January 16, 2002

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of the Environment
DOE LAAO
528 35th Street
Los Alamos, NM 87544

Dear Ms. Withers,

The Natural Resources Defense Council (NRDC) submits the following comments on the Predecisional Draft Environmental Assessment for the Proposed Construction and Operation of a Biosafety Level 3 Facility at Los Alamos National Laboratory, Los Alamos, New Mexico (DOE/EA-1364, October 29, 2001).

1) The Draft Environmental Assessment Inadequately Describes the Scope of Activities and Specific Research Experiments Involving the Proposed Los Alamos National Laboratory (LANL) Biosafety Level 3 (BSL-3) Facility

a) The Draft Environmental Assessment does not describe the specific capabilities, experiments or programs that serve as the purpose and need for the BSL-3 facility. Without adequate documentation of the purpose and need for the proposed facility, there is insufficient information to allow the government and stakeholders to decide between the Proposed Action and Alternatives.

b) No data was provided to scope the maximum inventory of infectious agents, nor expected diversity of infectious agents during operation of the BSL-3 facility. No data was provided on the expected volume of transportation of infectious agents either to and from LANL, or within the National Laboratory complex.

c) While the Draft Environmental Assessment alludes to LANL research involving both infectious agents historically used for bioweapons and "engineering, computational, and physics capabilities" (p. vii), there is no specific description of the anticipated research associated with the LANL BSL-3 facility that would serve to adequately scope potential accident scenarios. For example, would any research involve infectious agents cultured at BSL-3 *and* high explosives?

5) The Draft EA should discuss the nonproliferation implications of co-locating this type of facility with a laboratory having a 60-year history of developing offensive weapons of mass destruction.

The Draft EA is deficient in its failure to discuss alternative sites and alternative agencies that could meet the government requirements for the kinds of research activities that would be conducted at this facility.

In conclusion, NRDC finds the Predecisional Draft Environmental Assessment for the Proposed Construction and Operation of a Biosafety Level 3 Facility at Los Alamos National Laboratory to be so deficient that it doesn't meet the minimum legal standards of a Draft EA as required under federal law.

Sincerely,

Matthew G. McKinzie, Ph.D.
Staff Scientist, Nuclear Program

Geoffrey H. Fettus
Project Attorney, Nuclear Program

United States Senate

[redacted]

November 16, 2001

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of Environment
528 35th Street
Los Alamos, NM 87533

Dear Ms. Withers:

I am writing to express my support for an extension of the public comment period for the Predecisional Draft Environmental Assessment (#1364) titled the "Proposed Construction and Operation of a Biosafety Level 3 Facility at Los Alamos National Laboratory."

Members of the community interested in the proposed project have requested that more time be given to study and understand the Draft Environmental Assessment. It has been suggested that a 120 day extension would be appropriate along with an additional public hearing. An extension of the public comment period could strengthen the quality of the project and may in the best interest of enhancing the public process.

Thank you for your consideration and if you should have any questions, please do not hesitate to call Terry Brunner of my Santa Fe staff [redacted]

Sincerely,

Jeff Bingaman
United States Senator

From: Keilers, Charles H.
Sent: Friday, November 16, 2001 9:33 AM
To: Rush, Thomas
Subject: RE: BSL-3

Tom:

Take the comment as from Chuck Keilers, private citizen, vice DNFSB site rep. Look forward to learning more.

Chuck

From:
Sent: Friday, November 16, 2001 9:06 AM
To: Keilers, Charles H.
Subject: RE: BSL-3

We plan to use the CDC for this. We meant for this fact to stand out more clearly in the EA so, if you don't mind, I will take that as a comment to clarify / improve the EA on this point.

In spite of the charter of the DNFSB, I really think that you need to have access to good background information on the bio work, if only to be able to judge the lack of impact on nuclear work or what they used to call "co-location" issues.

I will try to get John-Olav Johnsen, the bio program guy in AL, to come by and chat the next time he is in town. He can tell you about how we relate to CDC, what they will do to oversee our work, what we are thinking of for the safety basis, and other similar matters.

From: Keilers, Charles H.
Sent: Friday, November 16, 2001 8:23 AM
To:
Subject: BSL-3

Tom:

Another suggestion (and DOE may have done this but I haven't seen it) is that DOE/LANL establish the startup & readiness assessment plan (ORR), as well as the plans for periodic and no-notice inspections, by independent, competent personnel.

The last would probably really help on this... if DOE had independent qualified personnel or an outside organization come in and do or assist on the ORR and later do independent inspections, particularly since this is the first BSL-3 in the DOE complex. This might also address some of the concerns raised in the DOE-IG report - if there were a credible outside body that did these types of reviews and if their reports were made public.

Chuck

January_____, 2002

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of the Environment
528 35th Street
Los Alamos, NM 87544

Re: Predecisional Draft Environmental Assessment
Proposed Construction and Operation of a Biosafety Level 3 Facility
at Los Alamos National Laboratory DOE/EA-1364

Dear Ms. Withers:

The predecisional draft Environmental Assessment (EA) for the proposed Biosafety Level 3 (BSL-3) Facility at Los Alamos National Laboratory (LANL) will not support a finding of no significant impact. There are too many unknowns and uncertainties that are not addressed in the EA. The Department of Energy (DOE) and National Nuclear Security Administration (NNSA) must prepare a full Environmental Impact Statement with the opportunity for public comment and public hearing.

There are many unknowns and uncertainties in the draft EA. These include an incomplete analysis of the human health risks where DOE/NNSA propose using LANL's past experience with BSL-1 and BSL-2 laboratories to assign risk because "information on human health effects specifically related to BSL-3 laboratories located in the United States is not tracked in any formal manner." Other unknowns and uncertainties include where the BSL-3 waste would be disposed of, a complete seismic activity analysis, and increased transportation risk analysis of the communities along the transportation route.

While I appreciate the 30-day extension to comment on the draft EA, it is too short for a complete review of the large EA and its supporting documents. I request a 120-day comment period on the EA.

Sincerely,

Anna C Hansen

[redacted]

([redacted]

(city, state, zip)

Phone Log

Date of Call 12/17/01 **Time of Call** 9:05am

Name of Recipient Elizabeth Withers **Name of Caller** Patricia Green

Subject: BSL-3

Would like to ask that the Comment period be extended a 120 day period and that a full EIS be prepared.

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

April Elliott

Name April Elliott

[redacted]

Address

[redacted]

City, State, ZIP code

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

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Sincerely,

Anna C Hansen

Name

[redacted]

Address

[redacted]

City, State, ZIP code

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

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Sincerely,

C A Tensie

Name

[redacted]

Address

[redacted]

City, State, ZIP code [redacted]

January_____, 2002

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of the Environment
528 35th Street
Los Alamos, NM 87544

Re: Predecisional Draft Environmental Assessment
Proposed Construction and Operation of a Biosafety Level 3 Facility
at Los Alamos National Laboratory DOE/EA-1364

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While I appreciate the 30-day extension to comment on the draft EA, it is too short for a complete review of the large EA and its supporting documents. I request a 120-day comment period on the EA.

Sincerely,

NORMAN BUDOW

(name) [redacted]

(address) [redacted]

(city, state, zip)

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Elaine Prevallet
Name

[redacted]
Address

[redacted]
City, State, ZIP code

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Cecila Ash
Name

[redacted]
Address

[redacted]
City, State, ZIP code

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Larry Wang (LARRY WANG)
Name

[redacted]
Address

[redacted]
City, State, ZIP code

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Name

[redacted]
Address

[redacted]
City, State, ZIP code

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Marcia Olds
Name

[redacted]
Address

[redacted]
City, State, ZIP code

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Peggy McCarty
Name

[redacted]
Address

[redacted]
City, State, ZIP code [redacted]

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Norman Budow

Name [redacted]

Address [redacted]

City, State, ZIP code [redacted]

JAN 2001 RECEIVED

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Miles Nelson M.D.

Name [redacted]

Address [redacted]

City, State, ZIP code

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Penelope Mc Muller
Sister of Loretto

Name

[redacted]

Address

[redacted]

City, State, ZIP code

January_____, 2002

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of the Environment
528 35th Street
Los Alamos, NM 87544

Re: Predecisional Draft Environmental Assessment
Proposed Construction and Operation of a Biosafety Level 3 Facility
at Los Alamos National Laboratory DOE/EA-1364

Dear Ms. Withers:

The predecisional draft Environmental Assessment (EA) for the proposed Biosafety Level 3 (BSL-3) Facility at Los Alamos National Laboratory (LANL) will not support a finding of no significant impact. There are too many unknowns and uncertainties that are not addressed in the EA. The Department of Energy (DOE) and National Nuclear Security Administration (NNSA) must prepare a full Environmental Impact Statement with the opportunity for public comment and public hearing.

There are many unknowns and uncertainties in the draft EA. These include an incomplete analysis of the human health risks where DOE/NNSA propose using LANL's past experience with BSL-1 and BSL-2 laboratories to assign risk because "information on human health effects specifically related to BSL-3 laboratories located in the United States is not tracked in any formal manner." Other unknowns and uncertainties include where the BSL-3 waste would be disposed of, a complete seismic activity analysis, and increased transportation risk analysis of the communities along the transportation route.

While I appreciate the 30-day extension to comment on the draft EA, it is too short for a complete review of the large EA and its supporting documents. I request a 120-day comment period on the EA.

Sincerely,

Peggy Prince
(name)

[redacted]
(address)

[redacted]
(city, state, zip)

January_____, 2002

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of the Environment
528 35th Street
Los Alamos, NM 87544

Re: Predecisional Draft Environmental Assessment
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at Los Alamos National Laboratory DOE/EA-1364

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While I appreciate the 30-day extension to comment on the draft EA, it is too short for a complete review of the large EA and its supporting documents. I request a 120-day comment period on the EA.

Sincerely,

PJ Marion

(name) [redacted]

(address) [redacted]

(city, state, zip) [redacted]

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

PJ Marion

Name

[redacted]

Address

[redacted]

City, State, ZIP code [redacted]

January_____, 2002

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of the Environment
528 35th Street
Los Alamos, NM 87544

Re: Predecisional Draft Environmental Assessment
Proposed Construction and Operation of a Biosafety Level 3 Facility
at Los Alamos National Laboratory DOE/EA-1364

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While I appreciate the 30-day extension to comment on the draft EA, it is too short for a complete review of the large EA and its supporting documents. I request a 120-day comment period on the EA.

Sincerely,

Susan Dayton

(name) [redacted]

(address) [redacted]

(city, state, zip)

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Susan Dayton

Name [redacted]

Address [redacted]

City, State, ZIP code

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Sara J. Vacker

Name

[redacted]

Address

[redacted]

City, State, ZIP code

1/17/02

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

Name

[redacted]

Address

City, State, ZIP code

Phone Log - E. Withers

Voice mail message left:

11/17/01 12:43pm [redacted]

Jennifer Peck [redacted] re: BSL-3 EA

- extend comment period by at least 120 days
- there needs to be more formal public meetings in Taos and Santa Fe
- The One hearing held by the DOE was not publicized enough

Withers, Elizabeth

From: Chris Mechels[redacted]
Sent: Saturday, November 17, 2001 10:16 AM
To: Withers, Elizabeth; [redacted]
Subject: Mr Gurule's EA decision

Hello Ms Withers,
Late yesterday (Friday) I received word that Mr Gurule had turned down the request for extending the comment period on the BSL-3 EA. Please fill me in a bit. The news I received had little detail.
----First, I understand Bingaman's letter arrived 'too late'. I thought the current deadline extended until the end of business the 19th--what deadline did Bingaman's letter miss?
--- I also understand the 'the newspapers had been notified' Can you tell me why (by implication) notifying the newspapers makes it is less possible to revisit Mr Gurule's decision?
--Could you clarify your comment -- as I understand it -- that we could submit comments after Thanksgiving? That implies that the comment period in fact doesn't end the 19th.
----Lastly, can you advise me to whom in the DOE hierarchy I can appeal this decision?

I cannot step into Mr Gurule's shoes, and I don't know the political pressures he must consider (for instance, I understand Pete Domenici wants this project promoted). I cannot believe that extending the comment period into at least early January-- a less productive work period interrupted by holidays anyway-- isn't worth the public good will it would generate.
Additionally, you certainly must agree that those interested in the BSL-3 have had almost zero time to study the EA and back-up documents (so far we have some but not all of the latter). I personally want to look at the BMBL, the CDC handbook that guides Lab operations in handling organisms; and look at the organisms not regulated by any federal agencies that the BSL-3 EA reserves the 'right' to handle (influenza is one, which according to one ex LANL expert with whom I spoke, has a very high potential to be weaponized because the genome is so small and enhanced virulence is just one base change away possibly) and above all the worker safety context for BSL-3 workers, especially the whistleblower hurdles LANL employees face.

I do not have Mr Gurule's email and as you know the public cannot at this time access the LANL address book. Will you please share this message with him as early Monday morning as possible? I will be calling your office for your advice on setting up a short meeting with Mr Gurule on Monday if he can spare 15 to 20 minutes.

I imagine DOE does not want to create the impression that public input has no value to the EA.process. The minimal review period requirement just doesn't suit this particular case and both our causes will be served by some flexibility on the part of DOE, exercised as soon as possible. The BSL-3 has generated considerable interest, and time spent now listening to the interested public can only help your cause. With the proposal originating from LANL, you no doubt have heard all the reasons for and few of the reasons against the BSL-3.
Certainly it would be better for you to fully listen to us now than to abbreviate the process and impose your decision on a disaffected citizenry simple because the 'rule book' says you can. No one, yourself no doubt included, wants a unilateral exercise by the government.

Thanks again for your past help in clarifying the NEPA process to me, I'll be in touch first thing Monday morning.

Cathie Sullivan

1/17/02

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

ROBERT WISEMAN

Name

[redacted]

Address

[redacted]

City, State, ZIP code

Phone Log

Date of Call 12/18/01 **Time of Call** 4:22pm

Name of Recipient Elizabeth Withers **Name of Caller** Florence (?) Hull

Subject: B&L Research

Voice mail:
Needs information on research and problems that we're having. [redacted] Wants a call back.

Further Action – returned call – no answer – left message 12/18/01 @ 8:45am. Forward voice mail message to Stacey Fourhead / John Brandstetter for further action.

10:40am 12/19/01 called me back. Wants to know if we'd be using animals / plants (No) and how do people get away with all the things they do ... seems that shouldn't even use animals. Worked with computers and computers can do anything that testing can do. Glad we're not using animals. Glad for opportunity to express her opinion. Lives in Sandia Park

Signed: Elizabeth Withers

January 17, 2002

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of the Environment
528 35th Street
Los Alamos, NM 87544

Re: Predecisional Draft Environmental Assessment
Proposed Construction and Operation of a Biosafety Level 3 Facility
at Los Alamos National Laboratory DOE/EA-1364

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While I appreciate the 30-day extension to comment on the draft EA, it is too short for a complete review of the large EA and its supporting documents. I request a 120-day comment period on the EA.

Sincerely,

J Lochclay

(name) [redacted]

(address) [redacted]

(city, state, zip)

1/17/02

Elizabeth Withers
NEPA Compliance Officer
DOE LAAO
528 35th Street
Los Alamos N.M. 87544

Dear Ms. Withers,

I am writing to express strong support for Senator Bingaman's and Representative Udall's letters to your office requesting a 120 day comment period and a full Environmental Impact Statement for the proposed BSL-3 facility at Los Alamos National Laboratory.

Sincerely,

William D Davis

Name [redacted]

Address [redacted]

City, State, ZIP code

From: Chris Mechels[redacted]
Sent: Sunday, November 18, 2001 9:54 AM
To: [redacted]
Subject: rejection of EA draft comment period extension

Dear Mr. Gurule,
Late Friday word came that you had decided against an extension of the comment period for the BSL-3 lab draft EA.

Several of us who have been working on this issue are now under a deadline--tomorrow at 5 PM--that we cannot hope to meet. The reason is the legal box full of requested backup documents to the draft EA delivered to one of our group on Friday. We have inadequate time to look at this material, write comments and respond by your deadline.

Although it was strongly suggested to us by two of your people at the Wednesday informal meeting that they anticipated some sort of compromise extension, we now feel as if we have been cut off at the knees by the Monday deadline.

It would be a serious failure of the LAAO initiatives to foster stakeholder involvement in the NEPA review process at LAAO, as described in the draft EA cover letter sent from Elizabeth Wither's, office if some compromise cannot be reached to extend the comment period.

Without relief from your decision to terminate comments on Monday the 19th at 5 PM, the voices of a group of conscientious citizens who have put considerable effort into understanding the proposed BSL-3 project will not be heard in the NEPA review. We urge you to discuss with us a mutually satisfactory way out of this unnecessary loss of public participation in NEPA..

Cathie Sullivan

cc [redacted]
cc [redacted]

Withers, Elizabeth

From: Gurule, David
Sent: Monday, November 19, 2001 2:27 PM
To: Withers, Elizabeth; [redacted]
Subject: FW: rejection of EA draft comment period extension

From: Chris Mechels[redacted]
Sent: Sunday, November 18, 2001 9:54 AM
To: [redacted]
Subject: rejection of EA draft comment period extension

Dear Mr. Gurule,
Late Friday word came that you had decided against an extension of the comment period for the BSL-3 lab draft EA.

Several of us who have been working on this issue are now under a deadline--tomorrow at 5 PM--that we cannot hope to meet. The reason is the legal box full of requested backup documents to the draft EA delivered to one of our group on Friday. We have inadequate time to look at this material, write comments and respond by your deadline.

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Cathie Sullivan

cc [redacted]
cc [redacted]

[redacted]

Nov 18, 2001

Elizabeth R Withers
NEPA Compliance Officer
Office of Environment
528 35th St.
Los Alamos, NM 87544

Dear Elizabeth R Withers:

Greetings from Bernalillo, NM!

I am writing to tell you that the proposal LANL has to build a lab facility to study deadly microbe should not be located at the Los Alamos facility.

This research, if needed, should not be done by a nuclear weapons facility especially since the US recently pulled out of the global Biological Weapons Convention. There are already existing labs around the country that are equipped to do this kind of biological + chemical research. Los Alamos is simply not a safe place to do this kind of dangerous research.

Also I feel that the public hearings for this propo should be held after the holidays and that you could extend the comment period to 2 weeks after the hearing.

Thank you for this consideration

Peace + all good to you.

Sister Janel Crumb

O.S.F.

Phone Log - E. Withers

voice - mail message left:

11/18/01 12:27 pm

Renee' Hardy [redacted]

- there needs to be a 120 day comment period extention
- DOE needs to hold more public meetings
- the One hearing wasn't publized enough

There are certainly other public policy concerns not addressed by this environmental assessment. The nature of the work to be done warrants a supplement to the Site-Wide Environmental Impact Statement (SWEIS), which has been done before. In addition, given that the work for the NNSA program is slated to take place at several locations within the DOE there should be a Programmatic Environmental Impact Statement.

Thank you for your consideration to all comments submitted, and that continued public involvement in this process is encouraged before any final decision is made regarding this facility. I look forward to seeing your responses to these important issues of public concern.

Sincerely,

April Elliott

April Elliott
Senior Administrator

Withers, Elizabeth

From: nancy.b.lindell[redacted]
Sent: Wednesday, December 19, 2001 1:39 PM
To: Withers, Elizabeth
Subject: Comment re LANL research/biological agents

I do not believe that LANL should be allowed to handle any dangerous biological agents. The laboratory has not handled radioactive material in a responsible manner - ex.: Acid Canyon. and there is no reason to believe that the personnel may be trusted to handle biological agents with any more care than they have radioactive material. Further, when challanged about their mishandling of hazardous waste material, the Lab managers have been highly irresponsible in their response and their evasion of instructions to clean up their enviromental pollution. Unless the Laboratory can satisfy its neighbors, bordering pueblos and downstream communities, that it will clean up past messes and set up rigorous guidelines for future handling of its dangerous wastes, as well as demonstrating the ability to handle any hazardous material in a safe and non-polluting manner, I do not think it should be allowed to handle any hazardous material of any sort.

Thank you

Nancy B. Lindell
[redacted]

19 November 2001

Via E-mail and Facsimile

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of Environment
528 35th Street
Los Alamos, NM 87533

Dear Ms. Withers,

I am writing to convey some initial comments on the Predecisional Draft Environmental Assessment (EA, #1364) for the Proposed Biosafety Level 3 (BSL-3) Facility and Los Alamos National Laboratory (LANL).

1. The vague statement of purpose of the proposed BSL-3 as presented in this environmental assessment, in section 1.3, does not provide sufficient information for the agency alternatives to be clear and their environmental impact to be judged.

2. Given that one of the reasons for the press to do this work now is the recent terrorist attacks, it seems odd that the one thing not considered in the accident scenarios is a terrorist attack. Only considering "maximum credible events" and "reasonably forseeable" events seems inappropriate under the circumstances. Certainly the events of September 11 and the subsequent anthrax discoveries have dispensed with traditional estimates of what ought to be considered "reasonable".

3. While the members of the Bioscience Division have repeatedly stated that there will be no recombinant work, no vaccine work, no studies on dispersion effects or any other work related to use of weaponized agents, the scientists themselves do not choose the program. Yes, there is the Institutional Biosafety Committee (IBC) which meets once a year and discusses the approval of programs. The problem with this balancing system is that IBC meetings are, as they should be, open to the public and as a result certain information can be deemed "classified" under our new national security concerns. In fact, even when clearance is granted a "need to know" determination could still prevent details of projects from being disclosed. This being the case, some projects will not be open to public scrutiny and will bypass any system of checks.

4. The sample identification system, which can be seen as necessary for "blind" experiments, lends itself to compartmentalization of tasks and thus to the ability for work outside of the stated focus on defensive forensics to take place. The following appears on page 29 of the environmental assessment:

   > Samples and cultures would be identified by a numeric or alpha-numeric code rather than by the name of the microorganism or source. Sensitive information about samples and results would be maintained elsewhere at LANL in a safe and secure manner in accordance with applicable NNSA and LANL security requirements.

5. Forensics work alone does not justify a need for an onsite BSL-3 laboratory. Members of the Bioscience Division admit that it is cheaper to operate the way they do now and that the average wait time on sample receipt is one to three days. The only advantage to the onsite facility is being able to work with a greater volume and variety of organisms at once. However, when asked about the possibility of sample contamination onsite, the idea was dismissed because they "would not be working with that many different organisms at one time." Obviously there is still some debate on just how many organisms will need to be studied at one time and what the advantage of the onsite laboratory is for forensic work.

6. Forensics work is already being successfully accomplished by LANL without this laboratory and is purported to rely heavily on computer modeling techniques and use of attenuated organisms rather than requiring live organisms.

7. A 99.97% filtration integrity success is not sufficient where biological agents are concerned. As has been pointed out by a number of biological weapons experts, the consequences of releasing a biological agent into a new ecosystem can be enormous, long-standing, and unpredictable. Even 0.03% is not acceptable and especially not since there is no planned monitoring of the ventilation stacks.

8. The Inspector General's report does warrant pause in placing a BSL-3 laboratory at a facility with a history of violations in following CDC requirements, operating programs without the express knowledge of responsible parties in their own administration, and an administration whose overall efforts have been classified as disorganized and inconsistent.

9. The GAO's testimony released on October 5, 2001 regarding Bioterrorism - Coordination and Preparedness explained that coordination between all federal programs is "fragmented", lacks accountability, breeds duplicative efforts, and has no established authority for disciplinary action. Is it really wise for the DOE to contribute to this growing problem by adding a BSL-3 laboratory without consulting other federal agencies and spelling out the coordinated effort in advance? [GAO-02-129T, Statement of Janet Heinrich, Director, Health Care-Public Health Issues before the Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, Committee on Government Reform, House of Representatives.]

There are certainly other public policy concerns not addressed by this environmental assessment. The nature of the work to be done warrants a supplement to the Site-Wide Environmental Impact Statement (SWEIS), which has been done before. In addition, given that the work for the NNSA program is slated to take place at several locations within the DOE there should be a Programmatic Environmental Impact Statement.

Thank you for your consideration to all comments submitted, and that continued public involvement in this process is encouraged before any final decision is made regarding this facility. I look forward to seeing your responses to these important issues of public concern.

Sincerely,

April Elliott
Senior Administrator

United States Senate

November 19, 2001

Mr. Richard E. Glass
Albuquerque Operations Office
Department of Energy
P.O. Box 5400
Albuquerque, NM 87115

Dear Mr. Glass:

I am writing in regard to the Predecisional Draft Environmental Assessment (#1364) titled the "Proposed Construction and Operation of a Biosafety Level 3 Facility at Los Alamos National Laboratory."

It was my understanding that the public comment period for the project would end at close of business today. On Friday, November 16th, I requested that the 21-day public comment period for the project be extended based on concerns from the community. I learned today that, prior to the receipt of my correspondence and prior to the end of the public comment period, a decision was made not to extend the public comment period.

It seems that the decision not to extend the public comment period was made without the benefit of comments received during the final days of the planned 21-day public comment period. It has become clear to me that the community would like to put forth additional comments to enhance the Environmental Assessment and the project as a whole. I hope that, despite your decision, you will continue to accept public comment in all its forms and take those comments into consideration as this project continues to move forward.

Thank you for your consideration and if you should have any questions, please do not hesitate to contact me or my staff.

Sincerely,

Jeff Bingaman
United States Senator

November 19, 2001

Mr. David Gurele
Area Manager
DOE LAAO
528 35th St
Los Alamos, NM 87544

Sent via:
e-mail 11/18/01
fax 11/19/01

Dear Mr. Gurele,

I am deeply dissapointed by your decision not to extend the comment period on the proposed Biological Safety Level 3 laboratory at Los Alamos National Laboratory. This decision on your part ignores the many well reasoned requests to extend the comment period, including a request from Senator Bingaman. Your denial also flies in the face of the Council of Environmental Quality's regulation on the National Environmental Policy Act. All of the letters sent to Elizabeth Withers, including the letter from Senator Bingaman's office, have requested an additional public meeting. The CEQ mandates that "Agencies shall ... Make diligent efforts to involve the public in preparing and implementing their NEPA procedures ... Hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency. Criteria shall include whether there is: Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing." (CEQ 40 CFR 1506.6 (a), (c) 1) I remind you that there has been more than ample public interest expressed in holding an additional public meeting, which alone would require an extension to the current comment period. May I also remind you that the CEQ mandate which is applicable to DOE NNSA NEPA processes is legally binding.

Also, it would be beneficial to DOE NNSA to make the gesture of extending the public comment period on the proposed BSL-3 facility to establish a better working relationship with the public and demonstrate that DOE NNSA is truly committed to openness and public participation in this proposed project, an oft-stated intent in both the draft Environmental Assessment and by Los Alamos officials at the past public meetings.

Furthermore, with my gratitude to Mr. Tom Rush, LAAO, and Mr. Robert Hull, LATA, I received a banker's box full of documents used in preparation of the draft Environmental Assessment on Friday evening. Time must be allowed for these documents to be fully looked at in order that our comments may reflect the information in these documents, thereby allowing the advocacy groups and the public to provide educated comment on the Environmental Assessment.

Sincerely,

Colin King

Colin King
Research Director

[redacted]

Nov. 19, 2001

[redacted]

Dear Ms. Whithers, Mr. Rush et al; Re: Biosafety Lab plan!

I feel that this rushing ahead with this project indicates some sort of panic reaction to the national state of crisis. Truly as i stated in your scoping process, New Mexico is too far away from central population areas to provide prompt access to this technical assistance. So, as is implied by its' siting at a weapons facility, its' main purpose must by weapons reasearch.
Unfortunately, due to National Security issues, that is the secrecy issues, a true, open and honest assessment of the impacts of this proposal cannot be analyzed. I suspect that plans are being changed and rearranged as i write this hurried responese. My major issue is location as, along with other things, Los Alamos is a very specialized community where we would not want an epidemic of anything to set in. Los Alamos seems to present more than a few potential terror-like targets and a facility of this variety could only increase that kind of appeal.
Anyway, what the Great White Father decides to do with Indian land has long been designed to push these tribal folks toward extinction, and yes, this follows in that tragic pattern potential for the many tribes. And they are not the kind of people who deserve to have germ warfare research done in their back yards. Thank you.
This belongs with the CDC, not at a weapons lab. Like the document explains about New Mexico, each state should develope State health department laboratories and departments to meet this obvious need.
I think the whole plan needs to be revised and rewritten to relate to the present, fall of 2001. Would not the present anthrax trama, itself not already stress the facilities limits?
Here we are in a real anthrax crisis, one more letter found in DC and it takes a week for test results to come back. What if you add on the time to drive the samples west to NM? How many more people will be along the route of, say, one letter, and is there a safer plan?

Yours, Bonnie Bonneau

Withers, Elizabeth

From: Linda McLellan [redacted]
Sent: Monday, November 19, 2001 5:09 PM
To: Withers, Elizabeth
Subject: Biosafety Lab

Dear Ms. Withers,

My question concerns the plans for evacuation of the Los Alamos area in case of an emergency. During the Cerro Grande fire, the evacuation from White Rock took five hours for me to travel the seven block from my driveway to Highway 4. If there had been a chemical or biological hazards evacuation, my family would certainly have been contaminated.

Please respond as to any contingency plans to eleviate this potentially hazardous or lethal problem situation.

Sincerely,
Edward J. McLellan
[redacted]

Phone Log – E. Withers

Voice mail message left:

11/19/01 2:52 pm

— Eeldman [redacted]

- Extend the comment period by 120 days
- hold more public meetings
- do better job of publicizing the meetings

proposed action or the alternatives could be completed at either the TA-3 or TA-58 locations. Under the No Action Alternative, a BSL-3 facility would not be constructed at LANL.

According to the proposal, the potential for harmful human health effects from the operation of the facility is low. However, according to the February 2001 Inspection of Department of Energy Activities Involving Biological Select Agents, (Appendix E), "...the Department activities lacked appropriate federal oversight, consistent policy, and standardized implementing procedures, resulting in the potential for greater risk to workers and possibly others from exposure to biological select agents and select agent materials."

NMED has the following recommendations relative to the above-stated observations:

1. The DOE should take the necessary steps to correct the February 2001 findings of the Inspector General.

2. The Solid Waste Management Units (SWMU) that are near proposed buildings should be investigated and remediated before building construction.

3. The document should but does not include a timetable for the proposed or alternative actions.

A major concern of the Department's Hazardous Waste Bureau (HWB) regarding this proposal is the possibility of placing new structures over existing SWMUs.

There are a number of SWMUs located at TA 3 near proposed building location Option A. Although, most of these SWMUs have been accepted for no further action by HWB, there are a few that have not satisfied HWB's requirements for determining the nature and extent of contamination. Specifically these are SWMU # 3-014(y) & (k) sanitary sewer drain lines and, SWMU # 3-037 consisting of two 4500 gallon underground storage tanks. Constructing a building near or over these sites may prevent further investigation and remediation. Therefore, HWB recommends these sites be investigated and remediated prior to building construction.

Proposed location Options B and C do not appear to be placed in the vicinity of any SWMUs.

We appreciate the opportunity to comment on this document.

Sincerely,

Gedi Cibas, Ph.D.
Environmental Impact Review Coordinator

NMED File No. 1532ER

State of New Mexico
ENVIRONMENT DEPARTMENT
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-2855
Fax (505) 827-2836

GARY E. JOHNSON
GOVERNOR

PETER MAGGIORE
SECRETARY

November 19, 2001

Elizabeth Withers
NEPA Compliance Officer
Los Alamos Area Office
528 35th Street, MS-A316
Los Alamos, N.M. 87544

FAX: (505) 667-9998

Dear Ms. Withers:

RE: PREDECISIONAL DRAFT ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED CONSTRUCTION AND OPERATION OF A BIOSAFETY LEVEL 3 FACILITY AT LOS ALAMOS NATIONAL LABORATORY, LOS ALAMOS, NEW MEXICO; DOE/EA-1364; OCTOBER 29,

This transmits New Mexico Environment Department (NMED) staff comments concerning the above-referenced Predecisional Draft Environmental Assessment (PDEA).

Background:

Biosafety Level 3 (BSL-3) facilities provide sites for safe and secure manipulation and storage of infectious microorganisms.

The Department of Energy (DOE) National Nuclear Security Administration (NNSA) proposes to construct and operate a BSL-3 facility at one of three potential locations at Los Alamos National Laboratory (LANL). Two of the potential locations are within Technical Area 3, and one is within Technical Area-58. According to the proposal, the facility would be designed and operated in accordance with guidance for BSL-2 and BSL-3 laboratories established by the Centers for Disease Control and Prevention and the National Institutes of health. No radiological material would be used or stored in the BSL-3 facility and no research animals or plants would be housed in the facility.

The proposed action is to construct a 3,000 square foot, one-story permanent facility with two BSL-3 laboratories with adjoining individual mechanical rooms separated by a central support BSL-2 laboratory. The Partial Prefabrication/Build Alternative involves the purchase and installation of ready-assembled BSL-2 and BSL-3 modular units. The Prefabrication Alternative involves the purchase and installation of a ready-assembled prefabricated BSL-3 modular unit as a stand-alone facility while constructing a permanent building on-site. It appears that the

Main Identity

From: "H. Daneman" [redacted]
To: [redacted] >
Cc: [redacted]
Sent: Monday, November 19, 2001 12:26 PM
Attach: Anthrax-DOD.txt; RadAccident.txt
Subject: Comments on EA DOE/EA-1364 of Oct 29,2001

Dear Ms. Withers,

The predecisional draft assessment inadequately considers the following concerns:

1. incompetency of LANL personnel,
2. failure to appropriately address accidents,
3. evaluation of certain of hazards, and,
4. alternative locations.

Incompetency:

I am attaching an exchange of correspondence with Drs. Browne and Trewella. Dr. Trewella underestimates the hazard of inhalation anthrax which has been reported by authorities to be as great as 99%. Claims of competency to identify strains appear to have been exaggerated as was participation in the identification in the origin of the Sverdlovsk accident of 1979.

There are certain laboratory protocols defined as necessary by the CDC and NAVLAP. LANL failed to recalibrate certain analytical apparatus in accordance with generally accepted practice resulting in loss of data on SR90 contamination of groundwaters for the entire year of 1999. This is simply unacceptable.

Over the years, LANL management has been the subject of criticism in various Inspector General reports. It is too dangerous to place hazardous operations under the supervision of managers who have, repeatedly, failed to maintain safety.

Accidents:

The PEIS addressing the Stockpile Stewardship program estimated the threat of airplane accidents at almost zero probability. This is an error in the light of recent events.

Former Secretary Bill Richardson criticized LANL for inadequate security in the loss of critical materials. Those responsible for some of the "indiscretions" have yet to be accurately identified.

Under the page 61 discussion of HEPA filter performance, an accidental puncture of the filter has been overlooked, yet, this was the cause of the fires at Rocky Flats. HEPA filters become clogged and need to be replaced. At Rocky Flats, when certain filters became clogged and the pressure differential alarm sounded, maintenance workers punched holes in the filters with a screwdriver. This resulted in serious fires.

Evaluation of hazards:

Accidents happen - containment of hazardous materials in case of accident has been inadequately addressed. Also, the public should be made aware of the required cleanup procedures in case of accidental release of hazardous materials. The damage to surrounding areas, buildings and roads due to cleanup of hazardous materials is awesome.

11/19/01

Filtration is specified as 99.97%. What happens to the 0.03% of anthrax spores released to the atmosphere?

Reference should be made to the problems associated with transportation of bioweapon materials to and from LANL.

Alternative locations:

A more secure location away from populated areas would obviously be preferred. No consideration is given to making the investment in a BioWeapons 3 level lab in a remote location such as White Sands Proving Grounds. Why spend more money on hazardous activities at Los Alamos?

There are at least 200 other laboratories working with anthrax in the USA. No justification has been presented for adding still one more such facility to those in operation.

Submitted by:

H. L. Daneman

Note: There are several attachments too large to allow transmission by e-mail. These will be forwarded by post.