WALATOWA

PUEBLO of JEMEZ

October 4, 2010

The Honorable Dr. Steven Chu, Secretary
Department of Energy
1000 Independence Ave SW
Washington, DC 20585

Thomas Paul (Tom) D'Agostino
NNSA Administrator
NA-1/Forrestal Building
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585

Dear Secretary Chu and Administrator D'Agostino:

I am writing to express my concern about environmental impacts, and the lack of analysis and public discussion of those impacts, from the proposed Chemistry and Metallurgy Research Replacement (CMRR) Nuclear Facility at Los Alamos National Laboratory (LANL).

The multi-billion dollar CMRR project appears to have quietly grown through recent years to the point that local officials and Pueblo leaders like me are almost completely in the dark about it. This proposed semi-underground facility for storing, handling, and processing plutonium would have a big impact on our region – and it has no applicable Environmental Impact Statement (EIS).

The National Environmental Policy Act (NEPA) requires that Indian tribes be offered notice, review, and comment opportunities regarding this facility. The facility described to the tribes in 2003 is not the same facility being proposed today.

If built, this facility would be the most expensive project ever built in New Mexico by far, except for the interstate highways. Its primary purpose is to increase production capacity for new plutonium warhead cores ("pits").

In 2003 NNSA wrote an EIS outlining plans for a much smaller and quite different facility. That earlier EIS described a facility that would cost only one-tenth as much as today's, use one-fiftieth as much concrete, take one-fourth the time to build and be ready a decade sooner, as well as entail far fewer environmental impacts across the region. Then NNSA changed the project dramatically without telling anyone, and without any analysis of alternatives to the new aggrandized project, its design, or its proposed construction methods.

The project now includes:

- A new planned excavated depth of 125 feet and replacement of a 50 foot layer of volcanic ash beneath the proposed building with 225,000 cubic yards of concrete and/or grout, vs. an original depth of at most 50 feet;

- Vastly larger quantities of structural steel (now more than 15,000 tons) and concrete (now 347,000 cubic yards);

- Greatly increased acreage to be affected, now involving many LANL technical areas;

- Greatly increased climate-altering greenhouse gas emissions, including more than 100,000 tons of carbon dioxide from concrete production alone;

- Anywhere from 20,000 to 110,000 heavy truck trips just for concrete ingredients and disposal;

- A decade-long construction schedule;

- Multiple new project elements including a warehouse, electrical substation, temporary worker housing, worksite shelter(s), traffic modifications, road relocation or closure, truck inspection facility, temporary facilities for displaced workers; and possibly temporary housing;

- Various "connected actions" – at least eight other major nearby construction projects with cumulative impacts;

- A variety of unknown road and traffic modifications, including closure of Pajarito Road for two years; and

- Generation of up to 400,000 cubic yards of excavation spoils, which are to be dumped on existing nuclear waste sites (material disposal areas "C" and "G") in lieu of removing the shallow-buried waste.

At the end of this facility's useful life it would be contaminated, and would very likely be closed in place as a permanent hazard, being too large to break up,

transport, and dispose of elsewhere. Over its life this building is expected to generate millions of pounds of radioactive and hazardous chemical wastes.

Many circumstances surrounding this project have changed since it was proposed. It may not even be needed. It may not be worth the cost. Quicker, safer, and cheaper alternatives may exist. I understand that there isn't even a preliminary design or projected cost at present. It seems premature to proceed without these. This is a good time to thoroughly and publicly check for better alternatives which may have become available during the long period when the cost and impacts of this one have grown so much.

We are very concerned that the Valles Caldera not be adversely impacted by LANL activities, including the proposed CMRR. Because the Valles Caldera which is an integral part of Jemez Pueblo's traditional use and aboriginal Indian title area, lies immediately adjacent to LANL to the west and southwest. Radionuclide contamination of the air, water and soil in the Valles Caldera affects our Pueblo directly because our all-important domestic and agricultural water supply originates in the headwaters of the Rio Jemez, in the Valles Caldera. We are particularly concerned that plutonium refining and machining operations that will be conducted in the CMRR will increase fugitive radionuclide emissions from LANL. We have measured radioisotope analytes, Pu-238 / 239 and U-235/236 in the Valles Caldera that exceed their respective mean regional concentrations, as measured by LANL, by a factor of three. I have attached the April 9, 2008 study prepared by our Pueblo Department of Resource Protection titled, "Sampling for Radioisotope Impacts from Los Alamos National Laboratory in the Valles Caldera National Preserve", which reports this data. The probability of increased regional radionuclide contamination from the proposed CMRR is one of many environmental impacts of the greatly enlarged project that have not been analyzed.

We therefore respectfully request that the Department of Energy (DOE) prepare a new EIS for the CMRR Nuclear Facility and its alternatives, pursuant to the National Environmental Policy Act (NEPA) and its implementing regulations. It's important to us that this EIS be preceded by the required scoping process, so that my constituents and I, and other governmental agencies, tribes, and independent technical experts, can fully participate in the development and discussion of project alternatives and scope of analysis. Given the enormous size of the presently proposed project as compared to the project proposed and reviewed in the 2003 EIS, a Supplemental Environmental Impact Statement (SEIS) based upon the 2003 EIS will not be adequate. We believe that full NEPA compliance is required based on the reality that the CMRR as presently proposed is essentially a new project.

An EIS is a pre-decision analysis intended to guide the decision-making process, not a justification for a decision that has already been made. It is critically important to stop obligating funds while this analysis is going on. If DOE doesn't

stop committing and expending irretrievable resources, there is no point in conducting an analysis.

As you are aware, NEPA requires federal agencies to provide notice and comment opportunities to local governments and Indian tribes regarding proposed major federal actions, including enabling them to help analyze alternatives, and including analysis of the direct, indirect, and cumulative impacts upon the human environment. None of this has happened.

I want to help DOE reach a sound decision on the proposed CMRR Nuclear Facility. A new EIS, including scoping and accompanied by halting investment in the project alternative being finalized today without an adequate EIS, is required to facilitate public participation and result in a sound final decision.

Sincerely,

Joshua Madalena

Joshua Madalena, Governor
Jemez Pueblo

c: Larry Echohawk, Asst. Secretary for Indian Affairs, Dept. of Interior
Pueblo of Acoma – Governor Chandler Sanchez
Pueblo of Cochiti – Governor Vernon M. Garcia
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Pueblo of Santo Domingo Tony Tortalita
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