

April 21, 2020

The Honorable Tom Udall
531 Hart Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Martin Heinrich
303 Hart Senate Office Building
United States Senate
Washington, DC 20510

*Via email to <https://www.tomudall.senate.gov/contact/email-tom>,
<https://www.heinrich.senate.gov/contact/write-martin> and Congressional staff*

Dear Senators Udall and Heinrich:

On April 8, 2020, at Senator Udall's initiative, you and twenty other senators wrote to the Office of Management and Budget asking that agency to:

“Instruct all federal agencies to indefinitely extend all open or announced upcoming public comment periods for rulemakings and administrative actions not related to the COVID-19 pandemic response...”¹

You went on to eloquently state:

“The public is an invaluable source of expertise for agency decision-makers, and their ability to weigh in on agency decisions advances the good government goals of accountability. Yet, such meaningful participation is an impossibility for tens of millions of Americans during this pandemic emergency period. We cannot reasonably expect the public to redirect attention from protecting themselves and families to comment on federal agency rules and proceedings that while important, are not related to the crisis at hand or its response.”

We the undersigned agree with you wholeheartedly. Therefore, we are respectfully requesting that you both ask the National Nuclear Security Administration (NSAA) to extend the public comment period for the Draft Los Alamos National Laboratory Site Wide Environmental Impact Statement Supplement Analysis (LANL SWEIS SA).

On April 1, 2020, more than twenty organizations and individuals (the majority of whom were New Mexicans) wrote to DOE Secretary Dan Brouillette and NNSA Administrator Lisa Gordon-Hagerty. They requested that the LANL SWEIS SA comment period be extended to at least June 19, 2020, two months from its original due date. In addition, the Santa Clara Pueblo made its own independent request as a sovereign government.

In response, the NNSA extended the comment period a mere 15 days to May 8, 2020, claiming that:

¹ <https://www.tomudall.senate.gov/imo/media/doc/4.8.20%20United%20States%20Senate%20Letter%20to%20OMB%20Acting%20Director%20Vought%20FINAL%5b1%5d.pdf>

“a two month extension of the comment period would have a severe adverse impact on the detailed planning and coordination of this effort” to expand the production of plutonium pit bomb cores at the Los Alamos National Laboratory.²

As you know, expanded plutonium pit production at LANL is a controversial issue that has been of public interest. But no matter which side of the issue you are on, it's difficult to believe that an additional minimum of 30 days for the public to offer comment during the coronavirus pandemic would be “severe[ly] adverse” to NNSA's plans. This is hard to swallow for a number of reasons, including:

- NNSA's consistent record of massive cost overruns and broken project schedules.
- The fact that FY 2021 funding for LANL's radioactive waste-generating nuclear weapons programs is slated to be increased by a third to \$2.9 billion, while at the same time DOE proposes to cut Lab cleanup by 46% to \$120 million; and
- LANL's chronic track record of nuclear safety infractions, principally reported by the Defense Nuclear Facilities Safety Board, while at the same time NNSA has actively sought to restrict Safety Board access. [Your efforts to reverse restricted DNFSB access are deeply appreciated.]

We echo your statement that “The public is an invaluable source of expertise for agency decision-makers, and their ability to weigh in on agency decisions advances the good government goals of accountability.” As a specific example, please recall that the Lab undertook major fire mitigation measures after public comment noted the lack of wildfire analysis in the 1999 draft LANL Site-Wide Environmental Impact Statement. When the very real Cerro Grande Fire broke out in April 2000, Lab management followed the hypothetical fire scenario in the final SWEIS, eventually ordering mandatory evacuation. The Cerro Grande Fire itself burned within a half-mile of Area G, which at the time was storing some 44,000 barrels of radioactive plutonium-contaminated wastes. In short, fire mitigation measures around Area G prompted by public comment helped to avert possible catastrophe.

Our point is simple: public comment is good for the Lab and good for the public. In order to better facilitate that public comment, NNSA should further extend the comment period for the LANL SWEIS Supplement Analysis.

Therefore, in keeping with your wise words on the need to extend public comment periods during this unprecedented coronavirus pandemic, we request that you advise the National Nuclear Security Administration to extend the public comment period for the LANL SWEIS Supplement Analysis until at least June 19.

Thank you in advance for your efforts on this issue.

Contact person: Jay Coghlan, Nuclear Watch New Mexico, 505.989.7342, jay@nukewatch.org

Respectfully,

² NNSA letter, April 6, 2020, <https://nukewatch.org/nnsa-to-nukewatch-15-day-extension/>

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