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Via email to: complex2030@nnsa.doe.gov

Dear Mr. Wyka:

Please accept herewith our comments on the proposed scope of a *Supplement to the Stockpile Stewardship and Management Programmatic Environmental Impact Statement—Complex 2030* (“Complex 2030 SPEIS”) as announced in the Federal Register [Vol. 71, No. 202, Thursday, October 19, 2006 at 61731-61736].

We begin with a small matter, but it suggests the existence of possibly larger conceptual and legal problems. We note that the *Federal Register* notice refers to the proposed supplemental NEPA analysis as a “Supplemental EIS,” but the character and scope of both the underlying 1996 document and this proposed supplement are undeniably and broadly “programmatic” in nature. Hence we believe the correct designation for the new document is “Supplemental *Programmatic* Environmental Impact Statement,” or “SPEIS.” The shorter designation “SEIS” is appropriate for site or project-specific Environmental Impact Statements that may have to be updated in light of the information presented and decisions taken pursuant to this “SPEIS”. Therefore, for the sake of future clarity as this process unfolds, we will use the latter term in these comments, and urge its adoption by NNSA.

I. Supplementing the Aging and Flawed SSM-PEIS of 1996 May Not Be the Best Strategy for NEPA Review of “Complex 2030.”

Although we have not yet reviewed the matter in detail, we have ample cause to question whether the decision to supplement the now 11-year old SSM-PEIS, rather than undertake a fresh and comprehensive review of the NNSA Complex, is the best substantive and legal approach to the problems and issues at hand. Much has changed in the external environment and within the weapons complex since the original SSM-PEIS was prepared. This controversial document, which became embroiled in litigation, was very far from comprehensive in its coverage: non-nuclear component manufacturing, tritium production and recycling, and weapons-usable fissile material storage and disposition, all activities intrinsic to the operations of the U.S. nuclear weapons complex,

were segmented from the original proposal for a comprehensive post-cold war “Reconfiguration PEIS,” and subsequently analyzed in separate NEPA documents supporting a series of staggered and haphazard restructuring decisions throughout the decade of the 1990’s.

The long promised and necessary comprehensive NEPA analysis, exploring the full range of reasonable alternatives for consolidating and downsizing the Cold War nuclear weapons complex, was never performed, and must be done now.

As one of the last mutant offspring of the original Reconfiguration analysis, the SSM PEIS focused by default on a narrow range of remaining “decisions” about the “reconfigured” complex, some of which had already in effect been made years earlier, while others turned out to be far less consequential than originally advertised by NNSA’s predecessor, DOE Defense Programs (DP). For example, one important element of the SSM PEIS was an ostensible decision to “re-establish” a limited plutonium pit production capability at Los Alamos National Laboratory to partially replace what had been lost in the permanent shut-down of the Rocky Flats Plant. But in NEPA terms this decision had long since been essentially “pre-determined” by the DOE’s segmented decision six years earlier-- supported by a flimsy “Finding of No Significant Impact” (FONSI) -- to move RFP’s “pit support” capabilities to Los Alamos.

In contrast, DOE/DP billed the “Atlas” Project, a huge capacitor bank for electrical pulse power driven weapon physics experiments, as one of three ostensibly “critical” stockpile “stewardship” facilities proposed for construction in the SSM-PEIS. But upon completion in August 2000 at Los Alamos this facility barely operated during 2001 before it was disassembled in 2002 and shipped to the Nevada Test Site, where in 2005 it was finally reassembled at a cost of \$21 million, and used for only 10 experiments before being “mothballed” by NNSA in March 2006.¹

The second supposedly critical element for Stockpile Stewardship was the National Ignition Facility (NIF) a massive 1.8 MJ solid-state laser supposedly capable of achieving fusion ignition by 2005, a date deemed critical due to the impending retirement of experienced weapon designers and the need to replace them with younger “stewards” trained on the NIF. Independent observers, and especially NRDC, made a particular point of trying to advise DOE/DP that construction of the NIF was grossly premature, and that the science and technology base for the facility was not mature enough to support the inception of ignition experiments in 2005. Therefore it came as no surprise to us when the

¹ “Laboratory’s Atlas Machine begins experimental work,” LANL News Release, September 27, 2001. According to this news release, despite its inclusion for review and decision in the SSM-PEIS, “the Atlas construction project began in 1995 with engineering design and component tests,” well before completion of the PEIS and its nominal inclusion in the PEIS ROD of December 26, 1996. See also “Atlas Pulsed Power Machine: New Life for test site?” *Las Vegas Review Journal*, July 1, 2006. According to this news article, the soon to be fired director of NNSA, Ambassador Linton Brooks, felt “sorry” that Atlas had been relocated, saying “the data from Atlas...wasn’t as important as the data we’d get from other sources. ...I wish I was smart enough to know this was coming before we spent the time and energy to move it [Atlas]. But we made that decision five years ago.” Of course, if DOE/NNSA had paid any attention to the reasoned arguments of its critics, Atlas would never have built the first time, much less twice!

NIF Project nearly collapsed in the summer of 1999 and had to be “rebaselined,” with the cost of an ignition-ready facility ballooning into the neighborhood of \$5 billion rather than the promised \$2.2 billion, the inception of ignition experiments delayed until at least 2010, and the readily accessible energy level for ignition experiments degraded from 1.8 to 1 MJ. Despite the prolonged delay of over five years in the availability of NIF, the safety and reliability of the stockpile do not appear to have been in the least affected, suggesting that the purpose and need for this facility was grossly distorted in the underlying SSM-PEIS that NNSA now proposes to use as the basis for further analysis.

II. The NEPA History Of Radiographic Hydrotesting Is An Object Lesson In What Must Be Avoided This Time Around.

The third supposedly essential element of Stockpile Stewardship, proposed and completed pursuant to the SSM PEIS within the last 8 years, was Lawrence Livermore National Laboratory’s (LLNL) FXR Upgrade/Contained Firing Facility at Site 300. NNSA now proposes to shut down Site 300, and “prepare a disposition plan in 2007” for a hydrotesting facility which it recently upgraded at the cost of many tens of millions of dollars.² This is yet another example of poor planning and waste that could easily have been avoided, and which arose as a direct consequence of the Department’s excessive NEPA segmentation of SSM projects, to protect them from comparative programmatic analysis that might alert decision-makers to the redundancy and “weaponer welfare” lurking within the NNSA budget.

The Department’s failure to consider the alternative of phasing out LLNL’s Flash X-Ray Facility (FXR) (instead of upgrading it to double-pulse capability) and not building a new containment at Site 300, which suburban encroachment had made inappropriate for such activities, was actually a contention in the NEPA lawsuit that followed DOE’s SSM-PEIS Record of Decision. NRDC and other plaintiffs noted that the final SSM PEIS unreasonably excluded from comparative analysis -- by including them in an arbitrarily and erroneously defined “No Action” alternative -- a number of additional dynamic radiography projects, including the Dual-Axis Radiographic Hydrotest (DARHT) facility at Los Alamos. This was then being pursued as a separate NEPA “Interim Action,” which could potentially have performed the same functions as the proposed \$53 million CFF.

Nowhere did the SSM PEIS discuss the alternative of phasing out the FXR and moving to build a reusable full containment building at its most capable new facility – DARHT – even though the full containment alternative was raised by the plaintiffs in their comments on the earlier (court-ordered) DARHT EIS. But full containment *was* part of the baseline design for what was then DOE’s next-generation facility, the *Advanced Hydrotest Facility (AHF)*, then slated for completion by 2007 but subsequently deferred indefinitely.

In fact, in the DARHT EIS, DOE declined, without explanation, to consider an alternative that involved consolidating CFF with DARHT and building a CFF-like

² “Complex 2030: An Infrastructure Planning Scenario for a Nuclear Weapons Complex Able to Meet the Threats of the 21st Century,” DOE/NA-0013, October 23, 2006, p. 12.

containment at DARHT, saying only that it had not “identified any need to consolidate LLNL’s [hydrodynamic] testing program with LANL’s at LANL.”³ But this assertion was inadvertently contradicted within the same document by the revelation that the design of the DARHT accelerator halls had been “modified to accommodate the recommendations of the various [consultant] panels and to ensure that the DARHT Facility could provide diagnostics used by LLNL, and *thereby function as a shared user facility.*”⁴

Rather than rationalize and consolidate its hydrotesting facilities in the mid-1990’s in response to the seismic geopolitical shifts that had occurred at the outset of the decade, DOE/NNSA continued to operate and upgrade three dynamic radiography facilities, while constructing a fourth (DARHT) at LANL and developing a fifth (AHF) for construction at the NTS as early as 2003. By segmenting its analysis of radiographic capabilities among three different NEPA documents – the DARHT EIS, the NTS EIS, and the SSM PEIS – and by declining to consider a full range of reasonable alternatives in any of these documents, DOE completely evaded a comprehensive side-by-side analysis of reasonable consolidation and technological alternatives, resulting in a repetition of the duplication, waste, mismanagement, technological over-reaching, and political pork that has become NNSA’s trademark.

DOE’s evasive game of ping-pong between NEPA documents ultimately confused even the Department itself. For example, in the DARHT EIS of August 1995, DOE stated that the “conceptual AHF (Advanced Hydrotest Facility) is one of the facilities under consideration in the SSM PEIS.”⁵ But no such consideration was forthcoming in the SSM PEIS, even though at the time DOE was developing the technology for the AHF and planning to begin construction in FY 2003. In the event, construction of the AHF was deferred indefinitely while the NNSA struggled, and still struggles, more than a decade later, to complete DARHT. This is arguably the most technically relevant and important of NNSA’s “science-based stockpile stewardship facilities,” but curiously the one that was never considered in the supposedly “broad look” required of a “programmatic” SSM-PEIS.

This seemingly arcane and convoluted record raises an interesting question for today -- what has happened to the plan for an *Advanced Hydrotest Facility* at the Nevada Test Site? Is it still part of NNSA’s long range plans?

NNSA’s October 2006 “Complex 2030” planning document obliquely suggests that the agency intends to “transition large-scale hydrodynamic testing to NTS as the Dual-Axis Radiographic Hydrodynamic Testing (DARHT) facility reaches end of life in the 2020’s,” while seeking “in the interim, [to] consolidate facility capacity and experimental

³ DARHT EIS Vol. 1 at 3-45.

⁴ *Id.* at 3-20, emphasis added. We must confess that over the years we have become tired of such routine evasions and deceptions by the Department when publicly describing its programs, and that going forward we will be pursuing a policy of zero tolerance for such activity, and will seek sanctions and penalties for those officials who continue to engage in them.

⁵ DARHT EIS Vol. 1 at 3-45.

capabilities needed to meet national hydrodynamic experiment workload.”⁶ Given the Department’s egregiously poor record of NEPA decision-making and project management where such facilities are concerned, one can only marvel at the mentality behind the statement that a *second* transition of hydrodynamic testing facilities, to NTS, is already anticipated, and should begin when the *yet-to-be-completed* DARHT “reaches end of life in the 2020s.” This from the same organization that has taken 15 years and still not yet completed the *first* obvious consolidation of hydro-testing capabilities at Los Alamos!

Following completion of DARHT, are we then going to be told that NNSA’s avoidable failure to implement full hydrotesting containment at Los Alamos justifies construction of an even more advanced, and fully contained, hydrotest facility at NTS? Without explicitly saying so, this seems to be the direction NNSA is heading, but one thing is certain—no future evasiveness on this score can be tolerated in the pending SPEIS process.

Obviously, the Supplemental PEIS *must include* a comprehensive and detailed presentation of the full suite of presently planned and “reasonably foreseeable” hydrotesting capabilities, and “reasonable” alternatives thereto, over the full 30 year period covered by the analysis. Given NNSA’s turbulent NEPA history, it bears repeating that the set of “reasonable alternatives” for analysis, for this and indeed all aspects of the SPEIS, is bounded not by what the proposing agency itself “desires” or “prefers,” but by what an objective informed observer would regard as economically, technically, and environmentally “reasonable,” in light of a reasonably foreseeable range of future nuclear weapons requirements. These in turn must be bounded, not by the cloistered logic of mid-level nuclear warriors in the Pentagon, but by a “decent respect for the opinions of mankind.”

III. The December 2001 Nuclear Posture Review Is Not a Sufficient Basis For The Purpose And Need For Agency Action.

In this connection we note that the October 19, 2006 “Notice of Intent” looks for guidance to a six year old Bush Administration policy document, the “Nuclear Posture Review” transmitted to Congress in December 2001. We note that this nominally secret policy report to Congress from what was then a new Administration is nothing more than that – it is just a report. It does not comprise an act of law or even a formal policy directive, and in no way establishes or constrains the domain of future stockpile requirements that may be considered objectively reasonable.

On the contrary, there are many reasons to consider the nuclear policies and strategies as outlined in the NPR as patently “unreasonable,” not the least of which is that some of them contravene both the letter and spirit of U.S. treaty obligations and international humanitarian law, and others, such as a nuclear weapon Advanced Concepts Initiative, the Robust Nuclear Earth Penetrator (RNEP) warhead, and accelerated nuclear test readiness, have been explicitly disavowed and de-funded by Congress. As we have on

⁶ “Complex 2030,” DOE/NA-0013 at 12.

numerous prior occasions similar to the present one, we note that as part of the supreme law of the land, U.S. treaty obligations are far more dispositive than the strategic ramblings of now discredited and departed senior Pentagon bureaucrats – e.g. Donald Rumsfeld, Paul Wolfowitz, Douglas Feith, and Stephen Cambone, to name a few involved in the NPR. These men are now widely suspected of having directed U.S. forces to commit systematic violations of international humanitarian law, in the course of directing an unprovoked and illegal invasion and occupation of another sovereign nation, and of misleading Congress about their activities.

IV. Enduring and Legally Binding US Treaty Obligations Must Inform the Domain of Reasonable Alternatives for Analysis.

Among the legal obligations of the U.S. government that should both inform and constrain the range of “reasonable alternatives” for consolidating and modernizing NNSA’s nuclear weapons complex are the following:

The *Nuclear Nonproliferation Treaty of 1968* (NPT) binds the United States and the four other original declared nuclear weapons states (and permanent members of the Security Council) to “negotiate in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament.” The NPT entered into force on March 5, 1970, almost 37 years ago, a length of time that clearly strains any common sense meaning of the phrase “at an early date.”

The *International Court of Justice in The Hague* has further rendered the advisory opinion that the legal obligation of the Nuclear Weapon States to conduct “good faith” negotiations on nuclear disarmament necessarily entails ongoing sustained efforts to achieve, as well as the ultimate attainment of this objective. The U.S. government under the present Administration is doing neither – neither achieving or intending to achieve nuclear disarmament, nor conducting good faith negotiations directed toward that end -- and is therefore in clear violation of both the letter and spirit of its legal obligations under the NPT.

Prior to any attempt to formulate a more coherent and objective statement of its “Purpose and Need” for Agency Action, NNSA should seek legal advice, as the agency most directly concerned with on-the-ground implementation of U.S. NPT obligations, with respect to whether it can legally continue to exclude complex configuration alternatives premised on a concerted effort to fulfill these NPT obligations within the 2030 time frame to be covered by the SPEIS analysis. We believe that such continued exclusion of what might be termed the “NPT Compliance Option” is neither objectively reasonable nor legally sustainable.

In a recent article advocating “A World Free of Nuclear Weapons,” former Secretaries of State George P. Schultz and Henry A. Kissinger, former Secretary of Defense William J. Perry, and former Senate Armed Services Committee Chairman Sam Nunn have noted that the non-nuclear weapon parties to the NPT “have grown increasingly skeptical of the sincerity of the nuclear powers,” and concluded that the United States must do much more to reassert “the goal of a world free of nuclear weapons,” and to work energetically

“on the actions required to achieve that goal.”⁷ In support of this position, they cite the views of Presidents Eisenhower, Kennedy, and Reagan favoring the elimination of nuclear weapons, and reference the concrete discussions of President Reagan and Soviet President Mikhail Gorbachev toward that end at the Reykjavik summit in 1986.

To this list of nuclear disarmament advocates we would add President Jimmy Carter, who as one of his first official acts after taking office in January 1977, asked the Secretary of Defense for “an analysis of the implications of mutual US and Soviet reductions in the number of strategic nuclear delivery vehicles to 200-250.” According to the Joint Staff-DOD/ISA analysis, “Implications of Major Reductions in Strategic Nuclear Forces,” prepared in response to President Carter’s request, “for the purposes of this paper deep reductions are assumed to be down to about 200 launchers on both sides [i.e. the equivalent today of 8 Trident ballistic missile submarines]. Though we understand that the President referred to (and possibly prefers) a strategic nuclear force consisting only of about 200/250 SLBMs [i.e. submarine-launched ballistic missiles], we are considering in our discussion other possible mixes of forces as well.”⁸

If the President of the United States could find such a greatly reduced nuclear force to be sufficiently reasonable, at the height of the Cold War, to merit commissioning a Pentagon study of it, surely it is objectively reasonable for NNSA *today*—16 years after the dissolution of the Soviet empire that prompted deployment of US nuclear weapons in such vast quantities—to analyze the implications of comparable and even smaller nuclear forces for the future configuration of the US nuclear weapons complex.

Other U.S. legal obligations bearing on the definition of reasonable alternatives for the future nuclear weapons complex involve the nuclear deterrent strategies to be employed, and the types of weapons that may be developed to implement these strategies. The 2001 *Nuclear Posture Review*, and subsequent Bush White House policy documents based upon it, contain a strong bias toward the limited use of nuclear forces to conduct preemptive and even “preventive” attacks on other states that might in future seek to arm themselves with nuclear, chemical, or biological weapons.

We note that in the absence of a concrete and imminent threat that such force will be employed across international boundaries in an unprovoked act of aggression; such “preventive” attacks are a clear violation of the *United Nations Charter*. Even in the case of possibly legitimate fears of impending WMD attack, U.S. first use of nuclear weapons in a “preemptive strike” would likely result in a disproportionate, overwhelming, and indiscriminate use of military force in violation of international humanitarian law. We therefore find it entirely reasonable to insist that the range of reasonable alternatives for the 2030 nuclear weapons complex must embrace options that not only *include* very deep nuclear stockpile reductions, but also *exclude* NNSA complex support for weapons and capabilities required to implement illegal preemptive and preventive nuclear attacks.

⁷ Wall St. Journal, January 4, 2007, page A15.

⁸ Memorandum for the President, transmitted with a cover memo by Secretary of Defense Harold Brown, January 28, 1977, declassified in part in response to a FOIA request, April 5, 1988.

V. The NOI Is Rife With Evidence Of Rampant Illegal “Segmentation” Of NEPA Analysis In A Manner That Obstructs Formulation Of Reasonable Programmatic Alternatives And Analysis Of Cumulative And Connected Impacts.

As outlined in the Notice of Intent, this SPEIS would exclude analysis of further non-nuclear consolidation and production modernization activities at the Kansas City Plant. We understand there is a proposal to construct a new modern non-nuclear component production facility at a new location in the Kansas City area, and that NNSA proposes to evaluate this project in a separate EIS. NRDC strenuously objects to this exclusion, as it blatantly seeks to prejudice and preempt the consideration of cost effective complex consolidation options that would redistribute remaining KCP missions and capabilities to Los Alamos and Sandia National laboratories, where some 10% of KCP employees are already assigned.

NRDC likewise objects to the arbitrary and counter-productive exclusion of options for consolidating uranium, secondary, and case fabrication activities currently performed at the Y-12 Plant in Oak Ridge, TN, and the declared intention to press ahead with an EIS and ROD covering modernization of Y-12 capabilities even as the 2030 Complex SPEIS gets under way. Under at least some reasonable scenarios for deep reduction in the nuclear stockpile, it would make economic, security, and logistical sense to consolidate a portion or all of these activities at the Los Alamos National Laboratory, or at some other site or sites closer to the geographic center of a future complex in the Southwestern triangle formed by Pantex, Sandia, and Los Alamos.

We are aware that senior lawmakers are likewise unhappy with NNSA’s declared intention to exclude from further review the 2005 SEAB Task Force recommendation for a single Consolidated Nuclear Production Center (CNPC). While we do not support this proposal as originally presented by the Task Force, we acknowledge that the general concept is inherently reasonable, and indeed has already been implemented by other nuclear weapon states. While a CNPC sized to support the current nuclear force structure might not be cost-effective, one can envision that small stockpile sizes in the future *could* be economically supported by such a consolidated production facility. In light of its lower security overhead and environmental advantages, the CNPC proposal is therefore objectively reasonable, and must be analyzed for its potential effectiveness in relation to a range of stockpile sizes, including very low levels of nuclear forces.

VI. The “No Action” Alternative Must Be Genuine

As we have many times in the past, we must object to the current NOI’s definition of the “No Action Alternative,” which actually incorporates a host of activities and proposed actions that have a direct bearing on the future structure of the weapons complex under review. We strongly urge that analysis of major new projects covered by the ongoing Y-12 and LANL Site Wide EIS’s be placed on hold and made subordinate to the analysis and outcomes of the SPEIS process. To do otherwise would severely compromise the integrity and utility of the SPEIS, which would then be compelled to wrap itself around site-specific decisions and projects that will effectively predetermine and artificially constrain the consideration of programmatic alternatives for the complex as a whole.

A case in point is the proposed billion dollar CMRR Building at Los Alamos, which will perform a number of the same missions as the proposed Consolidated Plutonium Center included in NNSA's "Proposed Action." Unless and until a future decision is made pursuant to the SPEIS process to locate a future CPC at Los Alamos, a site-specific NEPA process culminating in a decision to build the CMRR is prejudicial and premature. This point has already been made to NNSA by senior lawmakers in Congress, apparently with little effect to date. Tailoring the inclusion or exclusion of major and very costly proposed projects to suit the parochial interests of particular sites, or the immediate programmatic goals of NNSA as currently defined, defeats the purpose of a NEPA programmatic analysis, by creating "facts on the ground" that arbitrarily foreclose consideration of reasonable consolidation and location alternatives.

VII. Conclusion: NNSA Must Drop its Pendant for NEPA Gamesmanship and Face Up to Its Legal Obligation to Analyze a Full Range of Reasonable Alternatives in this SPEIS

In sum, DOE must do the following in order to remain in compliance with NEPA as the SPEIS process moves forward:

- (1) Develop a fair and objective statement of the "Purpose and Need for the Proposed Action" that is based on more than the blinkered perspective of a six-year-old policy statement prepared for discredited senior DoD political appointees who are no longer even in government. For many years now, NNSA's mission has been far broader than sustaining and modernizing the nuclear arsenal. Today NNSA is tasked with preventing nuclear proliferation, ensuring the effectiveness of the NPT and the nuclear nonproliferation regime, and even developing strategies for ensuring the peaceful denuclearization of existing and threshold nuclear weapons states. The statement of Purpose and Need must fairly reflect these major new missions, the legal obligations and treaty commitments that underpin them, and, in Thomas Jefferson's immortal phrase, "a decent respect for the opinions of mankind," which preponderantly reject the utility and moral acceptability of nuclear weapons as instruments of national defense.
- (2) Develop a matrix of complex consolidation alternatives that relate technically and economically to an objectively reasonable set of future nuclear stockpile requirements, ranging from support of the current Moscow Treaty compliant arsenal to much lower but objectively reasonable stockpile sizes – e.g. 200 to 400 nuclear weapons -- that would enable the adoption of equitable multilateral limitations encompassing the arsenals of all the declared nuclear weapon powers. These reduced stockpile cases should be evaluated with and without the requirements for the proposed Reliable Replacement Warhead (RRW) Program, which must now reasonably be viewed as "optional" in light of the recently disclosed data regarding minimum expected plutonium pit lifetimes.
- (3) Evaluate a "Responsible Curatorship" case, for the full range of reasonable stockpile sizes described above, that is built on the premise that *no new or replacement nuclear components will be fabricated for the entire period covered by the SPEIS*, and that pit and secondary refurbishment operations will be kept to the minimum level consistent with continued warhead reliability and safety.

(4) Within a matrix of meaningfully different consolidation alternatives, define alternative consolidation plans for specific areas—e.g. hydrodynamic testing, strategic computing, environmental testing, flight testing, fissile material operations and storage, non-nuclear component fabrication, HE and detonator fabrication and testing, and tritium operations and R&D—that seek to minimize the environmental footprint and overhead costs of the complex at each proposed scale of operation, as defined by the alternative nuclear stockpile scenarios. Consistent with U.S. signature of the Comprehensive Test Ban Treaty, the current indefinite global moratorium on nuclear explosive testing, and possible Senate ratification and entry into force of a permanent CTBT, define and evaluate a consolidation alternative that involves the complete cessation of NNSA Weapons Activities at the Nevada Test Site and the elimination of any and all underground nuclear experiments, wherever located.

(5) Integrating the results of the above analyses, develop a highly reduced and consolidated Southwest “OmniLab” SSM complex alternative, centered around the Los Alamos and Sandia National Laboratories, and sized to support a residual stockpile, after further bilateral U.S.-Russian nuclear weapons reductions, of no larger than 200-400 weapons. This would necessarily involve the transfer from Lawrence Livermore National Laboratory (LLNL) and Sandia National Laboratory (SNL) at Livermore, and consolidation at Los Alamos National Laboratory (LANL) and SNL at Albuquerque, of nuclear weapon design capabilities, including nuclear materials development and stockpile weapon support functions, as first recommended by the *SEAB Task Force on Alternative Futures for the Department of Energy National Laboratories* (the “Galvin Commission”) way back in February 1995, but subsequently ignored by DOE. In this connection, we note that over ten years ago, and many times since, NRDC and other stakeholders have urged DOE to consider for detailed NEPA analysis virtually every one of the consolidation approaches that it now professes a need to analyze in the recently announced SPEIS. While we welcome this belated shift, NNSA’s protracted foot-dragging and attempts to game the NEPA process, to avoid exposing redundant or ineffective facilities and programs, have cost the taxpayer billions of dollars and impeded the development and implementation of enhanced nuclear arms reduction and nuclear nonproliferation policies.

(6) Develop a genuine “No Action” Alternative that does not seek to subvert or render futile the programmatic analysis via inclusion of a host of major new projects and upgrades to be considered separately from the SPEIS.

We ask that you give careful consideration to the preceding comments, and take them into account as you revise the scope of the planned SPEIS on NNSA’s proposal for Complex 2030.

Sincerely,

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