

PRESS RELEASE
March 4, 2011

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21 NON-GOVERNMENTAL ORGANIZATIONS OPPOSE THE RELEASE OF THE BIOLOGICAL SAFETY LEVEL-3 ENVIRONMENTAL IMPACT STATEMENT WITHOUT NEW SCOPING

New Mexicans Slammed by Three Concurrent DOE NEPA Processes and One NMED Facility-wide Air Permit for LANL

Twenty-one non-governmental organizations (NGOs) from New Mexico and around the country wrote to the Department of Energy (DOE) Secretary Steven Chu opposing the release of the Biological Safety Level-3 environmental impact statement (EIS) without new scoping because it does not comply with National Environmental Policy Act (NEPA) requirements. The facility is located at the Los Alamos National Laboratory (LANL). The initial scoping period ended in January 2006.

The Environmental Protection Agency (EPA) recognizes that “The public has an important role in the NEPA process, **particularly during scoping**, in providing input on what issues should be addressed in an EIS and in commenting on the findings in an agency's NEPA documents.” EPA’s *Frequently Asked Questions*, emphasis added.

The signatory organizations argue that the public has been deprived of its right to play that important role. They wrote, “significant changes have occurred at the LANL and elsewhere” since 2006. They cite the change in LANL management, the 2007 Updated Probabilistic Seismic Hazards Analysis which projected greatly increased seismic risks at LANL, and “two relevant and troubling incidents” which occurred at the Lawrence Livermore National Laboratory (LLNL) involving unauthorized experiments with biological materials and sloppy packaging and transport of anthrax samples, resulting in a \$450,000 fine against the former LLNL and LANL manager, the University of California.

Further, the Government Accountability Office (GAO) released a report entitled, “High-Containment Laboratories – National Strategy for Oversight is Needed.” < <http://www.gao.gov/new.items/d09574.pdf> > Following the release of the report, both Houses of Congress held hearings where expert testimony warned Members of the proliferation of high-containment laboratories working with dangerous biological pathogens, failures to comply with regulatory requirements, and “safety measures that were not commensurate with the level of risk to public health.” The NGOs wrote, “the

deliberate or accidental release of biological agents can have disastrous consequences by exposing workers and the public to dangerous pathogens.”

These changed circumstances require DOE to “re-scope” the EIS and to include possible new alternatives. The NGOs suggest that DOE operate the existing facility as a BSL-1 or BSL-2 and “send LANL researchers offsite to BSL-3 laboratories not located at nuclear weapons facilities.”

At the same time, DOE is concurrently releasing three sets of lengthy NEPA documents for bringing more waste to New Mexico [Greater-than Class C draft EIS – alternatives include shipping the waste to Area G at LANL, the Waste Isolation Pilot Plant (WIPP), or other sites around the country]; for constructing a “Nuclear Facility” as part of the Chemistry and Metallurgy Research Replacement (CMRR) Project to expand plutonium pit production capability; and for upgrading a biological safety laboratory for working on dangerous live biological agents, such as anthrax and Q fever.

Additionally, CCNS has recently learned that LANL submitted an application for its facility-wide air emissions to the New Mexico Environment Department. The Department plans to release the draft five-year permit for public review and comment in the next few weeks.

Jay Coghlan, of Nuclear Watch New Mexico, said, “These three environmental impact statements have real consequences for New Mexicans. They are the visible symbols of the Department of Energy targeting our state for expanded nuclear weapons and biological programs and radioactive waste dumping. It’s crucial that New Mexicans be allowed to play a well-informed role in all three processes, which means not all at the same time. DOE should do the right thing and re-scope the biolab EIS and issue its draft well after the others. After all, DOE waited five years after the first round of scoping ended, but springs it on us now.”

Joni Arends, of CCNS, said, “In 2008, two environmental impact statements for expanded operations at DOE sites in New Mexico were released concurrently for public comment. NGOs and community members were overwhelmed by the amount of work required to provide informed public comments. It is important for people to contact their representatives and tell them that poor planning on DOE’s part should not place extra burdens on New Mexicans. Also they should ask their representatives to tell DOE that each environmental impact statement process should be complete in itself without overlapping another one.”

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The February 25, 2011 letter signed by 21 organizations can be viewed at http://www.nukewatch.org/facts/nwd/LANL_BSL-3_EIS_Re-Scoping.pdf