

General

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Los Alamos Study Group

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13286

Los Alamos Study Group

August 31, 1999

Pete Maggiore, Secretary
New Mexico Environment Department (NMED)
Harold Runnels Building
1190 St. Francis Drive
Santa Fe, NM 87502

**Re: 1) Congratulations on very successful management improvements;
NMED's regulatory stance regarding the Los Alamos National Laboratory (LANL)**

Dear Pete--

Thank you for taking the time to meet with me yesterday. Your staff has also taken time to talk with me, and to help the interns we had working on LANL issues this summer, for which I am very grateful. I must say that since I last wrote you earlier this year, you have made some management choices that have improved the technical and management quality of your water and hazardous regulation immensely. Greg Lewis and James Bearzi are very talented scientist/administrators, some of the best anywhere, and it is my strong impression that staff morale is much higher than when I wrote you in March.

The result is that the Environment Department never has had, to my knowledge, such a strong leadership team.

I have spoken in detail to your staff, as well as to the DOE and LANL, regarding the character of the steps that will be necessary to help LANL remediate the problems left from the past, so I will not repeat those here. Suffice it to say that, to be effective, those steps must lie outside the comfort zone of LANL and DOE managers--and in the case of LANL managers, well outside that zone, because to effectively remediate the environment, fundamental institutional change at LANL will be required unless DOE chooses another contractor.

What I want to emphasize is that I believe NMED is still too compliant in its posture toward DOE and LANL. NMED should be leading more often, not following; writing the score more than helping LANL play the score it has written for itself. It is usually inappropriate, for example, to do detailed technical work for LANL that LANL could do itself were it clearly directed to do so. Institutional incompetence at LANL has for too long been a shield from effective regulation. "But Dad, I don't know how to clean up my room. It's too hard."

Likewise it is inappropriate to continue what I perceive to be the somewhat lax regulation that gives LANL the fiscal freedom to spend millions of dollars writing various reports and studies, while neglecting real work in the environment, whether that work be chasing a known plume, making sure there is no significant contamination in the alluvial aquifers, or stabilizing the waste emplaced for the long run.

The purpose of many of these studies is, when the day is over, to show that nothing need actually be done in the real environment. In effect, LANL is writing its legal defense and public relations script instead of cleaning up the site. Fiscal waste is also involved: most observers would I think agree that LANL wastes most of the funds available in its cleanup program in overhead and unnecessary studies, many of which are of dubious scientific character.

(Of course, they are written by experts--that is, by people who give excellent answers

to what is often the wrong questions. Henry Kissinger once defined an expert as "a person who can articulate the consensus of power.")

As DOE officials have made crystal clear to me on more than one occasion, the practical actions at many or most of these sites are already known, and hence the practical value of the studies in those cases is zero. Why are the actions already known to be limited? Because the monies that could be used to actually undertake a real investigation, a real cleanup, or a real stabilization will have been spent--on those self-same studies. It is a Catch-22 that the NMED need not embrace if it chose not to do so.

Why, you may ask, does LANL prefer to conduct meaningless studies, or persist in driving its lone drill rig from one unfinished well to another? Is this habit just the accidental result of poor management and excessive bureaucracy, or are these realities tolerated for some deeper institutional reason? (You may have noticed that in general, and for the site as a whole, LANL's drilling program is not particularly oriented toward finding actionable bad news early. R-25 was an unplanned piece of bad news, a failure in Charlie Nylander's program from the legal and political perspectives.)

Whatever the answer, cleaning up the site has policy and public relations implications that could affect the ability of the laboratory to make additional nuclear wastes, which some of its internal constituencies certain plan to do, in spades.

And that is exactly why a more aggressive cleanup is critically important, from the policy perspective. You should not underestimate the messianic nuclearism that lies just below the surface in many programs. For many project planners, the earth of the site is dead--it is just an absorptive medium with forgiving risk-assessment inputs. (I am reminded of the friend back East who once said, "New Mexico? Isn't it just 100,000 square miles of kitty litter?")

With a 43 square mile reservation, a runaway risk assessment is a license to pollute. That's why we have maximum contaminant levels, which NMED is not really enforcing in the case of shallow groundwater and the permanent stream at TA-16.

Thus I hope that your agency will establish a more formal distance from DOE, as this enforcement process develops. Relations are too cozy for my comfort, given the state of the environment--too "kumbaya," in James Bearzi's hilarious characterization.

To take one small example, the "Citizens" Advisory Board (CAB) may given too much importance and credibility by your staff.

I do not know if there is a single member of that board who is not economically tied to DOE or its contractors (I was once told there was not). The chair, George Chandler, is married to a lab lawyer (Christine) who no doubt is involved in devising lab legal strategy against NMED. Chris and George, you may know, organized what I would describe as a "wise use" or anti-environmental group in Los Alamos (the "Responsible Environmental Action League") to help fight the Los Alamos Study Group and Concerned Citizens for Nuclear Safety. Since there is no particular environmental expertise present on the CAB, its purpose must be political, namely to provide an alternative to enforcement and the creative, nonviolent conflict that could lead to real policy change and institutional reform.

Thanks for your attention, Pete. You are doing an excellent job and I for one am grateful for your careful work.

Sincerely,
Greg Mello



cc: James Bearzi and Greg Lewis