reserves [as von Hippel also mentioned] are growing as warheads are dismantled. . . . Production of new plutonium pits is not necessary to maintain a very large, diverse, powerful nuclear weapons stockpile for several decades to come.

Meanwhile the NNSA is attempting to ram through a Supplemental Environmental Impact Statement (SEIS), instead of an entirely new EIS. But

. . . issuing a SEIS at this point could not achieve NEPA [National Environmental Policy Act] compliance [since NNSA] is . . . in the process of executing it as fast as it can. . . . To enforce NEPA, the Court should put the brakes on this juggernaut and then look for a way to achieve an objective NEPA analysis.

After all, Mello reminded us:

The Administration has made agreements with Senators to complete the Nuclear Facility.

Von Hippel expanded on this when the LASG lawyer asked "Why then, with this huge cost over-run and lack of mission, is the Administration pushing so hard to build the CMRR-NF?"

This appears to be primarily because a number of Republican Senators [led by Jon Kyl (R-AZ)] extracted a commitment from the Administration to build the CMRR-NF and a facility for producing weapon-components [at another] site in exchange for their votes to ratify the New START Treaty.

But, of course,

In the end, Senator Kyl did not vote to ratify the New START Treaty.

Von Hippel then speculates on how Kyl's double-cross, as it were, might have affect the administration's current attitude toward the CMRR-NF.

My guess is that, if this Court required it, some in the Obama Administration would welcome being forced to have a relook at alternatives to the CMRR-NF.

With so much invested in nuclear disarmament as an achievement that the Obama administration can brandish, scarcely does it wish to be played again by the opposition. As it is, the sincerity of its disarmament intentions is called into question by the CMRR-NF. Don't think nations such as Iran aren't watching the progress CMRR-NF and posing the hypothetical question "And you wonder what we want with nuclear weapons?"

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LOS ALAMOS STUDY GROUP



Plutonium Lab Work Gets Go-Ahead



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Tuesday, May 24, 2011

Plutonium Lab Work Gets Go-Ahead

By John Fleck

Journal Staff Writer

An Albuquerque judge Monday gave the green light to continue work on a proposed Los Alamos plutonium lab, dismissing a lawsuit by activists attempting to halt the project while new environmental studies are completed.

U.S. District Judge Judith Herrera ruled that a new analysis being completed by the National Nuclear Security Administration is sufficient to meet federal law.

A Los Alamos team is in the midst of designing the multibillion-dollar building, which is not projected to be completed until after 2020.

Greg Mello of the Los Alamos Study Group, which filed the suit, said he and his colleagues were "disappointed" and had made no decision about a possible appeal.

"We are still assessing our options," Mello said in a telephone interview Monday afternoon.

The decision came as the federal agency began four days of public hearings in New Mexico on the project, beginning Monday in Albuquerque.

Los Alamos National Laboratory and federal officials say the building is needed to continue the lab's nuclear weapons work. It would contain space for scientists working with plutonium and other radioactive materials that are used in nuclear weapons.

Critics contend that the new building would enable the manufacture of new U.S. nuclear weapons, and is not needed as the U.S. stockpile declines.

The project has been plagued by delays and cost overruns. The most recent cost estimate is \$3.7 billion to \$5.8 billion, a fourfold to sevenfold increase over the estimated price just four years ago.

The Albuquerque-based Los Alamos Study Group had asked for an injunction halting design work on the building, known as the Chemistry and Metallurgy Research Replacement-Nuclear Facility.

In a statement, NNSA spokeswoman Toni Chiri said the agency is "pleased with Judge Herrera's decision."

"The NNSA is committed to carrying out this process in an appropriate and responsible manner," the statement continued, "as we seek feedback from the community on the CMRR Draft Supplemental Environmental Impact Statement through the National Environmental Policy Act process."

The Study Group argued that the work violates the National Environmental Policy Act, which requires

environmental studies before federal agencies can take action on a project.

A detailed environmental study on the project was completed in 2003, but the Study Group argued in court filings that the project has changed sufficiently since that time and a new study is needed.

In particular, new studies of seismic risk at Los Alamos triggered a major redesign effort now under way, which substantially increased the size and cost of the building.

The National Nuclear Security Administration, in response to the changes, launched a new "supplemental" environmental analysis. The Study Group argued that the supplemental analysis was insufficient, and that all design work should be halted while a detailed new environmental study is completed.

In her ruling, Herrera disagreed, saying the supplemental study meets the law's requirements, and that design of the building should be allowed to continue while the report is completed.

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SANTA FE NEW MEXICAN.com

LANL: Request to halt work on nuke facility denied

By Roger Snodgrass | For The New Mexican

5/24/2011

U.S. District Judge Judith C. Herrera on Monday denied the Los Alamos Study Group's plea to halt work on a major nuclear facility at Los Alamos National Laboratory.

She delivered her decision a few hours before the start of a series of related public hearings to gather input on an environmental impact statement for the proposed plutonium-pit storage and processing complex, called the Chemistry and Metallurgy Research Replacement Project.

"We are disappointed," said Los Alamos Study Group Executive Director Gregg Mello, who initiated the legal process July 1, 2010. "It's too early to tell whether we will appeal or not."

Herrera's decision was based on a finding by Magistrate Alan C. Torgerson on Jan. 6, in which Torgerson recommended that the court dismiss the suit based on the principle of "prudential mootness."

The government's attorney, Andrew Smith, added this explanation in a courtroom declaration: "It's geared towards deference towards the federal agency when the federal agency is making changes to its policy, which it plainly has here."

Smith also invited the plaintiffs to return to court when there is a formal record of a decision on this process, saying the matter was still premature but would be ripe for a challenge at that point.

The final conclusions of the ongoing environmental review are not yet known, Herrera noted in her opinion, and may eventually answer some or all of the plaintiffs' objections.

If that doesn't turn out to be the case, she said, the plaintiffs will have the opportunity to file a new complaint.

"The court agrees with the Magistrate Judge that it would be imprudent to halt all work, including design analysis," Herrera wrote.

Herrera rejected the plaintiffs' objections to Torgerson's findings and therefore denied an injunction, which sought to stop the project until a new environmental review was complete.

The new review process might have delayed the project for a couple of years or longer.

One of the factors that Herrera cited in her decision was that the nuclear facility was not under construction, pending completion of the current environmental review process.

"But the project is expected to take at least 10 years after the start of construction to become operational," she noted. "Thus the danger of rendering an otherwise valid case moot through project completion is much reduced in this case."

She also dismissed the group's contention that the National Nuclear Security Administration has violated the National Environmental Policy Act by picking its preferred alternative before having completed the analysis.

"We're pleased with the decision," Los Alamos Site Office spokeswoman Toni Chiri said.

"We weren't sure when it was going to come, but it was good to have the news to start the week."

There was some question about whether the hearings would have continued if the decision had been in favor of an injunction. Chiri said, "We were wondering, too, but we would have continued either way."

The Los Alamos Study Group called for a boycott of the hearings scheduled this week for public comment on a Draft Supplemental Environmental Impact Statement, calling the procedure a "worthless exercise."

The study group maintains that the government's National Environmental Policy Act process has been flawed from the beginning.

"They got in trouble because of a faulty analysis, which did not uncover the bad seismicity or geology of the site and could have saved a lot of time and money if they had not chosen that site," Mello said. "Regardless of what happens in the meetings or what happens after that, NNSA's plans may not be feasible."

Public hearings

NNSA will hold four public hearings on the draft Chemistry and Metallurgy Research Replacement Project-Nuclear Facility Supplemental Environmental Impact Statement at the following dates, times, and locations:

- 5-9 p.m. today, Holiday Inn Express, 60 Entrada Drive, Los Alamos
- 5-9 p.m. Wednesday, Santa Claran Hotel, 464 N. Riverside Drive, Espanola
- 5-9 p.m. Thursday, Santa Fe Community College, Jemez Rooms, 6401 Richards Ave.

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Published on Wednesday, May 25, 2011 by [Focal Points Blog / Foreign Policy in Focus](#)
Fukushima Be Damned, Federal Court Brushes Off Seismic Nuke Risks

by [Russ Wellen](#)

Regular readers are aware of how alarmed we are by the construction of a facility at Los Alamos National Laboratory in New Mexico intended, in large part, to manufacture something known as plutonium pits. Before examining the latest development in attempts to halt it, first some background on the Chemistry and Metallurgy Research Replacement Nuclear Facility (CMRR-NF) from recent posts.

If you're not a regular reader, you may be surprised to learn the federal government seeks to ram through a new nuclear facility that's intolerable on a number of counts.

1. Its intended purpose is to build plutonium pits -- the living, breathing heart of a nuclear weapons, where the chain reaction occurs. In other words, mad science at its most extreme.
2. Its projected cost, adjusted for inflation, may be greater than all the work done on the Manhattan Project in New Mexico during World War II.
3. The land the building will occupy is seismically, uh, challenged (subject to seismic shocks as great as those experienced at Fukushima).

A watchdog association called the [Los Alamos Study Group](#) (LASG) has been spearheading efforts to stop the CMRR-NF in its tracks via a lawsuit against the National Nuclear Security Administration (NNSA) and the Department of Energy (DOE). Re the objections to CMRR-NF, again from a previous post:

In the hearings Mello and Noted nuclear physicist [Frank von Hippel](#), who, during Perestroika, helped sell the Russians on monitoring and verification (as chronicled in David Hoffman's Pulitzer Prize-winning *The Dead Hand*), testified. LASG's lawyer asked von Hippel why he thought a new study of alternatives to the CMRR-NF was called for? His reply (in truth, to an imaginary question: why do we need a facility that builds nuclear pits anyway?):

The need for large-scale pit production has vanished. In 2003, the [NNSA] was arguing that the [United States] needed the capability to produce 125 to 450 pits per year by 2020 to replace the pits in the US weapon stockpile that would be 30 to 40 years old by then. . . . But, in 2006, we learned that US pits were so well made that, according to a Congressionally-mandated review of Los Alamos and Livermore studies on pit aging, "Most primary types have credible minimum lifetimes in excess of 100 years as regards aging of plutonium." [Besides, although] the Los Alamos and Livermore

National Laboratories have been lobbying to develop and manufacture new-design "reliable replacement warheads," and the Bush Administration supported the idea, Congress refused in 2007 to fund the program.

Also the updated U.S. Nuclear Posture Review Report mandates that

In any decision to [develop] warhead LEPs [Life Extension Programs], the United States will give strong preference to options for refurbishment or reuse. . . . the preferred strategy is to reuse existing pits where necessary, or simply refurbish the balance of the warhead. . . . As of the end of Fiscal Year 2009, the total size of the U.S. warhead stockpile was about 5,000 warheads . . . and about 14,000 pits recovered from [decommissioned] warheads . . . were in storage at the Pantex warhead assembly/disassembly facility in Amarillo.

In other words

There will be no shortage of pits to reuse.

Let's hope that those who worry that the United States would run out of these infernal little internal destruction machines will rest easy now.

Also testifying was **LASG executive director Greg Mello**. When asked by LASG's lawyer about the CMRR-NF's estimated cost, he responded.

In November 2010, the White House estimated the budget at "\$3.7 to 5.8 billion." Defendants recently pushed back the projected date of a reliable cost estimate to 2015.

In fact (emphasis added)

In its submissions to Congress, NNSA is just writing "TBD" in the future cost and schedule columns.

Echoing von Hippel (or vice versa; not sure who testified first), Mello explained that the Department of Energy's science advisory group, known as JASON,

. . . reviewed research done at LANL and Livermore on pit life. JASON concurred with these labs that most U.S. pits would last for a century or more. There are also extra pits for almost every kind of warhead, thousands in all, and these reserves [as von Hippel also mentioned] are growing as warheads are dismantled. . . . Production of new plutonium pits is not necessary to maintain a very large, diverse, powerful nuclear weapons stockpile for several decades to come.

Besides which, it seems the NNSA may have bitten off more than it can chew. I'll break down the relevant paragraph of the LASG newsletter into bullet points. The NNSA is attempting to create

- existing and planned new programs in the building, including new pit production and industrial-scale production of plutonium dioxide for mixed-oxide (MOX) reactor fuel
- the production of additional kinds of plutonium pits and in much larger numbers than before
- while also trying to fix the building in fundamental ways
- while also undertaking a giant construction project immediately adjacent to the facility
- not to mention several "smaller" projects (in the \$50-\$300 million range) that NNSA hopes to start nearby as well.

In the lawsuit, LASG contended that the project should not proceed without a valid, new environmental impact statement (EIS) to address seismic risks that creation of the facility at Los Alamos might incur. Apparently, the area is at risk of earthquakes as large as those that rocked Japan. Worse, the site rests on loose volcanic ash especially susceptible to shifting should an earthquake occur, which can result in fire and the release of radiation.

An EIS hasn't been worked up for the facility since 2003 and LASG believes that simply revising it in the form of a supplemental environmental impact statement (SEIS) is woefully inadequate in light of how much plans for the facility have expanded. Unfortunately, the judge didn't agree and dismissed the lawsuit. From LASG's latest newsletter:

Judge Herrera's opinion rested heavily on the [SEIS] now underway, stating that this process itself, which began only after the Study Group's litigation was filed, and its "public participation" component in particular were sufficient for the court to stay its hand -- and dismiss the lawsuit. The judge did not rule on the Study Group's motion to enjoin the project. [LASG] has been urging members of the public to stay away from the SEIS hearings, which it regards as illegitimate.

And which, as has been pointed out to me, began the day that the judge dismissed the suit. Of the hearings, Mello said

We need to call them 'hearings,' in quotations . . . because the public record is replete with Administration statements saying it is not under any circumstances going to reconsider its commitment to this project, unlike what is implied in the hearing process. . . . [LASG] has instead called citizens to engage substantively with government on all levels to challenge. . . . Local government resolutions supporting [LASG's] lawsuit were passed by four local governments.

In the end, writes Mello:

This decision, while disappointing, will not stop our opposition to this highly destructive project. It's a speed bump. If NNSA thinks they are in the clear now, they are wrong.

Nor does the ruling

. . . change the facts on the ground -- the high seismicity, the cramped site and poor geology, the lack of need, the lack of money, and the basic horror and immorality of the mission.

As I've mentioned before, the Los Alamos Study Group is manning the front lines of disarmament: the actual building of nuclear facilities. In a sense, what it's doing is trying to save the Obama administration -- and the United States -- from itself. The vast amount of money being spent on the CMRR-NF and the nature of one of its products -- the cores of nuclear weapons -- undermines any message of nonproliferation that we're trying to send to the world with initiatives such as the new START treaty. Excuse me if I repeat myself, but we're kidding ourselves if we think our disarmament double-dealing escapes the notice of a state like Iran.

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Russ Wellen holds down the "Nukes and Other WMD's" desk at the **Faster Times**, and writes "The Deproliferator" for **Scholars & Rogues** and other blogs. He is an advisor to the **Madrona Institute** and co-moderates Terralist.

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LOS ALAMOS STUDY GROUP



Critics line up against LANL plutonium lab



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timesunion.com

Critics line up against LANL plutonium lab

JERI CLAUSING, Associated Press

Friday, May 27, 2011

ALBUQUERQUE, N.M. (AP) — It's a familiar scene in New Mexico: Peace activists, environmentalists and scientists lining up to oppose expansions of the military and nuclear facilities that are a major economic engine for the state.

They were back in force this week, this time to oppose the "bomb factory," "cash cow" and "jobs program for scientists" — their names for a \$5.8 billion nuclear lab being designed to replace the 60-year-old lab at Los Alamos National Laboratories where scientists make and store the "pits," or cores, of the nation's nuclear bombs. It's a project that has been on the drawing board for nearly a decade, and one that won't be finished for at least another decade.

But it's back in the public spotlight, thanks to new study mapping earthquake danger in the area, a doubling of the facility's estimated cost and public outcry for caution in light of the nuclear disaster that followed the Japan earthquake and tsunami.

"The lesson of Fukushima is don't build nuclear reactors and nuclear facilities in unsafe geological areas," Dave McCoy, director of Citizen Action, said during a contentious hearing Monday where activists argued with officials enforcing a three-minute speaking limit.

While safety concerns are at the front and center of any nuclear debate, the deeper underlying controversy here centers around the more than 20-year-old efforts by anti-nuclear activists to scale back and force a change in the long-term mission for Los Alamos, which was founded during World War II to develop the world's first nuclear weapons.

"We've been working for a diversification of the mission ever since the end of the cold war in 1989," said Joni Arends of Concerned Citizens for Nuclear Safety, whose members attended the public hearings held last week in Albuquerque, Los Alamos, Espanola and Santa Fe.

"... If we are really moving toward a nuclear weapons-free world, the lab has an enormous amount of expertise that should be used in the field of non-proliferation and the rounding up of these materials."

Instead, critics charge, the lab is looking to beef up its nuclear bomb making capabilities with the new lab that they say would dramatically increase its nuclear bomb-making and storage capacities.

While a decision on whether to move forward with the facility is not expected until fall, the announcement last week of nuclear weapons expert Charles McMillan's appointment as the new director for Los Alamos underscored critics' concerns that the 60-year-old bomb building mission for the facility that employs some 12,000 workers is far from abating.

"It's very clear that Los Alamos is, has and will be primarily a nuclear weapons laboratory," said Greg Mello, a former environmental regulator at the lab and co-founder of the 20-year-old Los Alamos Study Group. "In fact, the emphasis on nuclear weapons and on the manufacture of nuclear weapons is expected to increase for the next

decade or more."

Last week's hearings centered on the new lab, which is officially called the Chemistry and Metallurgy Research Replacement Nuclear Facility.

Lab spokeswoman Tony Chiri disputes assertions the intent of the lab is to increase the facility's bomb-making mission. The new building is needed, she said, because the original lab is nearly 60 years old and it has a fault lining running under it.

"Right now it really just a matter of we have an old facility," she said. "The work needs to continue and we need to put it in a safer facility."

And she said that while some of the documents talk about the new facility having the capability to build new bombs, "we would not be building pits in the new lab. "She said the lab's mission is also to analyze and understand nuclear elements and what they do "which contribute to our understanding of nuclear weapons."

Still Mello and other critics say the building is simply not needed. His group had sued to stop consideration of the project, alleging that the revisions being made to the building's plans since it was first proposed in 2003 require the federal government to draw up a new, rather than revised, environmental impact statement. A judge dismissed that suit on Monday, the day the hearings began.

Mello boycotted the hearings, saying administration statements indicate the new lab is already a done deal.

Still, he said Thursday that his group was considering appealing the judge's dismissal of the suit.

"The big picture end game is that we don't want this building built," he said. "We don't think it's justified, we think it's too expensive, it's not clear that it can be done safely."

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LOS ALAMOS STUDY GROUP



CMRR faces possible budget cuts, June 16, 2011


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Los Alamos Monitor

CMRR faces possible budget cut

Appropriation Committee recommends a \$100 million reduction in funding next year

John Severance, *Los Alamos Monitor*

June 16, 2011

The House Appropriation Committee voted Wednesday to cut \$100 million in FY 12 funding for the Chemistry and Metallurgy Research Replacement project at the Los Alamos National Laboratory.

"The committee product was unusually detailed and thoughtful." — Greg Mello, praising the congressional committee's work.

The committee recommended allocating \$200 million for the project, 33 percent below the budget request.

It's nowhere near a done deal.

The Energy and Water appropriation bill must now be passed by the House and sent to the Senate for consideration.

In his report, subcommittee chairman Rodney Freylinghuysen (R-NJ) said the National Nuclear Security Administration has a lot of work to do.

Freylinghuysen wrote, "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."

NNSA spokesperson Damien LaVera said in an email: "We are not in a position to comment on draft recommendations from Congressional committees. As you know, this is just one step in a long process that will lead to the passing of a budget."

Greg Mello of the Los Alamos Study Group praised the Congressional committee's work.

"The committee product was unusually detailed and thoughtful," Mello said in a phone interview Wednesday. "Even though we don't agree with it in every way, they asked a lot of good questions and are really doing the oversight job they are supposed to be doing. The country and the taxpayers will be better off because of it. The question is whether the Senate will continue its usual role of undoing the more detailed work the house has been

doing.”

Last month, U.S. District Judge Judith Herrera dismissed the lawsuit brought last August by the Los Alamos Study Group against the NNSA and Department of Energy. The lawsuit sought to compel the NNSA and DOE to pause design and construction of the CMRR project to prepare an environmental impact statement that examined alternatives to the project.

Herrera based her opinion on the Supplemental EIS (SEIS) that was submitted by the NNSA and DOE for the CMRR project ruling that it was sufficient enough.

In the report to the committee, Freylinghuysen said the NNSA needs to proceed with its modernization activities in a responsible manner and that the committee is “seriously concerned with the recent cost growth for construction” of the CMRR project.

The current price tag of the CMRR Nuclear Facility is estimated to come in between \$3.7 billion and \$5.8 billion.

“These are conceptually replacement facilities to make operations more safe and efficient, but construction will also enable the reconstitution of certain production capabilities that have been lost but are needed to meet the needs of an aging stockpile,” Freylinghuysen wrote. “Many gaps remain in the planning efforts, and basic capability requirements and acquisition strategies continue to be re-evaluated. Modernization will take several years and the considerable number of variables still at play argues against an excessively aggressive funding curve.

“The construction of the new major facilities must not force out available modernization funding for the rest of the nuclear security enterprise. Therefore, the committee supports the adoption of cost reduction strategies to make construction more affordable and to curb continued cost escalation. Further, these projects will be closely monitored to ensure that prudent project management practices are followed, and the committee is prepared to make adjustments to the funding profiles to ensure that taxpayer funds are not wasted.”

The lab conducted four public meetings last month in regard to the CMRR SEIS in Albuquerque, Los Alamos, Santa Fe and Espanola. The lab also hosted an informal meeting in Taos earlier this month.

The comment period remains open until June 29 and emails can be sent to NEPALASO@doeal.gov.

The committee also recommended no funding for construction of the TRU Waste Facilities at LANL

“The project yet to obtain a permit from the State of New Mexico and does not meet the necessary requirements to start construction activities according to the Department’s project management instructions.”

The committee did recommend \$19.4 million to be spent on the TA-55 Reinvestment Project at the lab.

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House panel cuts budget for LANL nuke facility

Lab foes: Bill is vindication after project's court victory

By Roger Snodgrass | For The New Mexican

6/16/2011

The U.S. House Appropriations Committee passed a measure this week intended to cut a \$1.1 billion chunk out of the Obama administration's \$11.7 billion proposal for the National Nuclear Security Administration.

NNSA funds the nuclear weapons complex around the country, including more than \$4 billion annually for Los Alamos and Sandia national laboratories and the Waste Isolation Pilot Plant in New Mexico.

The committee's Republican majority approved slicing nearly a half-billion dollars from nuclear weapons programs and slightly less from nonproliferation programs for securing nuclear materials around the world.

Jack Jekowski of Albuquerque, whose Innovative Technology Partnerships provides consulting and support services in the national security arena, said Thursday he tends not to watch the "roller coaster ride that occurs during the budget process." But, he said, "We're seeing the beginning of a more aligned movement to address the overall budget gap. The weapons modernization program, the realignment of the complex — everything is on the table."

The proposed reductions would affect the new nuclear weapons modernization program that flourished in the budget process earlier this year when significant increases were included for the laboratories here.

Among the apparent casualties of Wednesday's vote was the Chemistry and Metallurgy Research Replacement Nuclear Facility, a proposed plutonium storage and handling structure that has been on the funding roller coaster for more than a decade.

In a committee report accompanying the funding bill, legislators recommended \$200 million for the Los Alamos facility — \$100 million below the budget request. While expressing full support for the project and modernization efforts, the committee declined to recommend any funding for early construction.

The building's proximity to a major geological fault line has driven a lengthy redesign process, which in turn has resulted in significant changes and additional costs. These changes have influenced the

agency to review the validity of its environmental rationale in a supplemental analysis that is not expected to be finished until later in the year.

Raising these issues, the committee also questioned the current plan to have Los Alamos National Security, the laboratory manager, manage the construction contract.

Paul Gessing, president of the Rio Grande Foundation, a conservative research institute in Albuquerque, hailed the proposed cuts as the beginning of greater fiscal restraint in Washington.

"It seems long overdue," he said. "From the perspective of New Mexico and people who think this might hurt, we're all going to have to pitch in and help restore some national sanity to the budget picture."

Also pleased by the outcome was Greg Mello, executive director of the Los Alamos Study Group, who viewed the proposed cuts to the Los Alamos facility as a kind of vindication. The study group recently lost a courtroom battle to halt construction on the project. The House recommendation, if sustained, would serve the same purpose through next year.

"The vigilance of the committee is evident not just with CMRR," he said. "Their report explains that they think (the Department of Energy) and the Pentagon aren't taking costs into consideration when they decide what to do early enough in the process. They're making a list of things they think would be nice to do, but that's exactly when we need to be injecting a concern about cost."

The 26-20 committee vote reflected party loyalties, with one Republican joining Democrats in opposing the measure.

"The president was able to win support for the (Strategic Arms Reduction Treaty) last year only after a bipartisan group of senators were assured that NNSA — and its nuclear deterrent programs — would be adequately funded," U.S. Sen. Jeff Bingaman, D-N.M., said Thursday in an email from Washington. "The budget being put together in the House of Representatives unfortunately contemplates deep cuts to those programs."

Bingaman also called attention to a provision in the bill that would cut in half funding for cleaning up nuclear waste at the lab next year and said he hopes the bill could be reworked and improved in coming months.

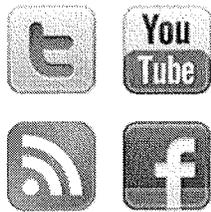
When the Senate comes up with its own bill, it would have to be reconciled with the House version and signed into law by the president to complete the process.

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Even Their Beloved Nukes Don't Escape Republican Infatuation With Cost-Cutting

By Russ Wellen, June 19, 2011

Republicans never met a nuclear weapon they didn't like, right? Generally, that's true, but neither are they immune to infatuation with another program that happens to be at odds with nuclear weapons as the national-security policy of last defense. All of a sudden Republicans' mania for cost-cutting might override the special place they hold in their hearts for "our nuclear deterrent," as they euphemize nuclear weapons.

On June 15, at the *Washington Post*, Walter Pincus provided as good an introduction as any to what transpired.

... lawmakers are cutting into the funds that the Obama administration had pledged for [nuclear] upgrades and modernization. The House Appropriations subcommittee that approves funding of the weapons complex, run by the National Nuclear Security Agency (NNSA), just whacked almost \$500 million from the weapons program. A slice of \$100 million came out of a \$200 million pot that is supposed to finance early steps in the coming year to build a new facility at Los Alamos National Laboratory.

What's strange about the \$100 million is that

Sen. Jon Kyl (R-Ariz.) had pushed for funding for [the above-mentioned facility, known as] the Chemistry and Metallurgy Research Replacement facility [CMRR-NF] — expected to cost \$5 billion or more — as one of his demands of the Obama administration.

As a condition, that is, of he and the Republican members of the Senate voting to ratify New START. Pincus again:

Problem is, members of the House weren't involved in the discussions. [The] House Republican-led subcommittee that cut the funds says NNSA is not ready to support spending for early construction [of the CMRR-NF] because seismic issues are not resolved in the design. Plus, the subcommittee says, there is a need to revalidate what capabilities are to be needed in the plutonium area.

The function of the CMRR-NF, you may recall from earlier posts of mine, is to perform scientific work for the nearby construction of nuclear pits — the living, breathing hearts of a nuclear weapon where the chain reaction occurs. As for the need for new nuclear pits, Frank von Hippel, physicist and nuclear policy authority, recently testified

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The need for large-scale pit production has vanished. In 2003, the [NNSA] was arguing that the [United States] needed the capability to produce 125 to 450 pits per year by 2020 to replace the pits in the US weapon stockpile that would be 30 to 40 years old by then. . . . But, in 2006, we learned that US pits were so well made that, according to a Congressionally-mandated review of Los Alamos and Livermore studies on pit aging, "Most primary types have credible minimum lifetimes in excess of 100 years as regards aging of plutonium."

Greg Mello of the Los Alamos Study Group, which has dedicated itself to halting construction of the CMRR-NF, said in a recent newsletter that at the Los Alamos "these proposed increases were to be unprecedented since the Manhattan Project."

Regarding the CMRR-NF, the bill's report reads "The Committee recommends \$200,000,000, \$100,000,000 below the budget request." Although it "fully supports the Administration's plans to modernize the infrastructure," the Committee

. . . 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. [But the] NNSA is not prepared to award that project milestone since [the project must, among other things] first resolve major seismic issues with its design.

In other words

Modernization will take several years and the considerable number of variables still at play argues against an excessively aggressive funding curve. The construction of the new major facilities must not force out available modernization funding for the rest of the nuclear security enterprise.

More on the "excessively aggressive funding curve" from Mello (emphasis added):

This \$100 million . . . cut is 90% of all the Committee's proposed cuts in NNSA construction, meaning that the House Appropriations is *almost uniquely targeting* CMRR-NF, among all proposed NNSA construction, for cuts.

Meanwhile, at Arms Control Now, the blog of the Arms Control Association, Daryl Kimball writes (emphasis added):

Early news accounts have overlooked the fact that the House Energy and Water Appropriations bill would *increase*—not decrease—the NNSA weapons activities budget above the previous year's level, and has allocated more than enough money to keep programs on track but not so much as to be fiscally irresponsible in this fiscally-constrained time.

The . . . appropriations committee would increase funding for . . . weapons activities by 3% to \$7.13 billion for fiscal 2012 from \$6.99 for fiscal 2011. The fiscal 2010 appropriation for NNSA weapons activities was \$6.36 billion.

But, according to Mello:

Overall, the Committee would slash \$498 M from the Obama request for NNSA nuclear Weapons Activities, adding only 3% [over last year], a 6.6% cut from Obama's warhead request. Considering inflation, nuclear warhead spending would not rise.

Still, there's no denying, as Mello says, that, "Relatively speaking, the Committee protected the nuclear weapons establishment." In fact, aside from the CMRR, most everything else was rubber-stamped. For example (emphasis added):

Project 10-D-501, Nuclear Facilities Risk Reduction, Y-12 National Security Complex, Oak Ridge, TN.—*The Committee recommends \$35,387,000 as requested.*

Project 08-D-802, High Explosive Pressing Facility, Pantex Plant, Amarillo, TX.—*The Committee recommends \$66,960,000 as requested.*

Project 06-D-141, Project Engineering & Design, Uranium Processing Facility, Y-12 National Security Complex, Oak Ridge, TN.—*The Committee recommends \$160,194,000 as requested.*

Meanwhile, the response to these developments of a less-than-totally-informed observer such as myself might run something like this:

Slashing CMRR-NF funding is like Republicans are saying to the Obama administration: We got you to commit outrageous amounts of money to the CMRR-NF and other nuclear-weapons project by holding passage of New START hostage. But this time we weren't in our default more-money-for-defense posture. Nor was it about pork. This time, inducing you to commit to these extravagant sums for the CMRR-NF and other nuclear projects was a ploy to make you look like you were playing fast and loose with taxpayers' money. This year's model of Republican is less about defense or pork than cutting spending (or looking like we are).

Who knew that you can actually be *too* cynical about Republicans? Turns out, I was informed, that, while Senator Kyl is an old-fashioned defense-first Republican, some Republicans in the House Appropriations Committee are respectful of that particular committee's traditional view that nuclear weapons are over-funded. As well, of course, the Tea Party strain currently infecting the Republican party seems to be emphasizing deficits over defense at the moment.

We'll allow Kimball to put it all in perspective:

The Obama administration's \$88 billion, 10-year plan to operate the nuclear complex represents a 20 percent increase above funding levels proposed during the Bush administration.

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Farmington Daily Times (New Mexico)

June 27, 2011 Monday

Wildfire spreads, Los Alamos ordered evacuated [3:30 p.m.]

SECTION: BREAKING; News

LENGTH: 782 words

LOS ALAMOS Authorities ordered Los Alamos evacuated Monday as a fast-growing and unpredictable wildfire bore down on the northern New Mexico town and its sprawling nuclear laboratory.

The blaze that began Sunday already had destroyed a number of homes south of the town, which is home to some 12,000 residents. It also forced closure of the nation's pre-eminent nuclear lab while stirring memories of a devastating blaze more than a decade ago that destroyed hundreds of homes and buildings in the area.

Los Alamos County fire chief Doug Tucker said the blaze Sunday night was the most active fire he had seen in his career, forcing residents near Cochiti Mesa and Las Conchas to flee with "nothing but the shirts on their back."

He said at 44,000-acre blaze had destroyed at least 30 structures but it wasn't clear how many were homes.

The fire has the potential to double or triple in size, Tucker said, and firefighters had no idea which direction the 60 mph-plus winds would take it.

"We are preparing for the fire to go in any direction," Tucker said.

It was not immediately clear how many people were being evacuated. Nearly 18,000 people live in Los Alamos and the bedroom community of White Rock, which is not being ordered to evacuate.

Los Alamos National Laboratory was closed Monday as the blaze burned within a mile of its southern edge.

Officials said that more than 100 residents evacuated their homes south of town Sunday as the fire swelled to 68 square miles and moved to the lab's southern edge.

The famed lab, where scientists developed and tested the first atomic bomb during World War II, activated its emergency operations center overnight and cut natural gas to some areas as a precaution.

Officials said all hazardous and radioactive materials were being protected.

The blaze started on private land about 12 miles southwest of Los Alamos. Flames and smoke could be seen from the outskirts of Albuquerque, about 80 miles away.

On Monday morning, the Pajarito plateau upon which the lab sits was awash in a thick haze, while a charred stench permeated the area. On the southwestern edge of the plateau, white smoke filled the canyons above Cochiti reservoir and on the north end heavy black columns of smokes were rising in the air.

Cars headed down the two-lane highway that snakes from Los Alamos to Pojoaque were stuffed with belongings as residents fled the blaze.

The fire was eerily similar to one of the most destructive fires in New Mexico history. That fire, the Cerro Grande, burned

some 47,000 acres - 73 square miles - in May 2000 and caused more than \$1 billion in property damage. About 400 homes and 100 buildings on lab property were destroyed in that fire.

That blaze also raised concerns about toxic runoff and radioactive smoke, although lab spokesman Kevin Roark said no contaminants were released in the Cerro Grande fire.

Environmental specialists from the lab were mobilized and monitoring air quality on Monday, he said, but the main concern was smoke.

Still, there were questions about whether firefighters would be prepared if the fire moved into main areas of the lab.

In 2009, the U.S. Department of Energy's inspector general issued a report that said Los Alamos County firefighters weren't sufficiently trained to handle the unique fires they could face with hazardous or radioactive materials at LANL.

Lab and fire department officials at the time said the report focused too much on past problems and not enough on what had been done to resolve them. Some problems also were noted in previous reports.

Greg Mello, with the anti-nuclear watchdog Los Alamos Study Group, said the group doesn't have enough information "to formulate any views on safety at this point."

"It is important to remind ourselves that the site has natural hazards ... and Murphy's Law is still about the best enforced law in the state," he said.

Meanwhile, the biggest blaze in Arizona history was 82 percent contained after burning through 538,000 acres in the White Mountains in northeast Arizona. The fire started May 29 and has destroyed 32 homes. It's believed to have been caused by a campfire.

And in Colorado, about 100 firefighters are battling a wildfire that broke out in a canyon northwest of Boulder.

Fire officials have put 340 homeowners on standby to evacuate. No structures are immediately threatened by the fire.

In southern Colorado, hot, windy weather has caused a wildfire that's been burning since June 12 to spread. The Duckett fire grew by about 400 acres over the weekend but it's not threatening any homes. Most the growth has been in a steep, rugged terrain in the Sangre de Cristo Mountains.

The fire is burning on seven square miles and is 80 percent contained.

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The Bismarck Tribune

June 28, 2011 Tuesday

Wildfire shuts Los Alamos lab, forces evacuations

SECTION: WIRE; Pg. 2A

LENGTH: 1352 words

LOS ALAMOS, N.M. (AP) - Thousands of residents calmly fled Monday from the mesa-top town that's home to the Los Alamos nuclear laboratory, ahead of an approaching wildfire that sent up towering plumes of smoke, rained down ash and sparked a spot fire on lab property where scientists 50 years ago conducted underground tests of radioactive explosives.

Los Alamos National Laboratory officials said that the spot fire was soon contained and no contamination was released. They also assured that radioactive materials stored in various spots elsewhere on the sprawling lab were safe from flames.

The wildfire, which began Sunday, had destroyed 30 structures south and west of Los Alamos by early Monday and forced the closure of the lab while stirring memories of a devastating blaze in May 2000 that destroyed hundreds of homes and buildings.

"The hair on the back of your neck goes up," Los Alamos County fire chief Doug Tucker said of first seeing the fire in the Santa Fe National Forest on Sunday. "I saw that plume and I thought, 'Oh my God here we go again.'"

Tucker said the current blaze - which grew Monday to roughly 50,000 acres, or 78 square miles - was the most active fire he had seen in his career. By midafternoon, it had jumped a highway and burned an acre of land on the outskirts of the lab's 36-square mile complex.

The fire scorched a section of what is known as the Tech Area, 49, which was used in the early 1960s for a series of underground tests with high explosives and radioactive materials. Lab officials said the fire was safely extinguished.

Lab spokesman Kevin Roark said environmental specialists from the lab were mobilized and monitoring air quality on Monday, but that the main concern was smoke.

The anti-nuclear watchdog group Concerned Citizens for Nuclear Safety, however, said the fire appeared to be about 3 1/2 miles from a dumpsite where as many as 30,000 55-gallon drums of plutonium-contaminated waste were stored in fabric tents above ground. The group said the drums were awaiting transport to a low-level radiation dump site in southern New Mexico.

Lab spokesman Steve Sandoval declined to confirm that there were any such drums currently on the property. He acknowledged that low-level waste is at times put in drums and regularly taken from the lab to the Waste Isolation Pilot Project site in Carlsbad.

Sandoval said the fire was "quite a bit away" from that storage area. But he could not say what would happen if drums containing such waste were to burn.

"Unfortunately, I cannot answer that question other than to say that the material is well protected. And the lab - knowing that it works with hazardous and nuclear materials - takes great pains to make sure it is protected and locked in concrete steel vaults. And the fire poses very little threat to them."

Sen. Tom Udall, D-N.M., who was visiting evacuees at the Santa Claran Hotel Casino in Espanola, said "there's no doubt" the lab stores a variety of hazardous and radioactive materials that "you don't want to escape in the atmosphere." But he said

he was confident lab and state environmental officials had monitoring systems in place to "evaluate exactly what we're seeing here."

Traffic on Trinity Drive, one of the main roads out of Los Alamos, was bumper-to-bumper Monday afternoon as residents followed orders to leave. Authorities said about 2,500 of the town's roughly 12,000 residents left under an earlier voluntary evacuation.

"We're just hoping for the best," Vivian Levy, a resident since the 1970s, said as she packed her car and her animals - again.

"Last time, I just walked out of my house and said goodbye, and that it was going to be OK," she said before breaking down in tears. "I'm doing the same thing this time. It's going to be OK. I'm prepared to say goodbye."

Sam Kendericks said he knew the blaze was going to be bad when he first saw the plume Sunday.

"I was going to the hardware store and I did a U-turn as soon as I saw the plume come over the mountain. I told my wife to start packing. We were here 10 years ago. We had 20 minutes last time. So this time we're ready," he said.

The fire has the potential to double or triple in size, Tucker said, and firefighters had no idea which direction the 60 mph-plus winds would take it.

"We are preparing for the fire to go in any direction," Tucker said.

On Monday afternoon, the flames were just across the road from the southern edge of the famed northern New Mexico lab, where scientists developed the first atomic bomb during World War II. The lab activated its emergency operations center overnight and cut natural gas to some areas overnight as a precaution.

In 2009, the U.S. Department of Energy's inspector general issued a report that said Los Alamos County firefighters weren't sufficiently trained to handle the unique fires they could face with hazardous or radioactive materials at LANL.

Lab and fire department officials at the time said the report focused too much on past problems and not enough on what had been done to resolve them. Some problems also were noted in previous reports.

On Monday, lab and fire officials said they were confident that if the flames reached lab property they would be able to protect its sensitive facilities.

"We're in a much better place than we were 11 years ago," said Rich Marquez, executive director of the lab, noting the lab has thinned out potential fire hazards and has enacted a number of emergency protocols.

"Our day to day activity is about appropriate stewardship of those resources. We take precautions just in our normal existence and the way we plan, the way we manage materials like that. We assume the worst."

The lab, which employs about 15,000 people, covers more than 36 square miles and includes about 2,000 buildings at nearly four dozen sites or "technical areas." Those include research facilities as well as waste disposal sites. Some lab facilities, including the administration building, are in the community of Los Alamos while others are several miles away from the town.

Greg Mello, with the anti-nuclear watchdog Los Alamos Study Group, said the group doesn't have enough information "to formulate any views on safety at this point."

"It is important to remind ourselves that the site has natural hazards ... and Murphy's Law is still about the best enforced law in the state," he said.

The blaze also was threatening Frijoles Canyon, which is home to a number of sacred Native American archaeological sites. Also threatened, Tucker said, was the recently restored Bandelier National Monument.

At least 30 structures had burned south of Los Alamos overnight, but Tucker said it was unclear exactly how many of those were homes.

The blaze started on private land about 12 miles southwest of Los Alamos and quickly grew. Flames and smoke could be

seen from the outskirts of Albuquerque, about 80 miles away. A cause wasn't immediately known.

The fire was eerily similar to one of the most destructive fires in New Mexico history. That fire, the Cerro Grande, burned some 47,000 acres - 73 square miles - in May 2000 and caused more than \$1 billion in property damage. About 400 homes and 100 buildings on lab property were destroyed in that fire. That blaze also raised concerns about toxic runoff and radioactive smoke, although lab officials said no contaminants were released during it.

Another fire continued to burn uncontrolled on the other side of Santa Fe. The Pacheco fire near Santa Fe has burned about 9,900 acres and is 10 percent contained, according to the Forest Service. And about 125 acres were burning south of Albuquerque along the Rio Grande bosque.

Meanwhile, the biggest blaze in Arizona history was 82 percent contained after burning through 538,000 acres in the White Mountains in northeast Arizona. The fire started May 29 and has destroyed 32 homes. It's believed to have been caused by a campfire.

And in Colorado, about 100 firefighters are battling a wildfire that broke out in a canyon northwest of Boulder.

Associated Press writers Jeri Clausing in Albuquerque, Barry Massey in Santa Fe and P. Solomon Banda in Espanola contributed to this report.

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