



Los Alamos Study Group

Nuclear Disarmament • Environmental Protection • Social Justice • Economic Sustainability

November 13, 2021

Sen. Jeff Steinborn, Chair
NM Radioactive & Hazardous Materials Committee

(Originally sent via email)

Dear Chairman Steinborn --

Thank you for the opportunity to address the committee yesterday and if there is an opportunity to convey that gratitude to the other committee members please do so.

I'm sorry I forgot to bring copies of my slides and appreciate Shawna's last-minute help in that regard.

I also forgot that my slides weren't automatically synchronized with the display, which I hope was not too confusing.

I appreciated the committee members' good questions and comments.

Community views, or facts?

One remark I did not make for the sake of time -- and because it is subtle -- is this. What I presented to you were the facts of the situation as best as I can discern them. References back to publicly-available government documents were provided, but readers do have to use the links provided in those references to find those sources. I distinguished the last two slides from the previous ones, which I said were my opinion. I could offer fact-based arguments for those final opinions but it would have taken half an hour.

My point is that I brought the committee facts for the most part, and my expert opinion as a trained scientist, engineer, regional planner, and nuclear weapons expert for the balance. I wasn't speaking as a community member, but as a trained fact-finder in service to your committee.

The topic is large, the gap in public knowledge great, and the time available short. I had to be very brief -- "conclusory" is the word a lawyer might use. This was regrettable but unavoidable.

I am afraid it is easy to unconsciously fall into a post-modern perspective where "everyone has their own truth." It's encoded in the agenda topic of "community concerns." If everybody has their own truth, others are not responsible for it. But if it's a truth known to us in common -- "con-science" -- it might impel us to act, from our shared duty of care, our conscience. That's quite different.

Followup on transparency

When you brought up security clearances I had a new idea as to how the Committee, State government, and citizens could get an appropriate measure of transparency into these historic plans. You could litigate to get them in federal court, or request the Attorney General to do so.

We have some experience with this kind of litigation, having filed and won several lawsuits under the Freedom of Information Act (FOIA). It is my opinion that the NNSA and Triad would be quite forthcoming to you or the AG, because they cannot but acknowledge the legitimacy of your interest and concern. In

short, they would settle rather than face the negative publicity associated with a legitimate request from the State of New Mexico.

Another approach would be for the State to join FOIA litigation as a plaintiff or *amicus curiae*.

The legal time involved would be minor.

For us on the other hand FOIA litigation is quite a major expense in both dollars and time.

I don't know what other alternatives you have, except the political ones I mentioned in my talk, if you want to know more about the largest project in the history of New Mexico -- which the Committee still knows next to nothing about, despite its huge import.

Sincerely,

Greg Mello

PS: I was too conservative in my talk in the comparison of the federal spending in New Mexico in the LANL pit production project, vs. the "Build Back Better" federal infrastructure legislation that I think will be signed this coming Monday. Roughly half of the \$3.7 billion which our congressional delegation claims will be spent in New Mexico over the decade as a result of this legislation is not really "new money," but extrapolations of existing programs and spending (see [here](#) and [here](#)). So the new money is closer to 1/10th, rather than 1/5th, of what LANL proposes to spend on plutonium pit production in this decade. I hope this is as shocking to you as it is to me. Now I am going to invoke "community views:" it is indeed extremely shocking to many people, not just me. I honestly don't know how long governments can retain their claims to legitimacy with such priorities.