

THE BOMBPLEX: Alternatives to DOE's plan

Overview

The National Environmental Policy Act (NEPA) requires federal agencies to prepare an Environmental Impact Statement (EIS) for major federal actions significantly affecting the quality of the human environment. According to the Council on Environmental Quality, consideration of alternatives is "the heart" of the EIS. 40 C.F.R. § 1502.14 (1978). This section of an EIS should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. Federal agencies are required to rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated. In addition, agencies are required to devote substantial treatment to each alternative considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits. Agencies are also required to include the alternative of no action and identify the agency's preferred alternative or alternatives, if one or more exists.

NEPA documents are challenged in court on the basis of their adequacy. To be adequate, an EIS must consider every reasonable alternative. An EIS is rendered inadequate by the existence of a viable but unexamined alternative. Furthermore, even if an alternative requires legislative action, this fact does not automatically justify excluding it from an EIS. The bottom line is that the range of alternatives considered must be sufficient to permit a reasoned choice.

Preferred alternatives

Reasonable alternatives to the Bombplex (the "Complex Transformation" plan) include the following:

Curatorship: This alternative is based upon reliance on the surveillance and non-nuclear testing program to determine when repairs are necessary to nuclear weapons. Only if there is compelling evidence that components have degraded, or will soon degrade, and could cause a significant loss of safety or reliability, would the Department of Energy (DOE) replace the affected parts with new ones that would be remanufactured as closely to their original design as possible. This approach is like that of a museum curator, where DOE would preserve the stockpile of nuclear warheads and only restore them if they suffer unacceptable degradation.

Compliance with the NPT: This alternative requires compliance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Under Article VI of the NPT, parties to the treaty are committed to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control. Any consideration of alternatives should include a fundamental change in policy and incorporate diplomacy. Furthermore, there are technical advances that could strengthen the nonproliferation regime, such as better ways to secure nuclear weapons and detect nuclear proliferation.

"Green Lab": This alternative would move Lawrence Livermore National Laboratory in a new direction to better meet present day national security priorities for energy independence and nuclear nonproliferation. Livermore Lab would transition from nuclear weapons development to become a "World Class Center for Civilian Science." All plutonium and highly enriched uranium would be removed, and all Reliable Replacement Warhead (RRW) design work would end. Numerous management reforms would also be implemented, emphasizing worker health and safety and whistleblower protections.

Others: Get creative and come up with your own alternative to the Bombplex.

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