

# Comments on the Draft Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory

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I respectfully submit these comments on the Site-Wide Environmental Impact (SWEIS) Statement for Continued Operation of the Los Alamos National Laboratory (LANL), as provided for by the National Environmental Policy Act (NEPA). I join with hundreds of fellow citizens and the Santa Fe County Commission in opposing the Lab's plans for expanding production of plutonium "pit" bomb cores while evading its moral responsibility for comprehensive cleanup.

The draft SWEIS is grievously flawed and should be reissued for the reasons stated herein. Nevertheless, should the National Nuclear Security Administration (NNSA) refuse, the substance of my comments should still be considered, responded to, and incorporated into any final SWEIS.

**The tangible value of public comments under NEPA must be acknowledged.** NEPA processes result in tangible benefits for both the public and the government. A compelling example is that in response to public comment the Department of Energy (DOE) included detailed wildfire analysis in a 1999 final LANL SWEIS. Most importantly wildfire protection measures were undertaken that helped to prevent the very real 2000 Cerro Grande Fire from reaching ~44,000 plutonium waste barrels at Area G. NNSA would be wise to take to heart formal public comments as something far more valuable than just checking off a required NEPA compliance box.

**NEPA regulations must be preserved.** President Trump has unilaterally terminated long-standing NEPA regulations promulgated by the Council of Environmental Quality. This rollback is shortsighted, irresponsible, and ultimately dangerous. NEPA has played a vital role in protecting the public from dangerous and poorly conceived projects by enabling citizen input. Gutting NEPA benefits industry and government interests at the expense of public health, environmental sustainability, and accountability. The final SWEIS should evaluate the impacts of gutting NEPA.

**In September 2024 a federal judge ruled that NNSA had violated NEPA by not conducting a nationwide programmatic environmental impact statement (PEIS)** on simultaneous pit production at two sites (LANL and the Savannah River Site in South Carolina). The draft LANL SWEIS should be withdrawn until that PEIS is completed.

**NNSA has rigged the draft LANL Site-Wide EIS with three scripted, self-serving scenarios:**

- Expanded nuclear weapons programs (contradictorily called the "No Action Alternative").
- Yet more expanded nuclear weapons programs ("Modernized Operations Alternative").
- Yet far more expanded nuclear weapons programs ("Expanded Operations Alternative").

**A new draft SWEIS should offer a fourth alternative** of not expanding nuclear weapons programs while accelerating cleanup. The expansion of nuclear weapons programs is premised on deeply flawed assumptions and distortions, as explained below.

**So-called Deterrence.** The underlying foundation for the draft LANL SWEIS justifies expanding nuclear weapons programs as “...Nuclear deterrence – Lead the nation in evaluating, developing, and ensuring effectiveness of the country’s nuclear deterrent, including the design, production, and certification of current and future nuclear weapons.” But the U.S. and Russia have always rejected just minimal deterrence to favor nuclear warfighting capabilities. As Ronald Reagan and Mikhail Gorbachev said in 1985, “a nuclear war can never be won and must never be fought.” Therefore, under a fourth alternative of not expanding nuclear weapons programs for so-called deterrence, the LANL SWEIS should evaluate U.S. global leadership toward nuclear disarmament that the nuclear weapons powers pledged to more than a half-century ago in the 1970 NonProliferation Treaty.

**The claimed impacts of two near-peer nuclear adversaries must be analyzed.** Much is made of the fact that China appears to be rapidly expanding its nuclear weapons stockpile after a consistent history of relative moderation. This prompts alarms within the nuclear weapons establishment of “two near-peer adversaries” (i.e., Russia and China). Again, there should be a fourth alternative in the LANL SWEIS of restrained nuclear weapons programs that conservatively and reliably maintain the stockpile while the U.S. demonstrates international leadership toward global nuclear disarmament. A new nuclear arms race must be avoided through genuine diplomacy and needed negotiations.

**The NonProliferation Treaty (NPT) must be honored.** The draft SWEIS falsely claims that NNSA nuclear weapons programs comply with the NPT. The nuclear weapons powers have never honored the NPT’s Article VI mandate to enter into serious negotiations leading to nuclear disarmament. The U.S. should lead the world by example with a fourth alternative of not expanding nuclear weapons programs.

**The Treaty on the Prohibition of Nuclear Weapons.** It is striking that there is no mention of the nuclear weapons ban treaty now ratified by 73 countries. Granted that the U.S. has no “treaty obligation” under the TPNW because it is vehemently against it and has pressured other nations to not sign it. The LANL SWEIS should fully explain and justify why that is so, and why the United States does not at least maintain observer status at the formal Meetings of the State Parties to the Treaty on the Prohibition of Nuclear Weapons held at the United Nations.

**There must be a new pit life study before plutonium pit production begins.** NNSA has not fully disclosed the issue of plutonium pit aging, or rather the lack of it, since a 2006 pit life study concluded that pits last at least 100 years (their average age is now ~42). There are already at least 15,000 existing pits stored at NNSA’s Pantex Plant outside Amarillo, TX.

**Plutonium pit production is not needed.** No future production is to maintain the safety and reliability of the existing stockpile. Instead, future production is for speculative new-design nuclear weapons that can’t be tested because of the international testing moratorium. Alternatively, these new designs could prompt the U.S. to return to testing which would have severe international proliferation consequences. This again argues for a fourth alternative in the SWEIS that reduces nuclear weapons programs and conservatively maintains the stockpile while the U.S. leads the world toward nuclear disarmament.

**Tritium releases.** LANL plans to vent tritium headspace gases from Flanged Tritium Waste Containers. The draft SWEIS fails to provide a comprehensive assessment of this release and its possible impacts. NNSA must reconsider the planned venting process and conduct a more thorough environmental review that accounts for these risks. Alternative sites and strategies should be explored to mitigate potential impacts and the full scope of the project must be properly assessed to ensure public health and safety.

**Environmental justice issues.** On his second day in office, President Trump revoked federal requirements for evaluating environmental justice issues. New Mexico is 50% Hispanic and 12% Native American. The draft SWEIS says DOE will “continue to implement its environmental justice requirements and obligations in accordance with DOE’s trust responsibilities to tribal nations.” Is that true? Will environmental justice analyses be stripped from the final SWEIS? That should not happen.

**The “Electrical Power Capacity Upgrade” must be analyzed in the LANL SWEIS.** NNSA proposes a new electrical transmission line across the environmentally and culturally sensitive Caja del Rio. The LANL SWEIS discloses a credible alternative in the form of solar arrays generating up to 159 megawatts. This is yet another reason why this draft SWEIS should be withdrawn, to be replaced by one that analyses the EPCU with possible all alternatives, upon which the public can exercise its legal right to comment. Alternatively, there should be a full-blown environmental impact statement on LANL’s future electrical needs that considers all possible alternatives.

**Wildfire Threat at LANL needs serious analysis.** The risk of wildfires will increase with adverse climate change and global warming. The pending final SWEIS should have a comprehensive wildfire analysis like the 2000 SWEIS did. That document and related wildfire mitigation measures clearly helped to avert greater catastrophe during the Cerro Grande Fire, including the possible rupture of above-ground waste drums at Area G that could have sent respirable plutonium across northern New Mexico. There is a serious need for a credible, comprehensive analysis of the wildfire threat to LANL and the surrounding public, which the final SWEIS must provide.

**Plutonium Contamination is still widespread at LANL and impacts on the public must be analyzed in this SWEIS.** Highly elevated detections of 239Pu and 240Pu are found in Acid Canyon sediments, hundreds to thousands of times higher than can plausibly be attributed to atomic weapons testing fallout.

**Material Disposal Area C and other remaining waste dumps must be excavated for full treatment.** MDA C at LANL is an 11.8-acre landfill. The total amounts of waste disposed of are unknown. The extent of the migration of wastes from MDA C is unknown. The RCRA hazardous wastes and the radioactive wastes leaking from the site are comingled and the extent is unknown. Given the amount of TRU waste, such as plutonium-239, that is likely to be buried in MDA C, leaving the wastes buried 25 feet deep in a landfill rated for only 1,000 years is simply not acceptable. Cleanup of Area C should be a model for the rest of the Lab.

**Cleanup must be comprehensive and not include “cap and cover” of unlined waste dumps.** All radioactive and toxic waste dumps must be excavated for full treatment. DOE must analyze the impacts of leaving waste behind as a perpetual threat to groundwater in comparison to full treatment.

**The middle path to cleanup must be analyzed.** The NNSA must evaluate a modern engineered landfill as an alternative to cap and cover. All buried waste must be characterized for successful remediation. All transuranic waste must be sent to the Waste Isolation Pilot Plant (WIPP). All landfills must be lined and monitored with leachate collection systems, unlike today’s direct burial in unlined dumps. New Mexico deserves full, comprehensive cleanup.

**LANL must not allow more contaminants to reach the aquifer or the Rio Grande.** PFAS chemicals must be specifically analyzed. The fact is that tritium, perchlorates, chromium, and high explosives contaminants from Lab operations have already reached the regional aquifer.

**The chromium interim measures and the final remedy must not be included under the “No-Action Alternative.”** A separate environmental assessment for a “Chromium Final Remedy” provides four options representing different strategies. Yet the boundaries of the plume are still unknown. The “Chromium Interim Measures and Final Remedy” are not ripe for the “No-Action Alternative.”

**Yet another reason that the current LANL SWEIS should be withdrawn is that over 20% of listed reference documents are not available.** Many links are entirely absent, many are “404: Page Not Found,” some documents require purchase, and many require a Freedom of Information Act request for which the NNSA can take years to honor. All unclassified reference documents in all NNSA NEPA processes should be readily online to the public.

**The final state of any cultural resources must be provided.** Under the Modernized and Expanded Operations Alternatives, as many as 33 known cultural resources could be physically impacted or damaged by the proposed projects. Of these resources, 19 are considered significant and would likely require mitigation before construction. DOE wants to mitigate impacts but not completely avoid them. As always, unnecessary nuclear weapons production is prioritized, this time above irreplaceable traditional cultural resources.

**The potential impacts of a microreactor must be specified.** Buried in the SWEIS is the plan to bring microreactors to LANL to power the proposed photon x-ray operation for the nuclear weapons program. The exact purpose and need must be stated. What containment, if any, must be analyzed.

**Plans for a Biosafety Level-3 Facility must have its own environmental impact statement.** LANL's expanded operations alternative includes plans for constructing a Biosafety Level-3 (BSL-3) facility. The draft SWEIS does not identify what bioagents may be used or specify what research will be conducted. This lack of information raises serious safety concerns about potential work combining infectious agents and high explosives. There is no justification provided for the need to locate this facility at LANL when other non-military federal agencies could do the work. If it goes forward, LANL's proposed BSL-3 facility should have a standalone environmental impact statement.

**Construction of facilities should cease until seismic risks are fully understood.** The mapping of the fault lines and fracture zones under the Lab is presently incomplete, yet many new nuclear weapons facilities are being planned. The fact is that LANL is located in a severely fractured fault zone between a rift valley and a dormant supervolcano. The largest risk to the public from LANL is a site-wide wildfire started because of an earthquake.

**LANL's economic benefits should be more widely distributed.** The Counties of Los Alamos, Rio Arriba, and Santa Fe were analyzed for socioeconomic effects in the SWEIS. Please state if Los Alamos County is expected to continue to receive a disproportionately large percentage of the economic benefits from the Lab and remain the 11th richest county in the U.S. The SWEIS must analyze whether alternative missions would be of greater economic benefit to all of northern New Mexico instead of the privileged nuclear weapons enclave.

These comments are respectfully submitted,

Name:

City & State: