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Ron Curry
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March 27, 2008

Mr. Theodore Wyka
Complex Transformation SPEIS Document Manager,
Office of Transformation, NA-10.1
U.S. Department of Energy/NNSA
1000 Independence Avenue, SW
Washington, D.C. 20585

**RE: NEW MEXICO ENVIRONMENT DEPARTMENT COMMENTS ON DRAFT COMPLEX TRANSFORMATION
SUPPLEMENTAL PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**

Dear Mr. Wyka:

The New Mexico Environment Department (**NMED**) submits the following comments on the Draft Complex Transformation Supplemental Programmatic Environmental Impact Statement (Complex Transformation SPEIS, DOE/EIS-0236-S4). NMED understands that this SPEIS analyzes the potential environmental impacts of numerous alternatives to “continue transformation of the nuclear weapons complex to be smaller, and more responsive, efficient, and secure in order to meet national security requirements.” (Abstract, Cover Sheet to SPEIS Summary, December 2007).

While these goals may be laudable in general terms, it is in the details to the plans for Los Alamos National Laboratory (**LANL**) that NMED objects. Currently, LANL maintains production capabilities for limited quantities of plutonium components (i.e., pits) for delivery to the stockpile. The SPEIS states that one of the perceived needs for action is to provide adequate production capacity for a presumed smaller stockpile, and assumes the need to develop a manufacturing capacity to produce anywhere from 50 to 125 new weapons annually (Summary, Section S.2.3). NMED supports the No Action Alternative with respect to pit production at LANL.

Otherwise, NMED supports any alternative that consolidates the complex (including LANL) to be more efficient, and to generate less hazardous and radioactive waste. However, any cost savings realized through this consolidation must be used to fully fund LANL’s cleanup obligations to the State.

At a time when the federal government is coming up short on needed cleanup funding at LANL and other Department of Energy (**DOE**) sites, DOE should not even consider increased pit production. DOE has a long history in New Mexico of paying lip service to cleanup, manifested in budget shortfalls in environmental management year after year. This is precisely why NMED put a state-enforceable fence-to-fence cleanup order in place in 2005. DOE and its contractor signed this Order, signifying their pledge to all New Mexicans that they are finally serious about cleanup.

Unfortunately, in the three years since the parties entered into this historic Order, the DOE and the Laboratory have missed several milestones and failed to substantially comply with the technical requirements on several others. NMED recognizes that insufficient budget is an important factor in driving further noncompliance. It is, however, by no means the only factor, as disagreements over technical approach, inadequate project oversight, management breakdowns, and mistakes in execution have emerged as other important factors. To the extent budget shortfalls have been the cause, the solution is simple: increase funding. The milestones in the Order were carefully selected, balancing protection of human health and the environment – NMED's primary interest – with the budget limitations of conducting the needed work at a site with the Laboratory's complexity and scope – DOE and the Laboratory's primary interest. Renegotiating the milestones undermines the interests of New Mexicans who put environmental protection first.

Each year New Mexicans see the overall LANL budget increase; each year the cleanup budget falls further and further short of what is needed to conduct the work. Before it looks at new missions or expanding existing missions, the federal government must meet and fund its cleanup commitments to the people of New Mexico. It is unconscionable that the DOE and its contractors at LANL are even considering funding additional pit production while at the same time refusing to put the required funding towards cleanup. They cannot expect the citizens of New Mexico to continue to potentially be exposed to new pollution when their 60 year legacy of contamination remains unaddressed.

NMED, and the State of New Mexico, are gravely concerned that increased pit production at LANL will only further divert needed funding and management attention from these crucial cleanup activities. For this reason, we strongly oppose any increases in pit production capability, or any expansion of LANL's mission in general. Addressing and correcting LANL's legacy of pollution should be job number one for the lab. It is the lab's legal and moral responsibility to implement the historic 2005 fence-to-fence clean up order.

Sincerely,

Ron Curry
Cabinet Secretary