

Mr. John Tegtmeier, CMRR-NF SEIS Document Manager
Department of Energy - Los Alamos Site Office
3747 West Jemez Road
Los Alamos, NM 87544

Re: Public Scoping Comments – Chemistry & Metallurgy Research Replacement (CMRR) Project as Part of the Plutonium Complex at Los Alamos National Laboratory (LANL)
Need for a New Environmental Impact Statement

Dear Mr. Tegtmeier:

I am writing to provide you with my scoping comments about the CMRR Project, which includes the Nuclear Facility (NF), the proposed addition to LANL's nuclear weapons production complex. The alternatives proposed in the 2003 final CMRR environmental impact statement (EIS) are no longer applicable today. It's time to start over and re-examine the purpose and need for the Project by preparing a new EIS. Further, it is premature to begin the scoping process when Secretary Chu has asked for an independent expert committee to review the need for the CMRR-NF.

The Costs of Trying to Build a Plutonium Pit Production Complex in a Geologically Unstable Area Are Just Too High - The total original estimate for the CMRR Project, including the recently completed \$363 million Radiological Laboratory Utility and Office Building (RLUOB), was around \$600 million in 2004. The current estimate is \$4.5 billion. The estimate, no doubt, will continue to climb.

LANL is located between a rift valley (the Rio Grande in that area) and a volcanic range (the Jemez Mountains) in a seismic fault zone (the Pajarito Plateau). An updated seismic hazards analysis was published in May 2007. It showed a potential huge increase in seismic ground motion and activity. In all likelihood, most of the over \$3 billion in cost estimate increases since 2008 are due to efforts to address the increased seismic hazards. DOE must analyze whether \$3 billion is too high a premium to pay for a new NF. In order to address these increased seismic hazards, DOE now plans to excavate 225,000 cubic yards of earth under the proposed NF and fill the hole with concrete. DOE must address the following questions: Is the surrounding geology robust enough to support all that concrete? Would a seismic event cause the concrete "slab" to sink or shift?

Cleanup of the Existing Mess Must Be the Priority – Not a New Nuclear Facility - DOE made a commitment to clean up the legacy waste sites at LANL when it signed the Consent Order with the New Mexico Environment Department on March 1, 2005. The Order requires cleanup of certain sites by December 31, 2015, including the Area G dump site at Technical Area 54. Construction activities for a new NF will interfere with

cleanup activities, including those at the nearby Material Disposal Area C. DOE must make compliance with the Order the priority – not a new NF.

New Alternatives Are Required – DOE must return to the drawing board in order to develop more alternatives, including not building the NF; stop operations at the old, dangerous CMR Building; and conduct a “capacity study” to determine whether the existing facilities – as they have since 1999 when DOE limited plutonium pit manufacturing to 20 per year - can be used instead of building the proposed NF. All analyses of alternatives must incorporate the new 200,000 square foot RLUOB in the review. Operations for the RLUOB are scheduled to begin in less than two years.

Requisite Analyses for the New Environment Impact Statement:

- 1. Environmental Justice – Both Economic and Ethnicity Analyses Must Be Done** - Los Alamos County is one of the richest counties in the U.S.A. It is surrounded by some of the poorest and most ethnically diverse counties in the country. Therefore, shipping any type of waste to anywhere else is an inherent environmental justice issue. Such analyses must be completed in the new draft EIS.
- 2. Health Effects for Those Most at Risk** - Many federal standards for protection of human health, such as limits on emissions from the proposed CMRR-NF industrial stacks, are based on "Reference Man," a hypothetical Caucasian male 20 to 30 years old weighing 154 pounds. All analyses must address the risk to a pregnant woman farmer, her fetus, and her other children under age 18, rather than Reference Man. As a matter of reproductive and environmental justice, the most potentially vulnerable human beings must be protected. Such analyses must be completed in the new draft EIS.
- 3. Waste Disposal - To Use DOE Terminology: What is the “Path Forward?”** - Given the anticipated lack of disposal facilities for low-level radioactive, toxic, and hazardous waste at LANL, DOE must detail where its legacy and newly generated waste will be disposed and how it will be transported to off-site facilities. DOE must detail the proposed transportation modes and routes and the impacts to the communities along the routes and those surrounding the dumps. What emergency preparedness capabilities exist along the proposed routes?
- 4. Water Usage in the Face of Stricter Limits Asked By DOE** – DOE estimated in the 2003 Final CMRR EIS that waste generation may double and the annual water consumption may increase by 10.4 million gallons. Why should a Leadership in Energy and Environmental Design (LEED) certified building generate any waste, emit contaminants into the air, or discharge contaminated water into the canyons? DOE must explain these contradictions in the new draft EIS.

5. Climate Change Impacts Required – “Just-Do-It” - On February 18, 2010, the Council on Environmental Quality (CEQ) released draft guidance for public comment about how “Federal agencies can improve their consideration of the effects of greenhouse gas GHG emissions and climate change in their evaluation of proposals for Federal actions under the NEPA.” While the guidance is being finalized, the CEQ recommends “just-doing-it.” DOE must conduct such analyses in the new draft EIS.

6. Methods for Decontamination, Decommissioning and Demolition (DD&D) of the Existing CMR Building and the Proposed New NF - The 2004 Record of Decision (ROD) for the CMRR Project stated the existing CMR building would be DD&D in its entirety. However, the actual implementation of these decisions is dependent on DOE funding levels and allocations of the DOE budget across competing priorities, including construction of a new NF. The DD&D Work Plan must be part of the new draft EIS in order to ensure that it becomes part of the complete National Environmental Policy Act (NEPA) analyses. Further, the new draft EIS that will analyze the impacts of building a new NF must also examine the impacts of removing it.

Thank you for your consideration of my comments.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Dulle". The signature is written in black ink and is positioned above the typed name.

Jackie Dulle
2116 Calle Tecolote
Santa Fe, NM 87505-5732