



A Guide to “Scoping” the New LANL SWEIS

“Scoping” means determining the issues that should be included in public analyses required by the National Environmental Policy Act (NEPA) of proposed major actions by the federal government. According to the Department of Energy’s own NEPA implementation regulations, DOE must prepare a new or supplemental site-wide environmental impact statement (SWEIS) for its major sites when there are “significant new circumstances or information relevant to environmental concerns.” The last site-wide EIS for the Los Alamos National Laboratory (LANL) was completed in 2008 and is badly outdated. Moreover, since 2018 the National Nuclear Security Administration (NNSA), DOE’s semi-autonomous nuclear weapons agency, has been aggressively expanding the production of plutonium “pit” bomb cores for nuclear weapons at the Lab.

On August 19, 2022, NNSA finally announced its intent to prepare a new LANL SWEIS, but apparently the agency will not address expanded plutonium pit production.¹ NNSA’s dubious argument is that it performed the legally required NEPA analysis for expanded plutonium pit production in a 2008 Complex Transformation Programmatic Environmental Impact Statement, the 2008 LANL SWEIS and a woefully inadequate “Supplement Analysis” in 2020 that concluded a new SWEIS was not needed.^{2 3}

Issues That Must Be Addressed in a New LANL SWEIS

This is meant to be a guide to (or list of) the issues that must be addressed in a new draft LANL SWEIS. It is not completely exhaustive, nor is it a comprehensive fact sheet on the substance of the issues. Nuclear Watch New Mexico will offer suggested scoping comments for interested citizens and submit its own comprehensive formal comments before the October 3 deadline or extended deadline (see “Timing” below). Citizen comment is important, in part to build the case for potential citizen litigation over the adequacy of the new LANL SWEIS, if merited. On that note, the SWEIS process is not starting well (to say the least) with the apparent exclusion of consideration of expanded plutonium pit production.

¹ See NNSA’s August 19, 2022 *Notice of Intent To Prepare a Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory* at <https://www.federalregister.gov/documents/2022/08/19/2022-17901/notice-of-intent-to-prepare-a-site-wide-environmental-impact-statement-for-continued-operation-of>

It doesn’t even mention expanded plutonium pit production.

² In comprehensive formal comments on that Supplement Analysis Nuclear Watch New Mexico and others argued that a new nation-wide programmatic environmental impact statement (PEIS) on expanded plutonium pit production was required that must precede any site-specific SWEIS. A major reason for that is NNSA’s unprecedented decision to have simultaneous pit production at two sites (LANL and the Savannah River Site in South Carolina). See <https://nukewatch.org/newsite/wp-content/uploads/2020/05/lanl-sweis-sa-nukewatch-comments.pdf>

³ Nuclear Watch New Mexico, Tri-Valley CAREs (TVC) and Savannah River Site (SRS) Watch have sued NNSA to compel completion of a programmatic environmental impact statement (PEIS) on expanded plutonium pit production. See <https://www.scelp.org/cases/plutonium-pits>

- First and foremost, the new SWEIS must address expanded plutonium pit production at the Lab, when there is strong indication that it will not. The planned expenditure of some \$8 billion in plutonium facility upgrades, the unprecedented amount of offsite leasing for office space and the socioeconomic impacts of a dramatically expanded workforce all need analysis in a new SWEIS.
- Even before that, the need for a new nation-wide programmatic environmental impact statement on expanded plutonium pit production should be analyzed. This includes the need for expanded pit production to begin with, which is not clear. Independent experts have concluded that pits have serviceable lifetimes of at least 100 years (their average age is now around 40). The U.S. already has at least 15,000 existing pits. Crucially, no future pit production is to maintain the safety and reliability of the existing nuclear weapons stockpile. Instead, it is all for speculative future designs that can't be tested because of the existing global testing moratorium, thereby perhaps degrading confidence in the stockpile. Or, perhaps worse yet, it could prompt the U.S. to resume testing, which would have severe international proliferation consequences.
- LANL's chronic history of nuclear safety incidences need analysis and resolution before expanding plutonium pit production. These concerns are serious enough that major operations at LANL's main plutonium facility ("PF-4") were halted for more than three years, yet nuclear safety incidences still occur.
- It is also not clear how expanded pit production can safely operate concurrently with other major plutonium programs at the aging PF-4 facility, such as the emerging issue of pre-processing some 34 metrics tons of excess plutonium for eventual disposal at the Waste Isolation Pilot Plant (WIPP).
- In addition, the new SWEIS needs to analyze PF-4's capacity to sustain so-called surge production at 80 pits per year in the event that planned simultaneous pit production at the Savannah River Site is further delayed or perhaps even canceled.
- DOE's calculated potential doses to workers and the public from continued operations at LANL are orders of magnitude lower than those calculated by the independent Defense Nuclear Facilities Safety Board (some of which are lethal doses). It is generally acknowledged that risk analysis is at the heart of NEPA. This mismatch between the NNSA's and the Safety Board's potential dose calculations needs to be reconciled in the new SWEIS.
- LANL plans to intentionally vent up to 100,000 curies of gaseous radioactive tritium and possibly more over time. That deserves disclosure and analysis in a new draft SWEIS.
- The wildfire risk at the Laboratory is increasing due to climate change, occurring at rates that were not credited by DOE in the 2008 SWEIS. The effects of this accelerated change for human health and the environment require analysis in a new or supplemental SWEIS. DOE must also analyze the risks to health and the environment of its demonstrated and systematic failure to implement wildfire mitigation and protection measures which DOE had previously relied upon to support its conclusion in the 2008 SWEIS that it could adequately manage the risks of wildfires.

- The legal framework and timetable for cleanup of "legacy" hazardous and mixed waste pollution from LANL operations has drastically changed, with most contaminated areas' cleanup times going from no later than 2016 to no mandated deadline at all, and with DOE estimates for actual cleanup extending beyond 2036. Yet no analysis has been performed of the additional health risks and environmental consequences of ignoring these contaminants for an additional 20+ years.
- Further, the 2008 LANL SWEIS heavily relied upon the 2005 Consent Order negotiated with the New Mexico Environment Department (NMED). However, NMED has since sued DOE to terminate the revised 2016 Consent Order, thereby putting DOE's reliance upon it in serious jeopardy. In addition, the 2008 SWEIS did not substantively address what has since become recognized as the most serious and immediate environmental threat, which is hexavalent chromium contamination of the regional aquifer. The new SWEIS must address all of these cleanup issues.
- "Cleanup" needs to be defined. LANL plans to "cap and cover" some 200,000 cubic yards of radioactive and toxic wastes and call it cleaned up. The permanent threat to groundwater must be analyzed. Comprehensive cleanup, including waste exhumation and proper treatment, must be analyzed as a more than reasonable alternative.
- The environmental and public health dangers of per- and polyfluoroalkyl substances, or PFAS, are being increasingly recognized and may be subject to future regulation. The draft SWEIS should analyze and disclose what is likely extensive PFAS contamination at the Lab.
- In the 2008 SWEIS and 2020 Supplement Analysis DOE specifically relied upon the assertion that the Waste Isolation Pilot Plant will be available as a disposal site for all of the Laboratory's radioactive transuranic wastes, including the greatly increased plutonium waste streams that expanded pit production will inevitably produce. This assumption is inconsistent with existing facts (for example, as reported by the National Academy of Sciences), therefore DOE's reliance upon it lacks a legal foundation. Further, LANL's poor waste management practices led to a ruptured drum that closed WIPP for nearly three years, costing the American taxpayer some \$2 billion dollars to reopen in a still constrained fashion. The new SWEIS must address these and other radioactive and hazardous waste issues.
- The environmental effects of the contaminated runoff from Laboratory properties to the Rio Grande, and the increasing contamination of the regional aquifer, most notably with hexavalent chromium, were either inadequately considered or completely ignored in the 2008 SWEIS. Those facts, standing alone, would require a new or supplemental SWEIS, but the need is exacerbated by the fact the Buckman Direct Diversion Project (BDD) now diverts water from the Rio Grande to supply the City of Santa Fe and Santa Fe County. DOE has simply failed to consider the consequences of expanded Laboratory operations on that essential water supply and how LANL could minimize the intake of Laboratory contaminants at the BDD, particularly in time of low flow, or alternately during high-flow events that can transport contaminants.
- A new SWEIS must analyze the planned decontamination, decommissioning and demolition of the huge Chemistry and Metallurgy Research Building. What is the schedule and where will the low-level radioactive wastes go?

- The draft SWEIS must include analysis of the preservation of the Caja del Rio immediately to the east and south of the Lab. This includes any possible new electrical transmission lines and the idea of a new massive bridge spanning White Rock Canyon that has been floated a few times.
- Environmental justice issues stemming from increased pit production have been inadequately considered. As NNSA's 2020 LANL SWEIS Supplement Analysis documents, the population within the Laboratory's 50-mile radius "Region of Influence" is 68% minority. DOE and NNSA's plan to expand production both in total number of plutonium pits and increased radioactive and hazardous wastes along with significant safety and health concerns will saddle already-burdened communities with increased risks, which is in complete contravention to the President's Executive Order on Environmental Justice.

Timing

There will be two virtual scoping meetings for the LANL SWEIS.

Tuesday, Sept. 13, 2022 2-4 p.m. Mountain Time

Access by Internet: <https://tinyurl.com/LANLSCOPING1>

Access by Telephone: (719) 359-4580

Webinar ID: 854 9276 5831

Wednesday, Sept. 14, 2022, 5-7 p.m. Mountain Time

Access by Internet at: <https://tinyurl.com/LANLSCOPING2>

Access by Telephone: (719) 359-4580

Webinar ID: 897 9221 6008

Written comments on the scope of the SWEIS can be submitted by email to

LANLSWEIS@nnsa.doe.gov or in writing to:

LANL SWEIS Comments, 3747 West Jemez Road, Los Alamos, New Mexico 87544

Please mark envelopes and emails as: SWEIS Comments

Comments must be received or postmarked by Oct. 3, 2022. An extension has been requested. NNSA will issue a draft SWEIS sometime in 2023 which will be followed by another public comment period.