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DEPARTMENT OF ENERGY
NATIONAL NUCLEAR SECURITY ADMINISTRATION

IN THE MATTER OF A PUBLIC COMMENT
HEARING TO PREPARE AN ENVIRONMENTAL
IMPACT STATEMENT FOR THE OPERATION OF
A BIOSAFETY LEVEL 3 FACILITY AT
LOS ALAMOS NATIONAL LABORATORY,
LOS ALAMOS, NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
December 13, 2005
4:00 P.M.
Fuller Lodge
2132 Central Avenue
Los Alamos, New Mexico 87544

FACILITATED BY: MARGO COVINGTON

REPORTED BY: Betty J. Lanphere, NM CCR #70
Betty J. Lanphere & Associates, Inc.
Post Office Box 449
Santa Fe, New Mexico 87504

Betty J. Lanphere & Associates, Inc.
P. O. Box 449
Santa Fe, New Mexico 87504 - (505) 983-7367

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A P P E A R A N C E S

FOR DEPARTMENT OF ENERGY:

Lisa Cummings
EIS Document Manager
U.S. DOE NNSA
Los Alamos Site Office
528 35th Street
Los Alamos, New Mexico 87544

FOR LOS ALAMOS NATIONAL LABORATORY:

Nathan Schwade, Ph.D.
Deputy Associate Director for Threat Reduction
Los Alamos, New Mexico

FOR TETRA TECH:

Chuck Pergler
Project Manager
Tetra Tech, Inc.
502 Cordova Road, Suite C
Santa Fe, New Mexico 87505

1 I N D E X

2 1. Appearances Page

3 2. Participants:

4 John Wolf Johnson

5 Greg Mello 28

6 Roger Snodgrass 33

7 Greg Mello 39

8 Eric Fairfield 56

9 Donovan Porterfield 69

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P R O C E E D I N G S

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4

December 13, 2005

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MS. COVINGTON: Welcome, my name is

8

Margo Covington of Santa Fe, and I have been hired by

9

the EIS contractor to be the neutral facilitator

10

tonight or today for this entire process, so let me

11

begin.

12

I am the ally of the process and the topic,

13

not the technical expert. So let me reiterate why we

14

are here today. Like written in the announcements from

15

DOE and NNSA, Department of Energy and National Nuclear

16

Security Administration, we are here to help them with

17

their environmental impact statement for the use of the

18

biosafety laboratory level 3 facility.

19

We have got three public meetings scheduled

20

today from four until eight, tomorrow in Espanola from

21

four until eight, and in Santa Fe -- I'm sorry,

22

tomorrow in Santa Fe from four until eight and then in

23

Espanola on Thursday from four until eight.

24

And the purpose of the environmental impact

25

statement is to analyze the potential effects from the

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1 proposed operation of a biosafety level 3, BSL-3 - you
2 will hear this a lot tonight - facility at Los Alamos
3 National Laboratory.

4 So the purpose of this meeting then is to
5 identify alternatives and issues regarding that
6 proposed BSL facility that should be considered in the
7 EIS.

8 We also want to provide to you some
9 information of what has been gone before so that you
10 have some ability to get your questions answered so
11 that your comments can be even more valuable.

12 Now, you know probably by now that your
13 verbal comments will be included, but you may also
14 supply your comments in writing, and there is a handout
15 at the welcome table that looks something like this
16 that will help prompt you with the information how
17 those can be sent in as well, so please understand it
18 can be mailed faxed e-mailed and all of that
19 information is here. And each of your comments,
20 whether they are verbal or written, receive the same
21 weight in the consideration by Tetra Tech, the
22 contractor on this EIS.

23 So tonight we are actually going to have two
24 for the price of one meetings here. We have planned to
25 have presentations and then comments, and then at 6:00

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1 we will begin it all over again for those people who
2 haven't been able to come earlier who may have to come
3 after 5:00, so basically what we are going to be doing,
4 and if you know someone who would like to be here at
5 6:00 for the presentations again, we welcome you to
6 notify them - I have a cell phone if you want to use it
7 - to have them come at 6:00.

8 So essentially what we are doing in each of
9 these two sort of mini meetings is we want to provide
10 you with some information of what has gone before. You
11 know, why we're here, and some of the technical
12 information, but at a very sort of high level answer,
13 what is a BSL facility.

14 And we will be hearing from Nathan Schwade
15 from LANL about that, and then we will hear from Chuck
16 Pergler, who is the project manager for Tetra Tech who
17 will be in charge of the environmental impact statement
18 being written. Tetra Tech has been contracted by NNSA
19 DOE to write that environmental impact statement.

20 So by the time we finish this meeting tonight
21 we want to get everyone's comments here, and we have
22 the court reporter, and we want to make sure that
23 everyone who has a comment has an opportunity to
24 speak.

25 So each of your comments will be included in

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1 the formal record. Just so you know, when we get to
2 the comment period we will be asking you to speak for
3 three minutes. Depending on how many people are here
4 in the room, we may be able to go a little bit over
5 that but we ask you to be concise in the spirit of
6 wanting to get as many different kinds of comments as
7 possible, and should you feel you have much more to say
8 than you are able to say in the meetings today, we
9 invite you to also offer your comments in writing.

10 So just so you know, the place where the
11 questions are truly invited after each of the three
12 speakers, I will be coming up and assisting
13 conversation and getting questions about the points of
14 clarification about what they said, so that is where we
15 really invite your questions, in the second half of
16 this first meeting, it's when we get into the comments
17 that we are not going to be addressing questions as
18 easily.

19 We really prefer that you ask those questions
20 after each of the speakers, and we just want to make
21 sure there is plenty of time to do that.

22 The other thing is when we get to the
23 comments, and actually each time you come to the
24 microphone, in order to have the court reporter capture
25 all of this, we will ask that every question, and you

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1 stand at a microphone so we not only have it recorded
2 but she can also see your face which is important in
3 her profession to do a thorough job.

4 So we will be asking you to state your name
5 and the spelling of your name and any affiliation that
6 is relevant, and we also invite you to include at the
7 welcome table at the sign up sheet your contact
8 information.

9 So we are not here tonight to get into the
10 details of the BSL design and, of course, the BSL-3
11 facility is unusual and this process is unusual because
12 the facility, as most of you probably already know has
13 already been built but it is not currently being used.
14 It is remaining empty. So we are in an unusual
15 situation here tonight, so we will just be addressing
16 the operation of the facility.

17 I will go over the process for comments again
18 when we get there at that part of the meeting, but I
19 just thought I would let you know.

20 At about 5:45 we will take a 15 minute break
21 and prepare for the 6:00 section to do it again.

22 So does all of this make sense? Are there
23 any questions about the process that we are going
24 through tonight? Great. Did I hear something? No.

25 Well, then, let me bring forward Lisa

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1 Cummings. She is from DOE NNSA, and she is the
2 document manager for the environmental impact
3 statement, and she will explain more clearly the
4 process of why we are here and the history of the
5 project so far. Thank you, Lisa.

6 MS. CUMMINGS: I am Lisa Cummings
7 and I work up here in Los Alamos for the Department of
8 Energy, the Nuclear Security Administration, and
9 normally I serve as an attorney, and I have been
10 drafted to be the local person that is kind of
11 responsible for shepherding this environmental impact
12 statement for the biosafety level 3 facility.

13 I am going to make a really brief
14 presentation or statement right now. So can everybody
15 hear me? Probably not. There, I think that's better,
16 I can hear myself.

17 Just a little bit about the BSL-3 facility
18 basically. This is a facility that has already been
19 built and --

20 MS. COVINGTON: I forgot to
21 mention, we have an interpreter here in case anyone
22 needs that. Let me know over here if you do. Thank
23 you.

24 MS. CUMMINGS: As Margo had
25 mentioned, we are in a little bit kind of different

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1 situation here with this facility. This facility, the
2 construction was completed on it a couple of years
3 ago. We have done a previous NEPA, National
4 Environmental Policy Act. That is the Act that
5 requires a federal agency to look at the actions that
6 it proposes under caking and has to look at the
7 environmental impact so that if it's going to be an
8 action that would have a significant impact then it has
9 to prepare an environmental impact statement.

10 If you don't think it's going to have a
11 significant impact or you are not sure, you can do a
12 lesser level of NEPA and that is called environmental
13 assessment. And back when we first proposed this
14 facility we felt that environmental assessment was the
15 appropriate level and we did go through and prepare an
16 environmental assessment, and that was issued in
17 February of 2002, and at that time we looked at it and
18 we decided there was no significant impact from the
19 construction and operation of this facility.

20 In the time that we published the final
21 environmental assessment, we published a finding of no
22 significant impact and thereafter proceeded to build
23 the facility, and was completed in approximately the
24 summer or fall of 2003 and it has not been operated at
25 all since then.

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1 In the meantime, there is also a BSL-3
2 facility being built out at Lawrence Livermore in
3 California, and some public interest groups had a
4 concern about the level of NEPA that the Department of
5 Energy was doing and they filed a lawsuit regarding the
6 NEPA process with regard to both the Lawrence Livermore
7 facility and the Los Alamos facility and they filed
8 that in California.

9 During the pendency of that lawsuit after the
10 facility had been constructed, we took a look at it and
11 we had some concerns with regard to the adequacy of the
12 environmental assessment. And in February or in
13 January 2004, we identified some new information and
14 decided it was necessary to conduct additional seismic
15 analysis with regard to location of the building which
16 was built on fill on the sloping edge of a canyon, so
17 we withdrew the finding of no significant impact.

18 The environmental assessment was still good,
19 but with regard to the operation of the facility we
20 issued a notice and said are withdrawing this finding
21 of no significant impact with regard to the operation
22 of the facility.

23 And at that time we indicated that we were
24 going to do another environmental assessment or
25 supplemental environmental assessment, and we have gone

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1 through a few thought processes on this and we have
2 finally come to the conclusion just thinking things
3 through and with regard to the comments from the public
4 with the level of NEPA that they would like done, we
5 have decided to do an environmental impact statement at
6 this point in time.

7 And again it's going to analyze only the
8 operations at the facility because it has been
9 constructed, and again I will tell you a tiny bit about
10 it.

11 Nathan Schwade is here from the Laboratory
12 and he is going to tell you more information about the
13 facility in some detail about BSL-3s in general and
14 this one specifically.

15 This is going to be used to study organisms
16 that can present a threat to human health with the
17 thought towards bioterrorism. It will not be used for
18 bioweapons research.

19 And a little bit about this process tonight.
20 As Margo was saying, it's really one long meeting but
21 because we know a lot of people aren't off of work
22 right now we thought it would be good to give the
23 presentation twice.

24 You can give comments at any point in time,
25 of course, during these four hours but we will be

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1 repeating these brief presentations. And it's really a
2 two-part process right now.

3 We are just trying to give you a little bit
4 of information you may not have, and if you have
5 questions that we can kind of clarify what is going on
6 right now for you, we will answer those now at this
7 point in time while we are doing the presentations and
8 then we are going to turn it over to the comment
9 period.

10 And what we would really like to hear, what
11 is really helpful to us is to have comments regarding
12 what alternatives, what do you want to see addressed in
13 the environmental impact statement.

14 Those are the most useful comments to us
15 because that is what we're trying to do right now is
16 figure out how to write the environmental impact
17 statement. What issues to include in it.

18 In the Notice of Intent that we published
19 that notified you all of this meeting, we told you
20 about a few alternatives that we intend to analyze,
21 one is the proposed action which is operating this at
22 a BSL-3 level, and again Nathan Schwade will discuss
23 exactly what that is.

24 Another one is if no operation, if we
25 wouldn't use it at all, we wouldn't operate it as a

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1 biosafety lab. We would find another purpose for it,
2 or alternatively, we might analyze it as being used for
3 only operations up to the level of a biosafety level
4 2.

5 And these are levels that the Center for
6 Disease Control established for the safety of the
7 people working there and how to protect them and how to
8 control the workings that are being studied. I think I
9 have covered everything that I wanted to say right now.

10 MS. COVINGTON: Thank you, Lisa.
11 Are there any points of clarifications or any questions
12 for Lisa Cummings? Thank you, Lisa.

13 Now I invite Nathan Schwade, and I will let
14 you introduce yourself with your own title up here and
15 thank you very much.

16 DR. SCHWADE: Thank you all for
17 coming. It's really a pleasure for me to have the
18 opportunity to represent the laboratory around this
19 facility.

20 I am going to make some very brief comments
21 but what I am more interested in is trying to answer
22 your questions to the best of my ability.

23 The reason that we are interested, the
24 mission of this facility is one, and unfortunately in
25 the current times we have people who wish us harm.

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1 And both, I came here from a medical school,
2 I was on a faculty at a medical school before I came to
3 the Lab. I have only been here a little over two
4 years, and both the medical community as well as the
5 national security community are seeing a convergence of
6 interest on things that have in the past been pathogens
7 in the normal population that may be used against us in
8 a negative fashion.

9 We know, we acknowledge that bioagents are
10 frightening. That is why terrorists use them. They
11 are in fact weapons of terror. The laboratory has had
12 a long history in the biological sciences. It started
13 out from radiation research back in the days when they
14 were working on the atomic bomb, and it's blossomed
15 over the years. As some of you may or may not know,
16 the National Laboratories were responsible for the
17 beginning of the human genome project. This was to
18 catalog the human genome.

19 The reason the laboratories were involved
20 with that was it was a play to their expertise. High
21 throughput types of research, that multi disciplinary
22 teams that they can do well.

23 Over the years we have also worked in the
24 areas of infectious diseases. We tend to have an
25 expertise at this laboratory more towards the molecular

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1 side of the house, but there has been work that has
2 been going on here for a long time from around
3 forensics. In other words, how does somebody, how do
4 we know where the agent came from, how do we know what
5 the agent is? A large, very strong forensics
6 background.

7 As you may or may not know, the laboratory
8 was engaged very heavily in the anthrax letters that
9 were sent around the nation and it has not been decided
10 yet, to my knowledge, whether that attack was foreign
11 or domestic, but that was an area where the laboratory
12 became engaged with specific expertise.

13 So this isn't new work to the laboratory. It
14 is in fact natural extension of the work that is going
15 on and we would like to take our place in the community
16 along the side of the medical schools to contribute to
17 this very important national security mission.

18 We, of course, are very interested in
19 national security type work. That is why we need it.
20 We need it because it's the future, and the reason we
21 need it here is because of the expertise.

22 The building is just a building. It is just
23 that. What we need is we need a facility at an area
24 where we have the subject matter experts who can call
25 on their own network, and we become part of the greater

1 community network. As I am sure you are aware of,
2 there are other biosafety laboratories in the State of
3 New Mexico and, of course, across the nation. There is
4 about 350 I think at the last count.

5 The biosafety levels are well described in
6 what we call the BMBL. It's a biosafety in
7 microbiology, and biomedical laboratories. There is a
8 copy of subsequent sections, I believe, in the
9 handouts.

10 So what this is is an industry standard.
11 It's done by the Centers for Disease Control and the
12 National Institutes of Health, and it outlines the
13 boundaries of what type of work will go on in that type
14 of facility.

15 That is the boundary conditions that we hope
16 will be for this particular facility. That is the
17 maximum. Maybe less. We haven't done the
18 environmental impact statement. We have our
19 professionals who will tell us exactly what we will be
20 allowed to do in the facility.

21 The facility has oversight. You don't have
22 to just trust me, although I have a family that lives
23 in Santa Fe. We have oversight, we have licensure by
24 the Centers for Disease Control. That will be required
25 for the opening of the facility. We have a landlord,

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1 the Department of Energy, so just as you rent a house
2 and you are given a list of things, you can't drink,
3 you can't smoke, you can't have pets, we will have such
4 an agreement with our landlord, the Department of
5 Energy.

6 We also have a biosafety committee that is
7 another oversight function to the operations that will
8 happen in the facility once it's brought on line.

9 The purpose of the biosafety level 3 facility
10 is twofold. It's really to protect the worker and to
11 protect the environment. As you will read through the
12 CDC guidelines, and they have been outlined for you in
13 this handout, this level of facility is designed to
14 protect against the possible aerosolization. An
15 aerosolization is like when you sneeze, if you have
16 ever seen a mist form. The potential aerosolization of
17 material to protect the worker from inhaling it, and
18 the way that is contained, and this is a containment
19 facility, and they use a barrier system.

20 There are multiple barriers to protect the
21 worker and ultimately protect the environment and
22 worker, I mean the environment and the personnel around
23 the facility.

24 And in my mind I think an analogy, and I
25 don't mean to insult anybody's intelligence, but this

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1 is a similar system to in your car the different
2 barriers that you have to keep your chest from hitting
3 your steering wheel. One type of barrier is a seat
4 belt that needs to be fastened. Another type is an air
5 bag. These are front air bags and side air bags.
6 These are different levels of protection that go and
7 are only needed under certain extreme circumstances.

8 In our facility, and an aerosolization will
9 be an off normal event. This is again is to protect
10 the worker against the unintentional aerosolization of
11 material.

12 Normally material is handled in ways that it
13 is not in the air. It's in solution, and so on and so
14 forth.

15 So the biosafety facility is designed to
16 protect the worker with multiple barriers and
17 ultimately protect the laboratory environment and, then
18 of course, the community.

19 The types of agents that are used in the
20 facility are limited. They are limited by the BMBL,
21 and there is a long list of those kind of things that
22 are in there but it's probably easier to understand the
23 kinds of things you won't do, the types of things you
24 would do in a BSL-4 facility.

25 I think that -- Let me talk about bioweapons

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1 just in anticipation of questions. Bioweapons research
2 is against international law. It's not only against
3 national law, and I am not a lawyer. I will have to
4 ask the lawyers in the crowd if it's against state law,
5 but the bioweapons convention outlaws any kind of
6 biowarfare work that goes on. It's by international
7 law. And if there is, the treaty is very, very
8 strict.

9 If there is any inclination, if anybody has
10 any inclination that there is biowarfare agent work
11 going on at a facility, all normal restrictions are
12 removed. Classification, you don't have a right to be
13 on the premises. It's a treaty that if it's violated
14 the consequences are severe.

15 At the laboratory we are law abiding
16 citizens. We will not do anything illegal at this
17 laboratory so biowarfare work will not be done anywhere
18 at the laboratory.

19 So those are my comments and I would just
20 like to answer any questions that you have to the best
21 of my ability.

22 MS. WHEELER: Hi, my name is Gina
23 Wheeler. It seemed like early in the introduction you
24 talked about the bioterrorism research at the facility
25 but then you just went through how we won't be doing

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1 biowarfare research. I am just having trouble
2 distinguishing those two things a little bit.

3 DR. SCHWADE: Sure. Probably a
4 classic example is anthrace is anthrax, okay? Anthrax
5 is a disease of cattle actually. If you, anywhere you
6 have cattle in the United States if you go down into
7 the soil and dig it up, you will find anthrax spores.

8 We will study anthrax but in anthrax's normal
9 life cycle it does not aerosolize. It does not get
10 into the air. It's actually designed, its biological
11 life is such that the cows pick it up from the ground
12 when they graze, they die from it and it goes back in
13 the ground.

14 The vegetative parts of the cell which are
15 very delicate, the cells are delicate, and the spores
16 which are analogous to seeds go back into the soil.
17 They do not go into the air.

18 As a matter of fact, there has been a famous
19 study where there is actual outbreaks of anthrax in Africa
20 in the zebra population. And they did a study where
21 they had an animal that died, and they set up around
22 the animal little petri dishes trying to see how far
23 the anthrax would float on the air and they found out
24 it did not float very far. So we will study --

25 Now, biowarfare now, is if I take anthrax and

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1 I take those seeds and I modify them so that they float
2 on air, okay, so now they are doing something
3 unnatural. And this is why, what people have to do to
4 make anthrax a biowarfare agent. They have to engineer
5 the spore in a way that it will float on the air as was
6 done with the anthrax letters.

7 That kind of modification will not be going
8 on in the facility.

9 And then you can imagine other viruses, you
10 know, hemorrhagic fevers. Those will not be studied in
11 the facility, but the engineering of material to make
12 it so that it can be packaged into a form that when
13 it's released is more effective.

14 See, normally people do not catch anthrax in
15 their lungs, they catch it on their skin. Cattle
16 farmers will catch it on the skin. It's very
17 treatable, but in the case of the anthrax letters we
18 got it into our lungs. We were also able to treat it.
19 It's a great credit to the medical community, by the
20 way, because once they knew what they were looking for
21 the fatality rate dropped precipitously. It's just
22 that they didn't know what they were looking for
23 because it's an unnatural event to have a lung
24 infection from an anthrax, so does that help to
25 differentiate between bio --

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1 MS. COVINGTON: Any other
2 questions? Points of clarification?

3 MR. JOHNSON: Ma'am.

4 MS. COVINGTON: Yes, sir. Would you
5 please state your name and affiliation.

6 MR. JOHNSON: I am John Wolf
7 Johnson, I am the senior science advisor on bioscience
8 for DOE/NNSA. Just an addition to that, and that is at
9 BSL-3 all of the organisms that are used are subject or
10 are amenable to either prophylaxis, vaccination or
11 treatment. None of the organisms used at BSL-3 are
12 untreatable.

13 DR. SCHWADE: Thank you. Thank you
14 for your attention.

15 MS. COVINGTON: Now we welcome
16 Chuck Pergler. He is the project manager of Tetra
17 Tech, to talk about the NEPA process.

18 MR. PERGLER: First and foremost I
19 would like to welcome everybody here. We appreciate
20 you taking the time out of your busy schedules,
21 especially at this time of year, to come here and
22 listen to the presentations and provide your comments.
23 We really appreciate it.

24 This is your process, and I hope you find it
25 very beneficial. I am the project manager for Tetra

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1 Tech under contract to the NNSA to prepare the
2 environmental impact statement for the BSL-3 laboratory
3 at LANL.

4 A little bit about the firm. Tetra Tech has
5 been in NEPA since its inception back in 1969.
6 Annually we prepare over 300 NEPA documents for a
7 variety of federal clients, again, nationwide.

8 These documents include BSL work as well. We
9 are, of the two, BSL-4, a level up in what we are
10 talking about, of the two BSL-4 EIS's that have been
11 prepared in this country in the past three years, Tetra
12 Tech has performed two of them. Rocky Mountain
13 Laboratories and the University of Texas Medical
14 Branch.

15 I was the project manager for one and
16 technical advisor for the other. We are the most
17 experienced NEPA team to do this. Most important to
18 the public is to understand that we have no vested
19 interest in the outcome of the analysis and the
20 subsequent record of decision. We benefit in no way.
21 Our bread and butter, our core activities for Tetra
22 Tech is NEPA work.

23 The very nature of NEPA is unbiased
24 scientific analysis of the proposed federal action by
25 the agency. The preparation of an EIS is not a trivial

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1 matter.

2 Our team consists of approximately 30
3 individuals consisting of interdisciplinary scientists
4 and engineers who will conduct the analysis and prepare
5 and present the information that will be contained in
6 the EIS. We do not take part in or recommend what the
7 NNSA decision should be.

8 The formal scoping process commenced on
9 November 29th with publication in the Federal Register
10 of NNSA's intent to proceed with an EIS.

11 The current schedule we are working to is to
12 have the draft EIS available for public review and
13 agency comment in the spring of 2006 followed in late
14 2006 by the final EIS and subsequent record of
15 decision.

16 We value your comments and insights to help
17 NNSA determine the issues that need to be addressed
18 within this document. This part of the NEPA process is
19 designed to allow you, the public, to influence EIS
20 content and analysis.

21 Your comments here tonight are being reported
22 by a court reporter and become part of the formal EIS
23 public scoping record. Additionally, your written
24 comments throughout the formal scoping process are also
25 part of the administrative record and partially drive

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1 the content and analysis of the EIS.

2 It is important to note that all comments,
3 both written and those received verbally during the
4 scoping meetings, are given equal weight and all
5 comments will be considered in the EIS process.

6 The formal scoping process ends December 29,
7 2005. However, comments received after that time will
8 be considered to the extent practicable. This is not
9 the only time that you, the public, will have the
10 opportunity to comment, and I will speak a little bit
11 later in my presentation to that.

12 Now I would like to provide an overview of
13 our EIS task and then to speak how you, the public, can
14 effectively comment thereby influence the EIS process.

15 There is several facets to preparing an EIS,
16 especially this one. We will rely heavily on
17 information, data, and analysis in existing documents
18 including the BSL-3 EA previously prepared for this
19 project. However, all documents used will undergo an
20 independent review so that we are not blindly accepting
21 previous work. Wherever there is lack of information
22 and/or data, we will perform the analysis.

23 The EIS will start off with a description of
24 the purpose and need the NNSA is responding to followed
25 by a description of the alternatives and the

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1 operational details associated with each alternative,
2 including an overview of the treaty, laws, regulations
3 and procedures that the work would be conducted under.

4 The effected environment and the
5 environmental consequences section will be combined so
6 that the environmental consequences section follows
7 immediately after the description of the affected
8 environment.

9 This will provide the reader context and not
10 require flipping back and forth between chapters. I
11 bring this point up because this was a comment received
12 by the public in the past that documents are hard to
13 use when you have to flip back and forth between
14 affected environment and environmental consequences.
15 We heard you. We are not doing that.

16 The environmental consequences presentation
17 in the EIS will compare the alternatives to the no
18 action alternative in neutral terms and wherever
19 possible compare the operations with existing standards
20 or quantify the environmental consequences such that
21 the reader may have a scale to compare with.

22 For a generic example of the language, that
23 would be that operations would result in the employment
24 of X number of employees. The generation of X number
25 of gallons per month of waste and disturbed X number of

1 acreage.

2 What I am trying to indicate here is we give
3 you quantification and not judgment. You provide the
4 judgment. NNSA in the long run provides their judgment
5 based on the analysis in the EIS to reach their
6 decision which is published in the record of decision.

7 Currently the NNSA has identified three
8 alternatives to be included in this EIS. The no action
9 alternative. It's a bit odd, the building is already
10 built, thus the no action would be to convert the
11 facility to office space, library space, or other
12 laboratory use that is not of BSL biosafety type of
13 work.

14 The second alternative, which is the
15 preferred agency alternative is the proposal to operate
16 the facility at the BSL level 3.

17 And the last alternative currently identified
18 is to operate the facility at a BSL-2 level. That
19 level works with organisms that do not present a
20 respiratory hazard and the level of safeguards is down
21 a tier. It is still not trivial operation and people
22 have to adhere to certain standards.

23 It's important to realize again that the
24 construction of the facility has already been covered
25 under previous EA and finding of no significant

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1 impact. This condition limits alternatives such as
2 don't build the facility or build it somewhere else.

3 The question to be addressed is what kind of
4 operations, if any, should be conducted in the existing
5 facility.

6 Now for the scoping process and how to
7 effectively comment. The question put forth by NNSA is
8 what kind of operations would be conducted in the BSL-3
9 facility. The most effective comments will explicitly
10 identify other reasonable alternatives or modifications
11 of the existing alternatives that I have gone through
12 that address the operation of the BSL-3 facility and
13 reach into the heart of the issues you have interest
14 in.

15 For example, comments such as, Don't operate
16 the facility, would be too general for us, the NEPA
17 contractor to respond effectively to. It doesn't
18 provide us enough guidance. If restated to, I am
19 concerned about the operation of the facility on air
20 quality affecting our health so I don't believe the
21 facility should operate, provides us with the necessary
22 information to address your specific issues, air
23 quality and human health and safety.

24 You all will have another opportunity to
25 comment after the draft EIS is issued, and that

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1 document and your comments -- excuse me. That
2 document effectively becomes our report card on how
3 well we have responded to your comments. It also
4 provides you another opportunity to get to the meat of
5 the analysis.

6 Right now we are just asking you is our scope
7 correct, and what issues should be addressed. The
8 draft EIS will give you the meat, and again something
9 to come back to us on with substantive comments.

10 This will be accomplished, again, by
11 submission of your written comments and/or
12 participation in formal comment response meetings on
13 the final draft. Similar to the scoping meetings, we
14 will have other meetings that are specific to comment
15 on the draft.

16 In closing, and prior to listening to your
17 comments, I would like to point out that additional
18 information regarding the NEPA process and comment
19 response forms are located in the sign-in table that
20 you walked past, as is additional information on the
21 BSL facilities.

22 Additionally, we have a call-in line where
23 you can request further clarification or ask questions
24 regarding the NEPA process. That information is also
25 contained on the fact sheets.

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1 Again, I sincerely appreciate your attendance
2 here and I look forward to listening to your comments,
3 thank you very much. And, Roger, thank you for the
4 Monitor's attendance here. We appreciate it and it's a
5 great community service.

6 MS. COVINGTON: Thank you, Chuck.
7 Are there any points of clarification for Chuck
8 Pergler? Any questions?

9 For those of you who have come into the room,
10 we will ask that you come to the microphone and state
11 your name for the court reporter and spell it if it's
12 complex and any affiliation you might have.

13 Are there any questions, points of
14 clarification? If you would come to the microphone,
15 that would help us. Thanks.

16 MR. MELLO: My name is Greg Mello,
17 and I am with the Los Alamos Study Group. I missed the
18 first part of Chuck's presentation. I don't know
19 whether this is a venue where we can ask specific
20 content questions about the BSL-3 facility, how it's
21 been constructed and those kinds of questions, or
22 whether our questions are specifically confined to the
23 scope of the proposed EIS.

24 MS. COVINGTON: Chuck, would you
25 like to speak to that? Thank you.

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1 MR. PERGLER: Yeah, unfortunately
2 Dr. Schwade's presentation where we could get to those
3 sorts of questions where it's clarifying questions on
4 some of the aspects of what is currently in place.

5 I would turn to Lisa now and just based on
6 the audience that we have got, the few people that are
7 here, I would suggest that we could answer short
8 clarification questions.

9 MS. COVINGTON: If I may just also
10 mention to you, Greg, since you did come in, we are
11 going to be repeating this at 6:00.

12 MR. MELLO: I will be here.

13 MS. COVINGTON: Good.

14 MR. MELLO: I read in the newspaper
15 that this facility is constructed in part on fill or
16 wholly on fill and that this is a reason cited by the
17 NNSA for this EIS. Perhaps this was already covered.
18 I apologize again, but could you clarify the factual
19 conditions?

20 MR. PERGLER: Yes. The facility
21 was built partially on fill. That is one of the
22 analyses that is going to be included in the EIS where
23 we look at the engineering parameters and see if they
24 meet seismic standards and things like that, so that
25 information will be coming out in the EIS and we do

1 have technical experts that will address it from an
2 unbiased perspective.

3 MR. MELLO: Yes. I suppose I have
4 a scoping comment then if that is the time or we --

5 MS. COVINGTON: Actually, Greg
6 yeah, so we are just about to get to the comments so
7 you may be my perfect segue person.

8 MR. MELLO: Okay.

9 MS. COVINGTON: Are there other
10 points of clarification, questions for Chuck Pergler
11 before we go on to the comments. Yes, sir, would you
12 please step up to the mike.

13 MR. SNODGRASS: Roger Snodgrass
14 with the Los Alamos Monitor. I was wondering, has it
15 been clarified if there will be any expanded operations
16 over the previous EA, and specifically whether there
17 are any the concern that was mentioned was aerosol
18 operations and will there be any aerosolized operations
19 in this BSL-3?

20 DR. SCHWADE: So let me say first
21 that we won't know what we are allowed to do in the
22 facility until the process is complete, but as far as
23 proposed operations, it's a little bit of a difficult
24 question because I understand this document is supposed
25 to stand the test of time for about ten years, is that

1 right, until the next...

2 MR. PERGLER: The document will be
3 relevant. The relevance is the document will be
4 relevant to the facts that we have in hand and our
5 understanding of what the NNSA expects from operational
6 parameters and what kind of work will be done there.

7 Again, this is going to be covered more in
8 detail in the EIS where we actually can flesh out and
9 explain what the, what kinds of work goes on in there.
10 All of the work, though, as we have been directed, as
11 we understand as the NEPA contract, will be in line
12 with the BMBL standards and other procedures.

13 DR. SCHWADE: So let me just say
14 there will be an operating envelope that we will not
15 exceed, but as far as current proposed operations, the
16 facility was not built to handle aerosolization. Okay?
17 .

18 As I stated in my earlier comments,
19 aerosolization normally would be an off normal event in
20 this facility. The facility was not built to handle
21 animals and there is no aerosolization chamber in the
22 way that the building is currently constructed.

23 MR. SNODGRASS: May I ask?

24 MS. COVINGTON: Yes, please, and at
25 the mike it would help.

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1 MR. SNODGRASS: Again, I am not
2 sure if this is the appropriate time or place, but the
3 question is in the evaluation, in the EIS, will there
4 be an evaluation of the work of the biosafety committee
5 to date? That is, you know, where it had been
6 compliant and noncompliant and so forth and where it
7 is, you know, what its record has been to date?

8 MR. PERGLER: The simple answer to
9 that is yes, because the biosafety committee has a
10 review and approval authority on any work done at the
11 BSL-3 level. So that certainly will be addressed in
12 the EIS process.

13 MS. COVINGTON: Any more points of
14 clarification or questions for the speakers before we
15 go on to the formal comment section? Would you state
16 your name again.

17 MR. MELLO: Yes, thank you, Greg
18 Mello, Los Alamos Study Group. Will the EIS, I gather
19 that the EIS will discuss specific organisms. That is
20 part of question A, specific organisms that can be used
21 under this NEPA coverage in this facility, will this
22 EIS also specify the specific, in a general sense at
23 least, the specific nature of the work or will that be
24 just as, you know, other than non-mammalian experiments
25 or non-animal experiments or without aerosolization or

1 will, for example, if there is influenza virus, what
2 exact restrictions are on that work other than the
3 biosafety committee review?

4 DR. SCHWADE: Let me just answer
5 the technical part and then I will let Chuck answer
6 that is going to be included in the EIS.

7 As far as what is going to be allowed in the
8 technical operations again, I want to reiterate we will
9 know at the end of this process what we will be allowed
10 to do and what we won't do, but by the boundary
11 conditions - we mentioned this before we came in - are
12 in the biosafety manual that is the industry
13 standards. The BMBL, okay, and it clearly spells out,
14 and I think in very plain terms, what you are allowed
15 to do in the facility at a BSL-3 level and what you are
16 not allowed to do in a facility at the BSL-3 level and
17 I think it draws a bright line on where we can't, you
18 know, what we won't cross.

19 MS. COVINGTON: As I understand it
20 you have handouts and have those pages copied at the
21 welcome desk at the back.

22 MR. PERGLER: I am actually going
23 to interpret your question as a scoping comment, and if
24 I can paraphrase it to see if I have got it correctly.
25 You would like to see specific organisms defined in the

1 EIS and how those would be worked with and what general
2 governing procedures will allow the work to go forth
3 and the answer is yes.

4 MR. MELLO: Yes.

5 MR. PERGLER: I'm sorry, my answer
6 to you was yes.

7 MR. MELLO: That's a fair
8 transcription into a scoping comment.

9 MS. COVINGTON: Wonderful. Are
10 there any other points of clarification for the
11 speakers? Any other questions for the speakers before
12 we go on to the formal comment section?

13 All right. You have time to still change
14 your mind. I am going to talk about the formal comment
15 section now.

16 We are ready now for comments so we will ask
17 again that you come to the microphone and you state
18 your name and any affiliation that is relevant and
19 spelling of your name for the court reporter as
20 needed.

21 You will each have three minutes and these
22 comments will be included and imagine that these
23 comments might actually help inform something like the
24 table of contents, if you will, for the EIS, and they
25 will be considered as the EIS is being prepared.

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1 We ask that you take the three minutes. If
2 we have more time, since we have a smaller audience we
3 may allow longer, but the most important -- my most
4 important job here as the neutral facilitator today is
5 to ensure that all comments today are received and
6 heard.

7 Now, of course, you are welcome to give
8 verbal comments, and as you have heard several times
9 today, but I want to make sure that everyone in the
10 room knows this. There are written comment pages that
11 are on the welcoming table. Those comments will be
12 received and listened to with the same weight as any
13 verbal comment. And as you leave the room if there is
14 still more that you want to say, we want to invite you,
15 you know, if we don't have time, we invite you to also
16 give them in a written form whatever is remaining that
17 you haven't had time to mention.

18 So when the time is up, when the three
19 minutes is up you will hear my beeper and what I prefer
20 to do is make sure that everyone who wants to speak
21 gets a chance to speak, and if you have more comments
22 that we would bring you up later.

23 It's difficult to notice because, of course,
24 it's five o'clock now. We will go for about the next
25 45 minutes, and then we will take a break until 6:00

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1 and we will begin the program all over again.

2 We will have the speakers and questions and
3 points of clarification and more comments so the people
4 who arrived after 5:00 will still have an opportunity
5 to hear and participate fully in the meeting. So we
6 are here to hear as much diversity of opinion as
7 possible and there are numerous ways to comment. So
8 who is first in line to the mike? Yes.

9 MS. CUMMINGS: If I might, it just
10 seems like there is pretty small public here. It might
11 be useful just to have people identify themselves if
12 they want to make comments so we know how many people
13 are here right now, if we could.

14 MS. COVINGTON: Sure. Why don't we
15 get a sense. How many of you are interested in coming
16 to the mike and presenting formal comments so we can
17 kind of maybe do longer timing. Do I see no hands.
18 One hand? Is there only one person who is here, am I
19 seeing everyone in the room?

20 There is only one person here to give comment
21 verbally. Well, Greg Mello, rock on, no timer needed.
22 If someone walks into the room and I don't see them,
23 would you please be kind -- and they have come to
24 comment, then we just ask that we find a way to adjust
25 for that and...

1 MR. MELLO: My name is Greg Mello.
2 I am the director of the Los Alamos Study Group. We
3 followed these issues very closely through the spring
4 and summer of 2002. And I regret to say that we have
5 not kept up our end of the dialogue very well since
6 then, so these remarks are going to be rather primitive
7 and that's the best we can do right now.

8 The first is that in the scope of the
9 environmental impact statement we need a national and
10 if possible international level review of operation of
11 first biological safety committees.

12 I think that the team is partly aware of the
13 national review conducted by the Sunshine project in
14 Texas of the operation of biosafety committees. It is
15 my perception these are a weak read to rely upon
16 because of the informality of the process, and it's
17 basically a process that is being swept forward into
18 biotechnical age without -- the technology is
19 outstripping the institutional controls. I think there
20 was a broad agreement about that nationwide. We are
21 relying on this here, I think, a little bit
22 excessively.

23 We need a national review of laboratory
24 accidents at each level of facility. I think that the
25 hazard analysis in the EA and in the draft EIS will

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1 depend on some assumed frequencies of accidents.

2 Those assumed frequencies may or may not be
3 actually the case. Laboratory accidents are often not
4 reported. There is a suppression of laboratory
5 accidents. Boston University, there is a whole list of
6 them. If we had time to prepare a little bit better I
7 could show you the list but there have been serious
8 consequences. Organisms escaping into communities and,
9 you know, in the case of SARS there has been several
10 incidents of SARS transmission into the community out
11 of the laboratory since the decline of the major
12 outbreak, I guess, you call it.

13 We need a national review of how well
14 facilities like the proposed facility are actually
15 complying with federal guidelines.

16 Not only that, and this is a separate point.
17 We need a review of what the compliance mechanisms
18 actually are. And I think it will be very difficult to
19 make any realistic assessment of the likelihood or also
20 the risk or the consequence of accidents without this
21 type of review, because I don't think the factual base
22 is very good right now. So we won't be able to get a
23 clear idea of the hazard that will feed back into the
24 operation of the facility and it could actually, the
25 EIS process would in that way actually decrease the

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1 hazard quite a bit.

2 I think we need a new type of analysis here
3 based explicitly on the normal accident strain of
4 hazard analysis which comes out of Yale. Charles Paro
5 is the name originally associated with it, Scott Sagan
6 has carried it further but there are dozens of other
7 researchers, and this type of analysis is one that
8 considers the culture and sociology of the institution
9 and how the institution communicates risk and
10 reliability within itself and how it assimilates its
11 operating history.

12 And it's proven to have a lot of value in
13 analyzing hazards as a compliment to the normal - it's
14 a bad word in this context. The alternative approach
15 was used to assume that everything goes well from the
16 sociological or institutional perspective. In fact,
17 there are a lot of reasons why things don't go well and
18 people have studied those, and we need to know what
19 they have learned and that knowledge needs to be in
20 this EIS because there are very great dangers here.

21 I should, since we have time let me just
22 mention that I have received calls from the nuclear
23 weapons program here. One man talked to me for two
24 hours. He had worked here at the laboratory off and on
25 for a quarter of a century. He was in the nuclear

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1 weapons field and he knew of our organization's work
2 there.

3 He was really very disturbed about this
4 facility and what it would become in the future. And
5 beyond the working lifetime of, you know, most of us
6 perhaps. He was concerned about these things and some
7 other institutional factors as well, but they are
8 outside the normal scope of the EIS.

9 I wanted to bring up a problem in recent
10 environmental analyses at Los Alamos, and that problem
11 is an underestimation of the seismicity here on the
12 Pajarito Plateau. The knowledge about historical
13 seismicity and, therefore, the expected, the best
14 predicted seismicity of the future is evolving here at
15 Los Alamos.

16 It was news to me that there had been three
17 estimated magnitude 7 earthquakes here in the last
18 11,000 years. There is a question of then of how to
19 make a probabilistic ground motion model and over what
20 time period one would integrate this.

21 Do you take the last 11,000 years as
22 predictive of the next 11,000 years or do you reach
23 further back into the historical record. I don't
24 know. I would prefer why not, you know, to take a
25 conservative approach.

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1 Magnitude 7 event for a building built on
2 fill is a problem. As a long time ago engineer I am
3 struggling to think of how to stabilize fill on a
4 sloping canyon when the underlying bedrock isn't itself
5 very strong. This could be expensive.

6 We know now that ground accelerations at Los
7 Alamos can exceed one gravity in the vertical
8 direction, but I am not sure that this information has
9 filtered into the environmental analysis of new
10 facilities at the lab. I don't think that the county
11 administration building is, maybe needs to be evaluated
12 against these standards as well. We are at the eastern
13 edge of the Rio Grande rift and I don't want to belabor
14 this, but I have a paper, a very recent paper here
15 signed by seven leaders here at Los Alamos which has
16 some of this information. I think that is it and I
17 know I have gone over a little bit. Thank you.

18 MR. PERGLER: Greg, thank you for
19 your comments. Let me just add one thing. Your
20 comments are noted and we will respond and consider
21 them. If you have documents for us that you think
22 would be of value during the process, I would encourage
23 people to drop them off with us and we will make them
24 part of the project file and part of the public scoping
25 record as well.

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1 MS. COVINGTON: All right, any
2 other comments? Let's take a break and we will begin
3 again at 6:00 unless you have something else you would
4 like to do.

5 MS. CUMMINGS: No, we can do that
6 and we can also just informally meet with people that
7 want to talk since we have time to do that.

8 MR. MELLO: I understand it's off
9 the record.

10 MS. CUMMINGS: Yes, it's off the
11 record and we can talk about it informally and it just
12 being informational and not part of the comment
13 process, but thanks a lot for --

14 MR. MELLO: Can I say one more
15 thing on the record?

16 MS. CUMMINGS: Yes.

17 MR. MELLO: I have a copy of the
18 final paper on seismicity and I will be happy to give
19 it to you.

20 MS. COVINGTON: Excellent. Let's
21 take a break. Everything between now and when we begin
22 again at 6:00 is off the record. No court reporter.
23 Thank you very much for your attendance.

24

25 (Recess taken.)

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1

2 MS. COVINGTON: Welcome. We are
3 going to do this again. How many of you are interested
4 in hearing the presentations again? Great. We are
5 going to do them then. Wonderful.

6 So to begin with, I am Margo Covington, I am
7 from Santa Fe and I am the neutral facilitator hired to
8 keep the process moving in these meetings that we are
9 having to address the BSL-3 scope for the environmental
10 impact statement.

11 So let me reiterate why we are here tonight.
12 Like written in the DOE NNSA or Department of Energy
13 National Nuclear Security Administration announcement,
14 we are here to help them with their environmental
15 impact statement of the use of the biosafety laboratory
16 level 3 facility.

17 We are having three public meetings. Tonight
18 here in Los Alamos, tomorrow night in Santa Fe and
19 Thursday day night in Espanola. We are sort of doing
20 six meetings for the price of three because we are
21 repeating each of the meetings. We start at 4:00 and
22 then we begin again at 6:00 for each of these meetings,
23 so those of you who have come in later can have the
24 benefit of hearing the presentations.

25 The purpose of the environmental impact

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1 statement is to analyze the potential effects from the
2 proposed operation of a biosafety level 3, BSL-3 level
3 facility at Los Alamos National Laboratory. And in
4 light of that, the purpose of this meeting is to
5 identify alternatives and issues regarding the proposed
6 BSL-3 facility that should be considered in the EIS.

7 Part of the process, as Chuck will describe
8 later, it began November 29th at the public comment for
9 that scoping is from November 29th through December
10 29th. Please understand that tonight your comments
11 will be invited.

12 At the end, your formal comments, and they
13 will be included in the consideration for inclusion in
14 the environmental impact statement, but should we not
15 have time, which I truly doubt at this point, that your
16 written comments are also invited, and there is a
17 handout sheet at the front desk that will give you
18 descriptions of how to do that thoroughly.

19 So if there is anything that still wants to
20 be said by you at the end of this meeting that wasn't,
21 that we are not able to receive, please understand that
22 written comments receive the same weight as any verbal
23 comments and they are going to be received. Chuck will
24 talk more about that in a moment.

25 So tonight we are going to hear again, we are

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1 going to do the repeat of the earlier agenda which is
2 essentially to have three speakers. After each
3 speaker, there will be an opportunity to have
4 questions. Points of clarification, as much time as it
5 seems is needed for that, and then once we get the full
6 opportunity to answer your questions from each speaker
7 and from the speakers as we saw in the first session of
8 this meeting, then we will go into the formal comment
9 period, and those are the comments where you have the
10 opportunity to offer these for consideration into the
11 environmental impact statement.

12 We are here to list those issues that you see
13 as important and that, and they are being received by
14 Tetra Tech who is the contractor to NNSA DOE to do the
15 EIS.

16 You will notice that we have a court reporter
17 recording, so in order to ensure that full public
18 record, and I better make sure I am speaking well into
19 the mike, we will ask that all comments for this
20 session be addressed. For all of your questions and
21 comments, please come to one of these two microphones
22 and when you do please state your name, any relevant
23 affiliation, and we invite you to leave your contact
24 information at the front desk.

25 By the time we finish this meeting tonight,

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1 we want to make sure that all voices are heard, my job
2 as the neutral meeting facilitator is to make sure that
3 the diversity of the viewpoints that want to be said in
4 this meeting verbally we have time for that - looks
5 like we will. And my job as the facilitator and
6 moderator is to ensure the process keeps moving
7 smoothly.

8 We have a Spanish interpreter this evening, I
9 should have said that at the beginning, thank you, I
10 will make a note, in case anyone in the room needs an
11 interpreter. Any show of hands, I can do that
12 immediately. Thank you. Make a note tomorrow night to
13 say that first thing.

14 SPANISH INTERPRETER: (Opening
15 comments interpreted in Spanish).

16 MS. COVINGTON: So please
17 understand that we are inviting your questions after
18 each speaker, and after the speakers have spoken, and
19 then the comment section is more where we are inviting
20 your simple straight comments, so please understand,
21 your questions will be addressed after each speaker.

22 So you see that all we say here is for the
23 record as is required for this process.

24 Let's see, so just to reiterate, we are here
25 talking about the issues that you feel are important

1 regarding the operation of a building that has already
2 been built, the BSL-3 building. Are there any
3 questions to me about the process of the agenda
4 tonight? Wonderful. I would like to invite up our
5 first speaker. This is Lisa Cummings who is the
6 document manager for DOE and NNSA.

7 MS. CUMMINGS: I am Lisa Cummings,
8 as she said, and I work for the Department of Energy
9 NNSA up here in Los Alamos.

10 My usual job is as an attorney up here but I
11 was drafted to be the person here locally that will
12 only shepherd the process for preparing this
13 environmental impact statement for this biosafety 3
14 facility.

15 I am going to tell you just a very, my
16 presentation will be very brief. I want to tell you
17 very quickly what the BSL-3 facility is.

18 Nathan Schwade is here from the laboratory,
19 and he will go into more detail about that. I also
20 wanted to iterate what the purpose of this meeting is
21 and the fact that it is two parts.

22 We are trying to give a really brief
23 presentation to everybody here tonight so that they can
24 understand exactly what the facility is and what it's
25 about, and that will make help you to make comments on

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1 it.

2 This is a process where we are developing an
3 environmental impact statement, as most of you probably
4 know, I think because you are here, when a federal
5 agency undertakes a project that may have a significant
6 impact on the environment, it's required to prepare an
7 environmental impact statement to analyze the possible
8 impacts it would have on human health or the
9 environment.

10 This BSL facility that has been, the building
11 has been constructed already. Let me go into a little
12 bit more into detail about that. It has been
13 constructed. It was completed about two years ago, but
14 no operations have taken place to date.

15 This is a facility in which scientists can
16 study organisms that can threaten human health, and the
17 purpose is to reduce the threat from terrorism that
18 might occur using biological weapons.

19 The history of the project is, as you may
20 know, when we undertake to do an environmental impact
21 statement we look to see whether it's going to have
22 significant impact on the environment.

23 If we are unsure whether a project would have
24 significant impact on the environment, we can use a
25 tool to use the environmental assessment or we will

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1 know it will not have a significant impact so we do a
2 level of NEPA analysis, and that is what we did
3 previously back when we first decided to whether we
4 proposed this project and we were considering it, we
5 went through an environmental assessment process and we
6 issued an environmental assessment in February of 2002
7 and we issued a finding of no significant impact.

8 There would be no significant impact on the
9 environment, and we did not need to do an EIS. So
10 again, to do that they constructed the facility and it
11 was completed in the summer or fall of 2003.

12 Subsequent to that, in looking at the
13 facility, we discovered so many issues with the
14 environmental assessment, so many issues that needed to
15 be identified such as additional seismic analyses
16 because of the location of the slope side of the
17 canyon.

18 So at that time in January of 2004 we decided
19 to withdraw the finding of no significant impact with
20 regard to the operations of the facility, and as I
21 said, no operations have ever taken place in that
22 facility. It has been sitting there for two years.

23 We have come to the conclusion at this point
24 in time that we would like to prepare an environmental
25 impact statement regarding the facility and is going to

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1 analyze the operation of the facility since it's
2 already been constructed. So as I am saying, this
3 meeting is two parts.

4 Brief presentations, and then after that it's
5 going to be the comment period, and that is the purpose
6 of this meeting. It's for review of the public to be
7 able to come up and comment and help tell us what you
8 want to see analyzed in the environmental impact
9 statement.

10 Most useful to us is what you really want to
11 see us addressing. What is the issues and concerns,
12 what are the other alternatives that you would like to
13 see addressed in the environmental impact statement. I
14 think with that, I am going to go ahead and sit down
15 and let Nathan Schwade speak.

16 MS. COVINGTON: Are there any
17 points of clarification or questions for Lisa Cummings?
18 Great. Now Nathan Schwade.

19 DR. SCHWADE: Thank you very much.
20 It's a pleasure to be here representing the laboratory
21 on behalf of this particular project, and I thank you
22 all for coming and your interest.

23 I am going to make a few brief comments, and
24 I want to be available to answer any specific questions
25 that you have on clarifying statements. The mission of

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1 this BSL-3 laboratory is to help us work in the
2 intersection of public health and really biodefense.

3 As we know, times have changed and we have
4 quite a few people who do consider using agents that
5 had been in the population for a long period of time as
6 normal infectious diseases to do harm.

7 The laboratory has a long history in
8 biological research. This started with the radiation
9 biology research. That was in the times when they
10 initially started doing the atomic bomb research. That
11 has blossomed, as you may know, when the human genome
12 project was started at Los Alamos. That was a project
13 to catalogue the entire human genome. The DOE decided
14 that the national labs would be a good resource for
15 doing that particular project because it was a high
16 multi disciplinary problem.

17 That work was shared with the National
18 Institutes of Health later on in time, and the
19 laboratory has continued on different kinds of studies
20 of microbial material such as again, or at this
21 particular intersection of what we consider biodefense
22 and human health, we partner strongly with NIH and the
23 agencies that are interested in funding that kind of
24 research. So the point I am trying to make, this is
25 not a new area of research. It's a natural extension

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1 of work that has been going on at Los Alamos for quite
2 a while.

3 Well, what is a biological safety 3
4 laboratory. A biological safety 3 laboratory is well
5 defined in what we call the BMBL and Biomedical
6 Laboratories Manual. It is an industry standard that
7 is published by the NIVA CDC, and it defines what can
8 and can be done at each level of 1 through 4.

9 There is also -- So this is a public document
10 and there is a handout that has been provided for you
11 that has a link to it. Generally speaking, though, in
12 a safety level 3 facility it's a barrier facility. The
13 idea is that work that can be done in the facility will
14 protect the worker, which is the immediate risks, and
15 eventually also protect the, you know, involved the
16 public and the environment so I think about this in
17 terms of analogy is simple and various that prevent us
18 from having injury.

19 So in the case of BSL-3 that we have here,
20 aerosolization, in other words getting the material
21 airborne. I think of like a sneeze getting the
22 material airborne would be an off normal event.
23 Normally inside the laboratory the material would be in
24 a solution or in a petri dish so it wouldn't be in the
25 air but there are various levels of protection that are

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1 in place in the unlikely event that this actually
2 happens. So that is what a BSL-3 facility is.

3 What we plan to do in it again is going to be
4 defined in the BMBL and it's written in plain English,
5 but if you have any specific questions about what we
6 are going to do in the facility I will be happy to
7 answer those right now.

8 MR. FAIRFIELD: My name is Eric
9 Fairfield and I have worked in such facilities for
10 three or four years total. One of my questions is who
11 in the room, or who on the committee has ever worked in
12 such a facility and knows where they go wrong because
13 it turns out to be certain kinds of accidents that are
14 failed? And if I take your analogy of a car, its air
15 bag was disconnected, the seat belt was disconnected,
16 and the person decided to open the door during the
17 accident.

18 Those are the kinds of things that happen in
19 BSL-3 facilities and what gets out is more dangerous
20 than a person getting out of their car. So I wrote
21 when the EA took place, I wrote three pages of text and
22 about four page of Excel spreadsheets laying out what
23 are the accidents based on other places. What is the
24 risk, what is the cost if it happens and how do we
25 guard against it here? And besides that initial

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1 question and then I will quit. Will there be someone
2 who basically, whose job is on the line because if
3 there isn't every facility that I have known about
4 fails because no one is actually responsible.

5 MS. COVINGTON: As I heard you,
6 sir, those were large comments, and so I am just trying
7 to see if my concern is we are getting into a very
8 highly technical area.

9 MR. FAIRFIELD: Who will be fired
10 in one of the actual risks and how are they handled
11 here at a level at least as high as NIH?

12 MS. COVINGTON: Thank you.

13 DR. SCHWADE: I think I can. The
14 line management is ultimately responsible for
15 everything that goes on in the laboratory. So the
16 division leader all the way up to the associate
17 director has accountability for everything that goes on
18 in that laboratory and the disciplinary action that
19 would follow if deemed necessary.

20 What was the second part of the question?

21 MR. FAIRFIELD: These facilities
22 failed. The NIH guidelines are not followed as well
23 and it's been sloppy, so why should we believe it
24 wouldn't be now?

25 DR. SCHWADE: There is stringent

1 oversight over the facility. It's not just what we
2 have in the facility as far as responsibility line
3 management which we do have. In addition to that, we
4 have responsibility from our landlord, the NNSA, we
5 have oversight of the CDC, Centers for Disease Control.
6 We have a license to operate the facility when and if
7 it operates, and that license would be in jeopardy in
8 the event of transgressions against those types of
9 accidents or whatever you have. Then we also have the
10 institution of biosafety committees, so it's not just
11 one single person in the facility.

12 MS. COVINGTON: Does that answer
13 your question, sir?

14 MR. FAIRFIELD: No. All of those
15 lines of authority have existed before but the reason
16 the contract went out for bid is that they weren't
17 followed. And here if they are not followed people
18 die, so I want to know who is responsible.

19 DR. SCHWADE: I think I have
20 answered that question.

21 MR. FAIRFIELD: You said which is
22 why it went out to bid, so I am a little skeptical of
23 the answer.

24 MS. COVINGTON: Fair enough. Any
25 other points of clarification for Nathan Schwade?

1 Points of clarification. Great, thank you very much.

2 Chuck Pergler is next to speak, and he is the
3 project manager from Tetra Tech who is the contractor
4 to provide the environmental impact statement to DOE
5 and NNSA.

6 MR. PERGLER: I heard a scoping
7 comment from the last commenter, and I will just state
8 that in previous documentation Tetra Tech is prepared
9 for a BSL facility, for BSL-3 and BLS-4 facility. I
10 believe you can expect to see the same sort of thing.
11 Additionally, we will be conducting, so you will have
12 another opportunity to respond back to us whether we
13 did our job or not.

14 I have given the presentation at 4:00. I am
15 always leery of saying thank you for coming and
16 appearing here but I am not. NEPA is a public process
17 and the strength of NEPA is its public participation,
18 so each and every time I stand at the podium for caring
19 enough to be here, it truly comes from the heart of
20 NEPA. I am the project manager for this environmental
21 impact statement.

22 I represent Tetra Tech. The National
23 Environmental Policy Act of 1969 has been performing
24 NEPA analysis throughout the nation. Currently we
25 perform over 300 NEPA analyses per year which includes

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1 work with BSL facilities, including two BSL-4
2 facilities of the four that have been proffered in this
3 country in the last four years, so we bring a depth and
4 breadth of experience in NEPA and in BSL.

5 We have no vested interest at all in the
6 outcome of this project. We are to prepare the
7 analysis and NNSA will make the decision. In the
8 preparation of this there are 30 individuals of
9 interdisciplinary scientists and engineers. We do not
10 take part in or recommend what the NNSA decision will
11 be.

12 The formal scoping properties commenced on
13 November 29th with the publication in the Federal
14 Register of the NNSA Notice of Intent to proceed with
15 an EIS as currently scheduled. We are working to have
16 a draft EIS available in the spring of 2006 and
17 followed in late 2006 with a Record of Decision.

18 We value your comments and insights to help
19 NNSA to determine the issues to be addressed. The part
20 of the NEPA process is designed to allow you, the
21 public, to influence EIS content and your comments here
22 today are being recorded by a court reporter and will
23 become part of the formal EIS public scoping record.

24 Additionally, your written comments
25 throughout the formal scoping process are also a part

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1 of the administrative record and partially drive the
2 content of the EIS. It is important to note that all
3 comments and those received verbally are given equal
4 weight and all comments will be considered in the EIS
5 comments.

6 The formal scoping process ends December 29,
7 2005. However, comments received after that time will
8 be considered to the extent practical. This isn't the
9 only time the public will have to comment, and I will
10 speak to that a little bit later in my presentation.

11 Now I would like to provide you with an
12 overview of our EIS staff and speak to you, the public,
13 on how you can most effectively comment thereby
14 influencing the EIS process. There is several facets
15 to preparing the EIS.

16 We are going to rely heavily here on existing
17 envelopes and data analysis documents that are already
18 up there, including the BSL-3 EA that was previously
19 prepared for this project. However, all documents used
20 will undergo an independent review so that we are not
21 blindly accepting previous work. Wherever there is a
22 lack of information or data, we will perform the
23 analysis.

24 The EIS will start off with a description of
25 the purpose and need the NNSA is responding to,

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1 followed by a description of the alternatives and the
2 operational details associated with each alternative
3 including an overview of the treaty, laws, regulations
4 and procedures that the work would be conducted under.

5 The affected environment and environmental
6 consequence sections will be combined so that the
7 environmental consequences section follows immediately
8 after the description of the affected environment.

9 This will provide the reader context and not
10 require slipping back and forth between chapters.

11 I bring this point up because this was a
12 comment received by the public in the past that
13 documents are hard to use when you have to flip back
14 and forth between affected environment and
15 environmental consequences. We heard you.

16 The environmental consequences presentation
17 in the EIS will compare the alternatives to the no
18 action alternative in neutral terms and wherever
19 possible compare the operations with existing standards
20 or quantify the environmental consequences such that
21 the reader may have a scale to compare with.

22 For a generic example of the language that
23 would be used for operations, for operations here would
24 be employment of X number of individuals would be
25 required, the operations would result in X number of

1 gallons generated per month or disturb X number of
2 acres.

3 Currently the NNSA has identified three
4 alternatives to be included in the EIS but no action
5 alternative which currently is defined as use the
6 existing facility as an office or a library or perhaps
7 other laboratory use not associated with BSL
8 activities.

9 The preferred alternative as identified by
10 the NNSA is to operate the facility at the BSL-3
11 level. An alternative to the proposed action is to
12 operate at the BSL-2 level, a level that doesn't quite
13 present as many challenges but nevertheless operates
14 with biosafety organisms of concern.

15 It is important to realize that the
16 construction of the facility has already been covered
17 under a previous EA and finding of no significant
18 impact. This condition limits alternatives such as
19 don't build the facility or build it somewhere else.

20 The question to be addressed is exactly what
21 kind of operations, if any, should be conducted within
22 the existing facility.

23 Now for the scoping process and how to
24 effectively comment. The question put forth by NNSA is
25 what kind of operations would be conducted in the BSL-3

1 facility. The most effective comments will explicitly
2 identify other reasonable alternatives or modifications
3 of the existing alternatives that address operation of
4 the BSL-3 facility and reach into the heart of issues
5 you have interest in.

6 For example, a comment such as, Don't operate
7 the facility, would be too general to provide us, the
8 analysts, the necessary guidance to address your
9 issue. If restated to, I am concerned about the
10 operation of the facility on air quality affecting our
11 health so I don't believe the facility should operate,
12 provides us with the necessary information to address
13 your specific issue, air quality and human health.

14 You will have another opportunity to comment
15 after the draft is issued. That in effect becomes our
16 score card. You grade us. How well did we respond to
17 your issues and concerns.

18 This will be accomplished by submission of
19 your written comments and/or participating in the
20 formal comment response meetings on the draft EIS.

21 In closing and prior to listening to your
22 comments, I would like to point out additional
23 information regarding the NEPA process and comment
24 response forms are located in the sign-in table as you
25 come in the room. Additionally, we have a call in line

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1 where you can request further clarification or ask
2 questions regarding the NEPA process. That information
3 is also contained on the fact sheets. Again, I would
4 like to thank you all for coming and I look forward to
5 listening to your comments.

6 MS. COVINGTON: Are there any
7 questions of clarification? Sure, please, and do
8 identify yourself again for the court reporter. Thank
9 you.

10 MR. FAIRFIELD: I am still Eric
11 Fairfield. I hope you guys do a really good job on the
12 report. In the past if you have given a report that
13 says either the building is inadequate or the personnel
14 are not trained well enough to use it at BSL-3, does
15 anybody listen? Does the report just get treated as a
16 report or does it actually change the direction of what
17 people are doing?

18 MR. PERGLER: It does change the
19 direction. One of the frustrations as a 20 plus year
20 NEPA practitioner is the public often doesn't see all
21 the angst, research, discussions, arguments that go on
22 behind the scenes during the NEPA process.

23 It is a very profound process that isn't
24 necessarily transparent to you when you see the draft
25 EIS, but I can assure you it isn't just a document put

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1 out there meant to go on the shelf. It's already gone
2 through tremendous vetting.

3 And what is important here is, again, the
4 opportunity that you all will have to comment on the
5 meat of the proposal which you don't have now because
6 it hasn't been fleshed out. We haven't looked at the
7 consequences, but we will have. By the time the draft
8 is out there and we present it to you, again, I am
9 going to use the term you are going to give us back a
10 report card and NNSA is going to listen to that.

11 MS. COVINGTON: Yes, Eric.

12 MR. FAIRFIELD: I actually have
13 another one that Chuck asked me to ask, so I will.

14 When friends and I went through sort of an
15 informal analysis of this facility and asked where
16 could things go wrong, there are stuff like heating and
17 air conditioning, but we asked where are places you
18 might not think about.

19 And the four facilities that aren't quite
20 BSL-3 but are BSL-2 what happens is that it's graduate
21 students at four in the morning who aren't paying
22 attention or it's faculty members who weren't trained
23 or technical staff who weren't trained, but here there
24 seem to be more concerns, one of which is if an agent,
25 if some organism gets out into the electrical

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1 maintenance closet, will the janitor know or can they
2 take it home. And the other one, which is a much
3 longer discussion is, if bad guys actually tried to
4 breach the facility how do you protect against that?

5 MR. PERGLER: Two things. I cannot
6 comment to the operation of the facilities because we
7 don't know how it's going to be, but what I will state
8 is we are going to look at the guidelines that are out
9 there. BMBL gives guidelines that Dr. Schwade has
10 already addressed. There are other guidelines out
11 there as well.

12 We don't, the operation of the facility is
13 both governed by a national standard and an
14 institutional standard. We are going to define those
15 to you in the draft EIS so that you can get a handle on
16 whether or not you believe the process is rigorous or
17 not.

18 I want to point out one of the members of our
19 team, Dr. Carl Johnson. He has been a member of the
20 design and operational review teams for Rocky Mountain
21 Laboratories and the University of Texas at Galveston,
22 so he is familiar with this, but more importantly Dr.
23 Johnson is an old time guy in this field. He is one of
24 the discoverers of Marburg, he has worked South
25 America, he has come down with these sorts of diseases

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1 that are caused by organisms that will not be worked at
2 a BSL level 3, but what I am trying to say here is that
3 people who have contracted the disease have a vested
4 interest because they know what that means to friend,
5 family and the individual.

6 So our team has been very carefully picked
7 and we have worked together before. And, again, I am
8 going to go back to my statement.

9 We don't a vested interest in the outcome of
10 this. Where we have a vested interest is doing the
11 best service we can for the NNSA to give an independent
12 review of design and operations. Now, the building has
13 already been built, but we are just going to take
14 another look see because we are not going to accept
15 anything because somebody told us to. It's not our
16 point.

17 MS. COVINGTON: So is it safe to
18 say, Chuck, as you have said in the earlier session to
19 someone who had a more technical question, we are going
20 to receive that also as a formal comment of issues to
21 address?

22 MR. PERGLER: It's absolutely a
23 formal scoping comment, absolutely. And I am just
24 trying to respond back to you with the process that we
25 go through and who exactly our team is comprised of

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1 too.

2 Your second part of the question regarding
3 risk. I am not exactly sure how we are going to
4 address that right now, whether -- There is tremendous
5 information out there regarding the protection of
6 valuable assets - LANL. One of the things that we are
7 still enmeshed in is exactly what is the strategy of
8 the EIS. Your comment and why I actually asked you to
9 give it at the podium so it goes on record as your
10 interest is in threat and sabotage. How are we going
11 to address that? I can't tell you but we will address
12 it.

13 MS. COVINGTON: Yes, sir.

14 MR. PORTERFIELD: Donovan
15 Porterfield. You mentioned three alternatives. Are
16 those the only three you look at or are you going to
17 consider others as a result of the scoping?

18 MR. PERGLER: We absolutely will
19 consider any reasonable alternative offered by you, the
20 public, to us during the scoping process. That is
21 really, again, if I may use NEPA language, the heart of
22 NEPA is the identification of alternatives to the
23 proposed action.

24 We have done our best job of identifying
25 those alternatives. We are not perfect, we don't know

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1 everything, so that is why your thoughts and your
2 comments will drive again the content of the EIS.

3 MS. COVINGTON: Any other points of
4 clarification, questions? Great. Any of the other
5 speakers now before we go on to the formal comment
6 period? Great. Then I would like to just repeat.
7 Thank you very much, Chuck.

8 Now, we are ready for your comments, and is
9 there anyone here who is wanting to do formal
10 comments.

11 So we ask you to come to the microphone and
12 state your thoughts about the operation of the
13 facility. Given that we have a limited number of
14 comments, we will not put the timer on. I just simply
15 ask since my job is to ensure the diversity of
16 comments, should someone walk through the door and want
17 to make a comment, we will make an adjustment so that
18 that can be accommodated. And again, if there are any
19 other comments that want to be made, there is the
20 handout on the welcoming table that describes the ways
21 you may continue to comment, so who's first in line?

22 MR. FAIRFIELD: Eric Fairfield.
23 Some of the comments are, I put in formal comments for
24 the EA. Anybody can have them if they want. There
25 were about two or three pages of text and about four

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1 pages of Excel spreadsheets, and hidden behind them
2 were 50 pages of informal analysis or at least not a
3 pretty analysis. Anybody can have that who needs it.

4 Part of my background is having worked in
5 these facilities and having seen where they work and
6 where they don't.

7 To me we need such a facility here for
8 national security reasons, for the help of biology. We
9 need to do it well. The facilities that I have worked
10 in that worked well, there were simple rules. Here are
11 the regulations. If you don't follow them you can't
12 work in the facility. If you don't know them you can't
13 work in the facility. If you violate them you are no
14 longer working in the facility, and those were taken
15 very seriously and the facilities didn't have an
16 accident, so I would like that to happen here.

17 MS. COVINGTON: Thank you. And
18 just as a note to the degree that you are able to and
19 interested in signing in, they will have contact
20 information to each you, is that correct?

21 MR. PERGLER: That's correct.

22 MS. COVINGTON: Any other comments
23 to be included in the EIS? With that I would like to
24 close the formal session and thank everyone for coming
25 and offer informal conversation. We will all be here

1 until 8 o'clock to answer. They will be here to answer
2 questions further or have further discussion. Chuck.
3 Go ahead.

4 MR. PERGLER: Just one comment.
5 Greg Mello, of the Los Alamos Study Group, has already
6 given me a document that I wasn't aware of and I
7 appreciate it, and I assured him we will consider it
8 through the process.

9 I make the same offer to you even though your
10 comments were part of the administrative record for the
11 EA, if you would like to submit them to NNSA for
12 transmission to Tetra Tech, I would be most
13 appreciative. That way I make sure our team can look
14 at them and address them.

15 MS. COVINGTON: With that, thank
16 you for joining us this evening. Thank you very much.
17 Good night.

18 MR. PERGLER: I need to make a
19 point of clarification. The solicitation of the formal
20 comments at the mike. All conversation with technical
21 staff and NNSA isn't being recorded, but should anyone
22 come in and want to make a formal comment we are
23 prepared to accept those until 8:00 either at the mike
24 or sitting down with the court reporter. All staff and
25 NNSA will remain here until 8:00 to answer any

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1 questions that the public may have. Thank you.

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3 (Los Alamos meeting adjourned at 8:00 p.m.)

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REPORTER'S CERTIFICATE

I, BETTY J. LANPHERE, RPR-CP-CSR, a Court Reporter and Notary Public, with offices in Santa Fe, New Mexico, DO HEREBY CERTIFY that the foregoing transcript is a complete and accurate record of said proceedings as the same were recorded by me stenographically and were reduced through computer-aided transcription to print by me or under my supervision.

DATED at Santa Fe, New Mexico, this 13th day of December, 2005.

Court Reporter