Permit

ENTERED

Kieling, John, NMENV

From: David and Kathleen Funk [thefunks@earthlink.net]
Sent: Sunday, April 25, 2010 6:56 PM
To: Kieling, John, NMENV
Subject: LANL Open Burn Permit
Attachments: LANL_open_burn_D&K_Funk.pdf; ATT4742777.htm

John:

Please find attached a letter expressing our opinion on this matter. Thank you for the opportunity to provide input.

Best regards,

David and Kathleen

David and Kathleen Funk
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To: The New Mexico Environment Department

Re: Open-burn permit at LANL's TA-16 (S-Site)

Sirs:

It is with great interest that we have read the proposed action to prohibit the burning of High Explosives (HE) and High Explosive contaminated articles at Los Alamos National Laboratory. We were particularly interested in understanding the issue at a technical level, so as to make our own assessment based on fact and not rhetoric or emotion. After reading the summary of the proposed action, we were quite puzzled by the State's position. We quote:

> "Evaluation of the human health risk assessment and soil data indicates there are no adverse impacts from exposure to current levels of contamination to either residential or industrial receptors. The air modeling indicated elevated risk in close proximity to the burn units, but on a site wide basis, confirmed that risk above target levels to human receptors is not likely from continued operations of the burn units."

From this we note that the technical argument was made that "risk above target levels to human receptors is ***not likely*** (emphasis is ours) from continued operations of the burn units." Yet the Department includes as a basis for their decision the following summary of some 1400 negative responses:

> "The principal objection has been to the use of unconfined burning to treat high explosives and high-explosive contaminated waste, causing uncontrolled releases to the atmosphere. Citizens have cited the health risks to wildlife, public health, and the environment. Open burning is particularly objectionable to persons with allergies or other sensitivities to airborne pollutants."

From our perspective, the states' position has been swayed by public opinion (not fact) and has turned the argument from one based on technical fact and informed by science, to an argument that is to be decided by belief and emotion. In fact, we would have liked to seen additional factual information about the total quantities of HE and HE contaminated articles that have been burned historically, and the expected quantities that the laboratory plans on burning over the next ten years (not proposed limits- rather, what the lab's plans actually are). By providing this summary and future plans, some information about current contamination measurements, and whether levels might go up or down, could be included in the analysis. It is not clear to us whether the state has factored the historical basis and future projections into their conclusion.

For example, historically (i.e. in the fifties and sixties) the laboratory was a very large manufacturer of high explosive components, with the entire plant operating with scores of people around the clock (three complete shifts). Currently, all of the explosive

operations at S-Site have been reduced from tens of people in multiple facilities, to less than a dozen utilizing about half of one facility in a single shift.

Further, the state itself writes as if it has moved from a factual basis to one of "belief" (our comments in parentheses):

> "Because the Applicants have not provided sufficient demonstration that continued operation of the burning units would not result in adverse risk to the environment (what happened to not likely?), the extensive public opposition to open burning, and the Department's ***belief*** (emphasis ours) that there may be preferable and viable alternatives to burning the HE waste, the Department intends to deny a permit to the Applicants to open burn wastes at LANL's TA-16."

Finally, our analysis has attempted to rely on fact in determining whether or not there is increased risk to us and to our neighbors of health issues associated with open-burning (we live east of the laboratory and near the site boundary). We do not find that the state has made a technical argument that would indicate that we would be at greater risk of contamination-induced diseases, and we find that the laboratory has made the argument that the increased risk is "not likely".

We now consider the benefits of allowing these operations to continue. From information provided by LANL and from our own experience, we acknowledge that High Explosives and High Explosive articles "provide the initial chemical energy that powers our Nation's nuclear and non-nuclear strike capabilities and are employed by adversaries in Improvised Nuclear and Explosive Devices (INDs and IEDs) and other threats." Thus, in addition to providing the basis for our nuclear deterrent (explosives enable our nuclear and thermonuclear stockpile), explosives power conventional munitions (for the Army, Navy, and Air Force), and unfortunately, explosives are utilized by terrorists and enemies of the United States in an attempt to disrupt and threaten our great country.

Maintaining the intellectual capability associated with high explosives and the science of nuclear weapons not only maintains a technical deterrent, it also enables the scientific discipline that will allow inventions and breakthroughs to be developed that will mitigate and defeat those that would do us harm through the use of IEDs and INDs. The risk of harm from open-burning of explosives to citizens of the United States is not likely- the risk of harm to citizens fighting on the front lines in Iraq and Afghanistan from IEDs is severe- approximately 40% of the casualties in Iraq are attributable to IEDs.

And what about IEDs and INDs and their potential use on American soil? There are those that are concerned that it is only a matter of time before such devices are detonated on our soil. It is our opinion that we must invest in the science and tools that will allow us to make early discovery possible and to develop techniques that will disable and render such devices inert. "High Explosive" or "Energetic Material" Science will enable these breakthroughs, and in addition, this same science will eventually allow the development of methods that will allow us to destroy unwanted explosive materials using techniques

other than open-burning. The Los Alamos National Laboratory, our Nation's Premier National Security Science Laboratory, has a mission element that requires High Explosive Science and is being looked to for solutions for the war-fighter and for the next generation of tools and technologies (e.g. Home-Made Explosive training; MagViz for detection of liquid explosives) to detect and defeat those that would do us harm.

We look forward to the day in which our country has developed safe, cost-effective alternatives to open-burning, but until then, we respectfully request that the state allow open-burning to continue so as to not harm our Nation's deterrent and High Explosive Science capabilities.

Respectfully,

David and Kathleen Funk

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