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Los Alamos Lab's Future at a Crossroads: Cleanup or More Nuclear Weapons? NukeWatch Applauds NM State Rejection of Fake Cleanup

Santa Fe, NM – In an important win for genuine cleanup at the Los Alamos National Laboratory (LANL), the New Mexico Environment Department (NMED) has rejected the Lab's plans for so-called cleanup through "cap and cover." LANL's plan would leave existing radioactive and toxic wastes uncharacterized and forever buried in unlined pits and trenches as a permanent threat to groundwater. At issue is remediation of the Lab's "Material Disposal Area C" waste dump that has 7 pits and 108 shafts of radioactive and toxic wastes. Area C is located in the heart of nuclear weapons production at LANL, contiguous to the Lab's main plutonium facility which is expanding production of plutonium "pit" bomb cores.

In a September 7, 2023 "Public Notice of Statement of Basis," the Environment Department ruled:

"For maximum protection of human health and the environment and to ensure that the drinking water resource can be conservatively protected, NMED has determined that the selected [cleanup] remedy for MDA C must consist of waste excavation, characterization, and appropriate disposal of the buried waste... Excavation will ensure that the source of contamination at MDA C is removed..."

In the longer "Statement of Basis" NMED reported:

"DOE's 2021 cost estimates for each alternative are as follows. \$0 for Alternative 1 [i.e., doing nothing]; \$16,000,000 for Alternative 2; \$39,336,000 for Alternative 3A; \$12,105,000 for Alternative 3B [DOE's preferred alternative of cap and cover]; and \$805,260,000 for Alternative 4. Alternative 4 is the most thorough and expensive cleanup measure..."

"NMED did not select Alternatives 1, 2, 3A, or 3B because the implementation of Alternative 4 is the most conservative option for remediation of MDA C. It removes the source of contamination and eliminates the need for long-term monitoring and maintenance of the cover. Alternative 4 provides the most protection of human health and the environment. It does not pose a significant risk to workers and the community... Releases from MDA C poses a greater threat to environmental contamination than the risk to workers and the affected community during a controlled excavation of the wastes."

This is a truly important decision that Nuclear Watch New Mexico applauds, one that can profound implications for LANL's future. Over the last decade the budget for the Lab's nuclear weapons programs has doubled to \$4 billion annually, now 79% of the Lab's total funding. In contrast, the budget for cleanup has stayed flat at less than 6%. Even before typical cost overruns, LANL plans to

spend at least \$6.8 billion over the next five fiscal years on the production of plutonium “pit” bomb cores alone. When it comes to cleanup, the Lab proposed to spend only \$12 million to “cap and cover” Area C while leaving the radioactive and toxic wastes as a permanent threat to groundwater. Fortunately, NMED has rejected this.

According to Department of Energy (DOE) budget information, cleanup at LANL is being cut 12% from \$331.8 million in FY 2023 to \$292.5 million in FY 2024 (which begins this October 1). This flies in the face of a recent report by the independent Government Accountability Office documenting that DOE’s estimated cost of cleanup at LANL has increased to \$7 billion from the 2016 estimate of \$4 billion, with “final” completion delayed another 7 years to 2043.

However, this is not even half of the story. DOE’s new cleanup cost and schedule estimates are based on its critical assumption that NMED would approve cap and cover. In the case of Area C, NMED’s determination requiring full cleanup will cost DOE ~70 times greater than what it had planned. Moreover, there are six other major toxic and radioactive waste dumps at the Lab whose final cleanup remedies are yet to be determined by NMED. DOE has estimated that full cleanup of Area G, the Lab’s largest dump, would cost \$29 billion (40% of which would go to salaries, creating a lot of high-paying jobs).

The point here is simple: If NMED sticks to its guns, the cost of genuine cleanup at the Lab (which we strongly support) could explode into the tens of billions of dollars. LANL’s annual total institutional budget is now around 5 billion dollars. Congress is not likely to substantially add to that, perhaps forcing a budget showdown between nuclear weapons programs and cleanup.

That nuclear weapons programs would automatically win is not a given. The New Mexico Environment Department has the legal authority to compel genuine cleanup, regardless of cost. Furthermore, to its credit, NMED is demonstrating increasing resolve to protect New Mexicans from the adverse effects of DOE’s nuclear weapons programs. Some examples are: the Environment Department has ordered DOE to stop injections of treated groundwater at LANL, which NMED argues is spreading chromium contamination rather than solving it; NMED drafted new conditions for the Waste Isolation Pilot Plant permit which require DOE to annually report on siting another radioactive waste dump; and NMED has sued DOE to terminate an ineffective 2016 “Consent Order” governing cleanup at LANL. To add to growing opposition to dumping on New Mexico, the State legislature passed a bill blocking so-called interim storage of all of the nation’s lethal high-level radioactive wastes.

There is also the issue of growing mistrust between NMED and DOE, which the July Government Accountability Office report repeatedly pointed to. The history of contamination and failed cleanup at the Lab merits that distrust. For example, in the 1990’s the Lab was publicly claiming that plutonium from Lab operations had never been detected in the Rio Grande, despite already existing studies tracking Lab plutonium as far downstream as Cochiti Lake (a popular recreation site). In the late 1990’s LANL was falsely claiming that groundwater contamination was impossible. Now, 20 years after its initial discovery, DOE has yet to determine the full extent and depth of the large chromium contamination groundwater plume that is the Lab’s number one environmental threat. In 2018 the DOE Los Alamos Office of Environmental Management falsely claimed that cleanup was more than half complete, which the July GAO report totally refutes.

To add to this, LANL's nuclear weapons programs are vulnerable because of their own serious deficiencies. There are ever increasing costs and schedule delays. GAO has reported how expanded plutonium pit production has no credible cost estimates or an Integrated Master Schedule. GAO further reported how glovebox and equipment installations at LANL's main plutonium facility are delayed by four years, thereby implying that the Lab will miss the congressional requirement to produce at least 30 pits per year by 2026.

Finally, there is the sheer lack of true need for expanded plutonium pit production given that none is scheduled to maintain the existing nuclear weapons stockpile. Instead, it is all for speculative new-design nuclear weapons that can't be tested because of the international testing moratorium, or worse yet could prompt the U.S. to resume testing. At the same time, independent experts have concluded that pits in the current stockpile last at least a century (their average age is now around 40) and at least 15,000 existing pits are already stored at the Pantex Plant near Amarillo, TX.

Jay Coghlan, Nuclear Watch New Mexico Director, commented, "This is a watershed decision by the New Mexico Environment Department to compel comprehensive cleanup, which we strongly praise. But it's going to force hard budget decisions. Is the taxpayer going to continue to fund exorbitantly expensive programs for more unneeded nuclear weapons for the new nuclear arms race? Or are taxpayers going to fund cleanup that permanently protects our precious water while providing hundreds of high-paying jobs? There won't be money for both, so New Mexicans should tell their politicians what they truly want and need."

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The New Mexico Environment Department's September 7 public "Notice of Statement of Basis" rejecting cap and cover of LANL's Area C waste dump can be viewed at https://www.env.nm.gov/hazardous-waste/wp-content/uploads/sites/10/2023/09/HWB-LANL_English-Notice-of-Public-Comment-Period-MDA-C-SOB.pdf This Notice kicks off a public comment period that ends November 6 with an opportunity for a possible public hearing. Please see NMED's Notice for details.

NMED's full Statement of Basis for LANL's Area C is available at https://www.env.nm.gov/hazardous-waste/wp-content/uploads/sites/10/2023/09/HWB_LANL_Statement-of-Basis-MDA-C.pdf

The July 2023 Government Accountability Office report *Nuclear Waste Cleanup: DOE Needs to Address Weaknesses in Program and Contractor Management at Los Alamos* is available at <https://www.gao.gov/assets/gao-23-105665.pdf>

DOE's claim that cleanup at LANL is more than half complete is available at <https://www.energy.gov/sites/prod/files/2017/08/f36/LANL%20Site%20by%20Numbers%20June%202017.pdf>

This press release is available at <https://nukewatch.org/area-c-press-release-9-18-23/>