



Nuclear Watch New Mexico Comments on the Divine Strake Draft Revised Environmental Assessment

NNSA/NSO
Divine Strake EA Comments
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To whom it may concern,

Nuclear Watch of New Mexico is an interested party in the proposed Divine Strake Test. The nuclear weapons design labs in New Mexico, the Los Alamos and Sandia National Laboratories (LANL & SNL), have played a key role in the overall program that Divine Strake and DTRA personnel are part of.

LANL's Earth and Environmental Science Division's "Nuclear Weapons Effects" program obtained DTRA funding for a project with Sandia and Livermore. The project's purpose was to perfect computer code predictions of the destruction done to buried targets by nuclear weapons and estimate the associated collateral damage. This modeling was calibrated by small-scale lab tests and 3,000-pound Ammonium Nitrate/Fuel Oil (ANFO) blasts in an Indiana limestone quarry in 2004 and 2005. The much bigger and therefore more realistic Divine Strake Test is meant to further refine these warfighting codes.

Are these codes being developed to plan an attack on underground facilities in Iran?

Sandia has been involved in earth-penetrating weapon research for over 20 years. The Lockheed Martin (Sandia's manager) subsidiary, Sandia Corporation, owns a U. S. patent for an improved earth penetrating bomb case with "optional payload." Sandia designed and tested the earth-penetrating nose cone and bomb case for the B61-11 modification (the original B61 is a LANL design to begin with). Sandia is currently conducting cable-pulled "drop tests," probably to enhance penetrating capabilities. According to Sen. Domenici, the FY2007 defense appropriations bill included "...\$1.95 million for work at Sandia National Laboratories on a non-nuclear, earth-penetrating bomb." But improved earth-penetrating technologies can be used for both nuclear and nonnuclear payloads. Considering that the B61-11 modification was done "in the field," the possibility of swapping bomb cases and payloads is a reasonable option as an improved nose cone and case is developed.

DTRA's 2006 budget request included funding for a "demonstration using high explosives to simulate a low yield nuclear weapon... and develop a planning tool that will improve the warfighter's confidence in selecting the smallest nuclear yield necessary..."

Are the nuclear yield and penetrating capabilities of the B61-11, or a completely new type of nuclear weapon, to be fine-tuned based on data collected from the Divine Strake Test? Is this an end run around Congressional oversight regarding mini-nukes and earth-penetrators?

Also of concern to Nuclear Watch of New Mexico is that there is a self-serving relationship between the governmental agencies and contractors. In this situation there exists a revolving door for senior managers between the Labs and DTRA. LANL's controversial ex-director Pete Nanos is currently employed at DTRA, while still drawing \$235,000 a year from the Lab. Senior LANL nuclear weapons scientist Steve Younger was formerly the Director of DTRA. Mr. Tegnalia, a former senior manager at Sandia, is now head of DTRA.

Based on the fact that there has already been significant public controversy surrounding the proposed Divine Strake Test, Nuclear Watch strongly argues that DTRA should prepare an Environmental Impact Study (EIS) for the test.

As stated in DoD Directive 6050.1 (30 July 1979) Environmental Effects in the United States of Environmental Actions, "This directive implements the Council on Environmental Quality (CEQ) regulations (40 CFR Sections 1500-1508) implementing Section 102(2) of the National Environmental Policy Act (NEPA), and provides policy and procedures to enable DOD officials to take into account environmental considerations when considering the authorization or approval of major DOD components to integrate the NEPA process during the initial planning stages of proposed DOD actions to ensure that planning and decisions reflect environmental values, and to preclude potential conflicts."

An EIS, the most detailed and comprehensive environmental analysis specified under NEPA, is required if the EA process does not yield a Finding of No Significant Impact.

According to Section 1508.27, the term "significant" as used in NEPA considers both context and intensity.¹

a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.

b) Intensity. This refers to the severity of impact... The following should be considered in evaluating intensity:

2. The degree to which the proposed action affects public health or safety...

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial...

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Regarding "1508.27 a" above we maintain that there can be no Finding of No Significant Impact from a lesser "environmental assessment" because the Divine Strake Test has not been evaluated in the context of society as a whole. An EIS is required.

Concerning "1508.27 b-2," we maintain that there can be no Finding of No Significant Impact because the proposed action is publicly perceived as potentially affecting public health and safety of citizens living downwind of the Test Site. Within this population there is a great deal of mistrust of the government's assurances that the test will be harmless because there is a significant history of governmental deceit in the matter. Public trust is a resource that has been damaged by historic disinformation. An accurate and far more thorough EIS is required to gain the public's trust that the Divine Strake Test will not affect their health.

¹ 43 FR 55992, Nov. 29, 1978, Sec. 1508.27

Regarding “1508.27 b-3,” we maintain that an EIS is required that includes consultation, in particular, with the Western Shoshone Nation regarding all the effects of the Divine Strake Test, direct, indirect and cumulative on the human environment and cultural resources. Of concern is whether culturally biased criteria are being used to determine the value of resources and this should be addressed in an EIS².

Regarding “1508.27 b-4,” We maintain that there can be no Finding of No Significant Impact because there has already been significant controversy as described in the press, in Congress and in the State governments of Nevada, Utah, Idaho, Indiana and New Mexico. Even the United Nations Committee for the Elimination of Racial Discrimination has weighed-in directing the U. S. to “cease,” “freeze” and “stop” it’s activities on Western Shoshone Land at the Nevada Test Site. An EIS is required to address this controversy and allow for the opportunity for interested parties to participate in the scoping process to determine significant issues to be analyzed in depth in the Environmental Impact Statement.

By the terms of the Non-proliferation Treaty the U. S. and other Nuclear Weapons States are obliged to draw down their nuclear arsenals. Regarding “1508.27 b-4” above, we ask what message does the U. S. send by the cumulative effect of increasing the nuclear warfighter’s confidence through tests like Divine Strake when added to proposals for new weapons designs such as the so-called Reliable Replacement Warhead and the responsive infrastructure offered by “Complex 2030”? It is reasonable to see each as a step that confirms that U.S. war planners continue to pursue the possible use of nuclear weapons in future wars. As in the case of North Korea and perhaps Iran, a global arms race may be renewed as more countries seek nuclear weapons, in some cases because of their perceived need to deter the U.S., in other cases because worrisome neighbors are acquiring them. The Divine Strake Test could make nuclear weapons seem somehow more “usable” in the minds of U.S. military planners and therefore more likely to be used. What would be the impact on the human environment of the use of nuclear weapons?

If there can be no Finding of No Significant Impact, then DTRA must prepare an EIS thereby inviting participation in the scoping process as provided for in Sec. 1501.7: which states:

- (a) As part of the scoping process the lead agency shall:
Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds)...

Only through the full NEPA environmental impact statement process is there a chance that most affected state agencies, tribes and interested citizens can express and resolve their concerns and gain some confidence in the findings.

Respectfully submitted,
John Witham
Nuclear Watch New Mexico

² (Source: 43 FR 55992, Nov. 29, 1978 PART 1508—Terminology)

Sec. 1508.8 Effects. “‘Effects’ and ‘impacts’ as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative...”

Sec. 1508.14 Human Environment. “‘Human environment’ shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment... When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.”