

The Honorable Jennifer M. Granholm, Secretary, DOE
The Honorable Jill Hruby, Under Secretary for Nuclear Security, DOE
Mr. Theodore Wyka, Manager, Los Alamos Field Office, NNSA
Kristen Dors, NEPA Compliance Officer, DOE

Sent via Email

September 15, 2022

Re: Northern NM Comments on NNSA notice to issue a new LANL SWEIS

Dear Madam Secretary, Madam Under Secretary, LAFO Manager and NEPA Compliance Officer,

There are so many problems regarding the choice of Los Alamos as a secondary nuclear pit production site that this will be a long set of comments.

I will begin with a quote from a 2019 interview:

The Savannah River Site could by itself produce up to 80 plutonium pits per year if needed, according to a new National Nuclear Security Administration review. Repurposing the failed multibillion-dollar Mixed Oxide Fuel Fabrication Facility to produce the pits could **“be in the best use of taxpayer dollars”** according to NNSA Chief Lisa Gordon-Hagerty, in a 2019 interview.

BACKGROUND

The scope of the Supplement Analysis (SA) of the 2008 LANL SWEIS was to identify if there have been substantial changes, related to pit production activities, compared to those activities initially analyzed in 2008, and if there was significant new information bearing on requirements for the proposed pit production project. The pit production at LANL is currently zero. Changes to support the production of 30 pits per year would require the hiring of significantly more staff; conducting 24-hour operations; the construction of office space, new training and parking facilities; waste transport and management, ancillary support (*e.g.*, staging, testing, and utilities); additional roads; and equipment removal and installation at Technical Area 55. However, these pit production actions are not analyzed in the SA “because NNSA has already decided to operate at this level” (2008 LANL SWEIS)

Primary Concerns for 2022 Site-Wide EIS to Evaluate

HISTORY OF SECURITY PROBLEMS

- The location of Los Alamos makes it highly vulnerable to natural fire and flood disasters. Catastrophic wildfires in 2001 and 2011, destroyed

hundreds of homes and other infrastructure, and were followed by post-wildfire flood events that closed roads, impacted watershed function, and degraded water quality and shut down treatment of water supplies to LANL and surrounding pueblos. The 2022, 45,000-acre Cerro Pelado fire was heavily suppressed and cost the state \$200,000 to keep it from reaching LANL property. This huge effort diverted firefighting efforts away from a much larger and far more damaging pair of wildfires on the eastside of Santa Fe - Hermits Peak/Calf Canyon.

- In 2015, during the LANS (Bechtel/BWX/UC) administration, the loss of health, safety, security, and technical capabilities was significant, as evidenced by the 2015 DOE Report card:

<https://www.energy.gov/sites/prod/files/2015/07/f24/A13AL046%20Issued%20Final%20Report%20LANL%20Nuclear%20Safety%20%207-16.pdf>

- The proposal to create new PF-4/RANT and related facilities expansion to increase LANL's pit production from its current zero to 30 to 80 pits per year by 2025 assumes incorrectly that the numerous and extensive issues from the previous LANS management have been corrected. It also estimates only 400 to 500 new employees, while defining its Region of Influence (ROI) to include only an area within 50 miles of LANL. The SWEIS must factor in the up-to 7200 new households that TRIAD/N3B expects to hire by 2025 and the massive construction requirements of these new facilities, access roads, water and utilities. The ROI includes multiple counties, tribal nations, public lands and watersheds that will be significantly impacted.

HISTORY OF SAFETY RISKS & VIOLATIONS

- The attached link to a series of articles from Sciencemag.org shows how LANLs' multiple years of carelessness, safety violations, lax standards, and disregard of best practices by both workers and management could have led to criticality accidents. Included in this assessment is the report of the 2011 photo op with plutonium rods, and the other incidents that led to the four-year closure of P-4.

<https://www.sciencemag.org/news/2017/06/near-disaster-federal-nuclear-weapons-laboratory-takes-hidden-toll-america-s-arsenal>

- In his doctoral thesis, "Waste Makes Haste, Vincent Ialente details how miscommunication and disregard of detail caused the "kitty litter" incident.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3203978

- In 2016, a Defense Nuclear Facilities Safety Board report showed Los Alamos violated nuclear industry rules for guarding against criticality accidents three times more often in 2015 than the Energy Department's 23 other nuclear installations combined. Accidents, mismanagement, and safety issues continued into 2019 even after that report.

- The assumption in the 2020 SA is that all the problems have been corrected. However, among other problems, issues with shipping and handling of TRU waste to WIPP have not been updated, and only minimally addressed.
- TRIAD and N3B have thus far not evidenced that it will adhere to any higher standard. One example is that in 2019 alone, it lost track of 250 barrels of waste shipped to WIPP, and mislabeled and improperly stored waste containers.
- As recently as December 2019, N3B was cited for failure to have remedied within 24 hours the flaws that inspectors found in equipment or structures that could present an environmental or human-health hazard. Inspectors discovered N3B took as long as 18 months to fix cracks in concrete and asphalt surfaces. Barrels of mixed waste managed by N3B were stored under fabric domes with holes caused by inclement weather.
- In 2022, a heavily attended public meeting in Santa Fe showed strong public opposition to the expanded mission at LANL and the 100-fold increase in nuclear waste shipments to the Waste Isolation Pilot Project (WIPP) through Santa Fe County, including lethal powdered plutonium, without a risk analysis, feasible evacuation plan for residents along the WIPP route, or demonstrated capability by first responders to perform containment or required clean up in case of a radioactive accident.

CYBER & SECURITY ATTACKS

The previous LANS contractor's security for both cyber and physical attacks was suboptimal. Again, human error, sloppy mistakes, and negligence contributed to security lapses. The Supplement Assessment (SA) seemed to assume that many of the legacy security failures have been corrected. This assumption is not accurate. These issues are ongoing.

- **Pajarito Corridor:** Security access ports at entry points to LANL, even on Pajarito Rd that accesses the plutonium corridor can be circumvented at the west end, as well as through the canyons, by pedestrians, cyclists, and motor bikes. The Pajarito Corridor is also accessible on foot or with motorized vehicles via Mortandad Canyon. An individual or team can currently, at any hour, access TAs on Pajarito Mesa, place a charge or release a drone, and destroy facilities including the P-4 expansion, TA-54, and RANT. Even a nominal explosion could contaminate LANL, Los Alamos, and regions of N. NM.
- **Proposed bridges:** There is no stipulation as to how security is enhanced by the proposed bridges across Mortandad and Sandia Canyons. Current security around the perimeter is minimal. More access requires more physical security, including armed guards at bridges. Environmental and community impacts of the construction and use of these bridges have not addressed.

- **Access by air:** LANL has failed to (1) consistently maintain stringent no-fly air space, including over the Pajarito Corridor, and (2) camouflage the shelters holding mixed and higher-level waste that are notoriously identifiable as gleaming white structures from a significant area in N. NM. One 911-style suicide mission, a drone, a missile, a bomb could quickly destroy TA- 54 or the new plutonium complex and contaminate the entire region.
- **Security forces:** Security forces, often young veterans, are generally poorly trained in understanding the purpose of their mission. In addition, some of the forces resent their treatment by managers; this mutual disrespect could pose a problem with creating a stringent work ethic. These problems create behaviors that can, as with both the “kitty litter” incident and the “photo op” with the plutonium rods, have disastrous consequences.

The assumption in the 2020 SA is that all the problems have been corrected. Few of these issues have been mitigated between LANS management and TRIAD/N3B, including issues with shipping and handling of TRU waste to WIPP have not been updated, and only minimally addressed. Opposition to the long distance transportation and in-state storage of highly toxic radioactive waste is escalating in 2022 with strong Governor support.

Please refer again to the extensive list of safety violations that have not been corrected:

<https://www.sciencemag.org/news/2017/06/near-disaster-federal-nuclear-weapons-laboratory-takes-hidden-toll-america-s-arsenal>

WATER CONTAMINATION & RUNOFF

On March 10, 2015, in response to a June 2014 residual designation authority (RDA) petition by Amigos Bravos and associated statement of facts, the U.S. Environmental Protection Agency Region 6 (EPA) announced that it was making a preliminary determination that storm water discharges from Los Alamos National Laboratory (LANL) and urban areas of Los Alamos County are contributing to exceedances in water quality standards and therefore require a Clean Water Act permit.

LANL property contains all or parts of seven primary watersheds that drain directly into the Rio Grande. Listed from north to south, these watersheds are Los Alamos, Sandia, Mortandad, Pajarito, Water, Ancho, and Chaquehui Canyons. The Los Alamos Townsite and the urbanized areas of LANL drain into 7 canyons – Los Alamos Canyon, DP Canyon, Pueblo Canyon, Sandia Canyon, Pajarito Canyon, Bayo Canyon and Mortandad Canyon.

The City of Santa Fe diverts water from the Rio Grande, below Los Alamos at its surface water diversion, the Buckman Direct Diversion Project. This surface water is critical to Santa Fe’s effort to meet its current and future water needs. City of Santa Fe, <http://bddproject.org/about-the-bdd/how-the-bdd-works/>.

Note: Santa Fe currently shuts down its water diversion whenever the City's monitors in Los Alamos and Pueblo Canyons detect storm water flows.

LEGACY WASTE CLEAN UP

A legal framework and timeline for clean up of legacy waste at LANL is long overdue. The latest deadline published stated "no later than 2016." Currently there is no deadline at all. The DOE's most recent estimate is "beyond 2036" - or in 14 years. This type of dealing by the federal government should give us all pause when trying to evaluate what are the long-term risks of more nuclear production at LANL.

Also, nuclear pits are reported to be functional for 100 years. The pits currently scheduled for replacement are about 20 years old. Why the rush to spend billions for a redundant piece of military defense that is rooted in the Cold War strategy of 50 years ago. Further, with shifting "Consent Orders" for clean up, can this production site ever be reclaimed or restored to some life-supporting condition?

TRUTH TELLING

When it comes to worker safety and public health, the NEPA process tries hard to provide the truth to stakeholders and the general populace affected by any regional project such as LANL's new mission.

For example: there is a big discrepancy in DOE calculated risks of human exposure to LANL's "operational" lethal toxins, and those calculated by the Defense Nuclear Facilities Safety Board which sets the exposure levels far lower. This needs to be resolved for workers, local residents, first responders and the ROI public.

REGION OF INFLUENCE (ROI)

The ROI for LANL includes the seven northern counties of New Mexico: Los Alamos, Rio Arriba, Mora, Sandoval, San Miguel, Taos, and Santa Fe. There were 10,237 FTEs at LANL in 2018, compared to 10,308 state employees within the ROI. The total workforce population was 137,157 out of the total population of 418,432 people in those counties. Municipal services, such as fire and police, are limited, with 1.75 police officers per 1000 people in Los Alamos County.

As the current COVID-19 emergency has clearly shown, First Responders are crucial to successfully managing outbreaks of hazardous exposure - whether viral or radioactive. The ROI has minimal levels of First Responders and almost none with training in radioactive accidents.

Finally, Los Alamos is a remote work site, with difficult access, a 200-mile round trip for "close commuters" in Santa Fe, and is currently running out of

available land and water to support a larger workforce. The impact of providing needed infrastructure, housing, schooling, protection, and, most importantly – water – to support this project will fall heavily on northern New Mexico.

The much vaunted “revenue boost” will not be adequate to pay for the inflicted damage and government promises of resource protection are sketchy at best. Savannah River is the clear “winner” of where this poorly devised mission might better and more safely take place.

It would be hard to find a less suitable or less cost effective location for this secondary production site. It would also be hard to find a less beneficial "mission" (producing redundant nuclear warheads) to ask northern New Mexicans to "sacrifice" for.

Thank you for allowing public comments.

Teresa Seamster, MS, EdS
Santa Fe County resident
Member of Northern NM/Rio Grande Chapter of Sierra Club
Member, NM Environmental Public Health Network -Voices for Children

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cc: Senator Martin Heinrich
Senator Ben Ray Lujan
Representative Teresa Leger Fernandez
Representative Melanie Stansbury
Governor Michelle Lujan Grisham
NM Senator Peter Wirth, Senate Majority Leader
Santa Fe County Commissioner Anna Hansen
Mayor Alan Webber, Santa Fe